Skamania County
Community Development Department
Building/Fire Marshal ♦ Environmental Health ♦ Planning
Skamania County Courthouse Annex
Post Office Box 1009
Stevenson, Washington 98648
Phone: 509-427-3900 Inspection Line: 509-427-3922

April 18, 2018

Krystyna Wolniakowski
Executive Director
Columbia River Gorge Commission
PO Box 720
White Salmon, WA 98672

Dear Ms. Wolniakowski,

The Skamania County Board of Commissioners approved Ordinance No. 2018-04 on April 17, 2018. Ordinance No. 2018-04 amends Skamania County Code Title 22, the County's Columbia River Gorge National Scenic Area Ordinance. I have enclosed a copy of the approved ordinance.

The ordinance includes text amendments that bring Title 22 into consistency with recently adopted amendments to the Management Plan for the Columbia River Gorge National Scenic Area. The County was informed of these mandatory amendments by your office in a letter dated July 20, 2017. The ordinance also includes several minor corrections to scrivener's errors previously identified by the County's Community Development Department.

We request that the Gorge Commission review these amendments for consistency with the Management Plan and that the Gorge Commission submit these amendments for the U.S. Secretary of Agriculture's concurrence.

Sincerely,

Alan Peters, AICP
Assistant Planning Director

cc: Tom Lannen, Skamania County Board of Commissioners, Chair

ORDINANCE No. 2018-04

AN ORDINANCE AMENDING SKAMANIA COUNTY CODE TITLE 22 – COLUMBIA RIVER GORGE NATIONAL SCENIC AREA ORDINANCE

WHEREAS, the Columbia River Gorge National Scenic Area (NSA) was created by the Columbia River Gorge National Scenic Area Act in November 1986; and

WHEREAS, the Columbia River Gorge Commission (Gorge Commission) adopted the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan) in October 1991; and

WHEREAS, approximately 78,000 acres of Skamania County (County) is located within the NSA and is subject to the Management Plan; and

WHEREAS, the County first adopted Title 22 – NSA Ordinance (Title 22) on July 27, 1993, in order to locally administer the Management Plan through County ordinances; and

WHEREAS, the County is required maintain consistency between Title 22 and the Management Plan as amended from time to time; and

WHEREAS, on July 27, 2017, after adopting amendments to the Management Plan, the Gorge Commission requested that Skamania County adopt amendments to Title 22; and

WHEREAS, the County proposed additional amendments to Title 22 to correct scrivener's errors; and

WHEREAS, a SEPA Determination of Non-Significance (DNS) was issued on February 14, 2018, after environmental review of the draft amendments was completed; and

WHEREAS, the Planning Commission, having provided proper notice in the Skamania County Pioneer, and with a quorum present, conducted a public hearing at its March 6, 2018, meeting; and

WHEREAS, the Planning Commission, after said hearing, voted to recommend approval of zoning text amendments with minor revisions; and

WHEREAS, the zoning text amendments bring Title 22 into consistency with the Management Plan; and

WHEREAS, the zoning text amendments correct scrivener's errors; and

WHEREAS, the zoning text amendments protect the general health, safety, and welfare of the public; and

WHEREAS, the Board of County Commissioners, having provided proper notice in the Skamania County Pioneer, held a public hearing on April 17, 2018, on Ordinance 2018-04; and

WHEREAS, the Board of County Commissioners approved Ordinance 2018-04 on April 17, 2018.

NOW THEREFORE BE IT HEREBY ORDAINED the Board of County Commissioners adopts Ordinance 2018-04, amending Title 22 as shown in Exhibit A.

NOW THEREFORE BE IT FURTHER ORDAINED that this ordinance shall be transmitted to the Gorge Commission within ten days of its adoption.

NOW THEREFORE BE IT FURTHER ORDAINED that this ordinance shall become effective upon approved review for consistency with the Management Plan by the Columbia River Gorge Commission and the United States Secretary of Agriculture.

ORDINANCE NO. 2018-04 PASSED INTO LAW THIS 17th DAY OF April 2018.

BOARD OF COMMISSIONERS SKAMANIA COUNTY WASHINGTON CLERK OF THE BOARD

ATTEST:

Debbie Stark 4/17/18

Clerk of the Board Date

SKAMANIA COUNTY
BOARD OF COUNTY COMMISSIONERS

4-17-2018

Chair Date

4-17-2018

Commissioner Date

4-17-18

Commissioner Date

APPROVED AS TO FORM ONLY:

Prosecuting Attorney Date

(Ordinance 2018-04, Exhibit A)

SKAMANIA COUNTY CODE
TITLE 22 – COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

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CHAPTER 22.02 GENERAL PROVISIONS

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22.02.010 GENERAL TITLE

The document codified in this Title shall be known as and may be cited as Skamania County Code (SCC) Title 22 Columbia River Gorge National Scenic Area Code.

22.02.020 SHORT TITLE

The document codified in the Title may refer to itself internally as this Title, Title 22, or SCC Title 22.

22.02.030 PURPOSE

The purpose of this Title is to implement the Revised Management Plan for the Columbia River Gorge National Scenic Area adopted on April 27, 2004 by the Columbia River Gorge Commission and concurred with by the United States Secretary of Agriculture on August 3, 2004, and as subsequently amended.

22.02.040 SUBSTANTIVE AUTHORITY

The policies, standards and regulations set forth in this Title are adopted pursuant to the authority granted to the County under the Columbia River Gorge National Scenic Area Act and Revised Code of Washington (RCW) Chapter 43.97; the comprehensive plan known as the Management Plan adopted by the Columbia River Gorge Commission originally on October 15, 1991, revised on April 27, 2004, as it may be amended from time to time; the Planning Enabling Act (RCW Chapter 36.70); and the portions of the Growth Management Act (RCW Chapter 36.70A).

22.02.050 APPLICABILITY

This Title applies to all lands in that portion of Skamania County lying within the Columbia River Gorge National Scenic Area, as generally depicted on the map entitled "Boundary Map, Columbia River Gorge National Scenic Area," numbered NSA-001 sheets 1 and 2, dated

September 1986, and to no other lands within the County, and specifically excluding all Urban Areas shown on the same maps.

22.02.060 EFFECTIVE DATE

This title shall become effective upon adoption by the Board of Skamania County Commissioners, approved consistency review by the Columbia River Gorge Commission, and concurrence by the United States Secretary of Agriculture. This Title, once effective, shall replace any and all prior versions of Skamania County Code Title 22 Columbia River Gorge National Scenic Area Code in its entirety.

22.02.070 MAPS

The Land Use Designations, Landscape Settings, and Recreation Intensity Classes maps adopted by the Columbia River Gorge Commission as part of the Management Plan for the Columbia River Gorge National Scenic Area are hereby incorporated by reference into this Title.

22.02.080 RELATIONSHIP TO OTHER LAWS

A. Regulation of activities under this Title is accomplished through a complicated mix of federal, state and local statutes, ordinances, policies, regulations and agencies. The granting by Skamania County of any Administrative Decision under the provisions of this Title does not negate requirements to obtain additional permits from other local, state and federal agencies or departments.
B. It is not the intent of this Title to repeal, abrogate or impair any existing regulations, easement, covenants or deed restrictions. However, where this Title imposes greater restrictions, the provisions of this Title shall prevail.

22.02.090 COORDINATION OF REVIEW AND PERMITTING PROCESS

All proposed development projects, not otherwise exempt by this Title, which are located with the National Scenic Area, except Urban Areas, shall first complete the appropriate review process as provided in this Title prior to completing other County level reviews, with the exception of any reviews required under the State Environmental Policy Act (SEPA).

22.02.100 UNIFORM APPLICATION OF MANAGEMENT PLAN

A. The Management Plan shall be applied consistent with and in the spirit of the National Scenic Area Act.
B. 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.
C. In applying provisions of the Management Plan within Counties that have not adopted and put into effect a land use ordinance consistent with 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.

22.02.110 ENFORCEMENT

A. Any person or entity who knowingly violates any provision of this Title, or any Administrative Decision, or Order of the Hearing Examiner relating to this Title, shall be guilty of a violation punishable by a fine of not to exceed $500.00 per violation. A violation will be deemed to occur for each day that the violation continues after the person has been notified by certified mail or personal service of the alleged violation.

B. In the event the Administrator has sufficient basis to believe that a violation of this Title has occurred, the Administrator will notify the property owner and the violator (if they are not the same individuals) of the alleged violation by certified mail or personal service and allow twenty (20) days for the property owner and/or violator to respond. A notice of alleged violation shall contain substantially the following information:
   1. The following shall appear at the top of the first page: "NOTICE OF ALLEGED VIOLATION";
   2. a brief description of the nature of the alleged violation;
   3. the name of the County Department and staff member to contact regarding the alleged violation;
   4. the date the alleged violation letter was issued; and,
   5. that failure to correct the alleged violation or to contact the appropriate County Department may result in a formal action to revoke any applicable permits and/or the imposition of a fine of up to $500.00 per violation, and/or any other appropriate legal action to address the violation.

C. In addition to any other legal remedies that may be available to the County to address the violation, any person that has been served a notice of alleged violation as provided in Section 22.02.110(B) may be cited into the Skamania County District Court which shall have jurisdiction over all complaints involving alleged violations of Title 22. After conduction a hearing, the Skamania County District Court may impose penalties as provided in Section 22.02.110(A).

D. The imposition or the violator's payment of a penalty shall not excuse the violation, or permit the violator to continue to violate Title 22. All persons shall be required to correct or remedy such violations or defects within a reasonable time as specified by the Administrator. A violation will be deemed to occur for each day that the violation continues after the person has been notified, including but not limited to the time that the matter is pending before the Skamania County District Court.

22.02.120 SAVINGS

A. Nothing in this Title shall:
   1. Affect or modify any treaty or other rights of any Indian tribe;
   2. Except as provided in Section 13(c) of the National Scenic Area Act, authorize the appropriation or use of water by any federal, state or local agency, Indian tribe or any other entity or individual;
   3. Affect the rights or jurisdictions of the United States, the states, Indian tribes or other entities over waters of any river or stream or over any ground water resource or affect or interfere with transportation activities on any such river or stream;

4. Alter, establish or affect the respective rights of the United States, the states, Indian tribes, or any person with respect to any water or water-related right;
5. Alter, amend, repeal, interpret, modify or be in conflict with any interstate compact made by the State of Washington prior to November 17, 1986;
6. Affect or modify the ability of the Bonneville Power Administration to operate, maintain and modify existing transmission facilities;
7. Affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of the Indian tribes and individual members of Indian tribes;
8. Affect the laws, rules and regulations pertaining to hunting and fishing under existing state and federal laws and Indian treaties;
9. Require any revision or amendment of any forest plan adopted pursuant to the National Forest Management Act of 1976, Public Law 94-588, as amended, 16 U.S.C. 1600 et seq.; or
10. Establish protective perimeters or buffer zones outside of the Columbia River Gorge National Scenic Area.
11. Affect the rights and responsibilities of non-federal timberland owners under the Washington Forest Practices Act in General Management Areas.

22.02.130 **SEVERABILITY**

If any provision of this Title or its application to any person or circumstance is held invalid, the remainder of this Title or the application of the provision to other persons or circumstances shall not be affected.

CHAPTER 22.04 DEFINITIONS

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22.04.010 DEFINITIONS A THROUGH Z

Wherever they appear in this chapter, the following terms shall have the following meanings:

-A-

1. **ACCEPTED AGRICULTURAL PRACTICE** means a mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money and customarily utilized in conjunction with agricultural use.
2. **ACCESSORY STRUCTURE/BUILDING** means a structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.
3. **ACTIVE WILDLIFE SITE** means a wildlife site that has been used within the past five years by a sensitive wildlife species.
4. **ADDITION** means an extension or increase in the area or height of an existing building.
5. **ADMINISTRATOR** means the Director of the Skamania County Department of Planning and Community Development or a designee who has authority over a proposed project review.
6. **ADVERSELY AFFECT OR ADVERSELY AFFECTING** means a reasonable likelihood of more than moderate adverse consequences for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on:
   a. The context of a proposed action;
   b. The intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;
   c. The relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and
   d. Proven mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level.

~~6.~~7. **AGRICULTURAL SPECIALIST (SMA)** means a person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

~~7.~~8. **AGRICULTURAL STRUCTURE/BUILDING** means a structure or building located on a farm or ranch and used in the operation for the storage, repair and

maintenance of farm equipment, and supplies or the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.

~~8.~~9. **AGRICULTURAL USE** means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling of crops; or by the feeding, breeding, management and sale of, or production of, livestock, poultry, fur-bearing animals or honeybees; or for dairying and the sale of dairy products; or any other agricultural or horticultural use, including Christmas trees. Current employment does not include livestock feed lots. Current employment of land for agricultural use includes:

a. The operation or use of farmland subject to any agriculture-related government program;
b. Land lying fallow for one (1) year as a normal and regular requirement of good agricultural husbandry;
c. Land planted in orchards or other perennial prior to maturity; and
d. Land under buildings supporting accepted agricultural practices.

10. **AIR** means the mixture of gases comprising the Earth's atmosphere.

~~9.~~11. **ANADROMOUS FISH** means species of fish that migrate upstream to freshwater after spending part of their life in the ocean.

~~10.~~12. **ANAEROBIC** means a condition in which molecular oxygen is absent (or effectively so) from the environment.

~~11.~~13. **AQUACULTURE** means the cultivation, maintenance and harvesting of aquatic species.

~~12.~~14. **AQUATIC AREA** means the water area of a stream, pond or lake, measured at the ordinary high water mark.

15. **ARCHAEOLOGICAL SURVEY** means actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Archaeological surveys may include archival research, surface surveys, subsurface testing and ethnographic research. An archaeological survey may also be called a reconnaissance survey.

~~13.~~16. **ARCHIVAL RESEARCH** means research in primary documents that is likely to yield information regarding human occupation of the area in question, including but not limited to deed, census, cartographic and judicial records.

-B-

~~14.~~17. **BED AND BREAKFAST INN** means an establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodation, not as rooming or boarding houses.

~~15.~~18. **BEST MANAGEMENT PRACTICES** means conservation techniques and management measures that:

a. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;

b. Minimize adverse ~~affects~~ effects to groundwater and surface-water flow and circulation patterns; and

c. Maintain the chemical, biological, and physical characteristics of wetlands, ponds, streams and riparian areas.

~~16.~~19. **BIODIVERSITY (SMA)** means a diversity of biological organisms at the genetic, species, ecosystem and landscape levels.

~~17.~~20. **BOAT LANDING** means a cleared area or developed structure used to facilitate launching or retrieving watercraft.

~~18.~~21. **BUFFER or BUFFER ZONE** means an area adjacent to a water resource or other sensitive area that is established and managed to protect sensitive natural resources from human disturbance. In instances that involve a wetland, stream or pond, the buffer zone includes all or a portion of the riparian area.

~~19.~~22. **BUILDING** means any structure used or intended for supporting or sheltering any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

-C-

~~20.~~23. **CAMPSITE** means a single camping unit that usually consists of a cleared, level area for a tent and may include a parking spur, fire ring, table and other amenities.

~~21.~~24. **CAPABILITY** means the ability of land to produce forest or agricultural products due to characteristics of the land itself, such as soil, slope, exposure or other natural factors.

~~22.~~25. **CANOPY CLOSURE (SMA)** means for forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

~~23.~~26. **CASCADIAN ARCHITECTURE (SMA)** means an architectural style using native rock work, large timber and steeply pitched roofs in a rustic manner.

~~24.~~27. **CATASTROPHIC SITUATIONS (SMA)** means forces such as fire, insect and disease infestations, and earth movements.

~~25.~~28. **CHILD CARE CENTER** means a facility providing day care to three or more children, but not including:

a. The provision of care that is primarily educational unless provided to a preschool child for more than four hours a day;

b. The provision of care that is primarily supervised training in a specific subject, including but not limited to dancing, gymnastics, drama, music or religion;

c. Provision of short term care primarily an incident of group athletic or social activities.

d. The provision of day care in the provider's home in the family living quarters for less than thirteen (13) children.

~~26.~~29. **COLUMBIA RIVER GORGE NATIONAL SCENIC AREA GRAPHIC SIGNING SYSTEM** means sign design standards developed for the Scenic Area for public signs in and adjacent to public road rights-of-way.

~~27.~~30. **COMMERCIAL DEVELOPMENT/USE** means any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.

~~28.~~31. **COMMERCIAL FOREST PRODUCTS** includes timber for lumber, pulp, and fire wood for commercial proposes.

~~29.~~32. **COMMERCIAL RECREATION** means any private (non-governmental) recreational activity or facility on privately owned land, excluding non-profit facilities. This does not include operation of a public recreation facility by a private vendor.

~~30.~~33. **COMMUNITY FACILITY** means basic utilities and services necessary to support public service needs, including, but not limited to water and power utilities, sanitation facilities, public micro-wave stations and communication facilities, schools, road and highways. This does not include sanitary landfills.

~~31.~~34. **CONSULTING PARTIES (cultural resources)** means organizations or individuals who submit substantive written comments to the Planning Agency in a timely manner because they are concerned with the effects of a proposed use on cultural resources.

~~32.~~35. **CONTIGUOUS LAND** means parcels or other lands that are under the same ownership and have a common boundary, regardless of whether or not portions of the parcels have separate tax not numbers, lie in different counties, lie in different sections or government lots, lie in different land use or zoning designations or are separated by public or private roads. Contiguous land does not include parcels which meet only at a single point.

~~33.~~36. **COUNTY** means Skamania County, its officials, agents, representatives, commissions and boards, and whichever of them has made a determination or performed a governmental action affecting a proposed use or development regulated under this Title.

~~34.~~37. **CREATED OPENING (SMA)** means a created forest opening with less than forty percent (40 %) average canopy closure of overstory trees and less than sixty percent (60 %) average canopy closure of understory trees averaging less than five (5) inches diameter at breast height for coniferous forests and less than twenty-five percent (25 %) total canopy cover for oak woodlands. This definition does not include agricultural fields.

~~35.~~38. **CREATION OF WETLANDS** means a human activity that converts an upland into a wetland. This definition presumes that the area to be converted has not been a wetland in recent times (100 to 200 years).

~~36.~~39. **CULTIVATION** means any activity that prepares land for raising crops by turning, breaking, or loosening the soil. Cultivation includes plowing, harrowing, leveling, and tilling.

~~37.~~40. **CULTURAL RESOURCE** means evidence of human occupation or activity that is important in the history, architecture, archaeology or culture of a community or region. Cultural resources include, but are not limited to, the following:

i. **ARCHAEOLOGICAL RESOURCES.** Physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least fifty (50) years old. Archaeological resources include, but are not limited to, the remains of houses, villages, camp and fishing sites and cave shelters, rock art such as petroglyphs and pictographs, artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material byproducts from tool and utensil-making activities; and graves, human remains and associated artifacts.

ii. **HISTORIC BUILDINGS AND STRUCTURES.** Standing or above-ground buildings and structures that are at least fifty (50) years old, including, but not limited to, log cabins, barns, canals, flumes, pipelines, highways and tunnels.

iii. **TRADITIONAL CULTURAL PROPERTIES.** Locations, buildings, structures and objects that are associated with cultural beliefs, customs or practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. Traditional cultural properties include, but are not limited to, sites associated with traditional beliefs of a Native American group about its origins or its cultural history; a location where a community has traditionally carried out artistic or other cultural practices important in maintaining its historical identity; and a location where Native American religious practitioners have historically gone, and go today, to perform ceremonial activities. Objects may include petroglyphs, pictographs, rock cairns or other rock structures, trees and rock outcrops.

~~38.~~41. **CUMULATIVE EFFECTS** means the combined effects of two (2) or more activities. The effects may be related to the number of individual activities, or to the number of repeated activities on the same piece of ground. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

~~39.~~42. **CUT** means an area where soil or earth is excavated or removed in conjunction with development activities.

-D-

~~40.~~43. **DEDICATED SITE** means an area actively devoted to the current use, as delineated on the site plan.

~~41.~~44. **DEER AND ELK WINTER RANGE** means areas normally used, or capable of being used, by deer and elk from December through April.

~~42.~~45. **DEPARTMENT** means the Skamania County Department of Planning and Community Development.

~~43.~~46. **DESTRUCTION OF WETLANDS** means a human activity which results in the loss of a wetland or any of its component parts, including filling, draining, or other activity having an adverse effect on the sustainable functioning of the wetland.

~~44.~~47. **DEVELOPED RECREATION** means recreational opportunities characterized by high-density use on specific sites and requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

~~45.~~48. **DEVELOPED ROAD PRISM (SMA)** means the area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

~~46.~~49. **DEVELOPMENT** means any land division or structure, including but not limited to new construction of buildings and structures, and mining, dredging, filling, grading, paving and excavation.

~~47.~~50. **DIAMETER AT BREAST HEIGHT (dbh)** means the diameter of a tree as measured at breast height.

~~48.~~51. **DUPLEX** means a building containing two (2) dwelling units and designed for occupancy by two families.

~~49.~~52. **DWELLING, single-family** means a detached building containing one dwelling unit and designed for occupancy by one family only.

~~50.~~53. **DWELLING UNIT** means a single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

-E-

~~51.~~54. **EARTH MATERIALS** means any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

~~52.~~55. **EFFECT ON TREATY RIGHTS** means to bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty-related rights in the Treaties of 1855 with the Nez Perce, Umatilla, Warm Springs and Yakima tribes executed between the individual Indian tribes and the Congress of the United States and as adjudicated by the federal courts.

~~53.~~56. **EMERGENCY/DISASTER** means a sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

~~54.~~57. **EMERGENCY/DISASTER RESPONSE** means actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as use of emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

~~55.~~58. **ENDEMIC** means plant and animal species that are found only in the vicinity of the Columbia River Gorge area.

~~56.~~59. **ENHANCEMENT (natural resources)** means a human activity that increases one or more functions of an existing sensitive watercourse or other area. Enhancement is generally limited to a sensitive watercourse or area that is degraded. Enhancing an area that is in good or excellent condition may reduce biological diversity and eliminate other natural functions and may not be desirable.

~~57.~~60. **EPHEMERAL STREAMS (SMA)** means stream that contain flowing water only during, and for a short duration after, precipitation events.

~~58.~~61. **ETHNOGRAPHY** means the descriptive and analytic study of the culture of particular groups. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing the group.

~~59.~~62. **EXISTING USE OR STRUCTURE** means any use or structure that was legally established.

~~60.~~63. **EXPLORATION, DEVELOPMENT (EXTRACTION AND EXCAVATION)** means all or any part of the process of surface, underground or

submerged mining of mineral resources, including all exploration, regardless of area disturbed or volume mined.

-F-

~~61.~~64. **FILL** means the placement, deposition or stockpiling of sand, sediment or other earth materials to create new uplands or to create an elevation above the existing surface.

~~62.~~65. **FINISHED GRADE** means the final elevation of the ground level of a property after construction is completed.

~~63.~~66. **FIRE BREAK** means a break in ground cover fuels adjacent to and surrounding buildings.

~~64.~~67. **FOOTPRINT** means the area that falls directly beneath and shares the same perimeter as a structure.

~~65.~~68. **FORBS** means broad-leaved herbs, in contrast to ferns, fern allies and grasses and grasslike plants.

~~66.~~69. **FOREGROUND (SMA)** means one-half (½) mile on either side of a traveled road or trail.

~~67.~~70. **FOREST HEALTH (SMA)** means a measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

~~68.~~71. **FOREST PRACTICE (SMA)** means any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of twelve (12) years or less are considered agricultural uses.

~~69.~~72. **FOREST PRACTICES (GMA)** means those activities related to the growing and harvesting of forest tree species as defined in the Washington State Forest Practices Act.

~~70.~~73. **FOREST PRODUCTS** means commodities produced from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

~~71.~~74. **FOREST SERVICE** means the United States Forest Service, Columbia River Gorge National Scenic Area Office.

~~72.~~75. **FOREST STAND STRUCTURE (SMA)** means the number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

~~73.~~76. **FOREST USE** means growing, propagation and harvesting of forest tree species and other forest products.

~~74.~~77. **FULLY SCREENED** means a description of the relative visibility of a structure where that structure is not visible as viewed from a specified vantage point, generally a key viewing area.

-G-

~~75.~~78. **GORGE COMMISSION** means the Columbia River Gorge Commission.

~~76.~~79. **GRADING** means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

-H-

~~77.~~80. **HAZARD TREE (SMA)** means a tree with a structural defect that will predictably result in whole or partial failure within one-and-a-half (1½) tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

~~78.~~81. **HEIGHT OF BUILDING** means the greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.

~~79.~~82. **HEARING EXAMINER** is an appointed official vested with the duties established by Skamania County Ordinance Number 2006-16.

~~80.~~83. **HERBACEOUS** means a plant with no persistent woody stem above the ground, with characteristics of an herb.

~~81.~~84. **HERBS** means nonwoody (herbaceous) plants, including grasses and grasslike plants, forbs, ferns, fern allies, and nonwoody vines. Seedlings of woody plants that are less than three feet tall are considered part of the herbaceous layer.

~~82.~~85. **HISTORIC SURVEY** means actions that document the form, style, integrity and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings and photographs.

~~83.~~86. **HORSES, BOARDING OF (GMA)** means the stabling, feeding and grooming, or the use of stalls for and the care of horses not belonging to the owner of the property, and related facilities, such as training arenas, corrals, and exercise tracks. These facilities are either operated for a fee or by a nonprofit organization.

~~84.~~87. **HYDRIC SOIL** means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

-I-

~~85.~~88. **IN-LIEU SITES** means sites acquired by the Army Corps of Engineers and transferred to the Bureau of Indian Affairs for treaty fishing, in lieu of those usual and accustomed fishing areas lost by inundation from reservoir construction. These sites were acquired under the provisions of Public Law 14 and Public Law 100-581, Section 401. Additional in-lieu sites will be provided for.

~~86.~~89. **INDIAN TRIBAL GOVERNMENT** means the governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council) and the Confederated Tribes and Bands of the Yakama Indian Nation (Tribal Council).

~~87.~~90. **INDIAN TRIBES** means the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes of the Umatilla Indian Reservation.

~~88.~~91. **INDUSTRIAL USES** means any use of land or water primarily involved in:

a. Assembly or manufacture of goods or products;
b. Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
c. Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or
d. Production of electric power for commercial purposes.

~~89.~~92. **INTERPRETATIVE DISPLAYS** means signs and structures that provide for the convenience, education and enjoyment of visitors, helping visitors understand and appreciate natural and cultural resources and their relationship to them.

-K-

~~90.~~93. **KEY COMPONENTS** means the attributes that are essential to maintain the long-term use and productivity of a wildlife site. The key components vary by species and wildlife site. Examples include fledgling and perching trees, watering sites and foraging habitat.

~~91.~~94. **KEY VIEWING AREAS** means those portions of important public roads, parks, or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. These Key Viewing Areas (KVAs) are as follows:

a. In General and Special Management Areas:
    i. Historic Columbia River Highway
    ii. Crown Point
    iii. Interstate 84, including rest stops
    iv. Multnomah Falls
    v. Washington State Route 14
    vi. Beacon Rock
    vii. Panorama Point Park
    viii. Cape Horn
    ix. Dog Mountain Trail
    x. Cook-Underwood Road
    xi. Rowena Plateau and Nature Conservancy Viewpoint
    xii. Portland's Women's Forum State Park
    xiii. Bridal Veil State Park
    xiv. Larch Mountain
    xv. Rooster Rock State Park
    xvi. Bonneville Dam Visitor Center
    xvii. Columbia River
    xviii. Washington State Route 141
    xix. Washington State Route 142
    xx. Oregon Highway 35
    xxi. Sandy River

xxii. Pacific Crest Trail

b. In Special Management Areas only:

i. Old Washington State Route 14 (County Road 1230)

ii. Wyeth Bench Road

iii. Larch Mountain Road

iv. Sherrard Point on Larch Mountain

-L-

~~92.~~95. **LAND DIVISION** means the division or redivision of contiguous land(s) into tracts, parcels, sites or divisions, regardless of the proposed parcel or tract size or use. A land division includes, but is not limited to short subdivision, and subdivisions and division by deed.

~~93.~~96. **LANDSCAPE SETTING** means the combination of land use, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the Scenic Area.

~~94.~~97. **LEGALLY ESTABLISHED** means:

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

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

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

~~95.~~98. **LIVESTOCK FEEDLOT** means stockyards and commercial livestock finishing yards for cattle, sheep, swine and fur bearers. Feedlots do ~~no~~not include winter pasture or winter hay-feeding grounds.

~~96.~~99. **LOT LINE ADJUSTMENTS** means the relocation of one or more common boundary lines between two contiguous parcels that does not create additional parcels.

-M-

~~97.~~100. **MAINTENANCE** means the ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure. Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

~~98.~~101. **MANAGEMENT PLAN** means the comprehensive management plan adopted by the Gorge Commission on October 15, 1991, and any adopted revisions.

~~99.~~102. **MINERALS** includes soil, coal, clay, stone, sand gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use.

~~100.~~103. **MITIGATION** means the use of any or all of the following actions:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;
b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment; or
d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

~~101.~~104. **MOSAIC (SMA)** means the dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

~~102.~~105. **MULTI-FAMILY DWELLING** means a dwelling constructed or modified into two (2) or more single-family dwelling units.

-N-

~~103.~~106. **NATIVE SPECIES** means species that naturally inhabit an area.

~~104.~~107. **NATIVE VEGETATION** means plant species which are indigenous to the area in question.

~~105.~~108. **NATURAL GRADE** means the undisturbed elevation of the ground level of a property before any excavation or construction operations.

~~106.~~109. **NATURAL RESOURCE-BASED RECREATION (SMA)** means recreation activities, uses or facilities that essentially depend on the unique natural, scenic, or cultural resources found within the Scenic Area. Campgrounds, trails, boating and windsurfing facilities, swimming beaches, picnic sites, viewpoints, interpretive parks, and similar outdoor recreation facilities are considered resource-based; whereas golf courses, tennis courts, and rental cabins are not.

~~107.~~110. **NATURAL RESOURCE SPECIALIST** means a person with professional qualifications, including an academic degree or sufficient professional experience, in the subject matter the specialist is being asked to analyze or evaluate.

~~108.~~111. **NATURAL RESOURCES** means naturally occurring features including land, water, air, plants, animals, fish, plant and animal habitat and scenery.

~~109.~~112. **NON-PROFIT ORGANIZATION** means an organization whose non-profit status has been approved by the U.S. Internal Revenue Service.

~~110.~~113. **NOT VISUALLY EVIDENT (SMA)** means a visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.

-O-

~~111.~~114. **OLD GROWTH (SMA)** means a forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground.

~~112.~~115. **OPEN SPACE** means unimproved lands not designated as agricultural lands or forest lands and designated as open space under the Management Plan. Open spaces include:

a. Scenic, cultural and historic areas;
b. Fish and wildlife habitat;
c. Lands which support plant species that are endemic to the Scenic Area or which are listed as rare, threatened or endangered species pursuant to state or federal Endangered Species Acts;
d. Ecologically and scientifically significant natural areas;
e. Outstanding scenic views and sites;
f. Water resource zones;
g. Archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally or historically significant;
h. Potential and existing recreation resources; and
i. Federal and state wild, scenic and recreation waterways.

~~113.~~116. **OPERATIONAL (SMA)** means for a new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

~~114.~~117. **ORDINARY HIGH WATER MARK** means the mark on all streams, ponds and lakes that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

~~115.~~118. **OTHER RELATED MAJOR STRUCTURE (SMA)** means a structure related to a dwelling on a parcel in the SMA that is less than forty (40) acres in size, which is not incidental and subordinate to the main use of the property. A building or structure that satisfies the definition of ACCESSORY BUILDING is not an OTHER RELATED MAJOR STRUCTURE or a MAJOR DEVELOPMENT ACTION.

~~116.~~119. **OVERSTORY (SMA)** means for forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

-P-

~~117.~~120. **PARCEL** means:

a. Any unit of land legally created by a short plat or subdivision, and that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.
b. Any unit of land legally created and separately described by deed, sales contract, record of survey prior to November 17, 1986, if the unit of land

complied with all planning, zoning and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

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

d. A unit of land shall not be considered a separate parcel simply because the subject tract of land:

i. Is a unit of land created solely to establish a separate tax account;

ii. Lies in different counties;

iii. Lies in different sections or government lots;

iv. Lies in different land use zones or management area classes; or

v. Is bisected by a public or private road or a railroad.

~~118.~~121. **PARTY/PARTIES OF RECORD** means all persons, agencies or organizations who have submitted written comments in response to notice of application; within the time line set out in this Title, is the applicant, or is the property owner.

~~119.~~122. **PERSON** means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of a state, tribal, federal or local governmental unit, however designated.

~~120.~~123. **PRACTICABLE** means able to be done, considering technology and cost.

~~121.~~124. **PRACTICABLE ALTERNATIVE** means that an alternative to locating the activity or development within a water resource zone or other sensitive area exists, including that an alternative site for a proposed project is available, upon which the project may be developed, after taking into consideration cost, technology, logistics and overall project purposes. A practicable alternative does not exist if a project applicant satisfactorily demonstrates that:

a. The basic purpose of the use reasonably cannot be accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on water resources or other sensitive area;

b. The basic purpose of the use reasonably cannot be accomplished by reducing its size, scope, configuration or density as proposed, or by changing the design of the use in a way that would avoid or result in less adverse effects on water resources or other sensitive area; and

c. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a management plan amendment to demonstrate that practicable alternatives do not exist.

~~122.~~125. **PRE-EXISTING** means existing prior to October 15, 1991, the date of adoption of the Columbia River Gorge National Scenic Area Management Plan.

~~123.~~126. **PREVIOUSLY DISTURBED** means an area of land where the natural surface has been graded, excavated, paved and/or graveled.

~~124.~~127. **PRODUCTION OF MINERAL RESOURCES** means the use of portable crushing, onsite stockpiling, washing, milling, screening or sorting

equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing facilities and activities, such as concrete or asphalt batch plants are considered industrial uses.

~~125.~~128. **PROJECT AREA** means the geographic area or areas within which new development and uses may cause changes in the character or use of cultural resources, if any such resources exist.

~~126.~~129. **PUBLIC USE FACILITY** means recreation development(s) which meet the definition of "recreation facility" and are open for use by the general public. Private clubs and other facilities limited to members or otherwise restricted in availability shall not be considered public use facilities.

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~~127.~~130. **RARE PLANT SPECIES** is used in the generic sense to refer to various categories of sensitive plants cited in federal and state programs.

~~128. **RECONNAISSANCE SURVEY** means actions conducted to determine if archaeological resources are present in an area that would be affected by a proposed use. Reconnaissance surveys may include archival research, surface surveys, subsurface testing and ethnographic research.~~

~~129.~~131. **RECREATION FACILITY** means a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another, and which are not separated in distance by more than one-quarter mile of land not containing any such developments or improvements, except for roads and/or pathways.

~~130.~~132. **RECREATION OPPORTUNITY SPECTRUM (ROS)** means a method of classifying areas in relation to the types of recreation opportunities and experiences they provide or for which they are appropriate. The spectrum ranges from primitive (wilderness areas) to urban (highly modified areas).

a. **Primitive.** Remote, inaccessible areas with a high degree of solitude and with resources essentially unmodified.
b. **Semi-primitive.** Areas accessible only by primitive transportation routes, with low to moderately infrequent human encounters and with only subtle modifications to the natural setting.
c. **Roaded Natural.** Roaded areas with moderately frequent human encounters and with resource modifications evident.
d. **Rural.** Roaded areas with moderate to highly frequent human encounters and with the natural setting dominated by cultural modifications.
e. **Suburban.** Areas representing the rural-urban interface, with urban-like roads, structures, highly frequent human encounters, and dominant resource modifications encroaching into the rural landscape.
f. **Urban.** Highly accessible, roaded areas dominated by human encounters and human-related structures.

~~131.~~133. **RECREATION RESOURCES** means areas and facilities that provide recreation opportunities and experiences. Recreation resources include semiprimitive areas with few facilities and developed sites.

~~132.~~134. **RECREATIONAL OR CAMPING VEHICLE** means a vacation trailer, camper, self-propelled vehicle or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water and electrical lines or is occupied on the same parcel for more than sixty (60) days in any consecutive twelve (12) month period.

~~133.~~135. **REGULARLY MAINTAINED** means an area of land that has been previously disturbed and where periodic actions have been taken to:

a. Keep the area clear of vegetation (e.g., shoulders, utility yards);
b. Limit the height and type of vegetation (e.g., utility rights-of-way); and/or
c. Establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

~~134.~~136. **REHABILITATION** means a human activity that returns a wetland, stream, buffer or other sensitive area that was disturbed during construction of a permitted use to its natural or pre-construction condition.

~~135.~~137. **REMNANT OLD FOREST (SMA)** means large trees in the overstory that are well into the mature growth state (older than 180 years).

~~136.~~138. **REPAIR** means replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Repair includes, but is not limited to, re-roofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

~~137.~~139. **RESOURCE-BASED RECREATION** means those recreation uses which are essentially dependent upon the natural, scenic or cultural resources of the Scenic Area and which do not adversely affect those resources upon which they depend.

~~138.~~140. **RESTORATION** means a human activity that converts an area that was formerly a wetland back into a wetland. This definition presumes that the area to be restored no longer qualifies as a wetland because of past activities, alterations, or catastrophic events.

~~139.~~141. **REVIEW USES** mean proposed uses and developments that must be reviewed by the County to determine if the uses comply with the regulations of this Title (ie. An application must be submitted for review).

~~140.~~142. **RIPARIAN AREA** means an area immediately adjacent to streams, ponds, lakes and wetlands that directly contributes to the water quality and habitat components of the water body. This may include areas that have high water tables and soils and vegetation that exhibit characteristics of wetness, as well as upland areas immediately adjacent to the water body that directly contribute shade, nutrients, cover or debris or that directly enhance water quality within the water body.

~~141.~~143. **ROAD** means the entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

a. Ways described as streets, highways, throughways, or alleys;
b. Road-related structures that are in the right-of-way such as tunnels, culverts, or similar structures; and
c. Structures that provide for continuity of the right-of-way such as bridges.

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~~142.~~144. **SCENIC AREA** means the Columbia River Gorge National Scenic Area.

~~143.~~145. **SCENIC TRAVEL CORRIDOR** means those portions of Interstate 84, the Historic Columbia River Highway, Oregon Highway 35, and Washington State Routes 14, 141 and 142, located in the Scenic Area and specifically designated to be managed as scenic and recreational travel routes.

~~144.~~146. **SENSITIVE PLANT SPECIES**

a. In General and Special Management Areas, means plant species that are:
   i. Endemic to the Columbia River Gorge and vicinity;
   ii. Listed as endangered or threatened pursuant to federal or state endangered species acts; or
   iii. Listed as endangered, threatened or sensitive by the Washington Natural Heritage Program.
b. In Special Management Areas only, also includes plant species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

~~145.~~147. **SENSITIVE WILDLIFE AREAS** means the following areas:

a. Bald eagle habitat;
b. Deer and elk winter range;
c. Elk habitat;
d. Mountain goat habitat;
e. Peregrine falcon habitat;
f. Pika colony area;
g. Pileated woodpecker habitat;
h. Pine marten habitat
i. Shallow water fish habitat (Columbia River)
j. Special streams
k. Special habitat area
l. Spotted owl habitat
m. Sturgeon spawning area
n. Tributary fish habitat
o. Turkey habitat
p. Waterfowl area
q. Western pond turtle habitat

~~146.~~148. **SENSITIVE WILDLIFE SITES** means sites that are used by sensitive wildlife species.

~~147.~~149. **SENSITIVE WILDLIFE SPECIES** means animal species that are:

a. Listed as endangered or threatened pursuant to federal or state endangered species acts;
b. Listed as endangered, threatened, sensitive or candidate by the Washington Wildlife Commission; or
c. Considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle and prairie falcon.
d. In the SMA, sensitive wildlife species also include animal species recognized by the Regional Forester as needing special management to prevent them from being placed on federal or state endangered species lists.

~~148.~~150. **SERVICE STATION** means a business operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

~~149.~~151. **SERVICEABLE** means presently useable.

~~150.~~152. **SHALL** means action is mandatory.

~~151.~~153. **SHOULD** means action is encouraged.

~~152.~~154. **SHRUB** means a woody plant usually greater than three feet but less than twenty (20) feet tall that generally exhibits several erect, spreading or prostrate stems and has a bushy appearance. For this Title, seedlings of woody plants that are less than three (3) feet tall shall be considered part of the herbaceous layer.

~~153.~~155. **SIGN** means any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise to call the public's attention to any public, business, commercial, industrial, recreational or other activity, object for sale or lease, person or place, or to bear any kind of message. It includes any surface on which a name, text, device, signal, ornament, logotype or advertising matter is made visible. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out-of-doors position, and any frame or support structure erected specifically to bear or uphold a sign.

~~154.~~156. **SIGNIFICANT CULTURAL RESOURCE (SMA)** means a cultural resource that is included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for evaluating the eligibility of properties for the National Register of Historic Places appear in "National Register Criteria for Evaluation" [36 CFR 60].

~~155.~~157. **SKYLINE** means the line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point, only a key viewing area. In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.

~~156.~~158. **SOIL CAPABILITY CLASS** means a classification system developed by the U.S. Department of Agriculture Soil Conservation Service to group soils as to their capability for agricultural use.

~~157.~~159. **SPECIAL HABITAT AREA** means wetlands, mudflats, shallow water and riparian vegetation that have high values for waterfowl, shorebirds, raptors, songbirds, upland game and reptiles.

~~158.~~160. **SPECIAL STREAM** means streams that are primary water supplies for fish hatcheries and rearing ponds.

~~159.~~161. **STAND** means a group of trees possessing uniformity in regard to type, age, vigor or size.

~~160.~~162. **STORY** means a single floor level of a structure as defined by the local building code and is typically no more than ten (10) feet in height.

~~161.~~163. **STREAM** means an area where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface-water runoff structures or other artificial watercourses, unless they are used to convey streams naturally occurring prior to construction in such water-courses.

a. **PERENNIAL STREAM** means a stream that flows year-round during years of normal precipitation.

b. **INTERMITTENT STREAM** means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

c. **EPHEMERAL STREAMS (SMA)** means any streams that contain flowing water only during, and for a short duration after, precipitation events.

~~162.~~164. **STRUCTURE** means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures.

~~163.~~165. **SUBMIT** means to deliver a document (e.g., land use application, written comment) to the Administrator's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the Administrator's office by the close of business on the last day of the specified period.

~~164.~~166. **SUBSURFACE TESTING** means any procedure that removes material from beneath the ground surface for the purpose of identifying cultural resources, such as shovel tests, post-hole digger tests and auger borings.

~~165.~~167. **SUITABILITY** means the appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production, surrounding uses and features associated with development, compatibility with scenic, cultural, natural and recreation resources, compatibility among uses, and other factors, such as roads, powerlines, dwellings and size of ownership.

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~~166.~~168. **THINNING (SMA)** means a forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than forty percent (40%) and the understory layer is less than sixty percent (60%) average canopy closure of trees averaging less than five (5) inches diameter at breast height. A thinning becomes a

forest opening in oak woodlands when the total average canopy closure is less than twenty-five percent (25%).

~~167.~~169. **TOTAL CANOPY CLOSURE (SMA)** means for forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

~~168.~~170. **TRAVELERS ACCOMMODATIONS** means any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.

~~169.~~171. **TREATMENT (SMA)** means for forest practices, a site-specific operation that carries out the forest management objectives for an area.

~~170.~~172. **TREATY RIGHTS** means rights reserved by the Indian tribes through the Treaties of 1855. These include the right of fishing at all usual and accustomed places, as well as the privilege of pasturing livestock and hunting and gathering on open and unclaimed lands in common with the citizens of the states.

~~171.~~173. **TRIBUTARY FISH HABITAT** means streams that are used by anadromous or resident fish for spawning, rearing and/or migration.

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~~172.~~174. **UNDERSTORY (SMA)** means for forest practices, the shorter or immature trees below the tall or mature overstory trees.

~~173.~~175. **UNDERTAKING** means any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities or programs and any of their elements [36 CFR 800.16(y)].

~~174.~~176. **UNIMPROVED LANDS** means lands that generally do not have developments such as buildings or structures.

~~175.~~177. **UPLAND** means any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils and/or hydrologic characteristics associated with wetlands.

~~176.~~178. **USES ALLOWED OUTRIGHT** means new uses and developments that may occur without being reviewed by the County to determine if the use is consistent with this Title.

~~177.~~179. **UTILITY FACILITY** means any structure which provides for the transmission or distribution of water, sewer, stormwater, fuel, electricity or communications.

-V-

~~178.~~180. **VESTED RIGHTS** mean the right to develop or continue to develop a use, development, or structure that was reviewed and approved pursuant to this Title.

~~179.~~181. **VIEWSHED** means a landscape unit seen from a key viewing area.

~~180.~~182. **VISUAL QUALITY OBJECTIVE (VQO)** means a set of visual management goals established by the Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

~~181.~~183. **VISUALLY SUBORDINATE** means a description of the relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point, generally a key viewing area. As opposed to structures that are fully screened, structures that are visually subordinate may be partially visible. They are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the SMA shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

-W-

~~182.~~184. **WATER-DEPENDENT USES** means uses that absolutely require, and cannot exist without, access or proximity to, or siting within, a water body to fulfill their basic purpose. Water-dependent uses include, but are not limited to, docks, wharfs, piers, dolphins, certain fish and wildlife structures, boat launch facilities and marinas. Dwellings, parking lots, spoil and dump sites, roads, restaurants, trails and paths, trailer parks, resorts and motels are not water-dependent.

~~183.~~185. **WATER-RELATED USES** means uses not directly dependent upon access to a water body, but whose presence facilitates public access to and enjoyment of a water body. In the GMA, water-related uses are limited to boardwalks, trails and paths, observation decks, and interpretative aids, such as kiosks and signs.

~~184.~~186. **WATER RESOURCE** means a stream, pond, lake, riparian area or wetland.

~~185.~~187. **WATER RESOURCE SPECIALIST** means a person with professional qualifications, including an academic degree or sufficient professional experience in the subject matter the specialist is being asked to analyze or evaluate.

~~186.~~188. **WATER RESOURCE ZONE** means a stream, pond, lake, riparian area or wetland and its buffer.

~~187.~~189. **WETLANDS** means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands do not include riparian areas, rivers, streams or lakes.

~~188.~~190. **WETLANDS FUNCTIONS** means the beneficial roles that wetlands serve, including storage, conveyance and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals and other living resources; protection of habitat for endangered, threatened and sensitive species; food chain support for a broad range of wildlife and fisheries; educational, historical and archaeological value protection; and scenic, aesthetic and recreational amenities.

~~189.~~191. **WINERY** means an agricultural facility used for processing grapes into wine, including laboratories, processing area, offices, and storage areas. A winery is distinct from a wine sales/tasting room; each of these uses must be explicitly reviewed and approved.

~~190.~~192. **WINE SALES/TASTING ROOM** means a facility that is accessory to a winery and used for tasting and retail sales of wine, including interior space (e.g. wine bar, sitting room) and exterior space (e.g. patio, veranda). A wine sales/tasting room shall not be used for preparing or serving meals or hosting weddings, receptions, or other commercial events, unless allowed, reviewed, and approved under Section 22.12.030 of this Title. A wine sales/tasting room is distinct from a winery; each of these uses must be explicitly reviewed and approved.

~~191.~~193. **WOODY PLANT** means a seed plant (gymnosperm or angiosperm) that develops persistent, hard, fibrous tissues.

CHAPTER 22.06 ADMINISTRATION

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22.06.010 REVIEW AND APPROVAL REQUIRED

No building, structure or parcel of land shall be used, and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by local, state or federal agencies, in that portion of the County lying within the Columbia River Gorge National Scenic Area in any manner that is inconsistent with the provisions of this Title.

22.06.020 ADMINISTRATOR

The Director of the Skamania County Department of Planning and Community Development is vested with the duty of administering the provisions of this Title and shall ensure that this Title is enforced through the proper legal channels. No building permit, subdivision, short subdivision,

recreational vehicle park, or other development permit shall be approved unless such development conforms in all aspects with the provisions and regulations of the Title. The Administrator shall prepare and require the use of such forms as determined to be essential to the administrations of this Title.

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

A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior Scenic Area regulations (e.g., *Columbia River Gorge National Scenic Area Final Interim Provisions*, 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 provisions (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 provisions.

22.06.040 VARIANCES TO BUFFERS AND SETBACKS – GENERAL MANAGEMENT AREAS

A. When setbacks or buffers required in this Title overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:
    1. A setback or buffer specified to protect one resource would cause the proposed use to fall within a setback or buffer established to protect another resource; and
    2. Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.
B. All setbacks or buffers specified in the guidelines for protection of scenic, cultural, natural, recreation, agricultural, or forestry resources may be varied in order to allow a dwelling to be built on a parcel of land if:
    1. The land use designation otherwise authorizes a dwelling on the tract;
    2. No site exists on the tract (all contiguous parcels under the same ownership) on which a dwelling could be placed practicably in full compliance with the setback or buffer; and
    3. The variance from the specified setback or buffer is the minimum necessary to allow the dwelling.
C. Property line setbacks specified in 22.10.070 may be varied by the Administrator during the development review process.

22.06.050 VARIANCES - SPECIAL MANAGEMENT AREAS

Property line setbacks may be varied by the Administrator during the development review process.

22.06.060 GENERAL MANAGEMENT AREAS AND SPECIAL MANAGEMENT AREAS - APPLICATION AND SITE PLAN INFORMATION REQUIRED

A. **GENERAL INFORMATION REQUIRED FOR ALL DEVELOPMENT REVIEW APPLICATIONS.**

1. Development review applications shall include the following information:

a. **An application form as provided by the Administrator.** The applicant shall provide the following information on the application form:

i. The applicant's name, address and telephone number;

ii. The land owner's name address and telephone number (if different from the applicant's);

iii. The section, quarter section, township and range in which the proposed use or development would be located;

iv. The mile-post address of the proposed use or development (if known);

v. The tax lot number(s) for the parcels;

vi. The size in acres of the parcel(s) involved;

vii. A description of the current land use(s) for the parcel(s) involved;

viii. A written description of the proposed use or development, including details on the height, shape, physical samples of the exterior color(s) and exterior construction materials of proposed structures;

ix. Signature of the applicant and property owner, including a statement that authorizes the Department reasonable access to the site in order to evaluate the application.

b. **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 Administrator to determine the location and extent of the proposed use or development and to evaluate its effects on scenic, cultural, natural and recreation resources. The map shall be prepared at a scale of one (1) inch equals 200 feet (1:2,400) or a scale providing greater detail. If a parcel is very large, the map does not need 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:

i. North arrow;

ii. Map scale;

iii. Boundaries, dimensions and size of the subject parcel;

iv. Significant terrain features or landforms;

v. Groupings and species of trees or other vegetation on the parcel;

vi. Landscaping details including the location and species of vegetation that would be removed or planted, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes;

vii. Bodies of water and watercourses;

viii. Location and width of existing and proposed roads, driveways and trails;
ix. Location and size of existing and proposed structures;
x. Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting;
xi. Location and depth of all proposed grading and ditching.

c. **Elevation drawings**, which shall show the appearance of proposed structures and shall include natural grade, finished grade, and the length, width, and height of the structure as seen from a horizontal view. Elevation drawings shall be drawn to scale.

d. **A grading plan** for all proposed structural development that involves any ground disturbance. Grading plans should be prepared by a professional engineer, engineering geologist or professional land surveyor licensed in the State of Washington. The grading plan shall include the following elements:

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

(1) Natural and finished grade;
(2) Location of all areas to be graded, with cut banks and fill slopes delineated;
(3) Estimated dimensions of graded areas.

ii. **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, including cross-sectional diagrams and road profiles;
(4) Provisions to be used for compactions, drainage, and stabilization of graded areas;
(5) A description of 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.

e. **A list of all key viewing areas** from which the proposal would be visible.

f. 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.

g. **Any additional information** the applicant feels will assist in evaluating the proposal, including, but not limited to, maps, drawings and development plans.

22.06.070 GENERAL MANAGEMENT AREAS – ADDITIONAL APPLICATION AND SITE PLAN INFORMATION FOR SPECIFIC DEVELOPMENTS, USES AND SITES

Applications for the following uses or developments shall include the additional information required under other chapters of this Title or as required by the Administrator:

A. The production and/or development of mineral resources and expansion of existing quarries. See Chapter 22.12.070.
B. Vegetation management projects in public rights of way along Scenic Travel Corridors. See Chapter 22.18.
C. All buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas. See Chapter 22.18
D. Large scale uses as defined in Chapter 22.22 shall include ~~reconnaissance~~archaeological survey reports.
E. Proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character or buildings that are 50 years old or older. See Chapter 22.22.
F. New uses located in, or providing recreational access to the Columbia River or its fish-bearing tributaries. See Chapter 22.20 and 22.24 of this Title.
G. Any review use in a water resource zone. See Chapter 22.20.
H. Any review use within 1,000 feet of a sensitive plant wildlife area or site. See Chapter 22.20. Large scale uses shall also include field survey information.
I. Any review use within 1,000 feet of a sensitive plant. See Chapter 22.20. Large scale uses shall also include field survey information.
J. A single-family dwelling in conjunction with agricultural use on lands zoned Large-Scale Agricultural. See Chapter 22.14.
K. A single-family dwelling not in conjunction with agricultural use on lands zoned Large-Scale Agricultural. See Chapter 22.14.
L. A single-family dwelling for an agricultural operator's relative. See Chapter 22.14.
M. A single-family dwelling on lands zoned Large Woodland. See Chapter 22.14.
N. A single-family dwelling on lands zoned Small Woodland. See Chapter 22.14.
O. A single-family dwelling in conjunction with agricultural use on lands zoned Commercial Forest, Large Woodland or Small Woodland. See Chapter 22.14.
P. A single-family dwelling for agricultural labor housing on lands zoned Commercial Forest, Large Woodland or Small Woodland. See Chapter 22.14.
Q. Agricultural buildings. See Chapter 22.12.

22.06.080 SPECIAL MANAGEMENT AREAS - ADDITIONAL APPLICATION AND SITE PLAN INFORMATION REQUIRED

A. The information required in Section 22.06.060 shall be required for all development review applications for uses and developments within the Special Management Areas.
B. In addition, development review applications for uses and developments within Special Management Areas shall include site plans containing the following information:
    1. Location of the following sites and areas:
        a. Sites of sensitive wildlife and sensitive plant species. The County will provide this information to the applicant;
        b. Location of riparian and wetland areas.

2. A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

C. Basic Site Plan Review.

1. Site plans shall be submitted by the Administrator to the Forest Service and appropriate State agencies. The site plan shall be reviewed by the Forest Service, in consultation with the appropriate state or federal agencies.
2. Site plans will be reviewed and approved by the Administrator.
3. Review of the site plan shall consider the following:
   a. Biology and habitat requirements of the flora or fauna of concern;
   b. Historic, current and proposed uses in the vicinity of sensitive species, including cumulative effects;
   c. Existing condition of the site and the surrounding habitat and the useful life of the site;
   d. Physical characteristics of the subject parcel and vicinity, including topography, vegetation and soil and hydrological characteristics;
   e. Minimum natural resource protection standards, including buffer zones;
   f. Closure of forest practice roads necessary to protect natural resources;
   g. Comments from state and federal agencies.

22.06.090 SPECIAL MANAGEMENT AREAS - ADDITIONAL APPLICATION INFORMATION REQUIRED FOR SPECIFIC USES, DEVELOPMENTS AND SITES

Applications for the following uses or developments shall include the additional information set forth in other chapters of this Title or as required by the Administrator:

A. A single-family dwelling in the Forest, Agriculture, and Public Recreation zones. See Chapter 22.16.
B. Forest practices in Forest, Agriculture, and Public Recreation zones. See Chapter 22.26.
C. Any new use or development on lands zoned Open Space. See Chapter 22.30.
D. Farm labor housing on lands zoned Agriculture, Forest or Public Recreation. See Chapter 22.26.
E. Agricultural buildings. See Chapter 22.26.

22.06.100 PRE-APPLICATION CONFERENCE

An applicant may request a pre-application conference prior to submitting an application for a development review. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this Title, to discuss the principal elements of the proposed action and to identify opportunities and constraints associated with the proposed action.

22.06.110 ACCEPTANCE OF APPLICATION; NOTICE OF DEVELOPMENT REVIEW; COMMENT PERIOD

A. **COMPLETE APPLICATION REQUIRED PRIOR TO REVIEW BY DEPARTMENT.**

1. Prior to initiating any use or development which requires review and approval by the County, a development review application shall be completed pursuant to this Section.
2. Within twenty (20) days of receipt of an application, the Administrator shall review the application for completeness and adequacy and shall advise the applicant, in writing, either that:
    a. The application is complete as submitted; or
    b. The application is incomplete as submitted and what specific additional information is required before the application can be accepted as complete.
3. Within twenty (20) days of receipt of supplemental information, the Administrator shall review the information to determine if the application is complete.
4. No application shall be accepted as complete until all documented omissions and deficiencies have been corrected by the applicant.
5. Development review application forms shall be available at Department offices.
6. Completed application forms and a non-refundable application fee as established be the Board of County Commissioners, shall be submitted to the Department.

B. **PROHIBITED USES NOT PROCESSED.** No application for a proposed use, which is explicitly prohibited by this Title, shall be accepted. The following process shall be followed upon receipt of such an application containing such a prohibited use:
1. The application shall be returned to the applicant.
2. A letter, signed by the Administrator, stating that the proposed use is prohibited and citing the section of this Title which explicitly prohibits the proposed use, shall be sent to the applicant.
3. Issuance of this letter shall not prohibit the applicant from appealing the decision pursuant to Section 22.06.130.

C. **NOTICE OF DEVELOPMENT REVIEW.**
1. The Administrator shall issue notice of a proposed development review. The notice shall provide the following information:
    a. The name of the applicant;
    b. The location of the subject property as set out in the application;
    c. A brief description of the proposed action;
    d. The deadline for filing comments on the proposed action.
2. The notice shall state that the application and supporting documents are available for inspection at Department offices between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except holidays.
3. The notice shall be mailed to the following:
    a. Owners of property within 500 feet of the subject parcel;
    b. The Forest Service;
    c. The Gorge Commission;
    d. The four Indian Tribal Governments;
    e. Other persons which have requested notice of a particular application or class of application;
    f. Other state and federal agencies, as determined by the Administrator on a case-by-case basis, consistent with the provisions of this Title.

D. **COMMENT PERIOD.** Persons receiving notice of a development review application shall have twenty (20) days from the date upon which the notice of a development review

is mailed to them by the Department within which to submit written comments to the Administrator.

22.06.120 REVIEW BY ADMINISTRATOR; DECISION OF ADMINISTRATOR

A. **REVIEW PERIOD.** After the close of the twenty (20) day comment period, the Administrator shall either:
   1. Render a decision on the application if the cultural and natural resource protection processes have concluded; or
   2. Advise the applicant, in writing, of any further review processes required under this Title for the protection of cultural or natural resources.

B. **REVIEW PROCESS.** In reaching a decision on a development review application, the Administrator shall:
   1. Consult with the applicant and such agencies as the Administrator deems appropriate.
   2. Consider the information submitted by the applicant and all other relevant information available.
   3. Consider all comments submitted within the comment period.

C. **ADMINISTRATOR'S REVIEW DECISION.**
   1. The Administrator shall issue a decision on the application, including findings of fact and conclusions, and may impose such conditions as determined necessary to ensure consistency with the provisions of this Title.
   2. Conditions attached to approval of uses shall be recorded in the County Auditor’s records to ensure notice of the conditions to successors in interest.
   3. The Administrator shall mail a copy of the decision to the applicant, the Gorge Commission, Forest Service, applicable Tribal, State, and local agencies, and all Parties of Record. The decision shall include notice of the right to appeal, as set forth in Section 22.06.130.
   4. The decision of the Administrator shall be final unless a Notice of Appeal is filed pursuant to Section 22.06.130.

22.06.130 APPEAL OF ADMINISTRATIVE DECISION

A. **NOTICE OF APPEAL**
   1. Parties of Record may appeal any decision of the Administrator within twenty (20) days after the date upon which the decision is rendered. Appeal shall be made to the Hearing Examiner and shall be commenced with the filing of a Notice of Appeal at the Department.
   2. Notice of Appeal forms shall be available at the Department offices.
   3. The Notice of Appeal shall be mailed to all Parties of Record as shown in the Certificate of Mailing of the Administrative Decision.
   4. The Notice of Appeal shall, at a minimum contain the following:
      a. The name of the person filing the Notice;
      b. The date upon which the Administrator's decision became final;
      c. A concise description of the decision to be reviewed;
      d. The name and address of each of the following:
         i. The applicant, if other than the person filing the Notice;

ii. All Parties of Record, as shown in Department records (Certificate of Mailing).

e. Proof of service upon all persons required to be named in the Notice. Proof of service may be evidenced by a Certificate of Mailing from the appellant. Certificate of Mailing forms shall be available at Department offices.

f. The following statement:

i. Failure to raise an issue before the close of the public record in sufficient detail to afford the County and all parties an opportunity to respond may preclude appeal on that issue to the Hearing Examiner.

5. A filing fee and deposit for costs may be charged by the County, as shall be determined by the Board of County Commissioners from time to time.

B. **NOTICE OF HEARING**

1. Notice of Hearing. The Administrator shall mail notice of a hearing on appeal before the Hearing Examiner to all parties of record. Notice shall be mailed not less than ten (10) days prior to the hearing date. Notice shall also be published in a newspaper of general circulation in the County not less than ten (10) days prior to the date of hearing.

2. The record of the administrative decision on appeal shall include the following:

a. The Administrator's decision, including findings of fact and conclusions.

b. All evidence, exhibits, maps, documents or other written materials included as part of the record during the course of the Administrator's review.

c. The notice of appeal form and any attachments.

d. Any additional written reports as Administrator deems pertinent.

3. The Administrator shall, within sixty (60) days after service of the Notice of Appeal:

a. Transmit to the Hearing Examiner, the appellant and the applicant (if different than the appellant) a copy of the record on appeal, provided that the Administrator may retain any large maps or documents, which are difficult to duplicate until the date of the hearing.

b. Copies of the record on appeal, excluding large maps and other documents which are difficult to duplicate, shall be made available to the public at the office of the Department of Planning and Community Development during normal business hours.

c. The public may also request that the Administrator provide them with a copy of the record on appeal. The Administrator may charge for copies of the record on appeal. Charges shall be sufficient to cover the costs of duplication and postage and shall be established by the Board of County Commissioners from time to time.

C. **HEARING OF APPEAL**

1. The hearing before the Hearing Examiner shall be an open record hearing but shall include the record submitted by the Administrator.

2. The hearing shall be conducted in the following order:

a. The Appellant shall present his/her evidence.

b. The Administrator shall present his/her evidence.

c. Members of the public in attendance at the hearing shall be allowed to comment upon the appeal (in favor or against the appeal).

d. The Administrator may present closing arguments.

e. The Appellant may present rebuttal evidence and closing arguments, limited to specific issues previously raised.

f. The Hearing Examiner may set time limits for presentation/comments from the appellant, Administrator, and members of the public, if stated at the beginning of the appeal hearing.

3. The Hearing Examiner may reverse, affirm, or modify all or in part, the decision of the Administrator, so long as the decision of the Hearing Examiner is consistent with the regulations and requirements of Title 22.

4. Any exhibits submitted during the hearing shall be marked to identify the party offering the exhibit. The exhibits shall be preserved by the Hearing Examiner as part of its record, and shall remain with the Department of Planning and Community Development at the end of the hearing.

D. **FINAL ORDER OF THE HEARING EXAMINER.** A decision by the Hearing Examiner on an appeal of an Administrative Decision shall be final and conclusive, unless within the timeframe provided in the Columbia River Gorge Commission's Rules on Appeals from Counties. The Hearing Examiner shall, in making a Final Order, include in the written record of the case the findings of fact upon which the action is based. The written Final Order shall be signed by the Hearing Examiner.

E. **APPEALS FROM DECISIONS OF THE HEARING EXAMINER.**

1. Any parties of record may appeal a final order of the Hearing Examiner to the Gorge Commission. Appeal shall be made as set out in applicable rules and regulations promulgated from time to time by the Gorge Commission.

2. Appeals to the Gorge Commission shall be heard on the record submitted by the Hearing Examiner.

22.06.140 EXPEDITED REVIEW PROCESS

A. **RESOURCE PROTECTION COMPLIANCE PROVISIONS.**

1. Proposed developments reviewed using the expedited review process shall comply with the following resource protection provisions:

a. **SCENIC.**

i. In the General Management Area, the scenic resource protection provisions shall not apply to woven-wire fences for agricultural use that would enclose eighty (80) acres or less.

ii. 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 provision shall not apply to additions, which may match the color of existing buildings.

iii. Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

iv. 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.

v. Signs shall comply with the applicable sign provisions in Section 22.12.080 for GMA and Section 22.12.090 for SMA.

vi. Structures within a half (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 subordinance, not visually evident).

b. **CULTURAL.**

i. The expedited development review process shall only be used to review proposed development that does not require an ~~reconnaissance~~archaeological survey or historic survey. The cultural resources policies in Section 22.22.010(E)(1)(a-c) for GMA and Section 22.30.010(I)(1)(a-c) for SMA shall be used to determine if an ~~reconnaissance~~archaeological and/or historic survey is required for a proposed development.

ii. The provisions in Section 22.22.060 and 22.22.070 for GMA and Section 22.30.060 and 22.30.070 for SMA that protect cultural resources and human remains discovered during construction shall be applied as conditions of approval for all development approved under the expedited development review process.

c. **RECREATION.** The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

d. **NATURAL.**

i. **Wetlands, Streams, Rivers, Ponds, and Lakes.** The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This provision 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.

ii. **Sensitive Wildlife and Sensitive Plants.**

(1) The development meets one of the following:

(a) The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or

(b) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

(c) For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines:

(i) The sensitive wildlife area or site is not active; or

(ii) 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.

(d) For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the 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.

(e) Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or sensitive plants.

2. Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection provisions:
   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 Section 22.06.140(A)(2)(b), the GMA and SMA treaty rights provisions in Section 22.06.180 and Section 22.06.190 shall not apply to proposed developments reviewed under the expedited review process.

B. **REVIEW PROCESS.**

1. **APPLICATIONS.** Applications for uses eligible for expedited review shall include the information required for review uses listed in Section 22.06.060 for GMA and Section 22.06.080 for SMA. Applications shall be reviewed to determine if it is complete and if the proposed use qualifies for expedited review in accordance with the provisions of Section 22.10.050. Depending on whether or not the proposed use qualifies for expedited review, the application shall be reviewed according to one of the following procedures:
   a. If the proposed use qualifies for expedited review, the application shall be reviewed in accordance with the provisions of this section, Section 22.06.140.
   b. If the proposed use does not qualify for expedited review, the application shall be reviewed in accordance with the provisions of Section 22.06.120.

2. **COMMENT PERIOD.**
   a. The Administrator 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 as a notice of Expedited Development Review.
   b. The Administrator shall allow the Indian tribal governments, the Gorge Commission, and the Forest Service ten (10) days from the date the notice is sent to submit written comments on the proposed development.

3. **NOTICE OF DECISION AND OPPORTUNITY TO APPEAL.**
   a. The Administrator shall send a copy of all decisions issued under the expedited review process to the Indian tribal governments, the Gorge Commission, the Forest Service, landowners within 500 feet of the perimeter of the subject parcel, and any person that has requested a notice of decision.
   b. Any person shall be allowed to appeal a decision issued under the expedited review process, within the timelines set forth in Section 22.06.130.
   c. A Notice of Decision must include:
      i. Findings of fact;
      ii. Conclusions of law; and
      iii. Conditions of approval.

22.06.150 EXPIRATION AND EXTENSIONS OF DEVELOPMENT APPROVALS - CHANGES IN AN APPROVED ACTION

A. **EXPIRATION OF APPROVALS.**

1. The decision of the Administrator shall become void when:
   a. The development action is not undertaken within two (2) years of the date of the decision; or
   b. The development action, once undertaken, is discontinued for any reason for one year or more; or
   c. The decision is finally determined by a court or other appellate body of competent jurisdiction to result in an unconstitutional taking of private property.
2. **Notice Not Required.** Expiration of any land use approval issued pursuant to this Title shall be automatic. Failure to give notice of expiration shall not affect the expiration of a land use approval.
3. **Land Use Approvals without Structures.** Any land use approval issued pursuant to this Title 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 auditor.
4. **Land Use Approvals with Structures.** Any land use approval issued pursuant to this Title for a use or development that includes a structure shall expire as follows:
   a. When construction has not commenced within two (2) years of the date the land use approval was granted; or
   b. When the structure has not been completed within two (2) years of the date of commencement of construction.
5. **Commencement of Construction.** As used in Section 22.06.150(A)(4)(a) , 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.
6. **Completion of Structure.** As used in Section 22.06.150(A)(4)(b), completion of the structure shall mean:
   a. Completion of the exterior surface(s) of the structure; and
   b. Compliance with all conditions of approval in the land use approval.

B. **EXTENSIONS OF DEVELOPMENT APPROVALS.** A request for extension of the time frames in Section 22.06.150(A)(3), Section 22.06.150(A)(4)(a), or Section 22.06.150(A)(4)(b), shall be submitted in writing before the applicable expiration date.

1. A reviewing agency may grant one (1) twelve (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 (Section 22.06.150(A)(3)) or commencement of construction (Section 22.06.150(A)(4)(a)) within the original two-year time frame.

2. An agency may also grant one (1) twelve (12) month extension if it determines that events beyond the control of the applicant prevented completion of the structure (Section 22.06.150(A)(4)(b)) within the original two (2)-year time frame.
3. A request for extension shall state the reason why events beyond the control of the applicant warrant an extension.
4. Approval or denial of a request for extension shall be considered an administrative decision.

C. **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, pursuant with Section 22.06.150(A).

D. **CHANGES OR ALTERATIONS TO AN APPROVED ACTION.** Any change or alteration to a development action approved by the County under this Title shall be processed as a new action; provided that the Administrator may approve minor changes or alterations deemed consistent with the provisions of this Title and the findings and conclusions on the original application. The approval of minor changes shall be known as a Letter Amendment and shall be considered an administrative action only requiring an appeal period of twenty (20) days to the decision. The change itself, not the original decision, would be subject to appeal.

22.06.160 EXISTING USES – GENERAL MANAGEMENT AREAS

A. **RIGHT TO CONTINUE EXISTING USE AND STRUCTURES.** Except to the extent specifically set forth below, any existing use or structure may continue so long as it is used in substantially the same manner and for the same purpose.

B. **REPLACEMENT OF EXISTING STRUCTURES NOT DAMAGED OR DESTROYED BY DISASTER.** Except as provided in Section 22.06.160(C), an existing structure may be replaced if a complete land use application for a replacement structure is submitted to the Department within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:
1. The replacement structure shall be used in the same manner and for the same purpose as the original structure.
2. The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.
3. The replacement structure shall be subject to the scenic, cultural, recreation and natural resources provisions; the treaty rights provisions; and the land use designations provisions involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.
4. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one (1) year time frame.

C. **REPLACEMENT OF EXISTING STRUCTURES DAMAGED OR DESTROYED BY DISASTER.** An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the Department within two (2) years of the date the

original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

1. The replacement structure shall be used in the same manner and for the same purpose as the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.
2. The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if the following conditions exist:
    a. A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.
    b. The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.
    c. The new building site complies with the cultural resources, natural resources, and treaty rights protection provisions.
3. The replacement structure shall be the same size and height as the original structure, provided:
    a. The footprint of the replacement structure may be up to ten percent (10 %) larger than the footprint of the original structure.
    b. The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.
4. The replacement structure shall only be subject to the following scenic resources standards:
    a. The replacement structure shall comply with the scenic resources provisions regarding color and reflectivity. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.
    b. Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.
    c. The replacement structure shall comply with the scenic resources provisions regarding landscaping.
5. The scenic resource provisions regarding landscaping shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable, provided:
    a. Except as provided in Section 22.06.160(C)(5)(b), 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 Provisions, 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 Section 22.06.160(C)(5)(a) and Section 22.06.160(C)(5)(b), 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.

d. 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 ten (10) years.

iv. The height of any new trees shall not be required to exceed five (5) feet.

v. The time frame for achieving visual subordinance shall be ten (10) years or less from the commencement of construction.

6. The replacement structure shall be subject to Section 22.06.160(B)(1), Section 22.06.160(B)(2), and Section 22.06.160(B)(3) if it would not comply with Section 22.06.160(C)(2) and Section 22.06.160(C)(3).

7. The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two (2) year time frame.

D. **DISCONTINUANCE OF EXISTING USES AND STRUCTURES.** Except as provided in Section 22.06.160(B) and Section 22.06.160(C), any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

1. **MULTIPLE USES.** An existing use or structure with more than one (1) legally established use may discontinue one of the uses without discontinuing the others.

2. **CHANGE IN USE.** An existing use or structure shall become discontinued if the use or use of the structure changes.

E. **DISCONTINUED USES AND STRUCTURES.** Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable provisions in Title 22, including, but not limited to, provisions for land use designations and scenic, cultural, recreation and natural resources.

F. **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 Title.

G. **EXPANSION OF EXISTING INDUSTRIAL USES.** Existing industrial uses may expand as necessary for successful operation on the dedicated site. Expansion beyond the dedicated site shall be prohibited.

H. **CONVERSION OF EXISTING INDUSTRIAL USES 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.

I. **EXISTING DEVELOPMENT OR PRODUCTION OF MINERAL RESOURCES.** 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 shall be deemed discontinued and, therefore, subject to the provisions of this title and other applicable laws if:

1. Mined land has been reclaimed naturally or artificially to a point where it is revegetated to fifty percent (50%) of its original cover, both basal and canopy, or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation;
2. The site has not maintained any required state permit; or
3. The site has not operated legally within five years prior to October 15, 1991.

22.06.170 EXISTING USES – SPECIAL MANAGEMENT AREAS

A. The provisions of Section 22.06.160(A), (B), (C, except 5(a) and (d)), (D) and (F), apply in Special Management Areas as well as General Management Areas.

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

1. The *Scenic Resources Implementation Handbook* shall be utilized to determine approvable species and minimum approvable sizes of new trees planted (based on average growth rates expected for approvable species).
2. The height of any new trees shall not be required to exceed five (5) feet.
3. The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be ten (10) years.

C. Existing commercial and multi-family residential uses may expand as necessary for successful operation on the dedicated site, subject to compliance with all applicable provisions of Chapter 22.18 through Chapter 22.32 of this Title. Expansion beyond the dedicated site shall be prohibited.

D. Solid waste disposal sites or sanitary landfills are prohibited in Special Management Areas.

E. Uses involving the exploration, development or production of sand, gravel or crushed rock 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 Special Management Areas; and

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

22.06.180 GMA TREATY RIGHTS PROVISIONS

A. **TRIBAL NOTICE AND COMMENT PERIOD.**

1. The Administrator shall send a notice to the four (4) tribal governments when new uses are:
   a. Proposed on public lands, or
   b. Proposed in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish.
2. Public lands include lands owned by cities, counties, states and the United States. Lands adjacent to the Columbia River or its fishbearing tributaries are those lands that are situated directly between the Columbia River or its fishbearing tributaries and the closest public access point.
3. Public access points include state highways and parks.
4. Notices sent to the Indian tribal governments shall include a site plan and supplemental information and treaty rights protection plans as set out in Sections 22.06.180(5) and Section 22.06.180(6).
5. New uses located in, or providing recreation access to, the Columbia River or its fishbearing tributaries shall include the following supplemental information:
   a. The site plan map shall show adjacent river areas at least a half (½) mile upstream and downstream from the project site, the locations at which river access is planned and the locations of all tribal fishing sites known to the project applicant.
   b. The site plan text shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:
      i. Describe the type of river access and uses proposed, estimated period when the development would be used, and anticipated levels of use (people, boats, and other uses) during peak-use periods.
      ii. List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.
      iii. List tribal ceremonial fishing seasons in the project vicinity.
      iv. Based on the above factors, assess the potential effects that the proposed uses may have on Indian treaty rights.
6. Notices shall include a treaty rights protection plan if new uses may affect Indian treaty rights. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent onsite monitoring, information signs and highly visible buoys or other markers delineating fishing net locations.
7. Indian tribal governments shall have twenty (20) calendar days from the date a development review notice is mailed by the Department under this Section to submit substantive written comments to the Administrator. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new use(s).

B. **TRIBAL CONSULTATION.**

1. When substantive written comments are submitted to the Administrator in a timely manner under Section 22.06.180(A)(7), the project applicant shall offer to meet with the Administrator and the Indian tribal government that submitted comments, within ten (10) calendar days. The ten (10)-day consultation period may be extended upon agreement between the applicant and the Indian tribal government.
2. Consultation meetings should provide an opportunity for the applicant and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate that his or her proposed use would not affect or modify treaty or other rights of any Indian tribe.
3. Any substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressed by the applicant in a treaty rights protection plan. The protection plan shall include measures to avoid effects to treaty rights and other rights of any Indian tribe.
4. The Administrator shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have thirty (30) calendar days from the date a protection plan is mailed by the Department to submit written comments to the Administrator.

C. **CONCLUSION OF TREATY RIGHTS PROTECTION PROCESS.**

1. The Administrator shall decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.
2. The final decision shall integrate findings of fact that address any substantive comments, recommendations or concerns expressed by Indian tribal governments.
3. If the final decision contradicts the comments, recommendations or concerns of Indian tribal governments, the Administrator shall justify how the contradictory conclusion was reached.
4. The treaty rights protection process may conclude if the Administrator determines that the proposed uses would not affect or modify treaty or other rights of any Indian tribe. Uses that would affect or modify such rights shall be prohibited.
5. A finding by the Administrator that the proposed uses would not affect or modify treaty or other rights, or a failure of an Indian tribe to comment or consult on the proposed uses as provided in this Title, in no way shall be interpreted as a waiver by the Indian tribe of a claim that such uses adversely affect or modify treaty or other tribal rights.

22.06.190 SMA TREATY RIGHTS PROVISIONS

For new development and uses in the Special Management Area, the Forest Service shall determine effects on treaty rights and shall notify the Administrator of the determination.

CHAPTER 22.08 LAND DIVISIONS AND LOT LINE ADJUSTMENTS

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22.08.010 CONSOLIDATION OF LOTS

A. A unit of land shall be consolidated with adjacent lands in the same ownership if the unit of land is smaller than the current minimum lot size and is located within a final plat that created more than four (4) lots and that is older than five (5) years from the date of filing.
B. No portion of a consolidated plat shall be considered a separate parcel solely because an existing parcel overlays, and possibly fragments, that consolidated subdivision.
C. Section 22.08.010(A) shall not be applied to consolidate two (2) or more units of land where each unit of land is developed with a dwelling that qualifies as an existing use. One (1) or more undeveloped units of land shall be consolidated with one (1) or more developed units of land

22.08.020 LAND DIVISIONS

A. 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 polices and provisions in the Management Plan.
B. Unless otherwise specified, creation of a parcel, regardless of size, or any division of land shall be subject to review by the Administrator for compliance with all applicable provisions of this Title first and then SCC Title 17 (Subdivisions).
C. 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, natural, cultural, and recreation resources.

22.08.030 CLUSTER DEVELOPMENT STANDARDS (GMA only)

A. Where authorized, land divisions in the General Management Areas may create parcels smaller than the designated minimum lot size and may include a bonus, as specified under Section 22.08.030(E & F) below, in order to cluster new dwellings. Approval of cluster developments shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land.
B. To approve a cluster development, the County must find that clustering new dwellings will provide a siting opportunity not available through conventional parcel-by-parcel development. These opportunities include, but are not limited to, siting new dwellings to:
    1. Be located in areas with screening vegetation or other features that reduce visibility of development from Key Viewing Areas.
    2. Avoid significant landscape features.
    3. Protect the existing character of the landscape setting.
    4. Reduce interference with movement of deer or elk winter range.

5. Avoid areas of known cultural resources.
6. Consolidate road access, septic drainfields, or other development features to reduce impacts associated with grading or ground disturbance.
7. Reduce adverse effects upon riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources.
8. Increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.

C. Following cluster development, no further division of any resulting parcel for residential purposes shall be allowed until the subject parcel is included within the boundary of an Urban Area.

D. No parcel in a cluster development may be smaller than one (1) acre in Residential 5 (R-5) or Residential 10 (R-10) Zoning Classification or two (2) acres in a Small-Scale Agriculture (Ag-2) or Small Woodland (F-3) Zoning Classification.

E. Cluster development may create up to twenty-five percent (25 %) more parcels than otherwise allowed by the minimum lot size on lands classified as (R-5) or (R-10) and up to fifty percent (50 %) more on lands classified as (Ag-2) or (F-3).

F. Any division in a cluster development may create at least one (1) additional parcel.

G. At least seventy-five percent (75 %) of land subject to a cluster development shall be permanently protected as undeveloped land. The County shall ensure permanent protection for open areas created by cluster development.

H. Contiguous parcels in the same ownership or in separate ownerships may be consolidated and redivided to take advantage of cluster development bonuses.

22.08.040 LOT LINE ADJUSTMENTS - GENERAL MANAGEMENT AREA

A. Lot line adjustments for parcels in all land use designations except Open Space, Commercial, Public Recreation, or Commercial Recreation shall comply with the following standards:
   1. The lot line adjustment shall not result in the creation of any new parcel(s).
   2. 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.
   3. The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum lot size before the lot line adjustment to become less than the minimum lot 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.
   4. The lot line adjustment shall not allow a parcel that is smaller than the minimum lot size to be reduced in size, except to accomplish one of the following purposes:
      a. Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or setback requirement, provided:
         i. The parcel to be enlarged would not become eligible for a subsequent land division; and
         ii. 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 future land divisions and development.

5. The lot line adjustment shall not allow the boundary of a parcel classified as Large-Scale Agriculture (Ag-1), Commercial Forest (F-1), Large Woodland (F-2) or Open Space (O) to be extended into another Zoning Classification for the purpose of establishing a dwelling under less stringent provisions (e.g., extending a parcel classified GMA Large-Scale Agriculture into a parcel classified Rural Center or Residential).

6. The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

7. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

B. Lot line adjustments for parcels designated Open Space shall comply with the following standards:

1. 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.)

2. The lot line adjustment shall not result in the creation of any new parcel(s).

3. The lot line adjustment shall not allow the boundary of a parcel classified as Large-Scale Agriculture (Ag-1), Commercial Forest (F-1), Large Woodland (F-2) or Open Space (O) to be extended into another Zoning Classification for the purpose of establishing a dwelling under less stringent provisions (e.g., extending a parcel classified GMA Large-Scale Agriculture into a parcel classified Rural Center or Residential).

4. The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

5. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

C. Lot line adjustments for parcels designated Commercial shall comply with the following standards:

1. The lot line adjustment shall not result in the creation of any new parcel(s).

2. The lot line adjustment shall not allow the boundary of a parcel classified as Large-Scale Agriculture (Ag-1), Commercial Forest (F-1), Large Woodland (F-2) or Open Space (O) to be extended into another Zoning Classification for the purpose of establishing a dwelling under less stringent provisions (e.g., extending a parcel classified GMA Large-Scale Agriculture into a parcel classified Rural Center or Residential).

3. The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.
4. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

D. Lot line adjustments for parcels designated Public Recreation or Commercial Recreation shall comply with the following standards:
1. 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.)
2. The lot line adjustment shall not result in the creation of any new parcel(s).
3. The lot line adjustment shall not allow the boundary of a parcel classified as Large-Scale Agriculture (Ag-1), Commercial Forest (F-1), Large Woodland (F-2) or Open Space (O) to be extended into another Zoning Classification for the purpose of establishing a dwelling under less stringent provisions (e.g., extending a parcel classified GMA Large-Scale Agriculture into a parcel classified Rural Center or Residential).
4. The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.
5. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

22.08.050 LOT LINE ADJUSTMENTS – SPECIAL MANAGEMENT AREA

A. The following provisions apply to lot line adjustments in the Special Management Area:
1. The proposed lot line adjustment shall not result in the creation of any new parcel(s).
2. A lot line adjustment shall not result in a parcel greater than or equal to forty (40) acres becoming less than forty (40) acres.
3. A lot line adjustment shall not result in a parcel less than forty (40) acres becoming forty (40) acres or greater.
4. A parcel that is smaller than forty (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:
      i. The parcel to be enlarged would not become forty (40) acres or greater; and
      ii. The amount of land transferred would be the minimum necessary to resolve the issue.
   b. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land

to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

5. The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.
6. The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

CHAPTER 22.10 ZONING GENERAL REGULATIONS (GMA AND SMA)

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22.10.010 MAPS AND ZONE BOUNDARIES

A. **MAPS.** Zoning Classifications shall be established pursuant to the Land Use Designations map adopted by the Columbia River Gorge Commission on October 15, 1991 and made a part of that commission's Management Plan (hereinafter referred to as "NSA Land Use Map"), as amended from time to time.

B. **ZONE BOUNDARY LINES.** Where uncertainty exists with respect to the boundary of any zones shown on the NSA Land Use Map, the Gorge Commission shall provide assistance in interpreting the maps. A survey prepared by a Professional Land Surveyor licensed in the State of Washington and hired by the applicant may be necessary.

22.10.020 ACTIONS PROHIBITED IN GENERAL MANAGEMENT AREA

The following activities and/or uses of land are prohibited in General Management Area:

A. Any permit for siting or construction outside urban areas of industrial facilities.

22.10.030 ACTIONS PROHIBITED IN SPECIAL MANAGEMENT AREA

The following activities and/or uses of land are prohibited in Special Management Area:

A. Subdivisions, partitions and short plats, unless the creation of a new parcel will facilitate land adjustments by the federal government to achieve the purposes of the National Scenic Area Act and the Management Plan.
B. In Special Management Areas, the siting and construction of any new residence or other related major structures is prohibited on parcels of less than forty (40) acres.
C. Any permit for siting or construction outside urban areas of multifamily residential, industrial or commercial facilities, except such facilities as are included in the recreational assessment;
D. Exploration, development and production of mineral resources, unless such exploration, development or production can be conducted without disturbing the surface of any land within the boundaries of a Special Management Area, or is conducted within a Forest, Agriculture or Public Recreation zone and is for sand, gravel and crushed rock used for the construction, maintenance or reconstruction of roads within the Special Management Areas used for the production of forest products; and,
E. Solid waste disposal sites or sanitary landfills.

22.10.040 USES ALLOWED OUTRIGHT

A. The following uses may be allowed without review in all GMA and SMA land use designations, except GMA and SMA Open Space:

1. In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than five (5) years shall be considered new cultivation. For this provision, cultivation and vegetation removal may be allowed in conjunction with a home garden.
2. In the Special Management Area, agricultural uses within previously disturbed and regularly worked fields or areas.
3. Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and developments.
4. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.
5. Accessory structures sixty (60) square feet or less in area and ten (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.
6. 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 ten (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.
7. Wire-strand fences less than or equal to forty-eight (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.
8. The following transportation facilities:
    a. 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:
        i. The same location and size as the existing structures and
        ii. 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:
            (1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or
            (2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled “Scenic Travel Corridors.”
    b. Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:
        i. The same location and size as the existing structures and
        ii. 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:

(1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or

(2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled "Scenic Travel Corridors."

c. New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

d. Permanent public regulatory, guide, and warning signs, except those excluded below, provided:

i. The signs comply with the *Manual for Uniform Traffic Control Devices* and

ii. 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.

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

i. Located inside rights-of-way that have been disturbed in the past; and

ii. 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:

(1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or

(2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled "Scenic Travel Corridors."

f. New guardrails and guardrail ends, provided the structures are:

i. Located inside rights-of-way that have been disturbed in the past; and

ii. 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:

(1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or

(2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled "Scenic Travel Corridors."

iii. This category does not include jersey barriers.

g. 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.

h. 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.

i. Resurface or overlay existing paved roads, provided the activity does not:

i. Increase the width of a road;

ii. Disturb the toe of adjacent embankments, slopes or cut banks; or

iii. Change existing structures or add new structures.

j. Apply dust abatement products to non-paved road surfaces.

k. Grade and gravel existing road shoulders, provided the activity does not:

i. Increase the width of a road;

ii. Disturb the toe of adjacent embankments, slopes or cut banks; or

iii. Change existing structures or add new structures.

l. Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to thirty (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).

9. The following underground utility facilities:

a. 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.

b. 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:

i. No excavation would extend more than twelve (12) inches beyond the depth and extent of the original excavation;

ii. No ditch for linear facilities would be more than twenty-four (24) inches wide;

iii. No excavation for non-linear facilities would exceed ten (10) cubic yards; and

iv. No recorded archaeological site is located within 500 feet of the development.

v. To comply with Section 22.10.040(A)(9)(b)(iv), the entity or person undertaking the development shall contact the Washington State Department of Archaeology and Historic Preservation (DAHP) and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

10. The following aboveground and overhead utility facilities:

a. 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:

i. The same location and size as the existing facilities; and

ii. 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:

(1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or

(2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled "Scenic Travel Corridors."

b. Replace existing utility poles, provided the replacement poles are:

i. Located within five (5) feet of the original poles;

ii. No more than five (5) feet taller and six (6) inches wider than the original poles; and

iii. 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.

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

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

12. The following signs:

a. **Election** signs. Removal must be accomplished within thirty (30) days of election day.

b. **"For sale"** signs not greater than twelve (12) square feet. Removal must be accomplished within thirty (30) days of close of sale.

c. **Temporary construction** site identification, **public service company, safety**, or **information** signs not greater than thirty-two (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 thirty (30) days of project completion.

d. 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 six (6) square feet in the General Management Area and two (2) square feet in the Special Management Area.

e. **Temporary** signs advertising **civil, social, or political gatherings and activities**, provided such signs do not exceed twelve (12) square feet. Removal must be accomplished within thirty (30) days of the close of the event.

f. Signs **posted by governmental jurisdictions giving notice to the public**. Such signs shall be no larger than that required to convey the intended message.

g. 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).

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

B. The following uses may be allowed without review in GMA and SMA Open Space:

1. Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.
2. The following transportation facilities:
   a. 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:
      i. The same location and size as the existing structures; and
      ii. 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:
         (1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or
         (2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled "Scenic Travel Corridors."
   b. Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are:
      i. The same location and size as the existing structures; and
      ii. 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:
         (1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or
         (2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled "Scenic Travel Corridors."
   c. New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.
   d. Permanent public regulatory, guide, and warning signs, except those excluded below, provided:
      i. The signs comply with the *Manual for Uniform Traffic Control Devices*; and
      ii. 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.
   e. Extensions of existing guardrails less than or equal to fifty (50) feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are:
      i. Located inside rights-of-way that have been disturbed in the past; and
      ii. 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."

f. New guardrails and guardrail ends, provided the structures are:
   i. Located inside rights-of-way that have been disturbed in the past; and
   ii. 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:
      (1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or
      (2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled "Scenic Travel Corridors."
   iii. This category does not include jersey barriers.

g. 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.

h. 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.

i. Resurface or overlay existing paved roads, provided the activity does not:
   i. Increase the width of a road;
   ii. Disturb the toe of adjacent embankments, slopes or cut banks; or
   iii. Change existing structures or add new structures.

j. Apply dust abatement products to non-paved road surfaces.

k. Grade and gravel existing road shoulders, provided the activity does not:
   i. Increase the width of a road;
   ii. Disturb the toe of adjacent embankments, slopes or cut banks; or
   iii. Change existing structures or add new structures.

l. Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to thirty (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).

3. The following underground utility facilities:

a. 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.

b. 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:

i. No excavation would extend more than twelve (12) inches beyond the depth and extent of the original excavation,

ii. No ditch for linear facilities would be more than twenty-four (24) inches wide,

iii. No excavation for non-linear facilities would exceed ten (10) cubic yards, and

iv. No recorded archaeological site is located within 500 feet of the development.

(1) To comply with Section 22.10.040(B)(3)(iv), the entity or person undertaking the development shall contact the Washington State Department of Archaeology and Historic Preservation and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

4. The following aboveground and overhead utility facilities:

a. 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:

i. The same location and size as the existing facilities and

ii. 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:

(1) *Historic Columbia River Highway Master Plan* for the Historic Columbia River Highway; or

(2) A scenic highway corridor strategy for Interstate 84 or Washington State Route 14 prepared according to the policies of the portion of the Management Plan Scenic Resources Section titled “Scenic Travel Corridors.”

b. Replace existing utility poles, provided the replacement poles are:

i. Located within five (5) feet of the original poles,

ii. No more than five (5) feet taller and six (6) inches wider than the original poles, and

iii. 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.

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

5. The following signs:

a. Election signs. Removal must be accomplished within thirty (30) days of election day.

b. "For sale" signs not greater than twelve (12) square feet. Removal must be accomplished within thirty (30) days of close of sale.

c. Temporary construction site identification, public service company, safety, or information signs not greater than thirty-two (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 thirty (30) days of project completion.

d. 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 six (6) square feet in the GMA and two (2) square feet in the SMA.

e. Temporary signs advertising civil, social, or political gatherings and activities, provided such signs do not exceed twelve (12) square feet. Removal must be accomplished within thirty (30) days of the close of the event.

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

g. 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).

22.10.050 EXPEDITED DEVELOPMENT REVIEW USES

The following developments may be reviewed using the expedited development review process, provided they comply with the process provisions pursuant to Section 22.06.140.

A. Except in Open Space, accessory structures between sixty (60) and 200 square feet in area and ten (10) feet or less in height. Only one accessory building per parcel may be allowed under this provision, 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 provision, 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 six (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 Section 22.20.030(B) 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 eighty (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 natural grade.

G. Road closure gates.

H. Signs, other than those allowed outright.

I. Outdoor lights.

J. The following transportation facilities provided they are not part of larger construction of 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.
2. This category does not include jersey barriers.
3. 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 twelve (12) feet in height. This category does not include signs.
4. 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.
5. 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 twelve (12) feet in height.

K. 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 thirty-six (36) inches wide; and
2. No excavation for non-linear facilities would exceed twenty (20) cubic yards.

L. The following aboveground and overhead utility facilities:

1. Modify existing aboveground and overhead utility facilities or develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to twelve (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 of facilities would be in the same location and no more than fifteen percent (15%) 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.

M. Retaining walls accessory to existing dwellings less than or equal to two (2) feet in height and less than or equal to 100 feet in length.

N. In the Special Management Area, wind machines for frost control in conjunction with agricultural use.

O. Lot line adjustments in the GMA that would not result in the potential to create additional parcels through subsequent land divisions, subject to Section 22.08.040, except all lot line adjustments for parcels designated Open Space, Public Recreation, or Commercial Recreation shall be reviewed through the full development review process.

P. Lot line adjustments in the SMA, subject to Section 22.08.050.

Q. Removal/demolition of structures that are less than fifty (50) years old, including wells, septic tanks and fuel tanks.

R. Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.
S. Trail reconstruction involving up to 1,000 feet of trail en-route.
T. 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 (Section 22.04.010(E)(60) and Existing Uses (Section 22.06.160 in GMA and Section 22.06.170 in SMA);
    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 twenty percent (20%) 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 twenty-five percent (25%) greater than a double-wide mobile home to be replaced.
U. 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.

22.10.060 MINIMUM LOT SIZE

A. In General Management Areas, minimum lot sizes shall be as set forth on the maps referred to in Section 22.10.010(A), unless a larger minimum lot size is required by the local health department authority. The following Zoning Classifications are established on the maps with the following minimum lot sizes:
    1. Residential 1 (R-1) Zoning Classification has a minimum lot size of one (1) acre.
    2. Residential 2 (R-2) Zoning Classification has a minimum lot size of two (2) acres.
    3. Residential 5 (R-5) Zoning Classification has a minimum lot size of five (5) acres.
    4. Residential 10 (R-10) Zoning Classification has a minimum lot size of ten (10) acres.
B. In General Management Areas, minimum lot sizes in the Rural Center (RC) Zoning Classification shall be one (1) acre, unless a larger minimum lot size is required by the local health department authority.
C. In General Management Areas, minimum lot sizes in the Commercial (C) Zoning Classification shall be one (1) acre, unless a larger minimum lot size is required by the local health department authority.
D. In General Management Areas, minimum lot sizes in the Small Woodland (F-3) Zoning Classification shall be as set forth on the maps referred to in Section 22.10.010(A), unless a larger minimum lot size is required by the local health department authority. The following minimum lot sizes are established on the maps for the Small Woodland (F-3) Zoning Classification:
    1. Small Woodland (F-3) 20 has a minimum lot size of twenty (20) acres.
    2. Small Woodland (F-3) 40 has a minimum lot size of forty (40) acres.
    3. Small Woodland (F-3) 80 has a minimum lot size of eighty (80) acres.
E. Where authorized in the General Management Areas, parcels smaller than the designated minimum size may be created, as specified in Section 22.08.030.

F. In Special Management Areas, new residential development is prohibited on parcels of less than forty (40) acres.

G. In the National Scenic Area, the fact that a parcel is of sufficient size to meet the minimum lot size does not mean that residential use of the property is otherwise allowed. All residential development is subject to compliance with other standards set out in this Title.

22.10.070 MINIMUM LOT LINE SETBACKS

The following are the minimum lot line setbacks for all structures except fences. The lot line setbacks shall not reduce or otherwise affect the buffers in this ordinance that protect agricultural and forest lands as well as scenic, natural, cultural, and recreation resources (resource buffers). If a conflict arises between the property line setbacks and the resource buffers, the resource buffers shall prevail. Variances to the minimum lot line setbacks may be granted through Section 22.06.040.

A. Parcels of land less than two (2.0) acres:
   1. **FRONT YARD**: forty-five (45) feet from the centerline of the street or road or fifteen (15) feet from the front property line, whichever is greater.
   2. **SIDE YARD**: five (5) feet.
   3. **REAR YARD**: fifteen (15) feet.

B. Parcels of land two (2.0) acres or greater:
   1. **FRONT YARD**: fifty (50) feet from the centerline of the street or road or twenty (20) feet from the front property line, whichever is greater.
   2. **SIDE YARD**: twenty (20) feet.
   3. **REAR YARD**: twenty (20) feet.

CHAPTER 22.12 ZONING SUPPLEMENTAL STANDARDS ON USES AND STRUCTURES (GMA AND SMA)

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22.12.010 AGRICULTURAL BUILDINGS

A. The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.
B. To satisfy Section 22.12.010(A), applicants shall submit the following information with their land use application:
   1. A description of the size and characteristics of current agricultural use.
   2. An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).
   3. A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

22.12.020 BED AND BREAKFAST INNS

Bed and breakfast inns may be established as authorized in specified land use designations consistent with the following:

A. Guests may not occupy a facility for more than fourteen (14) consecutive days.
B. One (1) non-animated, non-illuminated sign not exceeding four (4) square feet in area may be permitted on the structure or within the yard containing the structure.
C. Parking areas shall be screened so as to not be visible from Key Viewing Areas.
D. In Special Management Areas, 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.

22.12.030 COMMERCIAL EVENTS (GMA ONLY)

A. Commercial events include weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel.

B. Commercial events may be allowed in the General Management Area except on lands classified as Open Space or Commercial Forest, subject to compliance with the following criteria and the scenic, natural, cultural, and recreation resource protection provisions:

1. The use shall be in conjunction with a lawful winery, wine sales/tasting room, bed and breakfast inn, commercial use, or dwelling listed in the National Register of Historic Places.
2. The owner of the subject parcel shall live on the parcel and shall operate and manage the use.
3. A single commercial event shall host no more than100 guests.
4. The use shall comply with the following parking requirements:
   a. A single commercial event shall include no more than fifty (50) vehicles for guests.
   b. All parking shall occur on the subject parcel.
   c. At least 200 square feet of parking space shall be required for each vehicle.
   d. Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.
   e. All parking areas shall be fully screened from key viewing areas.
5. The owner of the subject parcel may conduct up to eighteen (18) single events up to one day in length per year.
6. The owner of the subject parcel shall notify the Administrator 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 (7) calendar days before an event.
7. 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 (2) days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to ninety (90) days if they are fully screened from key viewing areas.
8. The use may be allowed upon demonstration that the following conditions exist to protect any nearby agricultural and forest operations:
   a. The use would not force a change in or increase the cost of accepted agricultural practices on surrounding lands (See Section 22.14.010 and Section 22.14.020).
   b. The use would be set back from any abutting parcel classified as Large-Scale Agriculture (Ag-1) or Small-Scale Agriculture (Ag-2), as required in Sections 22.14.010(D) and 22.14.020(D), or classified as Commercial Forest (F-1), Large Woodland (F-2) or Small Woodland (F-3), as required in Sections 22.14.030(B), 22.14.040(B), and 22.14.050(B).
   c. A declaration has been signed by the landowner and recorded in the Skamania County Auditor's Office 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 classified as Large-Scale Agriculture (Ag-1), Small-Scale Agriculture (Ag-2), Commercial

Forest (F-1), Large Woodland (F-2) or Small Woodland (F-3) (See Sections 22.14.010 through 22.14.050).

d. All owners of land in areas classified as Large-Scale Agriculture (Ag-1) or Small-Scale Agriculture (Ag-2), or Commercial Forest (F-1), Large Woodland (F-2) or Small Woodland (F-3) 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 ten (10) days to comment prior to a decision. (Sections 22.14.010 through 050).

9. Skamania County may impose additional requirements to address potential impacts to surrounding neighbors. For example, there may be conditions to limit noise, lighting and hours of operation.

10. Administrative Decisions for commercial events shall not be valid for more than two (2) years. Landowners must submit a new application for review after the Administrative Decision expires.

22.12.040 DISPOSAL SITES FOR SPOIL MATERIALS FROM PUBLIC ROAD MAINTENANCE ACTIVITIES.

A. **APPLICATION REQUIREMENTS.** In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and production and/or development of mineral resources in the GMA, including, but not limited to:

1. A reclamation plan that provides all the applicable information specified in Sections 22.18.040(X), 22.18.040(Y), 22.18.040(Z), 22.18.040(AA), and 22.18.040(BB).
   a. The words “pre-reclamation” and “post-reclamation” should replace the words “pre-disposal” and “post-disposal”; and
   b. The appropriate state agency or local government does not have to approve the reclamation plan.
2. Perspective drawings of the site as seen from key viewing areas as specified in Section 22.18.040(X).
3. Cultural resource ~~reconnaissance~~archaeological and historic surveys, as required in Chapter 22.22. Disposal sites shall be considered a “large-scale use.”
4. Field surveys to identify sensitive wildlife areas or sites and sensitive plants as described in Chapter 22.20.

B. **SITING STANDARD.** The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the Scenic Area or inside an Urban Area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the Scenic Area and inside an Urban Area.

C. **SCENIC RESOURCE STANDARDS.** Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and production and/or development of mineral resources in the GMA, including, but not limited to:

   a. Sites more than 3 miles from the nearest key viewing area shall be visually subordinate as seen from any key viewing area. 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 three (3) miles from the nearest key viewing area shall be fully screened from any key viewing area. 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 one (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.

22.12.050 DOCKS AND BOATHOUSES.

A. New, private docks and boathouses serving only one (1) family and one (1) property shall be allowed, up to 120 square feet in size.

B. New, private docks and boathouses serving more than one (1) family and property shall be allowed, up to 200 square feet in size.

C. Public docks open and available for public use shall be allowed.

D. Boathouses may be allowed under Section 22.12.050(A) and Section 22.12.050(B) only when accessory to a dwelling and associated with a navigable river or lake.

22.12.060 HOME OCCUPATIONS AND COTTAGE INDUSTRIES

Home occupations and cottage industries may be established as authorized in specified zones consistent with the following:

A. A home occupation may employ only residents of the home.

B. A cottage industry may employ up to three (3) outside employees.

C. No more than twenty-five percent (25%) of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.

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

E. There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.

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

G. No retail sales may occur on the premises, except incidental sales at lodging establishments authorized in this chapter.

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

I. Parking not associated with residential use shall be screened from Key Viewing Areas.

J. Bed and breakfast lodging establishment which is two (2) bedrooms or less is considered a home occupation, but shall also comply with the provisions of Section 22.12.020, except in the SMA 22.12.020(D) is not required.

22.12.070 RESOURCE ENHANCEMENT PROJECTS.

A. Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project.

B. In addition to other provisions that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following provisions:

1. **Application Requirements.** In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as seen from key viewing areas as specified in Section 22.18.040(X) and a reclamation plan that provides all the applicable information specified in Sections 22.18.040(X), 22.18.040(Y), 22.18.040(Z), 22.18.040(AA), and 22.18.040(BB), except:
   a. The words "pre-reclamation" and "post-reclamation" should replace the words "pre-mining" and "post-mining," respectively; and
   b. the appropriate state agency or local government does not have to approve the reclamation plan.
2. **Scenic Resource Standard.** Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.
3. **Natural Resource Standard.** Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.
4. **Time Frames.** The following time frames shall apply to quarry enhancement projects:
   a. All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.
   b. All landscaping shall be planted within one (1) year of the date an applicant completes the grading.
   c. An applicant may request a single one (1) year extension to the one (1) 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 (1) year grading time frame has expired.
   d. An applicant may also request a single six (6) 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.

22.12.080 SIGNS – GENERAL MANAGEMENT AREAS

A. Except signs allowed without review elsewhere in this Title, all new signs must meet the following standards unless those standards conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in said manual shall supersede the following:
   1. The support structure shall be unobtrusive and have low visual impact.
   2. Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Signs shall be colored to blend with their setting to the maximum extent practicable.
   3. Backs of all signs shall be unobtrusive, nonreflective and blend in with the setting.
   4. Spotlighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.
   5. Except for signs along public highways necessary for public safety, traffic control, or road construction and consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited:
      a. Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays, and other signs that are internally illuminated, exclusive of seasonal holiday light displays.
      b. New billboards.
      c. Signs with moving elements.
      d. Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

B. Any sign that does not conform with a provision of this section and has existed before its adoption is subject to the following provisions:
   1. Alteration of existing nonconforming signs shall comply with this section.
   2. Any nonconforming sign used by a business must be brought into conformance concurrent with any expansion or change in use that requires a development permit.

22.12.090 SIGNS – SPECIAL MANAGEMENT AREAS

A. **SIGN STANDARDS.**
   1. New signs shall be allowed as specified in the applicable land use zone.
   2. No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.
   3. 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 Section 22.10.040(A)(12) and Section 22.10.040(B)(5), all new signs shall meet the following provisions 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, nonreflective 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 those set out in Section 22.12.090(A)(1) through Section 22.12.090(A)(4):

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 provisions of that 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 standards in addition to those set out in Section 22.12.090(A)(1) through Section 22.12.090(A)(4) and Section 22.12.090(B):

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

b. Any signs relating to or advertising for a business shall be brought into conformance with these sign standards before any expansion or change in use that is subject to review under this Title.

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 purposes(s) of the facilities.

d. Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding sixteen (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. 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.

B. **PROHIBITED SIGNS.**

1. Advertising billboards.

2. Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.

3. 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.

22.12.100 SMALL-SCALE FISHING SUPPORT AND FISH PROCESSING OPERATIONS

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. The operation shall comply with Section 22.06.180, and if located in Small Woodland (F-3) Classification, then Section 22.14.050(A) and Section 22.14.050(B).
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 twenty-five (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 Section 22.12.100(H)(2) may be combined into one (1) 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.

22.12.110 TEMPORARY USE HARDSHIP DWELLING

A permit for the temporary placement of a mobile home may be granted if:

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 and unless the hardship dwelling can use an existing public sanitary sewer system.
C. Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within thirty (30) days.
D. The mobile home and its placement are otherwise consistent with all applicable laws.
E. A permit may be issued for a two (2) year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.
F. A new permit may be granted upon a finding that a family hardship continues to exist.

22.12.120 SPECIAL USES IN HISTORIC BUILDINGS (GMA ONLY)

A. Special uses in historic buildings may be allowed as follows and subject to "Additional Resource Protection Guidelines for Special Uses in Historic Buildings" (22.12.120(B)).
   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 provisions to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Provisions for Special Uses in Historic Buildings": Cultural Resources Provisions (Section 22.12.120(B)(1)(b)(i) and (ii), and Section 22.12.120(B)(1)(c) through Section 22.12.120(B)(1)(e)); and all Scenic, Recreation, Agriculture and Forest Lands Provisions (Section 22.12.120(B)(2) through Section 22.120(B)(4)). 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 provisions to protect scenic, cultural, natural and recreation resources and the following sections of the

"Additional Resource Protection Provisions for Special Uses in Historic Buildings": Cultural Resources Provisions (Section 22.12.120(B)(1)(b)(i) and (ii), and Section 22.12.120(B)(1)(c) through Section 22.12.120(B)(1)(e)); and all Scenic, Recreation, Agriculture and Forest Lands Provisions (Section 22.12.120(B)(2) through Section 22.12.120(B)(4)). 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 provisions to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Provisions for Special Uses in Historic Buildings": Cultural Resources Provisions Section 22.12.120(B)(1)(b) through (e); and all Scenic, Recreation, Agriculture and Forest Lands Provisions (Section 22.12.120(B)(2) through Section 22.12.120(B)(4)).

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 provisions to protect scenic, cultural, natural and recreation resources and "Additional Resource Protection Provisions for Special 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:

i. incidental and subordinate to another approved use included in Section 22.12.120(A)(4); and

ii. 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 provisions 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 Provisions in Section 22.12.120(B)(1)(a) of "Additional Resource Protection Provisions for Special Uses in Historic Buildings."

6. Uses listed in Section 22.12.120(A)(3) and Section 22.12.120(A)(4)(c) are not subject to the "Commercial Events" provisions in Section 22.12.030. Commercial events at historic properties will be regulated by the provisions contained in this section. Applications for commercial events shall include all information in the "Operational Plan for Commercial Events" as specified in Section 22.12.120(B)(1)(b)(iv) of "Additional Resource Protection Provisions for Special Uses in 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 listed in Section 22.12.120(A)(1) and Section 22.12.120(A)(4)(i) are not subject to the parking limits and associated "Facility Design Provisions" in the Recreation Intensity Classes.

8. Land use approvals for special uses in historic buildings shall be subject to review by the Administrator every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to the Administrator on the progress made in implementing the "Protection and Enhancement Plan" required in Cultural Resources (Section 22.12.120(B)(1)) of "Additional Resource Protection Provisions for Special Uses in Historic Buildings". The Administrator shall submit a copy of the applicant's documentation to the Washington State Department of Archaeology and Historic Preservation (DAHP). DAHP shall have 30 calendar days from the date this information is mailed to submit written comments to the Administrator. If the Administrator's determination contradicts comments from the DAHP, the Administrator shall justify how the opposing conclusion was reached. The Administrator shall revoke the land use approval if the applicant 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 Administrator may, however, allow such a use to continue for up to one additional year from the date the Administrator 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.

B. Additional Resource Protection Provisions for Special Uses in Historic Buildings. The following provisions apply to proposed uses listed under "Special Uses for Historic Buildings" in addition to all other relevant provisions for protection of scenic, cultural, natural and recreation resources:

1. Cultural Resources

a. All applications for uses listed in Section 22.12.120(A)(4), 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" (Section 22.22.010(E)(2). 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 Administrator, based on input from DAHP. The Administrator shall submit a copy of any historic survey and evaluation of eligibility to DAHP. DAHP shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the Administrator. If the Administrator's determination contradicts comments from DAHP, the Administrator shall justify how an opposing conclusion was reached.

b. Applications for Special Uses for Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

i. 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.

ii. 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*.

iii. 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.

iv. 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:

(1) Number of events to be held annually.

(2) Maximum size of events, including number of guests and vehicles at proposed parking area.

(3) Provision for temporary structures, including location and type of structures anticipated.

(4) How the proposed commercial events will contribute to protection and enhancement of the historic resource.

c. The Administrator shall submit a copy of the "Protection and Enhancement Plan" to (DAHP). DAHP shall have 30 calendar days from the date this information is mailed to submit written comments to the Administrator. DAHP 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.

d. Any alterations to the building or surrounding area associated with the proposed use have been determined by the Administrator 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 Administrator's final decision contradicts the comments submitted by DAHP, the Administrator shall justify how an opposing conclusion was reached.

e. The proposed use has been determined by the Administrator 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 Administrator's final decision contradicts the comments submitted by DAHP, the Administrator shall justify how an opposing conclusion was reached.

2. Scenic Resources

a. 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.

b. 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 subordinance. 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.

c. 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 Administrator determines that they will be visually subordinate from Key Viewing Areas.

3. Recreation Resources

a. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

4. Agricultural and Forest Lands

a. The proposed use is compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

b. The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

c. A declaration has been signed by the landowner and recorded in the County Auditor's 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 classified Ag-1, Ag-2, F-1, F-2, and F-3.

d. All owners of land in areas classified as Ag-1, Ag-2, F-1, F-2, or F-3 that lies 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 ten (10) days to comment prior to a decision on an application for a Special Use for a Historic Building.

CHAPTER 22.14 ZONING CLASSIFICATIONS GENERAL MANAGEMENT AREAS

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22.14.010 LARGE-SCALE AGRICULTURAL (AG-1) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.

C. **REVIEW USES.**

1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources:
   a. New cultivation.
   b. Agricultural structures, except buildings, in conjunction with agricultural use.
   c. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one (1) year and complete within five (5) years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).
   d. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.010(C)(1)(e) or Section 22.14.010(C)(1)(f), below.
   e. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel less than or equal to ten (10) acres in size are subject to the following additional standards:
      i. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
      ii. The height of any individual accessory building shall not exceed twenty-four (24) feet.
   f. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel larger than ten (10) acres in size are subject to the following additional standards:

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

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

iv. The height of any individual accessory building shall not exceed twenty-four (24) feet.

g. The temporary use of a mobile home in the case of a family hardship subject to Section 22.12.110.

h. Construction, reconstruction or modifications of roads, not in conjunction with agriculture or with forest use or forest practices.

i. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

j. Structures associated with hunting and fishing operations.

k. Towers and fire stations for forest fire protection.

l. Land divisions, subject to the minimum lot sizes designated on the Land Use Designations Map. See also Section 22.10.060.

m. Life estates. A landowner who sells or otherwise transfers real property may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined herein. A second dwelling in conjunction with agricultural use may be allowed, subject to the resource protection Chapters 22.18 through 22.24 of this Title and if:

i. The proposed dwelling is in conjunction with agricultural use as set out in Section 22.14.010(C)(1)(s), below; and

ii. Upon termination of the life estate, the original or second dwelling shall be removed.

n. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the provisions in Section 22.08.040.

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

p. Docks and boathouses, subject to Section 22.12.050 "Docks and Boathouses."

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

r. Commercial events, subject to Section 22.12.030 "Commercial Events.

s. A single-family dwelling in conjunction with agricultural use, upon a demonstration that:

i. No other dwellings exist on the subject farm or ranch, including all of its constituent parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and that could be used as the principal agricultural dwelling;

ii. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. The farm or ranch must currently satisfy the income capability test set out in Section 22.14.010(C)(1)(s)(iii), below; and

iii. The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(1) Size of the entire farm or ranch, including all land in the same ownership;

(2) Type(s) of agricultural uses (crops, livestock) and acreage;

(3) Operational requirements for the particular agricultural use common to area agricultural operations; and

(4) The farm or ranch, and all its constituent parcels, is capable of producing at least $40,000 in gross annual income. This determination can be made using the formula (X)(Y)(Z) = I, where:

(a) X = Average yield of the commodity per acre, or unit of production;

(b) Y = Average price of the commodity;

(c) Z = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch; and

(d) I = Income capability.

t. Agricultural labor housing upon a showing that:

i. The proposed housing is necessary and accessory to a current agricultural use.

ii. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.

iii. The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

u. A second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places.

v. A single-family dwelling not in conjunction with agricultural use if located on a parcel which was legally created and existing prior to November 17, 1986, upon a demonstration that:

i. The dwelling will not force a change in or increase the cost of accepted agricultural practices on surrounding lands;

ii. The subject parcel is predominantly unsuitable for the production of farm crops and livestock, considering soils, terrain, location and size of the parcel. Size alone shall not be used to determine whether a parcel is unsuitable for agricultural use. An analysis of suitability shall include the capacity of the subject parcel to be utilized in conjunction with other agricultural operations in the area;

iii. The dwelling shall be set back from any abutting parcel, as required in Section 22.14.010(D);

iv. A declaration has been signed by the landowner and recorded in the Auditor's deed records specifying that the owners, successor, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agricultural or forest practices on lands designated Ag-1, Ag-2, F-1, F-2 or F-3; and,
All owners of land in areas designated Ag-1, Ag-2, F-1, F-2 or F-3 that are within 500 feet of the perimeter of the subject parcel on which the dwelling is proposed to be located have been notified and given at least ten (10) days to comment prior to a decision.

w. A single-family dwelling for an agricultural operator's relative provided that:
i. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means, grandparent, grandchild, parent, child, brother or sister;
ii. The dwelling would be located in the same parcel as the dwelling of the principal operator; and
iii. The operation is a commercial enterprise as determined using the factors set out in Section 22.14.010(C)(1)(s)(iii).

x. Special uses in historic buildings, subject to the provisions in Section 22.12.120 "Special Uses in Historic Buildings (GMA only)."

2. The following uses are subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreational resources, and may be allowed if:

a. The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agriculture use; and

b. The use will be sited to minimize the loss of lands suitable for the production of crops and livestock:
i. Personal-use airstrips, including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.
ii. Utility facilities and railroads necessary for public service upon a showing that:
(1) There is no practicable alternative location with less adverse effect on agriculture and forest lands; and
(2) The size is the minimum necessary to provide the service.
iii. Home occupations or cottage industries in existing residential or accessory structures, subject to Section 22.12.060.
iv. Wineries in conjunction with on-site viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.
v. Wine sales/tasting rooms, in conjunction with an on-site winery.

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

vii. Boarding of horses. The Administrator shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal equivalent units provided in the guidance documents by Underwood Conservation District, WSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

viii. Bed and breakfast inns in single-family dwellings, subject to Section 22.12.020, provided that the residence:

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

(2) Is listed on the Washington State Register of Historic Places maintained by the Washington State Department of Archaeology and Historic Preservation.

ix. Nonprofit, environmental learning or research facilities.

x. Expansion of existing school or place of worship.

xi. Recreation development, subject to provisions governing recreational intensity classes set out in Section 22.24.020(B) of this Title.

xii. Aquaculture.

xiii. Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.

xiv. Exploration, development and production of mineral and geothermal resources.

xv. Disposal sites managed and operated by the Washington State Department of Transportation, or Skamania County Department of Public Works for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with Section 22.12.040 the provisions in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities."

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

D. **AGRICULTURAL SETBACKS (BUFFERS).**

1. All new buildings, as specified, shall comply with the setbacks presented in Table 1 below when proposed to be located on a parcel which is within or adjacent to lands classified as Ag-1 or Ag-2 and are currently used for or are suitable for agricultural use. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

Table 1. New building setbacks when proposed adjacent to agriculture.

Type of Agriculture	Buffer Type		
	Open or Fenced	**Natural or Created Vegetation Barrier**	**8-foot Berm or Terrain Barrier**
Orchards	250’	100’	75’

Row crops/Vegetables	300’	100’	75’
Livestock grazing, pasture, haying	100’	15’	20’
Grains	200’	75’	50’
Berries, vineyards	150’	50’	30’
Other	100’	50’	30’

2. Earth berms may be used to satisfy, in part, setback requirements. The berm shall be a minimum of eight (8) feet in height, and contoured at three-to-one (3:1) slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet. The berming must be completed during the first phase of development and maintained in good condition.
3. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback requirements. Trees shall be at least six (6) feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous. The vegetative screening must completely planted during the first phase of development and maintained in good condition.
4. Variances to the setback requirements set out above may be granted pursuant to Section 22.06.040

22.14.020 SMALL SCALE AGRICULTURAL (AG-2) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.
B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.
C. **REVIEW USES.**
1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources:
   a. New cultivation.
   b. Agricultural structures, except buildings, in conjunction with agricultural use.
   c. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one (1) year and complete within five (5) years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).
   d. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.020(C)(1)(e) or Section 22.14.020(C)(1)(f), below.
   e. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel less than or equal to ten (10) acres in size are subject to the following additional standards:
      i. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit

refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

ii. The height of any individual accessory building shall not exceed twenty-four (24) feet.

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

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

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

iii. The height of any individual accessory building shall not exceed twenty-four (24) feet.

g. The temporary use of a mobile home in the case of a family hardship. See also Section 22.12.110

h. Construction, reconstruction or modifications of roads, not in conjunction with agriculture or with forest use or forest practices.

i. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

j. Structures associated with hunting and fishing operations.

k. Towers and fire stations for forest fire protection.

l. Land divisions, subject to the minimum lot sizes designated on the Land Use Designations Map. See also Section 22.10.060.

m. Land division, known as Cluster Development subject to Section 22.08.030, and provided that this provision will only apply to parcels that are currently at least double the required minimum lot size. For example, if the minimum lot size is forty (40) acres, then this provision shall only apply if the parcel is at least eighty (80) acres in size.

n. Life estates. A landowner who sells or otherwise transfers real property may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined herein. A second dwelling in conjunction with agricultural use may be allowed, subject to the resource protection Chapters 22.18 through 22.24 of this Title and if:

i. The proposed dwelling is in conjunction with agricultural use as set out in Section 22.14.020(C)(1)(t); and

ii. Upon termination of the life estate, the original or second dwelling shall be removed.

o. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the provisions in Section 22.08.040.

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

q. Docks and boathouses, subject to Section 22.12.050 the provisions in "Docks and Boathouses."

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

s. Commercial events, subject to Section 22.12.030 the provisions in "Commercial Events."

t. Agricultural labor housing upon a showing that:

i. The proposed housing is necessary and accessory to a current agricultural use.

ii. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.

iii. The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

u. A single-family dwelling on any legally existing parcel.

v. Special uses in historic buildings, subject to the provisions in Section 22.12.120 "Special Uses in Historic Buildings (GMA only)."

2. The following uses are subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreational resources, and may be allowed if:

a. The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agriculture use; and

b. The use will be sited to minimize the loss of lands suitable for the production of crops and livestock:

i. Personal-use airstrips, including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airstrip other than those owned or controlled by the owner of the airstrip.

ii. Utility facilities and railroads necessary for public service upon a showing that:

(1) There is no practicable alternative location with less adverse effect on agriculture and forest lands; and

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

iii. Home occupations or cottage industries in existing residential or accessory structures, subject to Section 22.12.060.

iv. Wineries in conjunction with on-site viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

v. Wine sales/tasting rooms, in conjunction with an on-site winery.

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

vii. Boarding of horses. The Administrator shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number or horses based on those findings and the number of recommended animal equivalent units provided in the guidance documents by Underwood Conservation District, WSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

viii. Bed and breakfast inns in single-family dwellings, subject to Section 22.12.020, provided that the residence:

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

(2) Is listed on the Washington State Register of Historic Places maintained by the Washington State Department of Archaeology and Historic Preservation.

ix. Nonprofit, environmental learning or research facilities.

x. Expansion of existing school or place of worship.

xi. Recreation development, subject to provisions governing recreational intensity classes set out in Section 22.24.020(B) of this Title.

xii. Aquaculture.

xiii. Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.

xiv. Exploration, development and production of mineral and geothermal resources.

xv. Disposal sites managed and operated by the Washington State Department of Transportation, or Skamania County Department of Public Works for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with Section 22.12.040 the provisions in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities."

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

xvii. Small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to the provisions in Section 22.12.100.

D. **AGRICULTURAL SETBACKS (BUFFERS).**

1. All new buildings, as specified, shall comply with the setbacks presented in Table 2 below when proposed to be located on a parcel which is within or adjacent to lands classified as Ag-1 or Ag-2 and are currently used for or are suitable for agricultural use. If several crops or crop rotation is involved in the adjacent operation, the greater setback shall apply.

Table 2. New building setbacks when proposed adjacent to agriculture.

Type of Agriculture	Buffer Type

	Open or Fenced	Natural or Created Vegetation Barrier	8-foot Berm or Terrain Barrier
Orchards	250’	100’	75’
Row crops/Vegetables	300’	100’	75’
Livestock grazing, pasture, haying	100’	15’	20’
Grains	200’	75’	50’
Berries, vineyards	150’	50’	30’
Other	100’	50’	30’

2. Earth berms may be used to satisfy, in part, setback requirements. The berm shall be a minimum of eight (8) feet in height, and contoured at three-to-one (3:1) slopes to look natural. Shrubs, trees and/or grasses shall be employed on the berm to control erosion and achieve a finished height of fifteen (15) feet. The berming must be completed during the first phase of development and maintained in good condition.
3. The planting of a continuous vegetative screen may be used to satisfy, in part, the setback requirements. Trees shall be at least six (6) feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous. The vegetative screening must completely planted during the first phase of development and maintained in good condition.
4. Variances to the setback requirements set out above may be granted pursuant to Section 22.06.040.

22.14.030 COMMERCIAL FOREST (F-1)

A. **FIRE SAFETY PROVISIONS.**

1. All buildings shall be surrounded by a maintained fuel break of fifty (50) feet. Irrigated or fire resistant vegetation may be planted within the fuel break, including green lawns and low shrubs (less than twenty-four (24) inches in height). Trees should be placed greater than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.
2. Hazardous fuels shall be removed within the fuel break area.
3. Buildings with plumbed water systems shall install at least one (1) standpipe at a minimum of fifty (50) feet from the structure(s).
4. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering twenty (20) gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
5. Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a finished grade of twelve percent (12 %). Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. However, variances to road provisions may be made after consultation with the local fire marshal and the Washington State Department of Natural Resources.

6. Within one (1) year of the occupancy of a dwelling, the Administrator shall conduct a review of the development to assure compliance with these this section.
7. Telephone and power supply shall be underground whenever possible.
8. Roofs of structures should be made of fire-resistant materials, such as fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
9. Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be screened with no coarser than a quarter (¼) inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
10. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building code.
11. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than a quarter (¼) inch mesh metal screen that is noncombustible and corrosion resistant.

B. **SITING CRITERIA.**

1. The approval of new dwellings and new accessory buildings and structures on forest lands shall comply with the following standards:
   a. Dwellings shall be set back at least 200 feet from adjacent properties.
   b. Dwellings and accessory buildings and structures shall be sited so that they will have the least impact on nearby or adjoining forest operations. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
   c. The amount of forest land used to site dwellings, accessory buildings, accessory structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings, or land productivity.
   d. Dwellings and accessory buildings and structures should be located on gentle slopes and in no case on slopes which exceed forty percent (40 %).
   e. Narrow canyons and draws should be avoided.
   f. Dwellings and accessory buildings and structures should be located to minimize the difficulty of gaining access to the structure in case of fire.
   g. Dwellings and accessory buildings and structures should be located to make access roads as short and flat as possible.
   h. Variances to the above provisions may be granted consistent with Section 22.06.040.

C. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

D. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in Section 22.06.140.

E. **REVIEW USES.**

1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources:
    a. New cultivation.
    b. Agricultural structures, except buildings, in conjunction with agricultural use, subject to Section 22.14.030(A).
    c. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five (5) years, subject to Section 22.14.030(A) and subject to Section 22.12.010 "Agricultural Buildings."
    d. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.030(E)(1)(e) or Section 22.14.030(E)(1)(f).
    e. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel less than or equal to ten (10) acres in size are subject to the standards set forth in Section 22.14.030(A) and Section 22.14.030(B), and the following additional standards:
        i. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
        ii. The height of any individual accessory building shall not exceed twenty-four (24) feet.
    f. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel larger than ten (10) acres in size are subject to the standards set forth in Section 22.14.030(A) and Section 22.14.030(B), and the following additional standards:
        i. The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
        ii. The footprint of any individual accessory building shall not exceed 1,500 square feet.
        iii. The height of any individual accessory building shall not exceed twenty-four (24) feet.
    g. The temporary use of a mobile home in the case of a family hardship, subject to the standards set forth in Section 22.14.030(A) and Section 22.14.030(B), and subject to Section 22.12.110.
    h. Construction, reconstruction or modifications of roads, not in conjunction with forest use or forest practices.
    i. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
    j. Structures associated with hunting and fishing operations.
    k. Towers and fire stations for forest fire protection.

l. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located onsite, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

m. Temporary portable facility for the primary processing of forest products grown on a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

n. Private roads serving a residence, subject to Section 22.14.030(A) and Section 22.14.030(B).

o. A temporary mobile home subject to Section 22.14.030(A) and Section 22.14.030(B), in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with harvest operation or the subject forestland from fire. The mobile home must be removed upon completion of the subject harvest operation or the end of the fire season.

p. Land divisions to facilitate forest management. No resulting parcel may be less than eighty (80) acres in size.

q. Recreation development, subject to provisions governing recreational intensity classes set out in Section 22.24.020(B) of this Title.

r. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the provisions in "Lot Line Adjustments" (Section 22.08.040).

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

t. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).

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

v. One (1) single-family dwelling, subject to Section 22.14.030(A) and Section 22.14.030(B), may be allowed if shown to be in conjunction with and substantially contributing to the current agricultural use of a farm, upon a demonstration that:

i. No other dwellings exist on the subject farm or ranch, including all of its constituent parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;

ii. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one (1) or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. The farm or ranch must meet the income capability test set out in Section 22.14.030(E)(1)(w)(iii); and

iii. The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(1) Size of the entire farm or ranch, including all land in the same ownership;

(2) Type(s) of agricultural uses (crops, livestock) and acreage;

(3) Operational requirements for the particular agricultural use common to area agricultural operations; and

(4) The farm or ranch, and all its constituent parcels, is capable of producing at least $40,000 in gross annual income. This determination can be made using the formula (X)(Y)(Z) = I, where:

(a) X = Average yield of the commodity per acre, or unit of production;

(b) Y = Average price of the commodity;

(c) Z = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch; and

(d) I = Income capability.

w. Agricultural labor housing upon a showing that:

i. The proposed housing is necessary and accessory to a current agricultural use.

ii. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine (9) months.

iii. The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

x. Special uses in historic buildings, subject to the provisions in Section 22.12.120 "Special Uses in Historic Buildings (GMA only)."

y. A second single-family dwelling for a farm operator's relative, subject to Section 22.14.030(A) and Section 22.14.030(B), provided that all of the following conditions exist:

i. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister.

ii. The dwelling would be located on the same parcel as the dwelling of the principal operator.

iii. The operation is a commercial enterprise, as determined by an evaluation of the factors described in provisions Section 22.14.030(E)(1)(w)(iii)(1) and Section 22.14.030(E)(1)(w)(iii)(4).

z. Life estates. A landowner who sells or otherwise transfers real property may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined herein. A second dwelling in conjunction with agricultural use may be allowed, subject to the resource protection Chapters of this Title and if:

i. The proposed dwelling is in conjunction with agricultural use as set out in Section 22.14.010(C)(1)(s); and

ii. Upon termination of the life estate, the original or second dwelling shall be removed.

2. The following uses are subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreational resources, and may be allowed if:
   a. The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;
   b. The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands;
   c. The owners of land that is classified as F-1, F-2, F-3, Ag-1 or Ag-2 that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least ten (10) days to comment prior to a final decision; and, the use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel; and
   d. Complies with the standards set out in Section 22.14.030(A):
      i. Utility facilities and railroads necessary for public service upon a showing that:
         (1) There is no practicable alternative location with less adverse effect on agriculture and forest lands and on scenic, cultural, natural and recreation resources; and
         (2) The size is the minimum necessary to provide the service.
      ii. Home occupations or cottage industries in existing residential or accessory structures. See also Section 22.12.060.
      iii. Wineries in conjunction with on-site viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.
      iv. Wine sales/tasting rooms, in conjunction with an on-site winery.
      v. Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
      vi. Boarding of horses. The Administrator shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal equivalent units provided in the guidance documents by Underwood Conservation District, WSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.
      vii. Bed and breakfast inns in single-family dwellings (See also Section 22.12.060), provided that the residence:
         (1) Is included in the National Register of Historic Places; or
         (2) Is listed on the Washington State Register of Historic Places maintained by the Washington State Department of Archaeology and Historic Preservation.
      viii. Nonprofit, environmental learning or research facilities.
      ix. Expansion of existing nonprofit group camps, retreats, or conference centers.

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

xi. Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.

xii. Exploration, development and production of mineral and geothermal resources.

xiii. Aquaculture.

xiv. Disposal sites managed and operated by the Washington State Department of Transportation, or Skamania County Department of Public Works for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the provisions in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Section 22.12.040).

22.14.040 LARGE WOODLAND (F-2) ZONE

A. FIRE SAFETY PROVISIONS.

1. All buildings shall be surrounded by a maintained fuel break of fifty (50) feet. Irrigated or fire resistant vegetation may be planted within the fuel break, including green lawns and low shrubs (less than twenty-four (24) inches in height). Trees should be placed greater than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.
2. Hazardous fuels shall be removed within the fuel break area.
3. Buildings with plumbed water systems shall install at least one (1) standpipe at a minimum of fifty (50) feet from the structure(s).
4. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering twenty (20) gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
5. Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a grade of twelve percent (12 %). Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. However, variances to road provisions may be made after consultation with the local fire marshal and the Washington State Department of Natural Resources.
6. Within one (1) year of the occupancy of a dwelling, the Administrator shall conduct a review of the development to assure compliance with these this section.
7. Telephone and power supply shall be underground whenever possible.
8. Roofs of structures should be made of fire-resistant materials, such as fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
9. Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be screened with no coarser than a quarter (¼) inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

10. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building code.
11. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than quarter (¼) inch mesh metal screen that is noncombustible and corrosion resistant.

B. **SITING CRITERIA.**

1. The approval of new dwellings and new accessory buildings and structures on forest lands shall comply with the following standards:
   a. Dwellings shall be set back at least 200 feet from adjacent properties.
   b. Dwellings and accessory buildings and structures shall be sited so that they will have the least impact on nearby or adjoining forest operations. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
   c. The amount of forest land used to site dwellings, accessory buildings, accessory structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings, or land productivity.
   d. Dwellings and accessory buildings and structures should be located on gentle slopes and in no case on slopes which exceed forty percent (40 %).
   e. Narrow canyons and draws should be avoided.
   f. Dwellings and accessory buildings and structures should be located to minimize the difficulty of gaining access to the structure in case of fire.
   g. Dwellings and accessory buildings and structures should be located to make access roads as short and flat as possible.
   h. Variances to the above provisions may be granted consistent with Section 22.06.040.

C. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

D. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.

E. **REVIEW USES.**

1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources:
   a. New cultivation.
   b. Agricultural structures, except buildings, in conjunction with agricultural use, subject to Section 22.14.040(A).
   c. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to Section 22.14.040(A) and subject to Section 22.12.010 "Agricultural Buildings."

d. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.040(E)(1)(e) or Section 22.14.040(E)(1)(f).

e. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel less than or equal to ten (10) acres in size are subject to the standards set forth in Section 22.14.040(A) and Section 22.14.040(B), and the following additional standards:

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

ii. The height of any individual accessory building shall not exceed twenty-four (24) feet.

f. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel larger than ten (10) acres in size are subject to the standards set forth in Section 22.14.040(A) and Section 22.14.040(B), and the following additional standards:

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

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

iii. The height of any individual accessory building shall not exceed twenty-four (24) feet.

g. The temporary use of a mobile home in the case of a family hardship, subject to the standards set forth in Section 22.14.040(A) and Section 22.14.040(B), and subject to Section 22.12.110.

h. Construction, reconstruction or modifications of roads, not in conjunction with forest use or forest practices.

i. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

j. Structures associated with hunting and fishing operations.

k. Towers and fire stations for forest fire protection.

l. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located onsite, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

m. Temporary portable facility for the primary processing of forest products grown on a parcel of land or contiguous land in the same ownership where the facility

is to be located. The facility shall be removed upon completion of the harvest operation.

n. Private roads serving a residence, subject to Section 22.14.040(A) and Section 22.14.040(B).

o. Land divisions to facilitate forest management. No resulting parcel may be less than eighty (80) acres in size.

q. Life estates. A landowner who sells or otherwise transfers real property may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined herein. A second dwelling in conjunction with agricultural use may be allowed, subject to the resource protection Chapters of this Title and if:

i. The proposed dwelling is in conjunction with agricultural use as set out in Section 22.14.010(C)(1)(s); and

ii. Upon termination of the life estate, the original or second dwelling shall be removed.

r. Recreation development, subject to provisions governing recreational intensity classes set out in Section 22.24.020(B) of this Title.

s. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the provisions in "Lot Line Adjustments" (Section 22.08.040).

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

u. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).

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

w. Commercial events subject to Section 22.12.030.

x. One (1) single-family dwelling, subject to Section 22.14.040(A) and Section 22.14.040(B), may be allowed if shown to be in conjunction with and substantially contributing to the current agricultural use of a farm, upon a demonstration that:

i. No other dwellings exist on the subject farm or ranch, including all of its constituent parcels, contiguous or otherwise, which are vacant or currently occupied by persons not directly engaged in farming or working on the subject farm or ranch and which could be used as the principal agricultural dwelling;

ii. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, as defined, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land. The farm or ranch must meet the income capability test set out in Section 22.14.040(E)(1)(x)(iii); and

iii. The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(1) Size of the entire farm or ranch, including all land in the same ownership;

(2) Type(s) of agricultural uses (crops, livestock) and acreage;

(3) Operational requirements for the particular agricultural use common to area agricultural operations; and

(4) The farm or ranch, and all its constituent parcels, is capable of producing at least $40,000 in gross annual income. This determination can be made using the formula (X)(Y)(Z) = I, where:

(a) X = Average yield of the commodity per acre, or unit of production;

(b) Y = Average price of the commodity;

(c) Z = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch; and

(d) I = Income capability.

y. Agricultural labor housing upon a showing that:

i. The proposed housing is necessary and accessory to a current agricultural use.

ii. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine months.

iii. The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

z. A second single-family dwelling for a farm operator's relative, subject to Section 22.14.040(A) and Section 22.14.040(B), provided that all of the following conditions exist:

i. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister.

ii. The dwelling would be located on the same parcel as the dwelling of the principal operator.

iii. The operation is a commercial enterprise, as determined by an evaluation of the factors described in provisions Section 22.14.040(E)(1)(x)(iii)(1) through Section 22.14.040(E)(1)(x)(iii)(4).

aa. One (1) single family dwelling, subject to Section 22.14.040(A) and Section 22.14.040(B) upon demonstration that all of the following conditions exist:

i. The dwelling will contribute substantially to the growing, propagation and harvesting of forest tree species. The principal purpose for locating a dwelling on lands designated F-2 is to enable the resident to conduct efficient and effective forest management. This requirement indicates a relationship between ongoing forest management and the location of a dwelling on the subject parcel. A dwelling may not always be required for forest management;

ii. The parcel has been enrolled in the state's forest assessment program.

iii. A forest management plan has been prepared in conjunction with the state's forest assessment program and approved by the appropriate local board or agency. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planning, etc.); a chronological description of when

the operations will occur; estimates of yield, labor and expenses; and how the dwelling will contribute toward the successful completion of the operations.

iv. No other dwellings exist on the parcel which are vacant or currently occupied by persons not engaged in forestry, which could be used as the principal forest dwelling.

v. A declaration has been signed by the landowner and recorded in the County Auditor's records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Ag-1, Ag-2, F-1, F-2 and F-3.

bb. Special uses in historic buildings, subject to the provisions in Section 22.12.120 "Special uses in Historic Buildings (GMA only)."

2. The following uses are subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreational resources, and may be allowed if:

a. The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

b. The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands;

c. The owners of land that is classified as F-1, F-2, F-3, Ag-1 or Ag-2 that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least ten (10) days to comment prior to a final decision; and

d. The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and complies with the standards set out in Section 22.14.040(A):

i. Utility facilities and railroads necessary for public service upon a showing that:

(1) There is no practicable alternative location with less adverse effect on agriculture and forest lands and on scenic, cultural, natural and recreation resources; and

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

ii. Home occupations or cottage industries in existing residential or accessory structures. See also Section 22.12.060.

iii. Wineries in conjunction with on-site viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

iv. Wine sales/tasting rooms, in conjunction with an on-site winery.

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

vi. Boarding of horses. The Administrator shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal equivalent units provided in the guidance

documents by Underwood Conservation District, WSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

vii. Bed and breakfast inns in single-family dwellings (See also Section 12.020), provided that the residence:

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

(2) Is listed on the Washington State Register of Historic Places maintained by the Washington State Department of Archaeology and Historic Preservation.

viii. Nonprofit, environmental learning or research facilities.

ix. Expansion of existing nonprofit group camps, retreats, or conference centers.

x. Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

xi. Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.

xii. Exploration, development and production of mineral and geothermal resources.

xiii. Aquaculture.

xiv. Disposal sites managed and operated by the Washington State Department of Transportation, or Skamania County Department of Public Works for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the provisions in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Section 22.12.040).

22.14.050 SMALL WOODLAND (F-3) ZONE

A. FIRE SAFETY PROVISIONS.

1. All buildings shall be surrounded by a maintained fuel break of fifty (50) feet. Irrigated or fire resistant vegetation may be planted within the fuel break, including green lawns and low shrubs (less than twenty-four (24) inches in height). Trees should be placed greater than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.
2. Hazardous fuels shall be removed within the fuel break area.
3. Buildings with plumbed water systems shall install at least one (1) standpipe at a minimum of fifty (50) feet from the structure(s).
4. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering twenty (20) gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
5. Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a finished grade of twelve percent (12%). Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is

passable to fire equipment. However, variances to road provisions may be made after consultation with the local fire marshal and the Washington State Department of Natural Resources.

6. Within one (1) year of the occupancy of a dwelling, the Administrator shall conduct a review of the development to assure compliance with these this section.
7. Telephone and power supply shall be underground whenever possible.
8. Roofs of structures should be made of fire-resistant materials, such as fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
9. Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be screened with no coarser than a quarter (¼) inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
10. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building code.
11. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than a quarter (¼) inch mesh metal screen that is noncombustible and corrosion resistant.

B. **SITING CRITERIA.** The approval of new dwellings and new accessory buildings and structures on forest lands shall comply with the following standards:

1. Dwellings shall be set back at least 200 feet from adjacent properties.
2. Dwellings and accessory buildings and structures shall be sited so that they will have the least impact on nearby or adjoining forest operations. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
3. The amount of forest land used to site dwellings, accessory buildings, accessory structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings, or land productivity.
4. Dwellings and accessory buildings and structures should be located on gentle slopes and in no case on slopes which exceed forty percent (40 %).
5. Narrow canyons and draws should be avoided.
6. Dwellings and accessory buildings and structures should be located to minimize the difficulty of gaining access to the structure in case of fire.
7. Dwellings and accessory buildings and structures should be located to make access roads as short and flat as possible.
8. Variances to the above provisions may be granted consistent with Section 22.06.040.

C. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

D. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.

E. **REVIEW USES.**

1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources:
    a. New cultivation.
    b. Agricultural structures, except buildings, in conjunction with agricultural use, subject to Section 22.14.050(A).
    c. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to Section 22.14.050(A) and subject to Section 22.12.010 "Agricultural Buildings."
    d. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.050(E)(1)(e) or Section 22.14.050(E)(1)(f).
    e. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel less than or equal to ten (10) acres in size are subject to the standards set forth in Section 22.14.050(A) and Section 22.14.050(B), and the following additional standards:
        i. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
        ii. The height of any individual accessory building shall not exceed twenty-four (24) feet.
    f. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel larger than ten (10) acres in size are subject to the standards set forth in Section 22.14.050(A) and Section 22.14.050(B), and the following additional standards:
        i. The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
        ii. The footprint of any individual accessory building shall not exceed 1,500 square feet.
        iii. The height of any individual accessory building shall not exceed twenty-four (24) feet.
    g. The temporary use of a mobile home in the case of a family hardship, subject to the standards set forth in Section 22.14.050(A) and Section 22.14.050(B), and subject to Section 22.12.110.
    h. Construction, reconstruction or modifications of roads, not in conjunction with forest use or forest practices.
    i. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
    j. Structures associated with hunting and fishing operations.
    k. Towers and fire stations for forest fire protection.

l. Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located onsite, is temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

m. Temporary portable facility for the primary processing of forest products grown on a parcel of land or contiguous land in the same ownership where the facility is to be located. The facility shall be removed upon completion of the harvest operation.

n. Private roads serving a residence, subject to Section 22.14.050(A) and Section 22.14.050(B).

o. Land divisions, subject to the minimum lot size requirements in Section 22.10.060.

p. Land division, known as Cluster Development subject to Section 22.08.030, and provided that this provision will only apply to parcels that are currently at least double the required minimum lot size. For example, if the minimum lot size is forty (40) acres, then this provision shall only apply if the parcel is at least eighty (80) acres in size.

q. Life estates. A landowner who sells or otherwise transfers real property may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined herein. A second dwelling in conjunction with agricultural use may be allowed, subject to the resource protection Chapters 22.18 through 22.24 of this Title and if:

i. The proposed dwelling is in conjunction with agricultural use as set out in Section 22.14.010(C)(1)(s); and

ii. Upon termination of the life estate, the original or second dwelling shall be removed.

r. Recreation development, subject to provisions governing recreational intensity classes set out in Section 22.24.020(B) of this Title.

s. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the provisions in "Lot Line Adjustments" (Section 22.08.040).

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

u. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).

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

w. Commercial events subject to Section 22.12.030.

x. Agricultural labor housing upon a showing that:

i. The proposed housing is necessary and accessory to a current agricultural use.

ii. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary to the current agricultural use of the subject farm or ranch unit. Seasonal use shall not exceed nine months.

iii. The housing will be located to minimize the conversion of lands capable of production of farm crops or livestock and will not force a significant change in or significantly increase the cost of accepted agricultural practices employed on nearby lands devoted to agricultural use.

y. A second single-family dwelling for a farm operator's relative, subject to Section 22.14.050(A) and Section 22.14.050(B), provided that all of the following conditions exist:

i. The dwelling would be occupied by a relative of the agricultural operator or of the agricultural operator's spouse who will be actively engaged in the management of the farm or ranch. Relative means grandparent, grandchild, parent, child, brother or sister.

ii. The dwelling would be located on the same parcel as the dwelling of the principal operator.

iii. The operation is a commercial enterprise, as determined by an evaluation of the factors described in ~~provisions Section 22.14.050(E)(1)(x)(iii)(1) Section 22.14.050(E)(1)(x)(iii)(4)~~Section 22.14.010(C)(1)(s)(iii).

z. One (1) single-family dwelling on a legally created parcel upon the parcel's enrollment in the Forest Tax Classification Program. Upon showing that a parcel cannot qualify, a parcel is entitled to one (1) single-family dwelling. In either case, the location of a dwelling shall comply with Section 22.14.050(A) and Section 22.14.050(B). A declaration shall be signed by the landowner and recorded in the Auditor's Records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm and forest practices on lands classified as F-1, F-2, F-3, Ag-1 and Ag-2.

aa. Special uses in historic buildings, subject to the provisions in Section 22.12.120 "Special Uses in Historic Buildings (GMA only)."

2. The following uses are subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreational resources, and may be allowed if:

a. The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

b. The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands;

c. The owners of land that is classified as F-1, F-2, F-3, Ag-1 or Ag-2 that lies within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least ten (10) days to comment prior to a final decision; and

d. The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and complies with the standards set out in Section 22.14.050(A):

i. Utility facilities and railroads necessary for public service upon a showing that:

(1) There is no practicable alternative location with less adverse effect on agriculture and forest lands and on scenic, cultural, natural and recreation resources; and

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

ii. Home occupations or cottage industries in existing residential or accessory structures. See also Section 22.12.060.

iii. Wineries in conjunction with on-site viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

iv. Wine sales/tasting rooms, in conjunction with an on-site winery.

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

vi. Boarding of horses. The Administrator shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal equivalent units provided in the guidance documents by Underwood Conservation District, WSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

vii. Bed and breakfast inns in single-family dwellings (See also Section 22.12.020), provided that the residence:

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

(4) Is listed on the Washington State Register of Historic Places maintained by the Washington State Department of Archaeology and Historic Preservation.

viii. Nonprofit, environmental learning or research facilities.

ix. Expansion of existing nonprofit group camps, retreats, or conference centers.

x. Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

xi. Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.

xii. Exploration, development and production of mineral and geothermal resources.

xiii. Aquaculture.

xiv. Disposal sites managed and operated by the Washington State Department of Transportation, or Skamania County Department of Public Works for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the provisions in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Section 22.12.040).

xv. Small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to Section 22.12.100.

22.14.060 RESIDENTIAL ZONES

A. **ZONES.**
   1. Residential (R-1)
   2. Residential (R-2)
   3. Residential (R-5)
   4. Residential (R-10)

B. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

C. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.

D. **REVIEW USES.**
   1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources:
      a. One (1) single-family dwelling per legally created parcel. If the parcel is adjacent to lands designated Ag-1, Ag-2, F-1, F-2 or F-3, then placement of the dwelling shall comply with the buffer and notice requirements in Sections 22.14.010(D), 22.14.020(D), 22.14.030(B), 22.14.040(B), or 22.14.050(B). If the parcel is adjacent to lands designated F-1, F-2 or F-3, then the requirements of Sections 22.14.030(B), 22.14.040(B), or 22.14.050(B) shall also apply.
      b. The temporary use of a mobile home in the case of a family hardship, subject to Section 22.12.110.
      c. Construction, reconstruction or modifications of roads.
      d. New cultivation.
      e. Land divisions, subject to provisions establishing minimum parcel sizes. See also Section 22.10.060 hereof.
      f. Cluster development land divisions on parcels of ten (10) acres or larger in R(5) zones and on parcels of twenty (20) acres or larger in R(10) zones, subject to Section 22.08.030.
      g. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.060(D)(1)(h).
      h. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel are subject to the following additional standards:
         i. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
         ii. The height of any individual accessory building shall not exceed twenty-four (24) feet.
      i. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the provisions in "Lot Line Adjustments" (Section 22.08.040).

j. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

k. Agricultural structures, except buildings, in conjunction with agricultural use.

l. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).

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

n. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).

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

p. Commercial events, subject to the provisions in "Commercial Events" (Section 22.12.030).

q. Special uses in historic buildings, subject to the provisions in Section 22.12.120 “Special Uses in Historic Buildings (GMA only).”

2. The following uses are subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreational resources, and may be allowed if:

a. The use would be compatible with the surrounding area, after considering visual character of the area, traffic generation, noise, dust and odors;

b. The proposed use will not require public services other than those existing or approved for the area;

c. If the subject parcel is located within 500 feet of lands designated Ag-1, Ag-2, F-1, F-2 or F-3, new buildings associated with the proposed use comply with the buffer provisions set out in Sections 22.14.010(D), 22.14.020(D), 22.14.030(B), 22.14.040(B), or 22.14.050(B); and

d. If the subject parcel is located within 500 feet of lands designated F-1, F-2 or F-3, new buildings associated with the proposed use comply with the provisions of Sections 22.14.030(B), 22.14.040(B), or 22.14.050(B):

i. Schools within an existing church or community building.

ii. Utility facilities and railroads.

iii. Home occupations or cottage industries in an existing residence *or* accessory structure. See also Section 22.12.060 hereof.

iv. Fire stations.

v. Recreation development, subject to provisions governing recreational intensity classes set out in Chapters 22.18 through 22.24 of this Title.

vi. Community parks and playgrounds consistent with the standards of the National Park and Recreation Society, regarding the need for such facilities.

vii. Accredited child care center on lands designated R-1 or R-2, and on other designated residential lands if within an existing church or community building.

viii. Bed and breakfast inns in single family dwellings on lands zoned R-5 or R-10, subject to Section 22.12.020.

ix. Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

x. Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

xi. Wine sales/tasting rooms in conjunction with an on-site winery, under the following conditions:

(1) The use shall comply with the provisions in "Home Occupations and Cottage Industries" (Section 22.12.060), with the following exceptions:

(a) The use may employ an unlimited number of outside employees.

(b) The wine sales/tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

(c) The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine sales/tasting room.

(d) The exterior space may be a veranda, patio, or other similar type of structure.

xii. Small-scale fishing support and fish processing operations on parcels that are contiguous with and have direct access to the Columbia River, subject to Section 22.12.100.

xiii. Boarding of horses on lands designated 10-acre Residential. The Administrator shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal equivalent units provided in the guidance documents by Underwood Conservation District, WSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

22.14.070 RURAL CENTER ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.

C. **REVIEW USES.**

1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources:

a. One single-family dwelling per legally created parcel.

b. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.070(C)(1)(c).

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

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

ii. The height of any individual accessory building shall not exceed twenty-four (24) feet.

d. The temporary use of a mobile home, subject to Section 22.12.110 hereof.

e. New cultivation.

f. Land divisions subject to provisions establishing minimum parcel sizes. See also Section 22.10.060.

g. Duplexes.

h. Fire stations.

i. Libraries.

j. Government buildings.

k. Community centers and meeting halls.

l. Schools.

m. Accredited child care centers.

n. Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use, including the following:

i. Grocery stores.

ii. Variety and hardware stores.

iii. Shops, offices and repair shops.

iv. Personal services such as barber and beauty shops.

v. Travelers accommodations, bed and breakfast inns.

vi. Restaurants.

vii. Taverns and bars.

viii. Gas stations.

ix. Gift shops.

o. Home occupations or cottage industries in an existing residence or accessory structure. See Section 22.12.060.

p. Utility facilities and railroads.

q. Recreation development subject to provisions governing recreational intensity classes set out in Chapters 22.18 through 22.24 of this Title.

r. Places of worship.

s. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the provisions in "Lot Line Adjustments" (Section 22.08.040).

t. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new

structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

u. Agricultural structures, except buildings, in conjunction with agricultural use.

v. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).

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

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

y. Commercial events, subject to the provisions in "Commercial Events" (Section 12.030).

z. Special uses in historic buildings, subject to the provisions in Section 22.12.120 “Special Uses in Historic Buildings (GMA only).”

22.14.080 COMMERCIAL (C) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.

C. **REVIEW USES.** The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources if:

1. The proposal is limited to 5,000 square feet of floor area per building or use; and
2. The proposed use would be compatible with the surrounding areas including review for impacts associated with the visual character of the area, traffic generation and the effects of noise, dust and odors:

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

b. Gift shops.

c. Utility facilities and railroads.

d. Travelers accommodations (bed and breakfast inns), subject to Section 22.12.020.

e. Restaurants.

f. Home occupations or cottage industries in an existing residence or accessory structure, subject to Section 22.12.060.

g. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.12.060.

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

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

refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

ii. The height of any individual accessory building shall not exceed twenty-four (24) feet.

i. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the provisions in "Lot Line Adjustments" (Section 22.08.040).

j. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

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

l. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).

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

n. Commercial events, subject to the provisions in "Commercial Events" (22.12.030).

o. Special uses in historic buildings, subject to the provisions in Section 22.12.120 “Special Uses in Historic Buildings (GMA only).”

22.14.090 PUBLIC RECREATION (PR) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.

C. **REVIEW USES.**

1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources, including but not limited to the provisions for Resource Protection and the approval criteria for recreational use in the Recreation Intensity Classes:

   a. New cultivation.

   b. Publicly-owned, resource-based recreation uses.

   c. Commercial uses and non-resource based recreation uses which are part of an existing or approved resource-based public recreation use subject to Section 22.14.090(C)(2)(a and b).

2. The following uses may be allowed in the Public Recreation zone, subject to review by the Administrator for compliance with all other applicable provisions protecting scenic, cultural, natural, and recreational resources, if:

   a. The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands, after appropriate mitigation

measures (such as on-site buffers, or seasonal or temporary closures during peak recreation use periods) have been taken, if any; and

b. The use will not permanently commit the majority of the site to a non-recreational use. (Careful siting and design of structures and other improvements may be used to comply with this criterion.):

i. One (1) single-family dwelling for each parcel legally created on or before the effective date of this Title. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

ii. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.090(C)(1)(c).

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

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

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

iv. Utility transmission, transportation, communication and public works facilities.

v. Agricultural structures, except buildings, in conjunction with agricultural use.

vi. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).

vii. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

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

ix. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).

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

xi. Commercial events, subject to the provisions in "Commercial Events" (Section 22.12.030).

xii. Special uses in historic buildings, subject to the provisions in Section 22.12.120 “Special Uses in Historic Buildings (GMA only).”

3. Land divisions may be allowed if the proposed division is necessary to facilitate, enhance or otherwise improve recreational uses on the site. See also Section 22.10.060.
4. Lot line adjustments may be allowed, subject to Section 22.08.040.

22.14.100 COMMERCIAL RECREATION (CR) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in Section 22.06.140.

C. **REVIEW USES.**

1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources, including but not limited to the provisions for Resource Protection and the approval criteria for recreational use in the Recreation Intensity Classes:
   a. New cultivation.
   b. Commercially-owned, resource-based recreation uses consistent with the recreational intensity class provisions.
   c. Overnight accommodations which are part of a commercially-owned resource-based recreation use, where such use would occur on the subject site or is accessed through the site on adjacent lands, and if:
      i. Buildings containing individual units are no larger than 1,500 square feet in total floor area and no higher than two and one-half stories.
      ii. Buildings containing more than one unit are no larger than 5,000 square feet in total floor area and no higher than two and one-half stories;
      iii. The total number of individual units shall not exceed twenty-five (25), unless the proposed development complies with standards of Section 22.14.100(C)(1)(d).
      iv. Clustered overnight travelers accommodations up to thirty-five (35) units if:
         (1) The average total floor area of all units is 1,000 square feet or less per unit;
         (2) A minimum of fifty percent (50 %) of the project site is dedicated to undeveloped, open areas, not including roads or parking areas; and
         (3) The facility is in an area classified for high intensity recreation (Recreation Intensity Class 4).
   d. Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and non-resource-based recreation uses which are part of an existing or approved resource-based commercial recreation use subject to Section 22.14.100(C)(2)(a and b).
   e. Special uses in historic buildings, subject to the provisions in Section 22.12.120 "Special Uses in Historic Buildings (GMA only)."

2. The following uses may be allowed in the Commercial Recreation zone, subject to review by the Administrator for compliance with all other applicable provisions protecting scenic, cultural, natural, and recreational resources, if:
   a. The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands, after appropriate mitigation measures (such as on-site buffers, or seasonal or temporary closures during peak recreation use periods) have been taken, if any; and
   b. The use will not permanently commit the majority of the site to a non-recreational use. (Careful siting and design of structures and other improvements may be used to comply with this criterion.):
      i. One single-family dwelling on each parcel legally created prior to October 15, 1991.
      ii. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.14.100(C)(2)(b)(iii).
      iii. Accessory buildings larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel are subject to the following additional standards:
         (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
         (2) The height of any individual accessory building shall not exceed twenty-four (24) feet.
      iv. Utility transmission, transportation and communication facilities.
      v. Land divisions may be allowed if the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site. See also Section 22.10.060.
      vi. Agricultural structures, except buildings, in conjunction with agricultural use.
      vii. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one (1) year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).
      viii. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
      ix. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
      x. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).
      xi. Removal/demolition of structures that are fifty (50) or more years old, including wells, septic tanks and fuel tanks.

xii. Commercial events, subject to the provisions in "Commercial Events" (Section 22.12.030).

xiii. Lot line adjustments may be allowed, subject to Section 22.08.040.

22.14.110 OPEN SPACE (OS) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(B) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in Section 22.06.140

C. **REVIEW USES.**

1. The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources in all Open Space (OS) Zones:
   a. Low-intensity recreation, subject to provisions governing recreational intensity classes set out in Section 22.24.020(B)(2) of this Title.
   b. Land divisions to facilitate efforts to protect and enhance scenic, cultural, natural or recreation resources.
   c. Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydroelectric facilities.
   d. Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.
   e. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
   f. Removal/demolition of structures that are fifty (50) or more years old, including wells, septic tanks and fuel tanks.
2. Lot line adjustments, subject to the provisions in "Lot Line Adjustments" (Section 22.08.040).

D. **REVIEW USES IN SPECIFIC AREAS CLASSIFIED AS OPEN SPACE ZONE.** The following uses may be allowed in Open Space zones, subject to review by the Administrator for compliance with all applicable provisions protecting scenic, cultural, natural, and recreation resources:

1. **STATE PARK LANDS.** The following uses are allowed on portions of state park ownerships not suitable for major recreation facilities**:**
   a. Fish and wildlife management uses conducted by federal, state or tribal resource agencies;
   b. Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district;
   c. Harvesting of wild crops; and
   d. Educational or scientific research.
   e. All uses listed in Section 22.14.110(C).
2. **MOSLEY LAKES NATURAL AREA:**

a. Fish and wildlife management uses conducted by federal, state or tribal resource agencies, after consultation with the Washington Natural Heritage Program;
b. Educational or scientific research, after consultation with the Washington Natural Heritage Program; and
c. Commercial trapping.
d. All uses listed in Section 22.14.110(C).

3. **GORGE WALLS AND CANYONLANDS:**
   a. Livestock grazing;
   b. Fish and wildlife management uses conducted by federal, state or tribal resource agencies;
   c. Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district;
   d. Harvesting of wild crops;
   e. Educational or scientific research; and
   f. Continued operation of existing quarries, if consistent with other applicable laws.
   g. All uses listed in Section 22.14.110(C).

4. **MOUTH OF WIND RIVER WILDLIFE AREA:**
   a. Fish and wildlife management uses conducted by federal, state or tribal resource agencies;
   b. Soil, water or vegetation uses performed in accordance with a conservation plan approved by a local conservation district;
   c. Harvesting of wild crops;
   d. Educational or scientific research, after consultation with the Department of Fish and Wildlife (WDFW);
   e. Commercial fishing and trapping;
   f. Low-intensity recreation, subject to provisions governing recreational intensity classes set out in Section 22.24.020(B)(2) of this Title, after consultation with the Washington Department of Fish and Wildlife (WDFW).
   g. All uses listed in Section 22.14.110(C).

CHAPTER 22.16 ZONING CLASSIFICATIONS SPECIAL MANAGEMENT AREA

22.16.010 AGRICULTURAL (A) ZONE ..... 115~~114~~
22.16.020 FOREST (F) ZONE ..... 117~~116~~
22.16.030 PUBLIC RECREATION (P) ZONE ..... 126~~125~~
22.16.040 OPEN SPACE (S-O) ZONE ..... 128~~127~~

22.16.010 AGRICULTURAL (A) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in Section 22.06.140.

C. **REVIEW USES.** The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions of this Title, and if the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock:

1. Agricultural structures, except buildings, in conjunction with agricultural use.
2. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).
3. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.16.010(C)(4) or Section 22.16.010(C)(5).
4. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel less than or equal to ten (10) acres in size are subject to the following additional standards:
   a. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
   b. The height of any individual accessory building shall not exceed twenty-four (24) feet.
5. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel larger than ten (10) acres in size are subject to the following additional standards:
   a. The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
   b. The footprint of any individual accessory building shall not exceed 1,500 square feet.
   c. The height of any individual accessory building shall not exceed twenty-four (24) feet.

6. Fruit and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
7. Aquaculture.
8. Temporary asphalt/batch plant operations related to public road projects, not to exceed six (6) months.
9. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
10. Forest uses and practices, as allowed in Section 22.16.020.
11. A single-family dwelling necessary for and accessory to agricultural use, upon a demonstration that:
    a. The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels;
    b. The minimum parcel size is at least forty (40) contiguous acres;
    c. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land; and
    d. The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
        i. Size of the entire farm or ranch, including all land in the same ownership;
        ii. Type(s) of agricultural uses (crops, livestock) and acreage;
        iii. Operational requirements for the particular agricultural use common to area agricultural operations; and
        iv. The farm or ranch, and all its contiguous parcels, is capable of producing at least $40,000 in gross annual income. This determination can be made using the formula (X)(Y)(Z) = I where:
            (1) X = Average yield of the commodity per acre, or unit of production;
            (2) Y = Average price of the commodity;
            (3) Z = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch; and
            (4) I = Income capability.
12. Farm labor housing on a parcel with an existing dwelling upon a showing that:
    a. The proposed housing is necessary and accessory to a current agricultural use and the operation is a commercial agricultural enterprise as described in Section 22.16.010(C)(11)(d), above.
    b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine (9) months.
    c. The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.

13. Home occupations and cottage industries (See Section 22.12.060), if compatible with agricultural use. Buffer zones may be considered to protect agricultural practices from conflicting uses.
14. Bed and breakfast inns subject to the standards set out in Section 22.02.020 hereof, if the development is compatible with agricultural use. Buffer zones may be considered to protect agricultural practices from conflicting uses.
15. Utility facilities necessary for public service upon a showing that:
    a. There is no alternative location with less adverse effect on agricultural lands.
    b. The size is the minimum necessary to provide the service.
16. Community facilities and non-profit facilities related to agricultural resource management.
17. Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
18. Public recreation, commercial recreation, interpretive and educational developments and uses, subject to the provisions governing recreational intensity classes set out in Section 22.32.020 of this Title.
19. Road and railroad construction and reconstruction.
20. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight or value.
21. Exploration, development and production of sand, gravel and crushed rock for the construction, maintenance or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Areas.
22. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of Section 22.16.020(C)(33).
23. On a parcel of forty (40) acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to the provisions for hardship dwellings in "Temporary Use - Hardship Dwelling" (Section 22.12.110).
24. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
25. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).
26. Removal/demolition of structures that are fifty (50) or more years old, including wells, septic tanks and fuel tanks.
27. Disposal sites managed and operated by the Washington State Department of Transportation, or Skamania County Department of Public Works for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the provisions in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Section 22.12.040).

22.16.020 FOREST (F) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(A) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in Section 22.06.140.

C. **REVIEW USES.** The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions of this Title, and if the use or development will be sited to minimize the loss of land suitable for the production of forest products:

1. Agricultural structures, except buildings, in conjunction with agricultural use.
2. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).
3. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.16.020(C)(4) or Section 22.16.020(C)(5).
4. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel less than or equal to ten (10) acres in size are subject to the following additional standards:
    a. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    b. The height of any individual accessory building shall not exceed twenty-four (24) feet.
5. Accessory building(s) larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel larger than ten (10) acres in size are subject to the following additional standards:
    a. The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    b. The footprint of any individual accessory building shall not exceed 1,500 square feet.
    c. The height of any individual accessory building shall not exceed twenty-four (24) feet.
6. Fruit and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
7. Aquaculture.
8. Temporary asphalt/batch plant operations related to public road projects, not to exceed six (6) months.
9. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

10. A single-family dwelling necessary for and accessory to agricultural use, upon a demonstration that:
    a. The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels;
    b. The minimum parcel size is at least forty (40) contiguous acres;
    c. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land; and
    d. The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
        i. Size of the entire farm or ranch, including all land in the same ownership;
        ii. Type(s) of agricultural uses (crops, livestock) and acreage;
        iii. Operational requirements for the particular agricultural use common to area agricultural operations; and
        iv. The farm or ranch, and all its contiguous parcels, is capable of producing at least $40,000 in gross annual income. This determination can be made using the formula (X)(Y)(Z) = I where:
            (1) X = Average yield of the commodity per acre, or unit of production;
            (2) Y = Average price of the commodity;
            (3) Z = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch; and
            (4) I = Income capability.
11. Farm labor housing on a parcel with an existing dwelling upon a showing that:
    a. The proposed housing is necessary and accessory to a current agricultural use and the operation is a commercial agricultural enterprise as described in Section 22.16.020(C)(10)(d)(iv).
    b. The housing shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine (9) months.
    c. The housing shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
12. Home occupations and cottage industries (See Section 22.12.060), if compatible with agricultural use. Buffer zones may be considered to protect agricultural practices from conflicting uses.
13. Bed and breakfast inns subject to the standards set out in Section 22.12.020 hereof, if the development if compatible with agricultural use. Buffer zones may be considered to protect agricultural practices from conflicting uses.
14. Utility facilities necessary for public service upon a showing that:
    a. There is no alternative location with less adverse effect on agricultural or forest lands.
    b. The size is the minimum necessary to provide the service.
15. Community facilities and non-profit facilities related to agricultural resource management.

16. Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
17. Public recreation, commercial recreation, interpretive and educational developments and uses, subject to the provisions governing recreational intensity classes set out in Section 22.32.020 of this Title.
18. Road and railroad construction and reconstruction.
19. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight or value.
20. Exploration, development and production of sand, gravel and crushed rock for the construction, maintenance or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Areas.
21. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to the additional requirements of Section 22.16.020.
22. On a parcel of forty (40) acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to the provisions for hardship dwellings in "Temporary Use - Hardship Dwelling" (Section 22.12.110).
23. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
24. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).
25. Removal/demolition of structures that are fifty (50) or more years old, including wells, septic tanks and fuel tanks.
26. Disposal sites managed and operated by the Washington State Department of Transportation, or Skamania County Department of Public Works for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the provisions in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Section 22.12.040).
27. Silvicultural nurseries.
28. Fish hatcheries.
29. Temporary portable facilities for the processing of forest products.
30. Towers and fire stations for forest fire protection.
31. Community facilities and nonprofit facilities related to forest resource management.
32. One single family dwelling on a parcel of forty (40) contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:
    a. The dwelling will contribute substantially to the growing, propagation, and harvesting of trees. The principal purpose for allowing a dwelling on forest lands is to enable the resident to conduct efficient and effective management. This requirement indicates a relationship between ongoing forest management and the need for a dwelling on the subject property.
    b. The subject parcel is enrolled in the state forest assessment program.

c. A plan for management of the parcel has been approved by the Washington Department of Natural Resources. The plan must indicate:
   i. The condition and productivity of lands to be managed;
   ii. The operations the owner will carry out;
   iii. A chronological description of when the operations will occur;
   iv. Estimates of yield, labor and expenses; and
   v. How the dwelling will contribute to the successful management of the property.
d. No other dwellings exist on the parcel which are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
e. A declaration has been signed by the landowner and recorded into the county deed records specifying that the owners, successors, heirs and assigns of the property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.
f. The dwelling complies with county dwelling, siting and state/county fire protection requirements.

33. Clearing trees for new agricultural use with the following steps and subject to the following additional provisions:
   a. A Stewardship Plan shall be submitted and deemed complete by the Administrator and submitted to the Forest Service for review. (See Section 22.16.020(D)(4)).
   b. Clearing trees for new agricultural use shall be limited to fifteen (15) acres.
   c. If the Stewardship Plan proves that the above provision is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of Section 22.16.020(C)(33)(d) and subject to Section 22.16.020(C)(33)(i).
   d. After a thirty (30) day public comment period, the Forest Service shall review the Stewardship Plan using the following criteria:
      i. Scenic Resource provisions in Review Uses Section 22.16.020(D)(5)(a and g) in this chapter.
      ii. SMA Natural, Cultural and Recreational Resource Protection Chapters 22.28, 22.30 and 22.32.
      iii. The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.
      iv. The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.
   e. The Forest Service shall send the review statement to the Administrator. The Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the Administrator.
   f. The Administrator will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the Forest Service.

g. The forest practice portion of the new agricultural use shall not be approved by the state forestry department or Administrator until a decision on the new agricultural use is issued from the Administrator.

h. The new agricultural use shall be operational within two (2) years of the time frame described in the approved Stewardship Plan.

i. New agricultural uses with an approved Stewardship Plan requiring more than fifteen (15) acres shall attain the final approved size sequentially. After the first fifteen (15) cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

34. Forest uses and practices, subject to Section 22.16.020(D).

D. **FOREST PRACTICES.**

1. The Forest Service shall, in collaboration with the Department of Natural Resources review site plans for forest practices for compliance with the SMA forest practice provisions. Forest Service review decisions on forest practices are subject to review by the Regional Forester.

2. The site plan shall include the following in addition to general site plan requirements under Section 22.06.060 and Section 22.06.080 of this Title:

a. Delineate the following on a recent aerial photo or detailed map:

i. The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

ii. Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.

iii. Road and structure construction and/or reconstruction location.

iv. Location of proposed rock or aggregate sources.

v. Major skid trails, landings and yarding corridors.

vi. Commercial firewood cutting areas.

vii. Protection measures for scenic, cultural, natural and recreation resources, such as road closures.

b. Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

c. Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in Review Uses Section 22.16.020(D)(5) and Section 22.16.020(D)(6).

d. Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

e. Road and structure construction and/or reconstruction design.

f. Existing and proposed rock pit development plans.

g. A discussion of slash disposal methods.

h. A reforestation plan as reviewed by the Washington Department of Natural Resources.

3. As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

4. **STEWARDSHIP PLAN REQUIREMENTS**. The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements (Section 22.06.060 and Section 22.06.080) shall be provided:
   a. Outline the long term goals, proposed operations, and future sustainability of the subject parcel.
   b. Describe the time frame and steps planned to reach the long term goals.
   c. For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and/or forest health. The following shall be addressed:
      i. Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.
      ii. Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.
      iii. Give a clear explanation how a deviation from the applicable provisions may better achieve forest health objectives.
      iv. Give a clear explanation of how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.
   d. For clearing trees for new agricultural use, the following shall be addressed in addition to Section 22.16.020(D)(4)(a) and Section 22.16.020(D)(4)(b):
      i. Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.
      ii. Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in Section 22.16.020(D)(5)(a) through Section 22.16.020(D)(5)(d).
      iii. Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.
      iv. Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.
5. For forest practices, the following scenic resource provisions shall apply:
   a. Forest practices shall meet the design provisions and scenic standards for the applicable landscape setting and zone (See Table 4 in Section 22.26.020).
   b. In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than eight percent (8 %) of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one (1) time. The viewshed boundaries shall be delineated by the Forest Service. The Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.
   c. In the western portion (to the White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than four percent (4 %) of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The

viewshed boundaries shall be delineated by the Forest Service. The Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

d. For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in Natural Resources provisions in Review Uses Section 22.16.020(D)(6)(a through c).

e. Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in Natural Resources provisions in Review Uses, Section 22.16.020(D)(6)(a through c).

f. The maximum size of any created forest opening is set forth by the "Desired" vegetation type in the Table 3 in Section 22.16.020(D).

i. If the treatment is proposed to go beyond the above provision based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

ii. If the Stewardship Plan proves that the above provision is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Table 3 for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

g. Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from a key viewing area.

6. Forest practices shall maintain the following in addition to applicable natural resources provisions in Chapter 22.28:

a. Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Table 3 for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

b. Created forest openings shall be designed as mosaics not to exceed the limits defined as Table 3 unless proposed as a deviation as allowed under the scenic resource provision in Review Uses, Section 22.16.020(D)(5)(f).

c. Snag and down wood requirements shall be maintained or created as listed in the Table 3 for each vegetation type.

d. If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall show and prove why a deviation from the snag and down wood requirements is required.

Table 3. Desired Forest Structure and Pattern

1	2	3		4		5	6	7
Vegetation Type #	**Forest Structure** (Average % total canopy closure (CC))*	**Typical Forest Openings Size** *Disturbance Caused* **Historic (Natural)**	**Desired**	**Percent Openings at One Time** **Historic (Natural)**	**Desired**	**Leave Trees** Includes all available remnant old forest	**Average Down Wood** Pieces 30' long/acre (scattered)	**Average Snags** (Conifers) No./acre Snags are 20-40' in height
West Conifer	▪ 60-80% CC ▪ Understory layer variable (0-60% of total CC)	▪ Variable sizes with mosaic pattern, irregular shapes ▪ Mosaic fire 1-100 acres ▪ Catastrophic fire over 100 acres	▪ Retain forested character ▪ Allow openings up to 15 acres (up to 5 acres in foreground of KVAs) ▪ All openings 1 acre or less on National Forest Land and all Open Space LUD ▪ Openings retain 15-40% CC	▪ 10% (mosaic fire) up to 55% (catastrophic fire) ▪ Intense fire return interval is 300 years	▪ Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting ▪ Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings	▪ Leave 15% of existing trees per acre throughout opening and in clumps ▪ Include 3 trees per acre of the largest size trees available	▪ 18-25 pieces greater than 20"dbh	▪ 10 snags at 10-20" dbh and 7 snags greater than 20" dbh
East Conifer (Ponderosa Pine/Douglas fir)	▪ 40-80% CC ▪ Understory layer variable (less than 25% of total CC)	▪ Few openings due to low intensity fires ▪ ¼ to 2 acres	▪ Openings less than 1 acre ▪ Openings have 0-40% CC ▪ Openings widely dispersed	▪ 1-10%	▪ 1-10% (% by vegetation type	▪ No leave trees required	▪ 3-6 pieces greater than 20" dbh	▪ 5 snags at 10-20" dbh and 3 snags greater than 20" dbh
Ponderosa Pine/ Oregon Oak	▪ 25-60% CC ▪ Understory layer greater than 25% of total CC	▪ Most natural openings due to poor soil ▪ Disturbance openings few	▪ Openings less than 1 acre ▪ Openings have 0-25% CC ▪ Openings widely dispersed	▪ 1-10%	▪ 1-10% (% by vegetation type)	▪ No leave trees required	▪ 1-3 pieces greater than 20" dbh	▪ 5 snags at 10-20" dbh and 3 snags greater than 20" dbh ▪ Oak snags can be counted if already dead or partially dead

Map available at the Forest Service National Scenic Area Office * Does not apply to openings dbh: Diameter at Breast Height

22.16.030 PUBLIC RECREATION (P) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 2210.040(A) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in 22.06.140.

C. **REVIEW USES.** The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions of this Title:

1. Forest uses and practices, consistent with the provisions of Section 22.16.020, except uses listed in Section 22.16.020(C)(4, 5, 17 and 26).
2. One (1) single-family dwelling on a parcel of forty (40) contiguous acres or larger when it either meets the conditions established for dwellings on agriculture and forest lands or when shown to be necessary for public recreation site management purposes.
3. New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing of trees for new agricultural use is subject to Section 22.16.020(C)(33).
4. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.12.070). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
5. Public trails, consistent with Chapter 22.32.020.
6. Public recreational facilities, consistent with Chapter 22.32.020.
7. Public non-profit group camps, retreats, conference or educational centers and interpretive facilities.
8. Home occupation and cottage industries. See also Section 22.12.060.
9. Road and railroad construction and reconstruction.
10. Utility facilities for public service if:
    a. There is no alternative location with less adverse effect on Public Recreation land; and
    b. The size is the minimum necessary to provide the service.
11. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Section 22.16.030(C)(12).
12. Accessory buildings larger than 200 square feet in area or taller than ten (10) feet in height for a dwelling on any legal parcel are subject to the following additional standards:
    a. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
    b. The height of any individual accessory building shall not exceed twenty-four (24) feet.

13. On a parcel of forty (40) acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to the provisions for hardship dwellings in "Temporary Use - Hardship Dwelling" (Section 22.12.110).
14. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
15. Docks and boathouses, subject to the provisions in "Docks and Boathouses" (Section 22.12.050).
16. Removal/demolition of structures that are fifty (50) or more years old, including wells, septic tanks and fuel tanks.
17. Agricultural structures, except buildings, in conjunction with agricultural use.
18. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five (5) years, subject to the standards in "Agricultural Buildings" (Section 22.12.010).
19. Fruit and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
20. Aquaculture.
21. Temporary asphalt/batch plant operations related to public road projects, not to exceed six (6) months.
22. A single-family dwelling necessary for and accessory to agricultural use, upon a demonstration that:
    a. The proposed dwelling would be the only dwelling on the subject farm or ranch, including contiguous lots/parcels;
    b. The minimum parcel size is at least forty (40) contiguous acres;
    c. The farm or ranch upon which the dwelling will be located is currently devoted to agricultural use, where the day-to-day activities of one or more residents of the agricultural dwelling will be principally directed to the agricultural use of the land; and
    d. The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:
        i. Size of the entire farm or ranch, including all land in the same ownership;
        ii. Type(s) of agricultural uses (crops, livestock) and acreage;
        iii. Operational requirements for the particular agricultural use common to area agricultural operations; and
        iv. The farm or ranch, and all its contiguous parcels, is capable of producing at least $40,000 in gross annual income. This determination can be made using the formula (X)(Y)(Z) = I where:
            (1) X = Average yield of the commodity per acre, or unit of production;
            (2) Y = Average price of the commodity;
            (3) Z = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch; and
            (4) I = Income capability.
23. Farm labor housing on a parcel with an existing dwelling upon a showing that:
    a. The proposed housing is necessary and accessory to a current agricultural use and the operation is a commercial agricultural enterprise as described in Section 22.16.030(C)(26)(d)(iv), above.

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

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

24. Community facilities and non-profit facilities related to agricultural resource management.

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

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

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

28. Bed and breakfast inns subject to the standards set out in Section 22.12.020 hereof, if the development is compatible with Public Recreation uses. Buffer zones may be considered to protect Public Recreation practices from conflicting uses.

22.16.040 OPEN SPACE (S-O) ZONE

A. **USES ALLOWED OUTRIGHT.** The uses listed in Section 22.10.040(B) are allowed without review.

B. **USES ALLOWED THROUGH EXPEDITED DEVELOPMENT REVIEW.** The uses listed in Section 22.10.050 are allowed with review pursuant to the provisions listed in Section 22.06.140.

C. **REVIEW USES.** The following uses may be allowed, subject to review by the Administrator for compliance with all applicable provisions of this Title:

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

2. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the provisions in "Resource Enhancement Projects" (Section 22.16.020). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

3. Low-intensity recreation uses and developments, including educational and interpretative facilities, consistent with the Recreational Intensity Classes (Section 22.32.020).

4. Utility facilities for public service, upon a showing that:

a. There is no alternative location with less adverse effect on Open Space land.

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

5. Removal/demolition of structures that are fifty (50) or more years old, including wells, septic tanks and fuel tanks.
6. Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:
    a. Noxious weed infestation is new and eradication is still viable.
    b. Delayed or deferred treatment could have widespread or major or adverse impacts to one or more of the following resources:
        i. Displacement of native and traditionally gathered plants;
        ii. Degradation of wildlife habitat and forage;
        iii. Degradation or loss of agricultural uses of land, such as cropland or livestock forage;
        iv. Limitation of recreational uses.
    c. For federal lands, treatment effects have been thoroughly evaluated in an environmental assessment.

D. **OPEN SPACE PLAN REQUIREMENTS.**

1. An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or developments within S-O Zone, and shall be reviewed by the Forest Service and the Administrator.
2. The Open Space plan shall include the following:
    a. Direction for resource protection, enhancement and management.
    b. Review of existing uses to determine compatibility with Open Space values.
    c. Consultation with members of the public and with agency and resource specialists.

CHAPTER 22.18 SCENIC RESOURCE PROTECTION – GENERAL MANAGEMENT AREAS

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22.18.010 SAVINGS AND EXEMPTIONS

A. **SAVINGS.**

1. Except for production and/or development of mineral resources, nothing in this Section shall be used as the ground(s) upon which to deny proposed uses otherwise authorized within General Management Area land use zones. The provisions of this Section may affect the siting, location, size and other design features of proposed developments.
2. Nothing in this Section shall affect agriculture or forest practices, nor equipment or structures (other than buildings) associated with those practices.

B**. EXEMPTIONS.** The following areas are not subject to provisions requiring visual subordinance to the landscape setting because they are developed settings and not visually sensitive. New developments in these settings shall be compatible with the setting but not necessarily visually subordinate. New development in these settings are exempt from the color and siting provisions in the Key Viewing sections of this chapter. These areas include:

1. Skamania Rural Center (village).
2. That portion of Underwood Heights along Cooper Avenue, south of Cook-Underwood Road (rural residential).

22.18.020 STANDARDS GOVERNING NEW DEVELOPMENTS.

A. **STANDARDS GOVERNING NEW DEVELOPMENTS.**

1. New buildings and associated roads shall be sited and designed to retain the existing topography and minimize grading activities to the maximum extent practicable.
2. New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development of a similar nature. Expansion of existing development shall comply with this provision to the maximum extent practicable.
3. A site plan and land use application shall be submitted for all new buildings, except those smaller than sixty (60) square feet in area and less than or equal to ten (10) feet in height, as measured at the roof peak. The site plan shall include all requirements of Section 22.06.060 and if necessary Section 22.06.070.
4. A determination of compatibility with the landscape setting shall be made by the Administrator and shall be based upon information submitted in the site plan.

5. Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter.
6. For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable. At a minimum, such reclamation plans shall include:
   a. A map of the site, at a scale of one (1) inch equals 200 feet (1:2,400) or a scale providing greater detail, with ten (10) foot contour intervals or less, showing pre-mining existing natural grades and post-mining finished grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing and equipment areas employed for the duration of the use.
   b. Cross-sectional drawings of the site showing pre-mining (natural) and post-mining (finished) grades.
   c. Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.
   d. Description of drainage/erosion control features to be employed for the duration of the use.
   e. A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating the species, number, size and location of plantings for the final reclaimed finished grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of planting.
7. All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The state agency shall have thirty (30) calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:
   a. Whether the proposed mining is subject to state reclamation permit requirements;
   b. If subject to state jurisdiction, whether an application has been received for a state reclamation permit and, if so, the current status of the application; and
   c. For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements. The Administrator may request technical assistance from the Department of Natural Resources (DNR) on reclamation plans for proposed mining not within DNR's jurisdiction.

22.18.030 ADDITIONAL STANDARDS GOVERNING NEW DEVELOPMENTS VISIBLE FROM KEY VIEWING AREAS.

A. The provisions in the section shall apply to proposed developments on sites topographically visible from key viewing areas.
B. Each development shall be visually subordinate to its setting as seen from key viewing areas.

C. The extent and type of conditions applied to a proposed development to achieve visual subordinance shall be proportionate to its potential visual impacts as seen from key viewing areas.
   1. Decisions shall include written findings addressing the factors influencing potential visual impact, including but not limited to:
      a. The amount of area of the building site exposed to key viewing areas,
      b. The degree of existing vegetation providing screening,
      c. The distance from the building site to the key viewing areas from which it is visible,
      d. The number of key viewing areas from which it is visible, and
      e. For linear key viewing areas such as roads, the linear distance along the key viewing areas from which the site is visible.
   2. Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to:
      a. Siting (location of development on the subject property, building orientation, and other elements),
      b. Retention of existing vegetation,
      c. Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and
      d. New landscaping.
D. Determination of potential visual effects shall include consideration of the cumulative effects of proposed developments.
E. New development shall be sited to achieve visual subordinance from key viewing areas, unless the siting would place such development in a buffer specified for protection of water resources, sensitive plants, or sensitive wildlife sites or would conflict with provisions protecting cultural resources. In such instances, the development shall comply with this provision to the maximum extent practicable.
F. New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordinance from key viewing areas.
G. Existing tree cover screening proposed development from key viewing areas shall be retained as specified in the Landscape Settings Design Provisions section of this chapter.
H. The following provisions shall apply to new landscaping used to screen development from key viewing areas:
   1. New landscaping (including new earth berms) shall be required only when application of all other available provisions in this chapter are not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordinance. Development shall be sited to avoid the need for new landscaping wherever possible.
   2. If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this provision shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.

3. Unless as specified otherwise by provisions in this chapter, landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.
4. The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Provisions in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

I. Conditions regarding new landscaping or retention of existing vegetation for new developments on lands designated GMA Forest shall meet both scenic provisions and fuel break requirements in Section 22.14.030(A), 22.14.040(A), and 22.14.050(A).

J. Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors.

K. The exterior of buildings on lands seen from key viewing areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features.
   a. Painted metal is not considered to be nonreflective materials or materials with low reflectivity.
   b. The Scenic Resources Implementation Handbook will include a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this provision, including those where the specific application meets recommended thresholds in the “Visibility and Reflectivity Matrices” in the Implementation Handbook (once they are created).
   c. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordinance. Recommended square footage limitations for such surfaces will be provided for guidance in the Scenic Resources Implementation Handbook.

L. Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

M. Additions to existing buildings smaller in total area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.

N. Rehabilitation or modifications to existing significant historic structures shall be exempted from visual subordinance requirements for lands seen from key viewing areas. To be eligible for such exemption, the structure must be included in or eligible for inclusion in the National Register of Historic Places, or be in the process of applying for a determination of significance pursuant to appropriate federal regulations. Rehabilitation of or modifications to structures subject to this exemption shall be

consistent with National Park Service regulations or appropriate state regulations for such structures.

O. The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from key viewing areas. Variances to this provision may be granted if application of this provision would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with this provision have been made. Variances from this provision may be granted pursuance to Section 22.06.040 of this Title.

P. An alteration to a building built prior to November 17, 1986, that already protrudes above the skyline of a bluff, cliff or ridge as seen from a key viewing area, may itself protrude above the skyline if:

1. The altered building, through use of color, landscaping and/or other mitigation measures, contrasts less with its setting than before the alteration, and
2. There are no practicable alternative means of altering the building without increasing the protrusion.

Q. New main lines on lands visible from key viewing areas for the transmission of electricity, gas, oil, other fuels or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it is demonstrated to be impracticable.

R. New communication facilities on lands visible from key viewing areas that require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

S. New communications facilities may protrude above a skyline visible from a key viewing area only upon demonstration that:

1. The facility is necessary for public service,
2. The break in the skyline is seen only in the background, and
3. The break in the skyline is the minimum necessary to provide the service.

T. Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a key viewing area only upon a demonstration that:

1. The facility is necessary for public service, and
2. The break in the skyline is the minimum necessary to provide the service.

U. Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam. Variances to this provision may be granted by if the setback would render a property unbuildable. Variances from this setback requirement may be granted pursuant to Section 22.06.040 of this Title.

V. New buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of thirty percent (30 %). In determining the slope, the average percent slope of the proposed building site shall be used. Variances to this provision may be granted if its application would render a property unbuildable. Variances from this setback requirement may be granted pursuant to Section 22.06.040 of this Title.

W. New buildings, driveways and roads shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas, in addition to the required application information in Section 22.06.060 and 22.060.070.

X. For proposed mining and associated activities on lands visible from key viewing areas, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable key viewing areas.

Y. Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than three (3) miles from the nearest key viewing areas from which it is visible may be allowed upon a demonstration that:

1. The site plan requirements for such proposals pursuant to this chapter have been met.
2. The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc., associated with the use would be visually subordinate as seen from key viewing areas.
3. A reclamation plan to restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At a minimum, the reclamation plan shall comply with Section 22.18.020(A)(6) and Section 22.18.020(A)(7).
4. A written report on a determination of visual subordinance has been completed, with findings addressing the extent of visibility of proposed mining activities from key viewing areas, including:
   a. A list of key viewing areas from which exposed mining surfaces (and associated facilities/activities) would be visible.
   b. An estimate of the surface area of exposed mining surfaces that would be visible from those key viewing areas.
   c. The distance from those key viewing areas and the linear distance along those key viewing areas from which proposed mining surfaces are visible.
   d. The slope and aspect of mining surfaces relative to those portions of key viewing areas from which they are visible.
   e. The degree to which potentially visible mining surfaces are screened from key viewing areas by existing vegetation, including winter screening considerations.
   f. The degree to which potentially visible mining surfaces would be screened by new plantings, berms, etc., and appropriate time frames to achieve such results, including winter screening considerations.

Z. Unless addressed in Section 22.18.030(Y), new production and/or development of mineral resources may be allowed upon a demonstration that;

1. The site plan requirements for such proposals pursuant to this chapter have been met;
2. The area to be mined and the area used for primary processing, equipment storage, stockpiling, etc., associated with the use would be fully screened from any key viewing area; and
3. A reclamation plan to restore the area to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable has been approved. At a minimum, the reclamation plan shall comply with Section 22.18.020(A)(6) and Section 22.18.020(A)(7).

AA. An interim time period to achieve compliance with visual subordinance requirements for expansion of existing quarries and development of new quarries located more than three

(3) miles from the nearest visible key viewing area shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed three (3) years beyond the date of approval.

BB. An interim time period to achieve compliance with full screening requirements for new quarries located less than three (3) miles from the nearest visible key viewing area shall be established before approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed one (1) year beyond the date of approval. Quarrying activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

22.18.040 LANDSCAPE SETTINGS

A. **GENERAL PROVISIONS.** Landscape settings shall be as designated on the map entitled "Landscape Settings", adopted on October 15, 1991 as part of the Columbia River Gorge Commission's comprehensive management plan, and any amendment thereto.

B. **PASTORAL.**

1. Accessory structures, outbuildings and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.
2. In portions of this setting visible from key viewing areas, the following provisions shall be used to achieve visual subordinance for new development and expansion of existing development:
   a. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
   b. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
   c. At least half (½) of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas-Fir, Lombardy Poplar, Oregon White Oak, Big Leaf Maple, and black locust (primarily in the eastern gorge).
   d. At least one-quarter (¼) of any trees planted for screening shall be coniferous for winter screening.
3. Compatible Recreation Use. Resource-based recreation uses of a very low intensity or low-intensity nature (as defined in Section 22.24.020 of this Title), occurring infrequently in the landscape are compatible with this setting.

C. **CONIFEROUS WOODLAND.**

1. Structure height shall remain below the forest canopy level.
2. In portions of the setting visible from key viewing areas, the following provisions shall be employed to achieve visual subordinance:
   a. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.
   b. At least half (½) of any trees planted for screening purposes shall be species native to the setting. Such species include Douglas fir, grand fir, western red

cedar, western hemlock, big leaf maple, vine maple, red alder, ponderosa pine, Oregon white oak and various native willows (for riparian areas).

c. At least half (½) of any trees planted for screening purposes shall be coniferous to provide winter screening.

3. Compatible Recreation Use. Resource-based recreation uses of varying intensities may be compatible with this setting. Typically, outdoor recreation uses are low intensity, and include trails, small picnic areas and scenic viewpoints. Although infrequent, some more intensive recreation uses, such as campgrounds occur. They tend to be scattered rather than concentrated, interspersed with large areas of undeveloped land and low-intensity uses (Section 22.24.020).

D. **RURAL RESIDENTIAL.**

1. Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes or as part of forest management practices.

2. In portions of this setting visible from key viewing areas, and not exempt from visual subordinance provisions elsewhere in this Chapter, the following provisions shall be employed to achieve visual subordinance for new development and expansion of existing development:

a. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.

b. At least half (½) of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

c. At least half (½) of any trees planted for screening purposes shall be coniferous to provide winter screening.

3. Compatible Recreation Use. Compatible recreation uses are usually limited to small community park facilities, but may occasionally include low-intensity resource-based recreation uses (such as scenic overlooks) (Section 22.24.020).

E. **RURAL RESIDENTIAL/PASTORAL OR /CONIFEROUS WOODLAND.**

1. New development in these settings shall meet the design provisions for both the Rural Residential setting and the more rural setting with which it is combined, unless it can be demonstrated that compliance with the provisions for the more rural setting is impracticable. Expansion of existing development shall comply with this standard to the maximum extent practicable.

2. In the event of a conflict between the two sets of provisions, those for the more rural setting shall apply unless it can be demonstrated that application of such provisions would not be practicable.

3. Compatible Recreation Use. Very low-intensity and low-intensity resource-based recreation uses, scattered infrequently in the landscape, may be compatible with this setting (Section 22.24.020).

F. **RESIDENTIAL.**

1. In portions of this setting visible from key viewing areas and not exempted elsewhere in this Title from visual subordinance provisions, the following shall be employed to achieve visual subordinance for new development and expansion of existing development:

a. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.

b. The exteriors of structures shall be non-reflective unless fully screened from key viewing areas with existing topography.

c. At least half (½) of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

d. At least half (½) of any trees planted for screening purposes shall be coniferous to provide winter screening.

2. Compatible Recreation Use. Compatible recreation uses are limited to community park facilities (Section 22.24.020).

G. **VILLAGE.**

1. For new commercial, institutional or multifamily residential uses on parcels fronting Washington State Route 14 (SR 14) and for expansion of existing development for such uses, parking shall be limited to rear or side yards of buildings to the maximum extent practicable.

2. New vehicular access points to SR 14 shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.

3. New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly shared landscaped open areas, etc.

4. New commercial, institutional or multifamily residential uses fronting SR 14 shall comply with the following landscape requirements:

a. Parking or loading areas for ten (10) or more spaces shall include a landscaped strip at least five feet wide between the new use and SR 14.

b. The landscape strip required in Section 22.18.040(G)(4)(a) above shall include shrubs, vegetative ground cover and, at minimum, one (1) tree. Trees shall be spaced as appropriate to the species and not to exceed twenty-five (25) feet apart on the average.

5. The use of building materials that reinforce the Village setting's character, such as wood, logs or stone and that reflect community desires should be encouraged.

6. Architectural styles that are characteristic of the area and that reflect community desires should be encouraged. Entry signs should be consistent with such architectural style.

7. Design features that create a "pedestrian-friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc., should be encouraged.

8. Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments where feasible.

9. Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.

10. New commercial buildings shall be limited in size to a total floor area of 5,000 square feet or less, and shall be limited in height to two-and-a-half (2½) stories or less.

11. Compatible Recreation Use. Compatible recreation uses are limited to community park facilities (Section 22.24.020).

H. **RIVER BOTTOMLANDS.**

1. In portions of this setting visible from key viewing areas, the following provisions shall be employed to achieve visual subordinance for new development and expansion of existing development:

a. Except as is necessary for site development or safety purposes, existing tree cover screening the development from key viewing areas shall be retained.
b. At least half (½) of any trees planted for screening purposes shall be species native to the River bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas-fir, western red cedar and western hemlock (western gorge) and various native willow species.
c. At least one-quarter (¼) of any trees planted for screening purposes shall be coniferous for winter screening.

2. Compatible Recreation Use. Compatible recreation uses in this setting depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive river bottomlands, very low-intensity uses that do not impair wetlands or special habitat requirements may be compatible.
3. In other river bottomland areas, nodes of moderate-intensity and/or high-intensity recreation uses may be compatible, provided that:
   a. Their designs emphasize retention and/or enhancement of native riparian communities,
   b. Structures and parking areas are visually subordinate, and
   c. They are separated from other areas of concentrated recreation usage by stretches of natural-appearing shoreline and adjacent uplands.

I. **GORGE WALLS, CANYONLANDS AND WILDLANDS.**

1. New development and expansion of existing development shall be screened so it is not seen from key viewing areas, to the maximum extent practicable.
2. All trees planted to screen permitted development and uses from key viewing areas shall be native to the area.
3. Existing tree cover shall be retained to the maximum extent practicable except for the minimum removal necessary to accommodate facilities otherwise permitted in the underlying zoning classification or for safety purposes.
4. All buildings shall be limited in height to a maximum of one-and-a-half (1½) stories.
5. The exteriors of structures shall be non-reflective.
6. Signage shall be limited to natural materials such as wood or stone, with natural or earth-tone colors, unless public safety concerns or federal or state highways standards require otherwise.
7. Compatible Recreation Use. Because of the fragility, steepness and undeveloped nature of these lands, compatible recreation uses are usually limited to very low-intensity or low-intensity resource-based activities that focus on enjoyment and appreciation of sensitive resources. Such uses are generally associated with minimal facility development, if any.

22.18.050 SCENIC TRAVEL CORRIDORS AND TRANSPORTATION FACILITIES.

A. The following provisions apply to that portion of State Road 14 (SR14) lying within the Columbia River Gorge National Scenic Area and to lands lying within a quarter (¼) mile of the edge of the pavement thereof:

1. Additions to existing buildings or expansion of existing parking lots located within 100 feet of the edge of pavement of a scenic travel corridor roadway shall comply with Section 22.18.050(A)(2) to the maximum extent practicable. Section 22.18.050(A)(1) shall not apply in Rural Center designations (Village landscape settings.)
2. All new buildings, alterations and additions to existing buildings, new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement to the extent practicable, except in Rural Center Zone (village landscape setting) which are exempt from this subsection. Variances from this setback requirement may be granted pursuant to Section 22.06.040 of this Title.
3. All proposed vegetation management projects in public rights-of-way to provide or improve views shall include the following:
    a. An evaluation of potential visual impacts of the proposed project as seen from any key viewing area.
    b. An inventory of any rare plants, sensitive wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable provisions of Chapter 22.20 of this Title protecting resources.
4. When evaluating possible locations for underground signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for underground placement in the Columbia River Gorge National Scenic Area Corridor Visual Inventory (April 1990).
5. New production and/or development of mineral resources proposed within a quarter (¼) mile of the edge of pavement of a scenic travel corridor may be allowed upon a demonstration that full visual screening of the site from the scenic travel corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over seventy-five percent (75 %) of the tree canopy area shall be coniferous species providing adequately winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a scenic travel corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within timeframes specified in Section 22.18.030(BB).
6. Expansion of existing quarries may be allowed pursuant to Section 22.18.030(Y) of this chapter. Compliance with visual subordinance requirements shall be achieved within timeframes specified in Section 22.18.030(AA) of this chapter.

CHAPTER 22.20 NATURAL RESOURCE PROTECTION – GENERAL MANAGEMENT AREA

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22.20.010 PRACTICABLE ALTERNATIVE TEST

A. An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:
   1. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites;
   2. The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites; and
   3. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

22.20.020 DEVELOPMENT REVIEW FOR WATER RESOURCE ZONE PROTECTION

A. The following uses may be allowed in a water resource or its buffer, subject to review by the Administrator for compliance with the standards set forth in this Section and with the provisions for the protection of scenic, natural, cultural, and recreational resources.
   1. The uses listed in Section 22.20.020(A)(2), Section 22.20.020(A)(3), and Section 22.20.020(A)(4) will be allowed only if:
      a. Practicable alternatives (pursuant to Section 22.20.010) to locating the structure outside of the water resource zone and/or minimizing the impacts of the structure do not exist;
      b. All reasonable measures have been applied to ensure that the structure will Result in the minimum feasible alteration or destruction of:
         i. Wetland functions, existing contour, vegetation, fish and wildlife resources and hydrology, if within a wetland or its buffer; or

ii. Water quality, natural drainage, and fish and wildlife habitat, if within a stream, pond, lake, riparian area or its buffer.

c. The structure will be constructed using best management practices;

d. Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

e. The structure complies with all other applicable laws.

2. The modification, expansion, replacement or reconstruction of serviceable structures, if such actions would not:

a. Increase the size of an existing structure by more than 100 percent,

b. Result in a loss of wetlands acreage or functions, or cause a loss of water quality, natural drainage, and fish and wildlife habitat in streams, ponds, lakes and riparian areas, and

c. Intrude further into a water resource zone. Structures shall be considered intruding further into a water resource zone if any portion of the modified, expanded, replaced, or reconstructed structure is located closer to the water resource than the existing structure.

3. The construction of minor water-related recreation structures that will be available for public use. Structures in this category shall be limited to:

a. Boardwalks;

b. Trails and paths, provided their surface is not constructed of impervious materials;

c. Observation decks; and

d. Interpretative aids, such as kiosks and signs.

4. The construction of minor water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so closed together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to:

a. Public and private docks and boat houses; and

b. Fish and wildlife management structures that are constructed by federal, state, local or tribal agencies.

5. Enhancement of wetlands, streams, ponds, lakes and riparian areas not associated with any other project proposal if such efforts comply with all the applicable provisions protecting either wetlands or streams, ponds, lakes and riparian areas under this Chapter.

a. Enhancement efforts shall be conducted pursuant to a wetlands compensation plan or rehabilitation and enhancement plan for streams, ponds, lakes and riparian areas. (See Section 22.20.020(~~H~~I)).

b. All enhancement plans shall be approved by the Administrator, after consultation with federal and state agencies with jurisdiction over either wetlands or streams, ponds, lakes and riparian areas.

B. Other uses may be allowed in a water resource zone, subject to review by the Administrator for compliance with the provisions for the protection of scenic, natural, cultural, and recreational resources, and if:

1. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as established in Section 22.20.010.

2. The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:

a. The extent of public need for the proposed use;
b. The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited;
c. The functions and size of the water resource that will be affected;
d. The economic value of the proposed use to the general area; and
e. The ecological value of the water resource and probable effect on public health and safety, fish, plants and wildlife.
f. Groundwater and surface-water quality will not be degraded by the proposed use.
g. Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of water resource zones.
h. The proposed use complies with all applicable provisions of this Title and other laws.

C. Proposed uses in water resources and water resource buffers shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

~~C.~~D. In addition to the information required in all site plans, site plans for proposed uses in wetlands or wetlands buffer zones shall include: a site plan map prepared at a scale of one (1) inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the wetland and the wetlands buffer zone; and a description of actions that would alter or destroy the wetland.

~~D.~~E. In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes and their buffer zones shall include: a site plan map prepared at a scale of one (1) inch equals 100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the ordinary high watermark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake or riparian area.

~~E.~~F. Except uses allowed under Section 22.20.020(A), uses may be allowed in wetlands and wetland buffers, subject to review by the Administrator for compliance with the provisions for the protection of scenic, natural, cultural, and recreational resources, if:

1. Measures will be applied to ensure that the proposed use results in the minimum feasible alteration or destruction of the wetland's functions, existing contour, vegetation, fish and wildlife resources and hydrology.
2. Groundwater and surface water quality will not be degraded by the proposed use.
3. Those portions of a proposed use that are not water-dependent or have a practicable alternative will not be located in wetlands or wetlands buffer zones.
4. The proposed use complies with all applicable federal, state, and county laws.
5. Areas that are disturbed during construction of the proposed use will be rehabilitated to the maximum extent practicable.
6. Unavoidable impacts to the wetland will be offset through the deliberate restoration, creation or enhancement of the wetland. Wetland restoration, creation, and enhancement are not alternatives to the regulations listed above; they shall be used only as a last resort to offset unavoidable wetland impacts. The following wetlands restoration, creation and enhancement provisions shall apply:
   a. Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.

b. Wetlands restoration, creation and enhancement projects shall be conducted in accordance with a wetlands compensation plan.

c. Wetlands restoration, creation and enhancement projects shall use native vegetation.

d. The size of replacement wetlands shall equal or exceed the following ratios. The first number specifies the acreage of wetlands requiring replacement and the second number specifies the acreage of wetlands altered or destroyed.

i. **Restoration.** 2:1

ii. **Creation.** 3:1

iii. **Enhancement.** 4:1

e. Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands functions occurs.

f. Replacement wetlands should replicate the type of wetland that will be altered or destroyed. If this standard is not feasible or practical due to technical constraints, a wetland type of equal or greater benefit may be substituted, provided that no net loss of wetlands functions occurs.

g. Wetlands restoration, creation or enhancement should occur within 1,000 feet of the affected wetland. If this provision is not practicable due to physical or technical constraints, replacement shall occur within the same watershed and as close to the altered or destroyed wetland as practicable.

h. Wetlands restoration, creation and enhancement efforts should be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

i. Within five (5) years after a wetland is restored, created or enhanced, at least seventy-five percent (75 %) of the replacement vegetation must survive. The project applicant shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms with the approved wetlands compensation plan (Section 22.20.020(~~H~~I)) and the provisions of Section 22.20.020(~~E~~F).

~~F~~G. Uses may be permitted in streams, ponds, lakes and riparian areas, and their buffer zones subject to review by the Administrator for compliance with the provisions for the protection of scenic, natural, cultural, and recreational resources, if:

1. Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage and fish and wildlife habitat of the affected stream, pond, lake, riparian area and/or buffer zone, including but not limited to the following mitigation measures:

a. Construction shall occur during periods when fish and wildlife are least sensitive to disturbance, as determined and specified by the Department of Fish & Wildlife, who shall specify periods for in water work after evaluation of the applicant's specific proposal.

b. All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

c. Nonstructural controls and natural processes shall be used to the greatest extent practicable.

d. Bridges, roads, pipeline and utility corridors and other water crossings shall be minimized and should serve multiple purposes and properties.

e. Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to streams, ponds, lakes and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and natural grade should be used.

f. Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems and culverts.

2. Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement efforts which shall achieve no net loss of water quality, natural drainage and fish and wildlife habitat to the affected stream, pond, lake, riparian area and/or buffer zone. If a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. If the project area cannot be completely rehabilitated, enhancement shall also be required. Rehabilitation and enhancement shall be accomplished according to a rehabilitation and/or enhancement plan which shall be subject to the following provisions:

a. Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume and normal water fluctuation.

b. Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile and gradient.

c. The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.

d. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

e. Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata and structures, including large woody debris and boulders.

f. Stream channels and banks, shorelines and riparian areas shall be replanted with native plant species that replicate the original vegetation community.

g. Rehabilitation and enhancement efforts shall be completed no later than ninety (90) days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

h. Within three (3) years after an aquatic area or buffer zone is rehabilitated or enhanced, at least seventy-five percent (75 %) of the replacement vegetation must survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet Sections 22.20.020(~~F~~G)(2)(a) through 22.20.020(~~F~~G)(2)(g).

~~G~~H. **DELINEATING WATER RESOURCE BOUNDARIES AND BUFFER ZONES.**

1. **NATURAL CONDITION**. Except as otherwise specified, water resource buffers shall be retained in their natural condition. Where buffer disturbance occurs during project development, revegetation with native vegetation shall be required and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.

2. **DELINEATING WATER RESOURCE BOUNDARIES.**

a. **Wetlands**.

i. The approximate location and extent of wetlands in the NSA are shown on the National Wetlands Inventory Maps (US Department of Interior 1987).

ii. The list of hydric soils and the soil survey maps shall also be used an indicator of wetlands in the NSA.

iii. Some wetlands may not be shown on the wetlands inventory, hydric soils, or soil survey maps. Wetlands discovered by the Administrator during inspection of a potential project site shall be delineated according to Section 22.20.020(G)(2)(iv) and protected according to the provisions of this Title. (GC said to add these 3 items.)

iv. The exact location of the wetland boundary shall be determined by the applicant through the performance of a field investigation. Qualified professional scientists (soil scientist, botanist or wetlands ecologist) shall perform wetland delineations using the Corps of Engineers Wetlands Delineation Manual (Wetlands Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997). Changes to this federal manual shall not apply to the Scenic Area unless the Management Plan has been amended to include them.

b. **Streams, Ponds and Lakes.** The exact location of a stream, pond or lake boundary shall generally be measured landward from the ordinary high water mark on a horizontal scale that is perpendicular to the ordinary high water mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River.

c. Determining the exact location of the ordinary high water mark or normal pool elevation, or the boundary of a wetland, shall be the responsibility of the project applicant.

d. The Administrator may verify the accuracy of, and may render adjustments to, an ordinary high water mark or normal pool, or the boundary of a wetland.

e. In the event the adjusted boundary delineation is contested by the project applicant, the Administrator shall, at the applicant's expense, obtain professional services to render a final delineation.

f. The Administrator, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The Administrator shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant shall pay all costs and fees incurred by the County in obtaining water resource boundary delineation.

g. Where the Administrator performs a boundary delineation at the request of the applicant, such delineation shall be considered a final determination.

3. **STANDARD WETLAND, LAKE AND POND BUFFER WIDTHS.** Buffers shall be required for all regulated activities adjacent to regulated wetlands, lakes and ponds. All buffers shall be measured from the wetland, lake or pond boundary as established pursuant to Section 22.20.020(G)(2). The width of wetland, lake and

pond buffers shall be based on the dominant vegetation community that exists in a buffer zone.

a. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland, lake or pond. Vegetation communities are classified as forest, shrub or herbaceous.

b. A forest vegetation community is characterized by trees with an average height equal to or greater than twenty (20) feet, accompanied by a shrub layer. Trees must form a canopy cover of at least forty percent (40 %) and shrubs must form a canopy cover of at least forty percent (40 %). A forest community without a shrub component that forms a canopy cover of at least forty percent (40 %) shall be considered a shrub vegetation community.

c. A shrub vegetation community is characterized by shrubs and trees that are greater than three (3) feet tall and form a canopy cover of at least forty percent (40 %).

d. A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

e. Buffer zones shall be measured outward from a wetlands, lake or pond boundary on a horizontal scale that is perpendicular to the wetland, lake or pond boundary. The following buffer zone widths shall be required:

i. **Forest Communities.** 75 feet

ii. **Shrub Communities.** 100 feet

iii. **Herbaceous Communities.** 150 feet

4. **STREAM BUFFER WIDTHS.** The following buffer widths shall be required in the GMA:

a. Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

b. Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet.

~~H~~I. WATER RESOURCE COMPENSATION, ENHANCEMENT, REHABILITATION AND MITIGATION PLANS

1. **WETLAND COMPENSATION PLANS**. A wetland compensation plan shall be prepared by the applicant whenever an applicant is required to restore, create or enhance wetlands. Wetlands compensation plans shall:

a. Be prepared by a qualified professional hired by a project applicant;

b. Provide for land acquisition (if applicable), construction, maintenance and monitoring of replacement wetlands;

c. Include an ecological assessment of the wetland that will be altered or destroyed and of the wetland that will be restored, created or enhanced, including information on flora, fauna, hydrology and wetlands functions;

d. Assess the suitability of the proposed site for establishing a replacement wetland, including a description of the water source and drainage patterns, topography, wildlife habitat opportunities and value of the area to be converted;

e. Include a plan view and cross-sectional, scaled drawings, topographic survey data, including elevations at contour intervals no greater than 1 foot, slope

percentages and final grade elevations, and other technical information in sufficient detail to explain and illustrate:

i. Soil and substrata conditions, grading, erosion and the sediment control needed for wetland construction and long-term survival;

ii. Include planting plans that specify native plant species, quantities, size, spacing or density, source of plant materials or seeds, timing, season, water and nutrient requirements for planting and, where appropriate, measures to protect plants from predation;

iii. Set out water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions;

f. Establish a five (5)-year monitoring, maintenance and replacement program that, at a minimum, requires provision of an annual report to the Administrator that documents milestones, successes, problems, and contingency actions, including photographs, taken from points identified in the program not less than annually; and

g. Include proof that the applicant has sufficient fiscal, technical and administrative competence to successfully execute a wetlands compensation plan.

2. **REHABILITATION AND ENHANCEMENT PLANS FOR STREAMS, PONDS, LAKES AND RIPARIAN AREAS.** Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer zone and shall be subject to the following provisions:

a. Rehabilitation and enhancement plans are the responsibility of the project applicant. Plans shall be prepared by qualified professionals, such as fish or wildlife biologists.

b. All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake and/or buffer zone. The assessment shall include hydrology, flora and fauna.

c. Plan view and cross-sectional, scaled drawings; topographic survey data, including elevations at contour intervals of at least two feet, slope percentages, and final grade elevations; and other technical information shall be provided in sufficient detail to explain and illustrate each of the following:

i. Soil and substrata conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake and buffer zone.

ii. Planting plans that specify native plant species, quantities, size, and spacing or density; source of plant materials or seeds; timing, season, water and nutrient requirements for planting; and, where appropriate, measures to protect plants from predation.

iii. Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

d. A three (3) year monitoring, maintenance and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes,

problems and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

e. A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

22.20.030 DEVELOPMENT REVIEW FOR WILDLIFE HABITAT PROTECTION

A. **REVIEW USES – WILDLIFE.** Except uses allowed without review pursuant to Section 22.10.040, review uses may be allowed within 1,000 feet of a sensitive wildlife area or site, subject to review by the Administrator for compliance with the provisions for the protection of scenic, natural, cultural, and recreational resources and the following:

1. **SITE PLANS AND FIELD SURVEYS.**

a. In addition to the information otherwise required for site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of one (1) inch equals 100 feet (1:1,200) or a scale providing greater detail.

b. A field survey to identify sensitive wildlife areas or sites shall be required for:

i. Land divisions that create four or more parcels;

ii. Recreation facilities that contain parking areas for more than ten (10) cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities;

iii. Public transportation facilities that are outside improved rights-of-way;

iv. Electric facilities, lines, equipment and appurtenances that are thirty-three (33) kilovolts or greater; and

v. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

c. Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

2. **REVIEW BY DEPARTMENT OF FISH AND WILDLIFE.**

a. Site plans and field surveys for uses proposed within 1,000 feet of a sensitive wildlife area or site shall be submitted by the Administrator to the Washington Department of Fish and Wildlife (WDFW) and shall be reviewed by WDFW to determine if the proposed use would adversely affect a sensitive wildlife area or site. Within twenty (20) days the WDFW biologists shall review the site plan and their field survey records to:

i. Identify/verify the precise location of the wildlife area or site,

ii. Ascertain whether the wildlife area or site is active or abandoned, and

iii. Determine if the proposed use may compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance, such as nesting or rearing seasons. In some instances, state wildlife biologists may conduct field surveys to

verify the wildlife inventory and assess the potential effects of a proposed use.

b. The following factors may be considered when site plans are reviewed:
   i. Biology of the affected wildlife species.
   ii. Published provisions regarding the protection and management of the affected wildlife species.
   iii. Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
   iv. Historic, current and proposed uses in the vicinity of the sensitive wildlife area or site.
   v. Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.

c. Review by the Administrator under this Section may terminate if, after consultation with the WDFW, the Administrator determines that:
   i. The sensitive wildlife area or site is not active; or
   ii. The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

d. If the Administrator, after consultation with WDFW determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated through mitigation measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the project applicant that describes the effects and recommends measures needed to eliminate them.

e. If the project applicant accepts the recommendations of the Administrator, the Administrator will incorporate them into the staff report and if applicable, the administrative decision, and then the wildlife protection process may conclude.

f. The Administrator shall keep on record and address any written comments submitted by WDFW in its staff report and if applicable, the administrative decision.

g. The Administrator shall make a final decision on whether the proposed use would be consistent with this Section. If the Administrator's decision contradicts the comments submitted by the WDFW, then the Administrator shall justify how the contrary conclusion was determined.

3. The proposed use shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

~~3.~~4. **WILDLIFE MANAGEMENT PLANS.** If the Administrator, after consultation with WDFW determines that a proposed use is likely to adversely affect a sensitive wildlife area or site, then a wildlife management plan shall be required. The primary purpose of the plan is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. The information in the plan shall provide a basis for the applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area, site and/or buffer zone. Wildlife management plans shall meet the following criteria:

a. Wildlife management plans shall be prepared by professional wildlife biologist hired by the project applicant.

b. All relevant background information shall be documented and considered, including biology of the affected species, published protection and management provisions, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.

c. The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes or key components that are essential to maintain the long-term use and integrity of the wildlife area or site.

d. A wildlife buffer zone shall be established. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.

e. The size, scope, configuration or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect sensitive wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following provisions shall apply:

i. New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.

ii. Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.

f. Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.

g. Rehabilitation and enhancement actions shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered or degraded in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve no net loss of the integrity of the wildlife area or site.

h. The project applicant shall prepare and implement a three (3) year monitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists. At a minimum, the project applicant shall prepare an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.

i. At the end of three (3) years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement provisions.

j. Wildlife management plans shall be submitted by the Administrator to the WDFW.

i. WDFW shall have twenty (20) days from the date that a wildlife management plan is mailed by the Administrator within which to submit written comments to the Administrator. WDFW should respond within the twenty (20) days, even if the reply is as simple as "the agency needs an additional number of days (WDFW to specify the number of days) to review this Wildlife Management Plan".

ii. The Administrator shall retain in the record, and address any written comments submitted from WDFW in its staff report and, if applicable, the Administrative Decision.

iii. Based on comments submitted from WDFW, the Administrator shall make a final decision on whether the proposed use would be consistent with the wildlife provisions of this Title.

iv. If the final decision contradicts the comments submitted by WDFW the Administrator shall justify how the contrary conclusion was determined.

B. **FENCES IN DEER AND ELK WINTER RANGE.** New development permits issued by the Administrator shall include a requirement that, in deer and elk winter range, construction of new and replacement fences shall be subject to the following:

1. New fences in deer and elk winter range shall be allowed only when necessary to control livestock or pets or to exclude wildlife from specified areas, such as gardens. Fenced areas shall be the minimum necessary to meet the needs of the project applicant.
2. New and replacement fences in winter range shall comply with the following, unless the applicant demonstrates the need for an alternative design:
   a. The top wire shall not be more than forty-two (42) inches high to make it easier for deer to jump over the fence.
   b. The distance between the top two wires shall be at least ten (10) inches to make it easier for deer to free themselves if they become entangled.
   c. The bottom wire shall be at least sixteen (16) inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
   d. Stays or braces placed between strands of wire shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
3. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his or her specific needs, such as controlling hogs and sheep or the protection of crops.

22.20.040 DEVELOPMENT REVIEW FOR SENSITIVE PLANT PROTECTION

REVIEW USES. Except uses allowed without review as listed in Sections 22.10.040, review uses may be allowed within 1,000 feet of a sensitive plant, subject to the provisions for the protection of scenic, natural, cultural, and recreational resources and the following:

A. **SITE PLANS AND FIELD SURVEYS.**

1. In addition to the information otherwise required in site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of one (1) inch equals 100 feet (1:1,200) or a scale providing greater detail.
2. A field survey to identify sensitive ~~wildlife areas or sites~~plants shall be required for:
   a. Land divisions that create four (4) or more parcels;
   b. Recreation facilities that contain parking areas for more than ten (10) cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;
   c. Public transportation facilities that are outside improved rights-of-way;
   d. Electric facilities, lines, equipment and appurtenances that are thirty-three (33) kilovolts or greater; and
   e. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.
3. Field surveys shall cover all areas affected by the proposed use or recreation facility.
4. Field surveys shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant.
5. Field surveys shall identify the precise location of the sensitive plants and delineate a 200-foot buffer zone.
6. The results of a field survey shall be shown on the site plan map.

B. **REVIEW BY THE WASHINGTON NATURAL HERITAGE PROGRAM (WNHP).**

1. Site plans and field surveys for uses proposed within 1,000 feet of a sensitive plant species shall be submitted by the Administrator to WNHP and shall be reviewed by WNHP to determine if a proposed use could affect sensitive plants or buffer zones of sensitive plants.
2. Within twenty (20) days, WNHP staff shall review the site plan and their field survey records to:
   a. Identify/verify the precise location of the affected plants; and
   b. Delineate a 200-foot buffer zone on the project applicant's site plan.
3. If the field survey records of the WNHP are inadequate, the project applicant shall hire a person with recognized expertise in botany or plant ecology to ascertain the precise location of the affected plants.
4. The Administrator shall submit a copy of all field surveys to the WNHP. The latter shall have twenty (20) days from the date that a field survey is mailed within which to submit written comments to the Administrator. WNHP should respond within the twenty (20) days, even if the reply is as simple as “the agency needs an additional number of days (WNHP to specify the number of days) to review this field survey”.
5. The Administrator shall keep on record and address any written comments submitted by the WNHP in its staff report and if applicable, the administrative decision.
6. The Administrator shall make a final decision on whether the proposed use would be consistent with this Section. If the Administrator’s decision contradicts the

comments submitted by the WNHP, the Administrator shall justify how the contrary conclusion was determined.

C. Proposed uses within 1,000 feet of a sensitive plant species shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

~~C.~~D. **BUFFER ZONES - REDUCTION OF BUFFER ZONES.**

1. A 200-foot buffer zone shall be maintained around sensitive plants. Buffer zones shall remain in an undisturbed natural condition.
2. New uses shall be prohibited within sensitive plant species buffer zones, unless it is in accordance with the variance provisions of Section 22.06.040 and the project applicant prepares a protection and rehabilitation plan that complies with Section 22.~~06~~20.040(~~D~~E).
3. Buffer zones may be reduced if a project applicant demonstrates that intervening topography, vegetation, manmade features, or natural plant habitat boundaries negate the need for a 200-foot radius. Under no circumstances shall the buffer zone be less than twenty-five (25) feet
4. Requests to reduce buffer zones shall be considered if a professional botanist or plant ecologist hired by the project applicant:
   a. Identifies the precise location of the sensitive plants,
   b. Describes the biology of the sensitive plants, and
   c. Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected plants and the surrounding habitat that is vital to their long-term survival.
   d. All requests shall be prepared as a written report. Published literature regarding the biology of the affected plants and recommendations regarding their protection and management shall be cited. The report shall include detailed maps and photographs.
5. The Administrator shall submit all requests to reduce sensitive plant species buffer zones to the WNHP. The latter shall have twenty (20) days from the date that such a request is mailed within which to submit written comments to the Administrator.
6. The Administrator shall keep on record and address any written comments submitted by the WNHP in its staff report and if applicable, the administrative decision.
7. The Administrator shall make a final decision on whether the reduced buffer zone is justified. If the administrative decision contradicts the comments submitted by the WNHP, the Administrator shall justify how the contrary conclusion was determined.

~~D.~~E. **PROTECTION AND REHABILITATION PLANS.**

1. If a proposed use must be allowed within a sensitive plant buffer zone in accordance with the variance provisions allowed under Section 22.06.040, then the project applicant shall prepare a protection and rehabilitation plan. Protection and rehabilitation plans shall minimize and offset unavoidable impacts that result from a new use that occurs within a sensitive plant buffer zone as the result of a variance. All plans shall be the responsibility of the applicant and shall meet the following provisions:
   a. Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist hired by a project applicant.

b. Construction, protection and rehabilitation activities shall occur during the time of the year when ground disturbance will be minimized and protection, rehabilitation and replacement efforts will be maximized.

c. Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings or other appropriate methods. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least seventy-five percent (75 %) of the replacement plants survive three (3) years after the date they are planted.

d. Sensitive plants and their surrounding habitat that will not be altered or destroyed shall be protected and maintained. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management and noxious weed control.

e. Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

f. Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

g. Protection and rehabilitation plans shall include maps, photographs and text. The text shall:

i. Describe the biology of sensitive plant species that will be affected by a proposed use.

ii. Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.

iii. Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.

iv. Include a three (3)-year monitoring, maintenance and replacement program. The project applicant shall prepare and submit to the Administrator an annual report that documents milestones, successes, problems, and contingency actions.

2. The Administrator shall submit all protection and rehabilitation plans to the WNHP. The latter shall have twenty (20) days from the date that a protection or rehabilitation plan is mailed within which to submit written comments to the Administrator. WNHP should respond within the twenty (20) days, even if the reply is as simple as “the agency needs an additional number of days (WNHP to specify the number of days) to review this plan”.

3. The Administrator shall keep on record and address any written comments submitted by the WNHP in its staff report and if applicable, the administrative decision.

4. The Administrator shall make a final decision on whether the protection and rehabilitation plans are adequate. If the administrative decision contradicts the comments submitted by WNHP, the Administrator shall justify how the contrary conclusion was determined.

CHAPTER 22.22 CULTURAL RESOURCE PROTECTION – GENERAL MANAGEMENT AREAS

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22.22.010 GENERAL PROVISIONS FOR IMPLEMENTING THE CULTURAL RESOURCE PROTECTION PROCESS

A. All cultural resource information shall remain confidential and exempt from public records requests, according to Section 6(a)(1)(A) of the National Scenic Area Act and RCW 42.17.310(k). Federal agency cultural resource information is also confidential and exempt by statue from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.

B. All cultural resource surveys, evaluations, assessments and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards set out in 36 Code of Federal Regulations (CFR), Part 61 and in Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).

C. Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with Indian tribal governments and if appropriate, any party of record. Indian tribal governments shall be consulted if the affected cultural resources are prehistoric or otherwise associated with Native Americans. If the cultural resources are associated with non-Native Americans, such as a historic house or pioneer campsite, the Indian tribal governments do not have to be consulted.

D. The responsibility and cost of preparing an evaluation of significance, assessment or effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction. The Gorge Commission shall conduct and pay for evaluations of significance and mitigation plans for resources that are discovered during construction of small-scale and large-scale uses.

E. **~~RECONNAISSANCE~~ARCHAEOLOGICAL AND HISTORIC SURVEYS AND SURVEY REPORTS**.

1. ~~Reconnaissance~~Archaeological Survey requirements and exceptions.

a. Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a archaeological survey is required; for example, an application that proposes a land division and a new dwelling would require a archaeological survey if a survey would be required for the dwelling.

b. An ~~reconnaissance~~archaeological survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those uses listed as exempt in Section 22.22.010(E)(1)(~~b~~c).

~~b~~c. An ~~reconnaissance~~archaeological survey shall be required for all proposed uses, except the following, unless located within 500 feet of a known cultural resource:

i. The modification, expansion, replacement, or reconstruction of existing buildings and structures.

ii. Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments, storage shed that do not require a foundation; low-intensity recreation uses, such as fishing, hunting and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

iii. Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved. The Gorge Commission shall review all land use applications and determine if the proposed uses would have a minor ground disturbance.

iv. Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include grading and cultivation.

v. Proposed uses that would occur on sites that have been adequately surveyed in the past. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented. The project applicant must demonstrate that the project area has been adequately surveyed.

vi. Proposed uses occurring in areas that have a low probability of containing cultural resources. Areas that have a low probability of containing cultural resources shall be identified using the results of ~~reconnaissance~~archaeological surveys conducted by the Columbia River Gorge Commission, the United States Forest Service, public agencies and private archaeologists. The Gorge Commission, after consultation with the Indian tribes and Washington State Department of Archaeology and Historical Preservation (hereinafter DAHP), shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. The maps referred to above shall be refined and revised as additional ~~reconnaissance~~archaeological surveys are conducted. Areas shall be

added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission. **The following proposed uses do not qualify for this exemption**:

(1) Residential development that involves two (2) or more new dwellings for the same project applicant.

(2) Recreation facilities that contain parking areas for more than ten (10) cars, overnight camping facilities, boat ramps and visitor information and environmental education facilities.

(3) Public transportation facilities that are outside improved rights-of-way.

(4) Electric facilities, lines, equipment and appurtenances that are thirty-three (33) kilovolts or greater.

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment and appurtenances.

d. The Gorge Commission may choose to conduct an archaeological survey for proposed uses exempted under Section 22.22.010(E)(1)(c) if, in its professional judgment, an archaeological survey may be necessary to ensure protection of cultural resources.

~~c~~e. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are fifty (50) years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are fifty (50) years old or older.

~~d.~~f. The Gorge Commission shall conduct and pay for all ~~reconnaissance~~archaeological and historic surveys for small-scale uses in the General Management Area.

i. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone.

ii. ~~Reconnaissance~~Archaeological surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

~~e.~~g. Large-scale uses, for the purposes of this Chapter, include:

i. Residential development involving two (2) or more new dwellings;

ii. All recreation facilities;

iii. Commercial and industrial development; public transportation facilities;

iv. Electric facilities, lines, equipment, and appurtenances that are thirty-three (33) kilovolts or greater; and

v. Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

~~f.~~h. ~~Reconnaissance~~Archaeological Surveys for small-scale uses shall generally include a subsurface survey and subsurface testing. They shall meet the following standards:

i. A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.

ii. Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at

intervals sufficient to determine the absence or presence of cultural resources.

~~g.~~i. ~~Reconnaissance~~Archaeological Survey Reports for small-scale uses shall be documented in a confidential report that includes:

i. A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the ~~reconnaissance~~archaeological survey.

ii. A description of any cultural resources that were discovered in the project area, including a written description and photographs.

iii. A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.

iv. All written comments and consultation meeting minutes, if applicable, shall be incorporated into the ~~reconnaissance~~archaeological survey report.

~~h.~~j. ~~Reconnaissance~~Archaeological Surveys for large-scale uses shall be designed by a qualified professional. They shall meet the following requirements:

i. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

ii. ~~Reconnaissance~~Archaeological surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use.

iii. Archival research shall be performed before any field work. Archival research shall include a thorough examination of tax records; historic maps, photographs and drawings; previous archaeological, historic and ethnographic research; cultural resource inventories and records maintained by federal, state and local agencies; and primary historic accounts, such as diaries, journals, letters and newspapers.

iv. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

v. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

vi. Archaeological site inventory forms shall be submitted to the Washington State Department of Archeology and Historic Preservation (hereinafter "DAHP") whenever cultural resources are discovered.

~~i~~k. ~~Reconnaissance~~Archaeological Survey Reports for large-scale uses shall be documented in a confidential report that includes:

i. A description of the proposed use, including drawings and maps.

ii. A description of the project area, including soils, vegetation, topography, drainage, past alterations and existing land use.

iii. A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.

iv. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas surveyed, and the location of subsurface probes. The map shall be

prepared at a scale of one (1) inch equals 100 feet (1:1200) or a scale providing greater detail.

v. Copies of all written comments submitted by Indian tribal governments and other interested persons.

vi. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings and a map. The map shall be prepared at a scale of one (1) inch equals 100 feet (1:1,200), or a scale providing greater detail.

vii. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information, if any, obtained through field surveys.

2. **HISTORIC SURVEYS AND REPORTS.**

a. Historic surveys shall document the location, form, style, integrity and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints and drawings should be used as necessary.

b. Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.

c. The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

d. Historic surveys shall include copies of all written comments and consultation meeting minutes submitted by Indian tribal governments and other parties of record, if applicable.

e. Cultural resources are significant if one of the following criteria is satisfied:

i. The cultural resources are included in, or eligible for inclusion in the National Register of Historic Places. The criteria for evaluation the eligibility of cultural resources for National Register of Historic Places appear in the “National Register Criteria for Evaluation” (36 CFR 60.4).

ii. The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.

3. **CULTURAL ADVISORY COMMITTEE (CAC).**

a. The Columbia River Gorge Commission shall establish a Cultural Advisory Committee (CAC). The CAC shall comprise cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribal governments.

b. If a project applicant’s and an Indian tribal government’s evaluations of significance contradict, then the CAC shall review the applicant’s evaluation and the Indian tribal government's substantiated concerns. The Indian tribal government shall substantiate its concerns in a written report.

c. Within thirty (30) days of delivery by the Administrator of a contested evaluation of significance to the CAC, the CAC shall submit a written recommendation to the Administrator as to whether affected cultural resources are significant and its reasons for making a determination of significance. If the

CAC fails to submit a written recommendation within the said 30 days, then the Administrator shall determine that the CAC concurs in the applicant's evaluation of significance.

22.22.020 CULTURAL RESOURCE ~~RECONNAISSANCE~~ARCHAEOLOGICAL AND HISTORIC SURVEYS

A. **CONSULTATION AND ETHNOGRAPHIC RESEARCH.**

1. When written comments including a request for consultation with the applicant, are submitted to the Administrator by a party of record within the twenty (20) day development review comment period, the project applicant shall offer to meet with the requesting party within ten (10) calendar days. The ten (10) day consultation period may be extended upon agreement between the project applicant and the requesting party.
2. Consultation meetings should provide an opportunity for the requesting party to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.
3. A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if a party of record submitted a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes of the meetings shall be used when appropriate.
4. All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the ~~reconnaissance~~archaeological or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

B. **NOTICE OF SURVEY RESULTS.**

1. The Administrator shall submit a copy of all cultural resource survey reports to DAHP and to the Indian tribal governments. Survey reports may include measures to avoid potentially affected resources, such as a map that shows a reasonable buffer zone.
2. DAHP and the Indian tribal governments shall have thirty (30) calendar days from the date a survey report is mailed to submit written comments to the Administrator.
3. The Administrator shall record and address all written comments in the Administrative Decision and Staff Report.

C. **CONCLUSION OF CULTURAL RESOURCE PROTECTION PROCESS.**

1. The Administrator shall make a final decision on whether the proposed use would be consistent with the provisions of this Chapter. If the final decision contradicts the comments submitted by the DAHP, the Administrator shall justify how he reached an opposing conclusion.
2. The cultural resource protection process may conclude when the Administrator makes a final, written determination that one (1) of the following conditions exists:
   a. The proposed use does not require an ~~reconnaissance~~archaeological or historic survey, no cultural resources are known to exist in the project area, and no

substantial concerns were voiced by parties of record within the twenty (20) day comment period on the application.

b. An ~~reconnaissance~~archaeological survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were raised in written comments submitted by parties of record within the twenty (20) day comment period on the application, and no substantiated concerns regarding the ~~reconnaissance~~archaeological survey were submitted by DAHP within their thirty (30) day comment period or by Indian tribal governments during their thirty (30) calendar day comment period as required by Section 22.22.020(B).

c. The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. A reasonable buffer has been established around the affected resources or property and all ground-disturbing activities shall be prohibited within the buffer zone. Buffer zones shall preserve the integrity and context of cultural resources. Buffer zones may vary in width depending on the eventual use of the project area, the type of cultural resources present and the characteristics for which the cultural resources may be significant. A deed covenant, easement or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected. An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the ~~reconnaissance~~archaeological survey and survey report shall be incorporated into the evaluation of significance.

d. The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy Section 22.22.030(D). If it does not, architectural and building plans, photographs and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission. The historic survey and report must demonstrate that these provisions have been clearly and absolutely satisfied. If the DAHP or the Administrator question whether these provisions have been satisfied, the project applicant shall conduct an evaluation of significance. A historic survey demonstrates that the proposed use would not have an adverse effect on historic buildings or structures because:

i. DAHP concludes that the historic or architectural character of the affected buildings or structures are not significant, as determined using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

ii. The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as defined by provisions 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).

22.22.030 EVALUATION OF SIGNIFICANCE

A. **EVALUATION CRITERIA AND INFORMATION NEEDS.** If cultural resources would be affected by a proposed use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following requirements:

1. Evaluations of significance shall follow the procedures set out in How to Apply the National Register Criteria for Evaluation (U.S. Department of Interior, no date) and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).
2. Evaluations of significance shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.
3. The evaluation of significance shall follow the principles, guidelines and report format recommended by the Washington State Department of Archaeology and Historic Preservation (DAHP, no date).
4. The evaluation of significance shall incorporate the results of the ~~reconnaissance~~archaeological or historic survey and shall illustrate why each cultural resource found is or is not significant. Findings shall be presented within the context of relevant local and regional research. All documentation used to support the evaluation of significance shall be cited. Information gathered during the ~~reconnaissance~~archaeological or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.
5. The project applicant shall contact Indian tribal governments and parties of record, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
6. All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with Indian tribal governments and other parties of record shall be presented. All comments, recommendations and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.

B. **NOTICE OF EVALUATION RESULTS.**

1. If the evaluation of significance demonstrates that the cultural resources are not significant, then the Administrator shall submit a copy of the evaluation of significance to DAHP and the Indian tribal governments.
2. DAHP, the Indian tribal governments and requesting persons shall have thirty (30) calendar days from the date the evaluation of significance is mailed to submit written comments to the Administrator. The Administrator shall retain in the record and address all written comments in the Administrative Decision and Staff Report.

C. **CULTURAL RESOURCES ARE CULTURALLY SIGNIFICANT.**

1. If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, then the CAC shall make an independent review of the applicant's evaluation and of the Indian tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.
2. The Indian tribal governments shall substantiate their concerns, if any, in a written report which shall be submitted to the Administrator, the CAC and the project applicant within fifteen (15) calendar days from the date the evaluation of significance is mailed. The CAC shall submit its recommendation to the

Administrator within thirty (30) calendar days from the date the evaluation of significance is mailed.

D. **CONCLUSION OF THE CULTURAL RESOURCE PROTECTION PROCESS.**

1. The Administrator shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or recommendations submitted by DAHP or CAC, the Administrator shall justify how an opposing conclusion was reached.
2. The cultural resource protection process shall conclude if the affected cultural resources are not significant.
3. If the project applicant or the Administrator determines that the cultural resources are significant, then the effects of the proposed use shall be assessed.

22.22.040 ASSESSMENT OF EFFECT

A. **ASSESSMENT CRITERIA AND INFORMATION NEEDS.** If a proposed use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following requirements:

1. The assessment of effect shall be conducted and paid for by the project applicant.
2. The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.5) and shall incorporate the results of the ~~reconnaissance~~archaeological or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.11.
3. Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.5].
4. Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials and workmanship, feeling or association [36 CFR 800.5]. Adverse effects include, but are not limited to:
   a. Physical destruction, damage or alteration of all or part of the cultural resource.
   b. Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant.
   c. Introduction of visual, audible or atmospheric elements that are out of character with the cultural resource or its setting.
   d. Neglect of a significant cultural resource resulting in its deterioration or destruction, except as described in 36 CFR 800.5.
5. The assessment of effect shall be prepared in consultation with Indian tribal governments and parties of record, if appropriate. The concerns and recommendations written by Indian tribal governments and parties of record shall be recorded and addressed in the assessment.
6. The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following applies:
   a. The cultural resources are of value only for their potential contribution to archaeological, historical or architectural research, and when such value can be substantially preserved through the conduct of appropriate research before

development begins, and such research is conducted in accordance with applicable professional standards and guidelines.

b. The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of Interior 1990) and The Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of Interior 1983).

B. **NOTICE OF ASSESSMENT RESULTS.**

1. If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Administrator shall submit a copy of the assessment to DAHP and affected Indian tribal governments, if any.
2. DAHP, affected Indian tribal governments and parties of record, if appropriate, shall have thirty (30) calendar days from the date the assessment is mailed to submit written comments to the Administrator. The Administrator shall record and address all written comments in the Administrative Decision and Staff Report.

C. **CONCLUSION OF THE CULTURAL RESOURCE PROTECTION PROCESS.**

1. The Administrator shall make a written decision on whether the proposed use would have no effect, no adverse effect or an adverse effect. If the decision contradicts the comments submitted by DAHP, the Administrator shall justify how he reached an opposing conclusion.
2. The cultural resource protection process shall conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.
3. A mitigation plan shall be prepared if a project applicant or the Administrator determines that the proposed use will have an adverse effect on significant cultural resources.

22.22.050 MITIGATION PLANS

A. **MITIGATION PLAN CRITERIA AND INFORMATION NEEDS.** If the Administrator concludes that the proposed use would have an adverse effect on significant cultural resources, then a mitigation plan shall be prepared. Mitigation plans shall meet the following requirements:

1. Mitigation plans shall be prepared and paid for by the project applicant.
2. Mitigation plans shall reduce an adverse effect to no effect or no adverse effect.
3. Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and DAHP.
4. Avoidance of cultural resources through project design and modification is preferred. Avoidance may be achieved by reducing the size, scope, configuration and density of the proposed use. Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place and partial to full excavation and recordation. If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement or other appropriate mechanism shall be developed and recorded in the County Auditor's records.

5. Mitigation plans shall incorporate the results of the ~~reconnaissance~~archaeological or historic survey, the evaluation of significance and the assessment of effect, and shall provide the following documentation required in 36 CFR 800.11, including but not limited to:
   a. A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.
   b. A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.
   c. Documentation that all notice, comment and consultation provisions of this Title have been met.
   d. A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, parties of record and the Administrator.
   e. Copies of any written recommendations submitted to the Administrator or applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

B. **NOTICE OF MITIGATION PLAN RESULTS.**
1. If the Administrator concludes that a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the Administrator shall submit a copy of the mitigation plan to DAHP and affected Indian tribal governments.
2. DAHP, affected Indian tribal governments and parties of record shall have thirty (30) calendar days from the date the mitigation plan is mailed to submit written comments to the Administrator. The Administrator shall record and address all written comments in the Administrative Decision and Staff Report.

C. **CONCLUSION OF THE CULTURAL RESOURCE PROTECTION PROCESS.**
1. The Administrator shall make a final decision of whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by DAHP, the Administrator shall justify how the opposing conclusion was reached.
2. The cultural resource protection process shall conclude if a mitigation plan will reduce an adverse effect to no effect or no adverse effect.
3. The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

22.22.060 CULTURAL RESOURCES DISCOVERED AFTER CONSTRUCTION BEGINS

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Administrator and DAHP. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

A. **HALT OF CONSTRUCTION.** All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

B. **NOTIFICATION.** The project applicant shall notify the Administrator and the Gorge Commission within twenty-four (24) hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within twenty-four (24) hours.

C. **SURVEY AND EVALUATIONS.** The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP. (See Revised Code of Washington 27.53.) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. A mitigation plan shall be prepared if the affected cultural resources are significant. Construction activities may recommence if the cultural resources are not significant.

D. **MITIGATION PLAN.** Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.22.050 of this Chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

22.22.070 DISCOVERY OF HUMAN REMAINS

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.

A. **HALT OF ACTIVITIES.** All survey, excavation and construction activities shall cease. The human remains shall not be disturbed any further.

B. **NOTIFICATION.** Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

C. **INSPECTION.** The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.

D. **JURISDICTION.** If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.

E. **TREATMENT.** The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.22.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in Section 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

CHAPTER 22.24 RECREATIONAL RESOURCE PROTECTION – GENERAL MANAGEMENT AREAS

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22.24.010 APPLICABILITY OF CHAPTER – MAPS

Proposed resource-based recreation facilities or uses shall be consistent with recreation intensity classes as set out on the Recreation Intensity Class maps adopted by the Columbia River Gorge Commission as part of the Management Plan for the Columbia River Gorge National Scenic Area.

22.24.020 GENERAL PROVISIONS

A. **APPLICABILITY OF SECTION.** This section applies only to resource-based recreation uses, developments and facilities. Recreation uses and developments that are not resource-based in nature are not subject to the provisions governing recreation intensity classes set out in this Chapter. Non-resource-based recreation uses may be permitted pursuant to the provisions of Chapter 22.14.

B. **ALLOWED USES.** The following resource-based uses and facilities are allowed in the following Recreation Intensity Classes, subject to compliance with the approval standards set out in Sections 22.24.020(C) and 22.24.020(D) hereof.

1. **RECREATION INTENSITY CLASS 1 (VERY LOW INTENSITY).**
   a. Parking areas for a maximum of ten (10) cars for any allowed uses in Recreation Intensity Class 1.
   b. Trails for hiking, equestrian and mountain biking use.
   c. Pathways for pedestrian and bicycling use.
   d. Trailheads, with hitching rails and equestrian trailers if trailheads accommodating equestrian use.
   e. Scenic viewpoints and overlooks.
   f. Wildlife and botanical viewing and nature study areas.
   g. River access areas.
   h. Interpretative signs and displays, not to exceed a total of fifty (50) square feet.
   i. Entry name signs, not to exceed ten square feet per sign.
   j. Boat docks, piers and wharfs.
   k. Picnic areas.
   l. Restrooms and comfort facilities.
2. **RECREATION INTENSITY CLASS 2 (LOW INTENSITY).**
   a. All uses permitted in Recreation Intensity Class 1.
   b. Parking spaces for a maximum of twenty-five (25) vehicles, to serve any allowed uses in Recreation Intensity Class 2. Parking spaces for campground units are to be included in the maximum twenty-five (25) spaces.
   c. Interpretive signs and displays, not to exceed a total of 100 square feet.
   d. Entry signs, not to exceed twenty (20) square feet per sign.
   e. Boat ramps, not to exceed two lanes.
   f. Campgrounds for twenty (20) or fewer tent sites.

3. **RECREATION INTENSITY CLASS 3 (MODERATE INTENSITY).**
   a. All uses permitted in Recreation Intensity Classes 1 and 2.
   b. Parking spaces for a maximum of seventy-five (75) vehicles, to serve any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units are to be included in the maximum seventy-five (75) spaces.
   c. Interpretative signs, displays and facilities.
   d. Visitor information and environmental education signs, displays or facilities.
   e. Entry name signs, not to exceed thirty-two (32) square feet per sign.
   f. Boat ramps, not to exceed three lanes.
   g. Concessions stands subject to the following provisions:
      i. Private concessions and other commercial uses at public recreation sites shall be allowed pursuant to adopted policies of the public park agency owning the site. If a different agency manages the site, that agency's policies shall apply, unless superseded by provision of the owning agency's policies.
      ii. For commercial recreation sites and public recreation sites not owned or managed by a public park agency with adopted concession policies, the following policies shall apply:
         (1) Retail sales at campgrounds shall be limited to camping supplies for overnight guests in dedicated space within the registration or central office building.
         (2) Private concessions in permanent structures shall be limited to one structure per park site. Sales shall be limited to those items necessary for enjoyment and use of recreation opportunities at the site, including food and beverages and recreation equipment rental.
         (3) Mobile vendors may be permitted, subject to local government approvals. Local government review shall address solid waste disposal, visual impacts or signage, traffic circulation, and safety. Such uses shall be limited to the term of the recreation season, and sales shall be limited to food and beverages and recreation equipment rental.
   h. Campgrounds for fifty (50) or fewer individual units, for tents and/or recreational vehicles, with a total density of no more than ten units per acre. Campgrounds may include one group campsite area in addition to the allowed individual campground units and parking area maximums. Density is to be measured based on total size of the recreation facility and may include required buffer setback areas.
4. **RECREATION INTENSITY CLASS 4 (HIGH INTENSITY).**
   a. All uses permitted in Recreation Intensity Classes 1, 2 and 3.
   b. Parking areas for a maximum of 250 vehicles to serve any allowed uses in Recreation Intensity Class 4. Parking spaces for campground units are to be included in this number.
   c. Horseback riding stables and associated facilities.
   d. Entry name signs, not be exceed forty (40) square feet per sign.
   e. Boat ramps.
   f. Campgrounds for 175 or fewer individual units for tents and/or recreational vehicles, with a total density of no more than ten units per acre. Campgrounds may also include up to three group campsite areas in addition to allowed

individual campsite units and parking areas. Density is to be measured based on total size of the recreation facility and may include required buffer setback areas.

C. **APPROVAL STANDARDS FOR RECREATION USES.** Proposed resource-based recreation projects to be located outside of Public or Commercial Recreation zoning classifications, shall be subject to review by the Administrator for compliance with other applicable provisions of this Title and with the following criteria:

1. Cumulative effects of proposed recreation projects on landscape settings shall be based on provisions addressing the compatibility of recreation uses with landscape settings in Section 22.18.040.
2. Proposed recreation projects in or adjacent to lands zoned Ag-1, Ag-2, F-1, F-2 or F-3 must comply with the following:
   a. The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of onsite buffers may be used to partially or fully comply with this provision.
   b. A declaration has been signed by the project applicant or owner and recorded with the County Auditor's office specifying that the applicant or owner is aware that surrounding landowners, agents and operators are entitled to carry on accepted forest or farm practices on resource lands.
3. Proposed projects including facilities for outdoor fires for cooking or other purposes, or for proposed campgrounds, must comply with the following:
   a. The project applicant shall demonstrate that a sufficient quantity of water necessary for fire suppression (as determined pursuant to applicable fire codes or the County Fire Marshal is readily available to the proposed facility, either through connection to a community water system or onsite wells, storage tanks, sumps, ponds or similar storage devices. If connection to a community water system is proposed, the project applicant shall demonstrate that the water system has adequate capacity to meet the facility's emergency fire suppression needs without adversely affecting the remainder of the water system with respect to fire suppression capabilities.
   b. To provide access for firefighting equipment, access drives shall be constructed to a minimum of twenty (20) feet in width and a maximum finished grade of twelve percent (12 %). Access drives shall be maintained to a level that is passable to firefighting equipment.
4. Proposed trail or trailhead projects must comply with following applicable trails policies in the management plan for the National Scenic Area adopted by the Columbia River Gorge Commission on April 27, 2004 and concurred by the Secretary of Agriculture on August 10, 2004:
   a. Trail planning and management efforts shall include affected landowners, relevant agencies, Indian tribal governments, and trail organizations from the beginning of such efforts.
   b. The Gorge Commission shall not acquire property or easements for trails without property owner consent. The Gorge Commission shall encourage other public bodies to acquire property or easements for trails through purchase or donation.
   c. As an integral component of trail planning, development, and management efforts, strategies shall be developed to address trespass, noxious weeds, and

public safety issues (such as fire hazard, emergency rescue, and classification systems for degree of trail difficulty). Such efforts shall include consultation with fire, law enforcement, and emergency service providers.

d. Temporary trail closures during critical fire hazard periods should be considered.

e. Shared use of trails by compatible multiple-user groups should be encouraged as much as possible where appropriate conditions exist, to maximize efficient use of trails and reduce needs for new trail construction.

f. User conflicts on trails shall be minimized through proper siting, design, and maintenance and an aggressive user education program. Multiple-use trails shall be built to standards sufficient to accommodate such different groups. Standards shall address safety concerns and considerations such as signage, trail width, visibility, and percent finished grade.

g. Use of motorized vehicles on designated public use trails shall be prohibited, except for use by response agencies and their agents in an emergency.

h. Priority shall be given to the completion and improvement of existing trails, incomplete trail loops, and trail segments, considering relationships with trails in Urban Areas, the SMA, and outside the Scenic Area.

i. Use levels on existing trails and projected demand for different trail uses shall be considered when planning additional trails.

j. Trail systems and new trails shall, where feasible, incorporate existing segments of older/historic trails and abandoned road and railroad rights-of-way.

k. The use of utility corridor rights-of-way for trail use shall be explored where such use would not interfere with the corridors' primary functions.

l. Barrier-free access shall be provided for new trails and improvements to existing trails to the maximum extent practicable.

m. Public needs for convenience, access, and security shall be considered when designing and siting trailheads.

n. Where appropriate and practicable, facilities shall be provided at trailheads to promote alternatives to the private automobile for accessing trail opportunities.

o. Potential funding sources shall be evaluated as an integral component of all trail planning efforts. Fiscal impacts to local public service providers shall be considered as part of this process, including adequacy of funding to provide for proper maintenance, emergency response, and law enforcement functions.

p. Trails proposed along the Columbia River and its tributaries shall be designed in a manner that minimizes effects to the shoreline and associated habitat values. Seasonal closures during critical wildlife periods shall be considered, as well as other appropriate mitigation measures.

5. Proposed projects providing boating or windsurfing access to the Columbia River or its tributaries should:

a. Increase opportunities for river-oriented, day-use recreation along the shoreline of the Columbia River;

b. Encourage recreation facilities that provide for compatible multiple uses at riverfront recreation sites; and

c. Encourage recreation facility designs that consolidate access to river-oriented recreation opportunities and that place non-water-dependent facilities away from the immediate shoreline area as much as possible.

6. For proposed projects on public lands or those that would provide access to the Columbia River or its tributaries, the provisions of Section 22.06.180 of this Title shall apply.
7. Proposed projects that include interpretation of natural or cultural resources must demonstrate that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.
8. Proposed Recreation Intensity Class 4 projects must demonstrate that the project accommodates provision of mass transportation access to the site. The number and size of the mass transportation facilities shall reflect the physical capacity of the site. This provision may be waived upon a demonstration that providing such facilities would result in overuse of the site, either degrading the quality of the recreation experience or adversely affecting other resources at the site.

D. **DESIGN STANDARDS FOR RECREATION USES.**

1. Recreation facilities that are not resource-based may be included at sites providing resource-based recreation uses consistent with the provisions of this Chapter, as long as such facilities comprise no more than one-third of the total land area dedication to the recreation use and/or facilities.
2. The facility design standards are intended to apply to individual recreation facilities. A cluster or grouping of recreational developments or improvements located relatively close to one another is considered an individual recreation facility. Developments or improvements within the same Recreation Intensity class are considered as separate facilities if they are separated by at least ¼ mile of undeveloped land, excluding trails, pathways or access roads.
3. Parking areas, access roads and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground-disturbing grading activities and to use topography to screen parking areas and associated structures. Parking areas, access roads and campsites shall be sited and set back sufficiently from bluffs so that they are visually subordinate as seen from key viewing areas.
4. Existing vegetation, particularly mature trees shall be maintained to the maximum extent practicable, and used to screen parking areas and campsites from key viewing areas and satisfy requirements for perimeter and interior landscaped buffers.
5. Parking areas providing over fifty (50) spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.
6. Lineal frontage of parking areas and campsite loops on scenic travel corridors shall be minimized.
7. Ingress and egress points shall be consolidated to the maximum extent practicable consistent with provision of adequate emergency access pursuant to applicable fire and safety codes.
8. Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction and for safety purposes.
9. Exterior lighting shall be shielded, designed and sited in a manner that prevents such lighting from projecting offsite or being highly visible from key viewing areas.

10. Innovative designs and materials that reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduced required minimum interior or perimeter landscaped buffers. If potential visual impacts have been substantially reduced by use of such designs and materials, then the Administrator may allow either:
    a. Reductions up to fifty (50) percent of required minimum interior or perimeter landscape buffers or,
    b. Up to ten percent additional parking spaces.
11. A majority of trees, shrubs and other plants in landscaped areas shall be species native or naturalized to the landscape setting in which they occur.
12. All structures shall be designed so that height, exterior colors, reflectivity, mass and siting enable them to blend with and not noticeably contrast with their setting.
13. Landscape buffers around the perimeter of parking areas accommodating more than ten vehicles shall be provided. Minimum required widths are five feet for 20 vehicles or fewer, twenty (20) feet for fifty (50) or fewer vehicles, thirty (30) feet for 100 or fewer vehicles and forty (40) feet for 250 or fewer vehicles.
14. Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas with over fifty (50) spaces. The minimum width of interior landscaped buffers separating each subarea of fifty (50) spaces or less shall be twenty (20) feet.
15. Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least six (6) feet in height shall be planted for every ten (10) lineal feet as averaged for the entire perimeter width. A minimum of twenty-five percent (25 %) of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.
16. Minimum required perimeter landscaped buffer widths for parking areas or campgrounds may be reduced by as much as fifty percent (50 %) if existing vegetation stands and/or existing topography are used such that the development is not visible from any key viewing area.
17. Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.
18. All parking areas and campsites shall be set back from State Road 14, State Road 141 and the Columbia River by at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks.
19. Project applicants shall use measures and equipment necessary for the proper maintenance and survival of all vegetation used to meet landscape standards and shall be responsible for such maintenance and survival.
20. All parking areas shall be set back from property boundaries by at least fifty (50) feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.
21. All proposed projects that are larger than those allowed in Recreation Intensity Classes 1 through 3 and are on lands classified Recreation Intensity Class 4 (except

for proposals predominantly devoted to boat access) shall comply with Section 22.24.020(C)(8), regarding provisions of mass transportation access.

E. **VARIANCES.** Variances may be granted:

1. To the setback and buffer requirements contained in this Chapter upon meeting the requirements of Section 22.06.040 and a finding that all of the following conditions exist:
   a. The proposed project is a public-use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with State Road 14.
   b. All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.
   c. Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.
   d. The variance is the minimum necessary to accommodate the use.
2. To the parking and campground unit provisions under Recreation Intensity Class 4 listed in Section 22.24.020(B)(4) of up to ten percent (10%) upon demonstration that all of the following conditions exist:
   a. Demand and use levels for the proposed activity(ies), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.
   b. The proposed use is dependent on resources present at the site.
   c. Reasonable alternative sites offering similar opportunities, including those in nearby Urban Areas, have been evaluated, and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
   d. The proposed use is consistent with the goals, objectives, and policies in this chapter.
   e. Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, cultural, or natural resources and adjacent land uses.
   f. Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.

CHAPTER 22.26 SCENIC RESOURCE PROTECTION – SPECIAL MANAGEMENT AREAS

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22.26.010 DESIGN STANDARDS FOR ALL SMA DEVELOPMENTS AND USES BY LANDSCAPE SETTING

The following provisions apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):

A. **PASTORAL.**
   1. Pastoral areas shall retain the overall appearance of an agricultural landscape.
   2. The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows, as commonly found in the landscape setting, is encouraged.

B. **CONIFEROUS WOODLAND.**
   1. Woodland areas shall retain the overall appearance of a woodland landscape.
   2. New developments and land uses shall retain the overall visual character of the natural appearance of the coniferous woodland landscape.
   3. Buildings shall be encouraged to have a vertical overall appearance.
   4. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

C. **RIVER BOTTOMLANDS.**
   1. River Bottomlands shall retain the overall visual character of a floodplain and associated islands.
   2. Buildings shall have an overall horizontal appearance in areas with little tree cover.
   3. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

D. **GORGE WALLS, CANYONLANDS, AND WILDLANDS.**
   1. New developments and land uses shall retain the overall visual character of the natural-appearing landscape.
   2. Structures, including signs, shall have a rustic appearance, use nonreflective materials, have low contrast with the surrounding landscape. Publicly owned structures shall be of Cascadian architectural style.
   3. Temporary roads shall be promptly closed and revegetated.
      a. New utilities shall be below ground surface, where feasible.
      b. Use of plant species non-native to the Columbia River Gorge shall not be allowed.

22.26.020 DESIGN STANDARDS FOR DEVELOPMENTS AND USES VISIBLE FROM KEY VIEWING AREAS

A. The provisions in this section shall apply to proposed developments on sites topographically visible from key viewing areas.
B. New developments and land uses shall be evaluated to ensure that the required scenic standard, is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from key viewing areas.
C. The required scenic standard for all development and uses are summarized in the following table:

Table 4. Required SMA Scenic Standard

LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
Pastoral	Forest, Agriculture, Public Recreation, Open Space	Visually Subordinate
Coniferous Woodland	Forest (National Forest Lands), Open Space	Not Visually Evident
Coniferous Woodland	Forest, Agriculture, Public Recreation	Visually Subordinate
River Bottomlands	Open Space	Not Visually Evident
River Bottomlands	Forest, Agriculture, Public Recreation	Visually Subordinate
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	Not Visually Evident

D. In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.
E. Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Developments shall be designed to fit the natural topography and to take advantage of landform and vegetation, and to minimize visible grading or other modifications of landforms, vegetation cover and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.
F. The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas. Decisions shall include written findings addressing the factors influencing the degree of visibility, including but not limited to:
    1. The amount of area of the building site exposed to key viewing areas,
    2. The degree of existing vegetation providing screening,
    3. The distance from the building site to the key viewing areas from which it is visible,
    4. The number of key viewing areas from which it is visible, and
    5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).
G. Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as seen from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements);
2. Retention of existing vegetation;
3. Design (color, reflectivity, size, shape, height, architectural and design details and other elements); and
4. New landscaping.

H. Sites approved for new development to achieve scenic standards shall be consistent with provisions to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and provisions to protect cultural resources.

I. Proposed developments shall not protrude above the line of a bluff, cliff or skyline as seen from key viewing areas.

J. Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this standard is not feasible considering the function of the structure.

K. The following provisions shall apply to new landscaping used to screen development from key viewing areas:

1. New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available provisions in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.
2. If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this provision shall be sized to provide sufficient screening to meet the scenic standard within five (5) years or less from the commencement of construction.
3. Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.
4. The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Provisions in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

L. Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The Scenic Resources Implementation Handbook will include a recommended palette of colors as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting.

M. The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. The Scenic Resources Implementation Handbook will include a recommended list of exterior materials. Painted metal is not considered to be non-reflective material or material of low reflectivity. These recommended materials and other materials may be deemed consistent with this

provision, including those where the specific application meets approval thresholds in the "Visibility and Reflectivity Matrices" in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure meeting the scenic standard. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.

N. Exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

O. Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months.

22.26.030 DESIGN STANDARDS FOR DEVELOPMENTS AND USES NOT VISIBLE FROM KEY VIEWING AREAS.

Unless expressly exempted by other provisions in this chapter, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the Scenic Resources Implementation Handbook.

22.26.040 DESIGN STANDARDS FOR KEY VIEWING AREAS FOREGROUNDS AND SCENIC ROUTES

A. All new developments and land uses immediately adjacent to Washington State Route 14 (SR 14) shall be in conformance with state or county scenic route provisions.

B. Scenic highway corridor strategies shall be developed and implemented for (SR 14), this involves ongoing implementation (and possible updating) of the associated existing documents.

C. The goals of scenic corridor strategies shall include:

1. Providing a framework for future highway improvements and management that meet Management Plan scenic provisions and public transportation needs; and
2. Creating design continuity for the highway corridor within the Scenic Area. Corridor strategies shall, at minimum, include design provisions (e.g. materials, conceptual designs, etc.) for typical projects that are consistent with Management Plan scenic resources provisions and an interdisciplinary, interagency project planning and development process.

D. The following provisions shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs. They shall apply in addition to applicable provisions in Section 22.26.020 (SMA Provisions for Development Visible from KVAs).

1. The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements in Section 22.26.020 and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.
2. Findings must evaluate the following:

a. The limiting factors to meeting the required scenic standard and/or applicable provisions from Section 22.26.020;
b. Reduction in project size;
c. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;
d. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

3. Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as seen from the foreground of key viewing areas:
   a. Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.
   b. Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.
   c. Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.
   d. Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary

E. Right-of-way vegetation shall be managed to minimize visual impacts of clearing and other vegetation removal as seen from key viewing areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.

F. Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.

CHAPTER 22.28 NATURAL RESOURCE PROTECTION – SPECIAL MANAGEMENT AREAS

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22.28.010 WATER RESOURCE PROTECTION

A. **EXEMPTIONS.** Maintenance, repair, reconstruction and realignment of roads and railroads within their rights of way shall be exempted from application of this chapter upon demonstration of the following:
   1. The wetland within the right of way is a drainage ditch and not part of a larger wetland outside of the right of way;
   2. The wetland is not critical habitat; and
   3. Proposed activities within the right of way would not adversely affect a wetland adjacent to the right of way.

B. **BUFFER REQUIREMENTS.** All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following provisions to ensure that natural resources are protected from adverse effects. Proposed uses that would adversely affect water resources (wetlands, streams, ponds, lakes, and riparian areas) shall be prohibited. Comments from state and federal agencies shall be carefully considered.
   1. All water resources shall, in part, be protected by establishing undisturbed buffer zones as specified in 22.28.010(B)(4). These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.
   2. The applicant shall be responsible for identifying all water resources and their appropriate buffers. However, delineations shall be as required in Section 22.28.010(~~E~~F).
   3. All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a natural resource mitigation plan, Section 22.28.040.
   4. Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:
      a. A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish-bearing stream, some of which can be intermittent.
      b. A fifty (50) foot buffer zone along each bank of intermittent (including ephemeral, non-fish bearing streams).
      c. The buffer width shall be increased for the following:
         i. When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

ii. When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

iii. When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

5. Buffer zones can be reconfigured if a project applicant demonstrates all of the following; such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered:
   a. The integrity and function of the buffer zones is maintained,
   b. The total buffer area on the development proposal is not decreased,
   c. The width reduction shall not occur within another buffer, and
   d. The buffer zone width is not reduced more than 50% at any particular location.
6. Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant,
   a. Identifies the precise location of the sensitive wildlife/plant or water resource,
   b. Describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and
   c. Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

C. The Administrator shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for a twenty (20) day review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the Administrator will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the Administrator shall justify how they reached an opposing conclusion.

D. Buffer zones shall be undisturbed unless the following criteria have been satisfied:
   1. The proposed use must have no practicable alternative as determined by the practicable alternative test, see Section 22.28.030. Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.
   2. Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:
      a. A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, and
      b. Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and
      c. The proposed project minimizes the impacts to the wetland.

3. Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a mitigation plan.
4. When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

E. Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

~~E.~~F. **DELINEATING WATER RESOURCE BOUNDARIES AND BUFFER ZONES.** Wetlands Boundaries shall be delineated using the following:

1. The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.
2. Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the Administrator during an inspection of a potential project site shall be delineated and protected.
3. The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '1987 Corps of Engineers Wetland Delineation Manual (on-line Edition).
4. All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.
5. Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.
6. The Administrator may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the Administrator shall obtain professional services, at the project applicant's expense, or the Administrator will ask for technical assistance from the Forest Service to render a final delineation.

22.28.020 WILDLIFE AND PLANT HABITAT PROTECTION

A. **REVIEW OF SITE PLANS.**

1. Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1,000 ft of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas and endemic plants are those areas listed in Chapter 22.04, the "Types of Wildlife Areas and Sites Inventoried in the Columbia River Gorge" and "Columbia Gorge Vicinity Endemic Plant Species" tables, including all Priority Habitats listed in Table 5 in Section 22.28.020. (USFS) The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

2. The Administrator shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the Forest Service and the appropriate state agencies (the Department of Fish & Wildlife for wildlife issues and the Washington Natural Heritage Program for plant issues).
3. Within twenty (20) days, the Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists and/or botanists, shall review the site plan and their field survey records. They shall:
   a. Identify/verify the precise location of the wildlife and/or plant area or site,
   b. Determine if a field survey will be required,
   c. Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season, and
   d. Delineate the undisturbed 200 foot buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.
      i. Buffer zones can be reconfigured if a project applicant demonstrates all of the following:
         (1) The integrity and function of the buffer zones is maintained,
         (2) The total buffer area on the development proposal is not decreased,
         (3) The width reduction shall not occur within another buffer, and
         (4) The buffer zone width is not reduced more than fifty percent (50 %) at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.
      ii. Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant,
         (1) Identifies the precise location of the sensitive wildlife/plant or water resource,
         (2) Describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and
         (3) Demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.
   e. The Forest Service should respond within the twenty (20) day comment period, even if the reply is as simple as “the agency needs an additional number of days (Forest Service to specify the number of days) to review this site plan”.
4. The Administrator shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the Administrator will make a final decision on whether the reduced buffer zone is justified. If the final

decision contradicts the comments submitted by the federal and state agencies, the Administrator shall justify how the contrary conclusion was determined.

5. The Administrator, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:
   a. Published provisions regarding the protection and management of the affected wildlife/plant species. Examples include:
      i. The Oregon Department of Forestry technical papers that include management provisions for osprey and great blue heron;
      ii. The Washington Department of Wildlife provisions for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).
   b. Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
   c. Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.
   d. Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.
   e. In areas of winter range, habitat components, such as forage and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.
   f. The site plan is consistent with the Washington provisions for timing of in-water work.
   g. The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.
   h. The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.
   i. Maintain, protect, and enhance the integrity and function of Priority Habitats listed in the following Priority Habitats Table, Table 5. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

Table 5. Priority Habitats Table.

Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability,

	high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability.
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.

6. The wildlife/plant protection process may terminate if the Administrator, in consultation with the Forest Service and state wildlife agency or Heritage program, and/or review pursuant to Section 22.28.020(A)(1) through 22.28.020(A)(5), determines:
   a. The sensitive wildlife area or site is not active, or
   b. The proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and
   c. The proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the Administrator shall incorporate them into the staff report and if necessary the administrative decision and the wildlife/plant protection process may conclude.
7. If the above measures fail to eliminate the adverse affects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a natural resource mitigation plan (See Section 22.28.040) to offset the adverse effects by deliberate restoration and enhancement.
8. The Administrator shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The Administrator shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs into the staff report and if applicable the administrative decision. Based on the comments from the state and federal wildlife agency/heritage program, the Administrator shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and provisions. If the administrative

decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the Administrator shall justify how the contrary conclusion was determined.

9. The Administrator shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife/plant area or site.

~~9.~~10. Proposed uses and developments within 1,000 feet of sensitive wildlife areas and sites or within 1,000 feet of rare plants shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

B. **NATURAL RESOURCE PROTECTION STANDARDS.** Soil productivity shall be protected using the following provisions:

1. A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
2. New developments and land uses shall control all soil movement within the area shown on the site plan.
3. The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed fifteen percent (15 %) of the project area.
4. Within one (1) year of project completion, eighty percent (80 %) of the project area with surface disturbances shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has eighty percent (80 %) vegetative cover.

22.28.030 PRACTICABLE ALTERNATIVE TEST

An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

A. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites;
B. The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites; and
C. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

22.28.040 NATURAL RESOURCE MITIGATION PLANS

A. A Mitigation Plan shall be prepared when:
   1. The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites); and

2. There is no practicable alternative (see the "practicable alternative" test set out in Section 22.28.030).

B. In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

C. The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects sensitive water resources, and wildlife/plant areas and sites, that maximizes his/her development options, and that mitigates, through restoration, enhancement, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.

D. The applicant shall submit the mitigation plan to the Administrator. The Administrator shall submit a copy of the mitigation plan to the Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the Administrator shall justify how they reached an opposing conclusion.

E. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.

F. Mitigation plans shall include maps, photographs, and text. The text shall:

~~4.~~1. Describe the biology and/or function of the sensitive resources (eg. wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the sensitive resource to be altered or destroyed and the condition of the resource that will result after restoration will be required. Reference published protection and management provisions;

~~5.~~2. Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the sensitive resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone;

~~6.~~3. Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed (for example, delineation of core habitat of the sensitive wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site);

~~7.~~4. Show how restoration, enhancement, and replacement (creation) measures will be applied to ensure that the proposed use results in minimum feasible impacts to sensitive resources, their buffer zones, and associated habitats; and,

~~8.~~5. Show how the proposed restoration, enhancement, or replacement (creation) mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a sensitive resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the Administrator, appropriate state agencies, and the Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

G. At a minimum, a project applicant shall provide to the Administrator a progress report every three (3) years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

H. A final monitoring report shall be submitted to the Administrator for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The Administrator shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the Administrator in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement provisions.

I. Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:

1. Restoration and enhancement efforts shall be completed no later than one (1) year after the sensitive resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable;
2. All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least seventy-five percent (75 %) of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community;
3. Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders;
4. If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the Administrator, in consultation with the appropriate State and Federal agency, determines that such substitution is justified;
5. Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least seventy-five percent (75 %) of the replacement plants survive three (3) years after the date they are planted;
6. Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for five (5) consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the Administrator to ensure compliance. The Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the Administrator to help evaluate such reports and any subsequent activities associated with compliance;
7. Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land trust with explicit instructions that those funds are to be used specifically to purchase protection

easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in Section 22.28.040(I)(17). These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report; and,

8. Nonstructural controls and natural processes shall be used to the greatest extent practicable.
9. Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.
10. Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as demonstrated by the 'Practicable Alternative Test'.
11. Fish passage shall be protected from obstruction.
12. Restoration of fish passage should occur wherever possible.
13. Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.
14. Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.
15. Those portions of a proposed use that are not water-dependent or that have a practicable alternative will be located outside of stream, pond, and lake buffer zones.
16. Streambank and shoreline stability shall be maintained or restored with natural revegetation.
17. The size of restored, enhanced, and replacement (creation) wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.
    a. **Restoration.** 2: l
    b. **Creation.** 3: l
    c. **Enhancement.** 4: l

CHAPTER 22.30 CULTURAL RESOURCE PROTECTION – SPECIAL MANAGEMENT AREAS

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22.30.010 GENERAL PROVISIONS FOR IMPLEMENTING THE CULTURAL RESOURCE PROTECTION PROCESS

A. All cultural resource information shall remain confidential and exempt from public records requests, according to Section 6(a)(1)(A) of the National Scenic Area Act and RCW 42.17.310(k). Federal agency cultural resource information is also confidential and exempt by statue from the Freedom of Information Act under 16 USC 470 hh and 36 CFR 296.18.

B. All cultural resource surveys, evaluations, assessments and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards set out in 36 Code of Federal Regulations (CFR), Part 61 and in Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).

C. The Forest Service will be responsible for performing the literature review and consultation, inventory, evaluations of significance, assessments of effect, and mitigation requirements in Section 22.30.080 for forest practices and National Forest Systems lands.

D. New Developments or land uses shall not adversely affect significant cultural resources.

E. The procedures in Section 22.30.020, 030, 040, 050, 060, and 070 shall be used to review all proposed developments and land uses other than those on all federal lands, federally assisted projects and forest practices.

F. The procedures in Section 22.30.080 and guidelines in 36 CFR 800 shall be used by the Administrator and federal agencies to evaluate new developments or land uses on federal lands, federally assisted projects, and forest practices.

G. Cultural resource surveys, evaluations, assessments, and mitigation plans shall generally be conducted in consultation with Indian tribal governments and if appropriate, any party of record. Indian tribal governments shall be consulted if the affected cultural resources are prehistoric or otherwise associated with Native Americans. If the cultural resources are associated with non-Native Americans, such as a historic house or pioneer campsite, the Indian tribal governments do not have to be consulted.

H. The responsibility and cost of preparing an evaluation of significance, assessment or effect, or mitigation plan shall be borne by the project applicant, except for resources discovered during construction and forest practices. The Gorge Commission shall conduct and pay for evaluations of significance and mitigation plans for resources that are discovered during construction of small-scale and large-scale uses.

I. **~~RECONNAISSANCE~~ARCHAEOLOGICAL AND HISTORIC SURVEYS AND SURVEY REPORTS.**

1. **~~RECONNAISSANCE~~ARCHAEOLOGICAL SURVEY REQUIREMENTS AND EXCEPTIONS.**

a. An ~~reconnaissance~~archaeological survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those uses listed as exempt in Section 22.30.010(I)(1)(b).

b. An ~~reconnaissance~~archaeological survey shall be required for all proposed uses, except the following, unless located within 500 feet of a known cultural resource:

i. The modification, expansion, replacement, or reconstruction of existing buildings and structures.

ii. Proposed uses that would not disturb the ground, including land divisions and lot-line adjustments, storage shed that do not require a foundation; low-intensity recreation uses, such as fishing, hunting and hiking; installation of surface chemical toilets; hand treatment of brush within established rights-of-way; and new uses of existing structures.

iii. Proposed uses that involve minor ground disturbance, as defined by depth and extent, including repair and maintenance of lawfully constructed serviceable structures; home gardens; livestock grazing; cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill; construction of fences; new utility poles that are installed using an auger, post-hole digger or similar implement; and placement of mobile homes where septic systems and underground utilities are not involved. The Gorge Commission shall review all land use applications and determine if the proposed uses would have a minor ground disturbance.

iv. Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed the depth and extent of existing ground disturbance. To qualify for this exception, a project applicant must demonstrate that land-disturbing activities occurred in the project area. Land-disturbing activities include grading and cultivation.

v. Proposed uses that would occur on sites that have been adequately surveyed in the past. Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing. The nature and extent of any cultural resources in the project area must be adequately documented. The project applicant must demonstrate that the project area has been adequately surveyed.

vi. Proposed uses occurring in areas that have a low probability of containing cultural resources. Areas that have a low probability of containing cultural resources shall be identified using the results of ~~reconnaissance~~archaeological surveys conducted by the Columbia River

Gorge Commission, the United States Forest Service, public agencies and private archaeologists. The Gorge Commission, after consultation with the Indian tribes and Washington State Department of Archaeology and Historical Preservation (hereinafter DAHP), shall prepare and adopt a map showing areas that have a low probability of containing cultural resources. This map shall be adopted within 200 days after the Secretary of Agriculture concurs with the Management Plan. The maps referred to above shall be refined and revised as additional ~~reconnaissance~~archaeological surveys are conducted. Areas shall be added or deleted as warranted. All revisions of this map shall be reviewed and approved by the Gorge Commission. **The following proposed uses do not qualify for this exemption**:

(1) Residential development that involves two or more new dwellings for the same project applicant.

(2) Recreation facilities that contain parking areas for more than ten cars, overnight camping facilities, boat ramps and visitor information and environmental education facilities.

(3) Public transportation facilities that are outside improved rights-of-way.

(4) Electric facilities, lines, equipment and appurtenances that are thirty-three (33) kilovolts or greater.

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment and appurtenances.

c. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are fifty (50) years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are fifty (50) years old or older.

d. The Gorge Commission shall conduct and pay for all ~~reconnaissance~~archaeological and historic surveys for small-scale uses in the General Management Area. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also shall identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone. ~~Reconnaissance~~Archaeological surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

e. Large-scale uses, for the purposes of this Chapter, include residential development involving two or more new dwellings; all recreation facilities; commercial and industrial development; public transportation facilities; electric facilities, lines, equipment, and appurtenances that are thirty-three (33) kilovolts or greater; and communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment , and appurtenances.

f. ~~Reconnaissance~~Archaeological Surveys for small-scale uses shall generally include a subsurface survey and subsurface testing. They shall meet the following standards:

i. A surface survey of the project area shall be conducted, except for inundated areas and impenetrable thickets.

ii. Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present. Subsurface probes shall be placed at intervals sufficient to determine the absence or presence of cultural resources.

g. ~~Reconnaissance~~Archaeological Survey Reports for small-scale uses shall be documented in a confidential report that includes:

i. A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the ~~reconnaissance~~archaeological survey.

ii. A description of any cultural resources that were discovered in the project area, including a written description and photographs.

iii. A map that shows the project area, the areas surveyed, the location of subsurface probes, and, if applicable, the approximate boundaries of the affected cultural resources and a reasonable buffer zone.

iv. All written comments and consultation meeting minutes, if applicable, shall be incorporated into the ~~reconnaissance~~archaeological survey report.

h. ~~Reconnaissance~~Archaeological Surveys for large-scale uses shall be designed by a qualified professional. They shall meet the following requirements:

i. A written description of the survey shall be submitted to and approved by the Gorge Commission's designated archaeologist.

ii. ~~Reconnaissance~~Archaeological surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use.

i. Archival research shall be performed before any field work. Archival research shall include a thorough examination of tax records; historic maps, photographs and drawings; previous archaeological, historic and ethnographic research; cultural resource inventories and records maintained by federal, state and local agencies; and primary historic accounts, such as diaries, journals, letters and newspapers.

j. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

k. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

l. Archaeological site inventory forms shall be submitted to the Washington State Department of Archeology and Historic Preservation (hereinafter "DAHP") whenever cultural resources are discovered.

m. ~~Reconnaissance~~Archaeological Survey Reports for large-scale uses shall be documented in a confidential report that includes:

i. A description of the proposed use, including drawings and maps.

ii. A description of the project area, including soils, vegetation, topography, drainage, past alterations and existing land use.

iii. A list of the documents and records examined during the archival research and a description of any prehistoric or historic events associated with the project area.

iv. A description of the fieldwork methodology used to identify cultural resources, including a map that shows the project area, the areas

surveyed, and the location of subsurface probes. The map shall be prepared at a scale of one (1) inch equals 100 feet (1:1200) or a scale providing greater detail.

v. Copies of all written comments submitted by Indian tribal governments and other interested persons.

vi. An inventory of the cultural resources that exist in the project area, including a written description, photographs, drawings and a map. The map shall be prepared at a scale of one (1) inch equals 100 feet (1:1,200), or a scale providing greater detail.

vii. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. The assessment shall incorporate concerns and recommendations voiced during consultation meetings and information, if any, obtained through field surveys.

2. **HISTORIC SURVEYS AND REPORTS.**

b. Historic surveys shall document the location, form, style, integrity and physical condition of historic buildings and structures. They shall include original photographs and maps. Archival research, blueprints and drawings should be used as necessary.

c. Historic surveys shall describe any uses that will alter or destroy the exterior architectural appearance of the historic buildings or structures, or compromise features of the site that are important in defining the overall historic character of the historic buildings or structures.

d. The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.

e. Historic surveys shall include copies of all written comments and consultation meeting minutes submitted by Indian tribal governments and other parties of record, if applicable.

f. Cultural resources are significant if one of the following criteria is satisfied:

i. The cultural resources are included in, or eligible for inclusion in the National Register of Historic Places. The criteria for evaluation the eligibility of cultural resources for National Register of Historic Places appear in the “National Register Criteria for Evaluation” (36 CFR 60.4).

ii. The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.

3. **CULTURAL ADVISORY COMMITTEE (CAC).**

a. The Columbia River Gorge Commission shall establish a Cultural Advisory Committee (CAC). The CAC shall comprise cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribal governments.

b. If a project applicant’s and an Indian tribal government’s evaluations of significance contradict, then the CAC shall review the applicant’s evaluation and the Indian tribal government's substantiated concerns. The Indian tribal government shall substantiate its concerns in a written report.

c. Within thirty (30) days of delivery by the Administrator of a contested evaluation of significance to the CAC, the CAC shall submit a written recommendation to the Administrator as to whether affected cultural resources

are significant and its reasons for making a determination of significance. If the CAC fails to submit a written recommendation within the said thirty (30) days, then the Administrator shall determine that the CAC concurs in the applicant's evaluation of significance.

22.30.020 CULTURAL RESOURCE ~~RECONNAISSANCE~~ARCHAEOLOGICAL AND HISTORIC SURVEYS

A. **CONSULTATION AND ETHNOGRAPHIC RESEARCH.**

1. When written comments including a request for consultation with the applicant, are submitted to the Administrator by a party of record within the twenty (20) day development review comment period, the project applicant shall offer to meet with the requesting party within ten (10) calendar days. The ten (10) day consultation period may be extended upon agreement between the project applicant and the requesting party.
2. Consultation meetings should provide an opportunity for the requesting party to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.
3. A project applicant who is proposing a large-scale use shall conduct interviews and other forms of ethnographic research if a party of record submitted a written request for such research. All requests must include a description of the cultural resources that may be affected by the proposed use and the identity of knowledgeable informants. Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes of the meetings shall be used when appropriate.
4. All written comments, consultation meeting minutes, and ethnographic research shall be incorporated into the ~~reconnaissance~~archaeological or historic survey report. In instances where a survey is not required, all such information shall be recorded and addressed in a report that typifies a survey report; inapplicable elements may be omitted.

B. **NOTICE OF SURVEY RESULTS.**

1. The Administrator shall submit a copy of all cultural resource survey reports to DAHP and to the Indian tribal governments. Survey reports may include measures to avoid potentially affected resources, such as a map that shows a reasonable buffer zone.
2. DAHP and the Indian tribal governments shall have thirty (30) calendar days from the date a survey report is mailed to submit written comments to the Administrator.
3. The Administrator shall retain in the record and address all written comments in the Administrative Decision and Staff Report.

C. **CONCLUSION OF CULTURAL RESOURCE PROTECTION PROCESS.**

1. The Administrator shall make a final decision on whether the proposed use would be consistent with the provisions of this Chapter. If the final decision contradicts the comments submitted by the DAHP, the Administrator shall justify how the opposing conclusion was determined.
2. The cultural resource protection process may conclude when the Administrator makes a final, written determination that one of the following conditions exists:

a. The proposed use does not require an ~~reconnaissance~~archaeological or historic survey, no cultural resources are known to exist in the project area, and no substantial concerns were voiced by parties of record within the comment period on the application.

b. An ~~reconnaissance~~archaeological survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were raised in written comments submitted by parties of record within the twenty (20) day comment period on the application, and no substantiated concerns regarding the ~~reconnaissance~~archaeological survey were submitted by DAHP or Indian tribal governments during the thirty (30) calendar day comment period as required by 22.30.020(B).

c. The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area. A reasonable buffer has been established around the affected resources or property and all ground-disturbing activities shall be prohibited within the buffer zone. Buffer zones shall preserve the integrity and context of cultural resources. Buffer zones may vary in width depending on the eventual use of the project area, the type of cultural resources present and the characteristics for which the cultural resources may be significant. A deed covenant, easement or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected. An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the ~~reconnaissance~~archaeological survey and survey report shall be incorporated into the evaluation of significance.

d. The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy Section 22.30.030(D) If it does not, architectural and building plans, photographs and archival research may be required. The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission. The historic survey and report must demonstrate that these provisions have been clearly and absolutely satisfied. If the DAHP or the Administrator question whether these provisions have been satisfied, the project applicant shall conduct an evaluation of significance. A historic survey demonstrates that the proposed use would not have an adverse effect on historic buildings or structures because:

i. DAHP concludes that the historic or architectural character of the affected buildings or structures are not significant, as determined using the criteria in the "National Register Criteria for Evaluation" (36 CFR 60.4), or

ii. The proposed use would not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as defined by provisions 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).

22.30.030 EVALUATION OF SIGNIFICANCE

A. **EVALUATION CRITERIA AND INFORMATION NEEDS.** If cultural resources would be affected by a proposed use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following requirements:

1. Evaluations of significance shall follow the procedures set out in How to Apply the National Register Criteria for Evaluation (U.S. Department of Interior, no date) and Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).
2. Evaluations of significance shall be presented within local and regional contexts and shall be guided by previous research and current research designs that are relevant to specific research questions for the Columbia River Gorge.
3. The evaluation of significance shall follow the principles, guidelines and report format recommended by the Washington State Department of Archaeology and Historic Preservation (DAHP, no date).
4. The evaluation of significance shall incorporate the results of the ~~reconnaissance~~archaeological or historic survey and shall illustrate why each cultural resource found is or is not significant. Findings shall be presented within the context of relevant local and regional research. All documentation used to support the evaluation of significance shall be cited. Information gathered during the ~~reconnaissance~~archaeological or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.
5. The project applicant shall contact Indian tribal governments and parties of record, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.
6. All documentation used to support the evaluation of significance shall be cited. Evidence of consultation with Indian tribal governments and other parties of record shall be presented. All comments, recommendations and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.

B. **NOTICE OF EVALUATION RESULTS.**

1. If the evaluation of significance demonstrates that the cultural resources are not significant, then the Administrator shall submit a copy of the evaluation of significance to DAHP and the Indian tribal governments.
2. DAHP, the Indian tribal governments and requesting persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the Administrator. The Administrator shall retain in the record and address all written comments in the Administrative Decision and Staff Report.

C. **CULTURAL RESOURCES ARE CULTURALLY SIGNIFICANT.**

1. If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, then the CAC shall make an independent review of the applicant’s evaluation and of the Indian tribal government's substantiated concerns. The CAC shall formulate a recommendation regarding the significance of the cultural resources.
2. The Indian tribal governments shall substantiate their concerns, if any, in a written report which shall be submitted to the Administrator, the CAC and the project

applicant within 15 calendar days from the date the evaluation of significance is mailed. The CAC shall submit its recommendation to the Administrator within 30 calendar days from the date the evaluation of significance is mailed.

D. **CONCLUSION OF THE CULTURAL RESOURCE PROTECTION PROCESS.**

1. The Administrator shall make a final decision on whether the affected resources are significant. If the final decision contradicts the comments or recommendations submitted by DAHP or CAC, the Administrator shall justify how an opposing conclusion was reached.
2. The cultural resource protection process shall conclude if the affected cultural resources are not significant.
3. If the project applicant or the Administrator determines that the cultural resources are significant, then the effects of the proposed use shall be assessed.

22.30.040 ASSESSMENT OF EFFECT

A. **ASSESSMENT CRITERIA AND INFORMATION NEEDS.** If a proposed use could potentially affect significant cultural resources, an assessment shall be made to determine if it would have no effect, no adverse effect, or an adverse effect. The assessment shall meet the following requirements:

1. The assessment of effect shall be conducted and paid for by the project applicant.
2. The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.5) and shall incorporate the results of the ~~reconnaissance~~archaeological or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR 800.11.
3. Proposed uses are considered to have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR 800.5].
4. Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials and workmanship, feeling or association [36 CFR 800.5]. Adverse effects include, but are not limited to:
   a. Physical destruction, damage or alteration of all or part of the cultural resource.
   b. Isolation of the cultural resource from its setting or alteration of the character of the resource's setting when that character contributes to the resource's qualification as being significant.
   c. Introduction of visual, audible or atmospheric elements that are out of character with the cultural resource or its setting.
   d. Neglect of a significant cultural resource resulting in its deterioration or destruction, except as described in 36 CFR 800.5.
5. The assessment of effect shall be prepared in consultation with Indian tribal governments and parties of record, if appropriate. The concerns and recommendations written by Indian tribal governments and parties of record shall be recorded and addressed in the assessment.
6. The effects of a proposed use that would otherwise be determined to be adverse may be considered to be not adverse if any of the following applies:
   a. The cultural resources are of value only for their potential contribution to archaeological, historical or architectural research, and when such value can be

substantially preserved through the conduct of appropriate research before development begins, and such research is conducted in accordance with applicable professional standards and guidelines.

b. The undertaking is limited to the rehabilitation of buildings and structures, and is conducted in a manner that preserves the historical and architectural character of affected cultural resources through conformance with The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of Interior 1990) and The Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of Interior 1983).

B. **NOTICE OF ASSESSMENT RESULTS.**

1. If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Administrator shall submit a copy of the assessment to DAHP and affected Indian tribal governments, if any.
2. DAHP, affected Indian tribal governments and parties of record, if appropriate, shall have thirty (30) calendar days from the date the assessment is mailed to submit written comments to the Administrator. The Administrator shall record and address all written comments in the Administrative Decision and Staff Report.

C. **CONCLUSION OF THE CULTURAL RESOURCE PROTECTION PROCESS.**

1. The Administrator shall make a written decision on whether the proposed use would have no effect, no adverse effect or an adverse effect. If the decision contradicts the comments submitted by DAHP, the Administrator shall justify how the opposing conclusion was determined.
2. The cultural resource protection process shall conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.
3. A mitigation plan shall be prepared if a project applicant or the Administrator determines that the proposed use will have an adverse effect on significant cultural resources.

22.30.050 MITIGATION PLANS

A. **MITIGATION PLAN CRITERIA AND INFORMATION NEEDS.** If the Administrator concludes that the proposed use would have an adverse effect on significant cultural resources, then a mitigation plan shall be prepared. Mitigation plans shall meet the following requirements:

1. Mitigation plans shall be prepared and paid for by the project applicant.
2. Mitigation plans shall reduce an adverse effect to no effect or no adverse effect.
3. Mitigation plans shall be prepared in consultation with persons who have concerns about or knowledge of the affected cultural resources, including Indian tribal governments, Native Americans, local governments whose jurisdiction encompasses the project area, and DAHP.
4. Avoidance of cultural resources through project design and modification is preferred. Avoidance may be achieved by reducing the size, scope, configuration and density of the proposed use. Alternative mitigation measures shall be used only if avoidance is not practicable. Alternative measures include, but are not limited to, burial under fill, stabilization, removal of the cultural resource to a safer place and partial to full excavation and recordation. If the mitigation plan includes buffer

zones to protect cultural resources, a deed covenant, easement or other appropriate mechanism shall be developed and recorded in the County Auditor's records.

5. Mitigation plans shall incorporate the results of the ~~reconnaissance~~archaeological or historic survey, the evaluation of significance and the assessment of effect, and shall provide the following documentation required in 36 CFR 800.11, including but not limited to:
   a. A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use.
   b. A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection.
   c. Documentation that all notice, comment and consultation provisions of this Title have been met.
   d. A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, parties of record and the Administrator.
   e. Copies of any written recommendations submitted to the Administrator or applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

B. **NOTICE OF MITIGATION PLAN RESULTS.**

1. If the Administrator concludes that a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the Administrator shall submit a copy of the mitigation plan to DAHP and affected Indian tribal governments.
2. DAHP, affected Indian tribal governments and parties of record shall have thirty (30) calendar days from the date the mitigation plan is mailed to submit written comments to the Administrator. The Administrator shall retain in the record and address all written comments in the Administrative Decision and Staff Report.

C. **CONCLUSION OF THE CULTURAL RESOURCE PROTECTION PROCESS.**

1. The Administrator shall make a final decision of whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect. If the final decision contradicts the comments submitted by DAHP, the Administrator shall justify how the opposing conclusion was reached.
2. The cultural resource protection process shall conclude if a mitigation plan will reduce an adverse effect to no effect or no adverse effect.
3. The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

22.30.060 CULTURAL RESOURCES DISCOVERED AFTER CONSTRUCTION BEGINS

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Administrator and DAHP. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

A. **HALT OF CONSTRUCTION.** All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found;

further disturbance is prohibited.

B. **NOTIFICATION.** The project applicant shall notify the Administrator and the Gorge Commission within twenty-four (24) hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within twenty-four (24) hours.

C. **SURVEY AND EVALUATIONS.** The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP. (See Revised Code of Washington 27.53.) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in the Section 22.30.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. A mitigation plan shall be prepared if the affected cultural resources are significant. Construction activities may recommence if the cultural resources are not significant.

D. **MITIGATION PLAN.** Mitigation plans shall be prepared according to the information, consultation and report provisions contained in the Section 22.30.050 of this Chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.

22.30.070 DISCOVERY OF HUMAN REMAINS

The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.

A. **HALT OF ACTIVITIES.** All survey, excavation and construction activities shall cease. The human remains shall not be disturbed any further.

B. **NOTIFICATION.** Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

C. **INSPECTION.** The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/historic or modern. Representatives of the Indian tribal governments shall be contacted immediately.

D. **JURISDICTION.** If the remains are modern, the appropriate law enforcement officials shall assume jurisdiction and the cultural resource protection process may conclude.

E. **TREATMENT.** The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.30.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when the conditions set forth in Section 22.30.030(D) of this Chapter are met and the mitigation plan is executed.

22.30.080 ASSESSING POTENTIAL EFFECTS TO CULTURAL RESOURCES

The following procedures as well as the provisions in 36 CFR 800 shall be used to assess

potential effects to cultural resources on federal lands, federally assisted projects, and forest practices:

A. **LITERATURE REVIEW AND CONSULTATION.**

1. An assessment shall be made to determine if any cultural resources listed on the National Register of Historic Places at the national, state, or local level are present on or within the area of potential direct and indirect impact.
2. A search shall be made of state and County government, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources. The search shall include consultation with the Washington State Department of Archeology and Historic Preservation (DAHP) and tribal governments. State and tribal governments response to the consultation request shall be allowed for thirty (30) days.
3. Cultural resource professionals knowledgeable about the area shall be consulted.
4. A field inventory by a cultural resource professional shall be required if the Forest Service or the Administrator determines that a recorded or known cultural resource exists on or within the immediate vicinity of a new development or land use, including those reported in consultation with the Indian tribal governments.

B. **FIELD INVENTORY.**

1. Tribal representatives shall be invited to participate in the field inventory.
2. The field inventory shall conform to one (1) of the following standards, as determined by the cultural resource professional:
    a. Complete survey: The systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly spaced transects. A complete survey may also require techniques such as clearing of vegetation or augering or shovel probing of subsurface soils for the presence of buried cultural resources.
    b. Sample survey: The sampling of an area to assess the potential of cultural resources within the area of proposed development or use. This technique is generally used of parcels that are large or difficult to survey, and is generally accomplished by a stratified random or non-stratified random sampling strategy. A parcel is stratified either by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid. Under this method, statistically valid samples are selected and surveyed to indicate the probability of presence, numbers and types of cultural resources throughout the sampling strata. Depending on the results of the sample, a complete survey may or may not subsequently be recommended.
3. A field inventory report shall be required and shall include the following:
    a. A narrative integrating the literature review with the field inventory.
    b. A description of the field inventory methodology used. The description shall include the type and extent of field inventory and shall be supplemented by maps that graphically illustrate the areas surveyed supplemented by maps that graphically illustrate the areas surveyed and not surveyed and provide the rationale for each.
    c. A statement of the presence or absence of cultural resources within the area of the new development or land use.

d. When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources. Recommendations and standards for monitoring, if appropriate, shall be included.

4. The report shall follow the format specified by the Washington State Department of Archaeology and Historic Preservation (DAHP).
5. The field inventory report shall be presented to the Forest Service for review.

C. **EVALUATION OF SIGNIFICANCE.**

1. When cultural resources are found within the area of the new development or land use, an evaluation of significance shall be completed for each cultural resource in accordance with the criteria of the National Register of Historic Places (36 CFR 60.4).
2. Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.
3. Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, "Provisions for the Evaluation and Documentation of traditional Cultural Properties", within local and regional contexts.
4. Recommendations for eligibility to the National Register shall be completed for each identified resource, in accordance with National Register criteria A through D (36 CFR 60.4). The Forest Service or the Administrator shall review evaluations for adequacy.
5. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources in the project area, and documentation of their concerns, shall be included as part of the evaluation of significance.
6. An assessment of effect shall be required if the Forest Service or the Administrator determines that the inventoried cultural resources are significant.

D. **ASSESSMENT OF EFFECT.**

1. For each significant (i.e., eligible for the National Register) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for Sections 22.30.080(D)(2) through 22.30.080(D)(4). The Forest Service shall review each determination for adequacy.
2. If the proposed development or change in use will have "no adverse effect", as defined in 36 CFR 800.4, to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Requirements" of 36 CFR 800.11. If the proposed development or change in use will have an effect then criteria of adverse effect must be applied (36 CFR 800.5).
3. If the proposed development or change in use will have an "adverse effect", as defined in 36 CFR 800.5, to a significant cultural resource, the type and extent of "adverse effect" upon the qualities of the property that make it eligible for the National Register shall be documented [36 CFR 800.6 “Resolution of Adverse Effects”]. This documentation shall follow the process outlined under 36 CFR 800.11 (“Failure to Resolve Adverse Effects”).
4. If the "effect" appears to be beneficial (i.e., an enhancement to cultural resource), recommendations shall be documented concerning the beneficial effects upon the qualities of the cultural resource that make it eligible for the National Register.

This documentation shall follow the process outlined under 36 CFR 800.11 ("Documentation Standards").

E. **MITIGATION.**

1. If there will be an effect on cultural resources, mitigation measures shall be provided (36 CFR 800.6 "Resolution of Adverse Effects"). Mitigation measures that shall be considered include avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations or other appropriate measures.
2. Evidence of consultation with tribal governments and individuals with knowledge of the affected resources, and documentation of their concerns, shall be included for all mitigation proposals.
3. The Forest Service or Administrator shall review all mitigation proposals for adequacy.

F. **DISCOVERY DURING CONSTRUCTION.**

1. All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Forest Service or the Administrator if cultural resources are discovered during construction or development.
2. If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and/or recover the resources.
3. If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
   a. The applicant shall stop all work in the vicinity of the discovery.
   b. The applicant shall immediately notify the Administrator, the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and the appropriate law enforcement agencies.
   c. The Forest Service or Administrator shall notify the Indian tribal governments if the discovery is determined to be an Indian burial or a cultural resource.
   d. A cultural resource professional shall evaluate the potential significance of the resource pursuant to Section 22.30.080(C) and report the results to the Forest Service or Administrator.
4. The cultural resource review process shall be complete and work may continue if the Forest Service or the Administrator determines that the cultural resource is not significant.
5. The cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to Section 22.30.080(E) if the Forest Service or Administrator determines that the cultural resource is significant.

CHAPTER 22.32 RECREATIONAL RESOURCE PROTECTION – SPECIAL MANAGEMENT AREAS

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22.32.010 APPROVAL STANDARDS

The following standards shall apply to all new development and land uses in the Special Management Area:

A. New developments and land uses shall not displace existing recreational use.
B. Recreation resources shall be protected from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both onsite and offsite cumulative effects shall be required.
C. New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.
D. Mitigation measures shall be provided to preclude adverse effects on the recreation resource.
E. Provisions governing facilities are intended to apply to individual recreation facilities. For the purposes of those provisions, a cluster or grouping of recreational developments or improvements located relatively close to one another is considered an individual recreation facility. Developments or improvements within the same recreation intensity class are considered as separate facilities if they are separated by at least a quarter (¼) mile of undeveloped land, excluding trails, pathways or access roads.
F. New development and reconstruction of scenic routes shall include provisions for bicycle lanes, whenever feasible.

22.32.020 RECREATION INTENSITY CLASSES

The following recreation intensity classes are designed to protect recreation resources by limiting land development and land uses:

A. **RECREATION INTENSITY CLASS 1 (VERY LOW INTENSITY).**
   1. Permitted uses are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction and nature appreciation.
   2. The maximum site design capacity shall not exceed thirty-five (35) people at one time on the site. The maximum design capacity for parking areas shall be ten (10) vehicles.
   3. The following uses may be permitted:
      a. Trails and trailheads.
      b. Parking areas.
      c. Dispersed campsites accessible only by a trail.
      d. Viewpoints and overlooks.
      e. Picnic areas.
      f. Signs.
      g. Interpretive exhibits and displays.
      h. Restrooms.

B. **RECREATION INTENSITY CLASS 2 (LOW INTENSITY).**

1. Permitted uses are those that provide settings where people can participate in activities such as physical fitness, outdoor learning, relaxation and escape from noise and crowds.
2. The maximum site design capacity shall not exceed seventy (70) people at one time on the site. The maximum design capacity for parking areas shall be twenty-five (25) vehicles.
3. All uses permitted in Recreation Intensity Class 1 are permitted in Class 2, along with the following uses:
    a. Campgrounds with vehicle access.
    b. Boat anchorages designed for no more than ten (10) boats at one time.
    c. Swimming areas.

C. **RECREATION INTENSITY CLASS 3 (MODERATE INTENSITY).**

1. Permitted uses are those in which people can participate in activities to realize experiences such as group socialization, nature appreciation, relaxation, cultural learning and physical activity.
2. The maximum site design capacity shall not exceed 250 people at one time on the site. The maximum design capacity for parking areas shall be fifty (50) vehicles. The General Management Area vehicle capacity level of seventy-five (75) vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural or natural resources are approved for at least ten percent (10 %) of the site.
3. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 3 day-use recreation sites, except for sites predominantly devoted to boat access.
4. All uses permitted in Recreation Intensity Classes 1 and 2 are permitted in Class 3, along with the following:
    a. Campgrounds with improvements that may include water, power, sewer and sewage dump stations.
    b. Boat anchorages designed for not more than fifteen (15) boats.
    c. Public visitor, interpretative, historic and environmental education facilities.
    d. Full-service restrooms that may include showers.
    e. Boat ramps.
    f. Riding stables.

D. **RECREATION INTENSITY CLASS 4 (HIGH INTENSITY).**

1. Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation and physical activity.
2. The maximum design capacity shall not exceed 1,000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The General Management Area vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural or natural resources are approved for at least twenty percent (20 %) of the site.
3. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites, except for sites predominantly devoted to boat access.
4. All uses permitted in Recreation Intensity Classes 1, 2 and 3 are permitted in Class 4.

E. **VARIANCES.** Variances may be granted to the parking and campground unit provisions under Recreation Intensity Class 4 listed in Section 22.32.020(D) of up to ten percent (10%) upon demonstration that all of the following conditions exist:

1. Demand and use levels for the proposed activity(ies), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.
2. The proposed use is dependent on resources present at the site.
3. Reasonable alternative sites offering similar opportunities, including those in nearby Urban Areas, have been evaluated, and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
4. The proposed use is consistent with the goals, objectives, and policies in this chapter.
5. Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, cultural, or natural resources and adjacent land uses.
6. Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.
7. Mass transportation shall be considered and implemented, if feasible, for all proposed variances to Recreational Intensity Class 4.

CHAPTER 22.34 EMERGENCY MANAGEMENT PROVISIONS

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22.34.010 EMERGENCY MANAGEMENT ACTIONS AND NOTIFICATION

Actions taken in response to an emergency/disaster event are allowed in all GMA/SMA land use designations, subject to the following notification requirements:

A. Notification of an emergency/disaster response activity shall be submitted either within forty-eight (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.
B. 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 seven (7) days.
C. Notification shall be furnished to the Administrator or the Forest Service for federal agency actions.

D. At a minimum, the following information shall be required at the time of notification:
   1. Nature of emergency/disaster event.
   2. 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.)
   3. Location of emergency/disaster response activities.
   4. Estimated start and duration of emergency/disaster response activities.
   5. Contact person and phone number for the parties conducting emergency/disaster response actions.

E. Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

F. Upon notification of any emergency/disaster response action, the Administrator shall, as soon as possible:
   1. Review the 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 areas or that may be adversely affected by response activities;
   2. Notify the Washington Department of Fish Wildlife of all noticed emergency/disaster response actions, to provide them an opportunity to consult with responding agencies during the event, and;
   3. Notify the Forest Service (except when the Forest Service is the notifying agency), Washington State Department of Archeology and Historic Preservation (DAHP), 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.

G. 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.

22.34.020 EMERGENCY MANAGEMENT ACTIONS – BEST MANAGEMENT PRACTICES

A. 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:
   1. Straw bales,
   4. Slash windrows,
   5. Filter fabric fences,
   6. Sandbags,

7. Straw cover,
8. Jute netting.

B. 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 Administrator or the Forest Service for federal agency actions.

C. 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.

D. 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 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 determined to not be possible without further jeopardizing life or property.

22.34.030 POST EMERGENCY/DISASTER RESPONSE - APPLICATION

Post-Emergency/Disaster Response Application Requirements shall be as follows:

A. Within thirty (30) days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Administrator 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 thirty (30) days in duration and no 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. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. The terms Development Activities and Development include the disposal of any spoil materials associated with an emergency/disaster response action. 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. Applicant's 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 one (1) inch equals 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; and
   e. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.
   f. An exception to the scale requirements of 22.34.030(D)(4), 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 one (1) inch equals 200 feet or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.
5. Emergency/disaster response review uses may be allowed pursuant to a process that provides at minimum the following:
   a. Notice of the application to landowners within 500 feet of the perimeter of the subject parcel, the Forest Service, Gorge Commission, the four Tribal governments and interested parties.
   b. A written decision with findings of fact and conclusions of law.
   c. An opportunity to request an appeal hearing.

22.34.040 POST-EMERGENCY/DISASTER RESPONSE DEVELOPMENT REVIEW - GMA/SMA PROVISIONS - SCENIC RESOURCES

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

A. 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 subordinance requirements (Section 22.18.010(B)). In the SMA, such actions shall meet the scenic standard to the greatest extent practicable.

B. 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.

C. 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 not later than one (1) year after the emergency/disaster event. An exception to the one (1)-year requirement may be granted upon demonstration of just cause, with an extension of up to one (1) year.

D. 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.

E. 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.

F. In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall comply with the following standards:

1. The Administrator shall determine which of the options in Section 22.34.040(F)(2) shall be implemented by the applicant according to the following criteria:

a. The option in Section 22.34.040(F)(2) shall be the one which, to the greatest extent practicable, best complies with the provisions of this Title that protect scenic, cultural, recreation, and natural resources.

b. Disposal sites created according to Section 22.34.040(F)(2)(b) shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

2. The spoil materials shall either be:

a. Removed from the NSA;

b. Deposited at a site within the NSA permitted by the Administrator;

c. (Re)contoured, to the greatest extent practicable, to retain the natural topography which emulates that of the surrounding landscape;

G. In the Special Management Area, spoils materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

1. The spoils material shall either be:

a. Removed from the NSA, or

b. Deposited at a site within the NSA permitted by the Administrator, within two (2) years of the emergency.

2. After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standards.

3. All grading (i.e., recontouring) shall be completed within thirty (30) days after the spoils materials are removed.

4. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.
5. All revegetation shall take place within one (1) year of the date an applicant completes the grading.
6. This provision shall take affect two (2) years after the date of Management Plan concurrence by the US Secretary of Agriculture (May 10, 2004), or approval of a disposal site, which ever comes first.

22.34.050 POST-EMERGENCY/DISASTER RESPONSE DEVELOPMENT REVIEW - GMA/SMA PROVISIONS - CULTURAL RESOURCES AND TREATY RIGHTS

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

A. To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect Tribal treaty rights.
B. The USDA Forest Service shall determine if an ~~reconnaissance~~archaeological survey or historic survey is necessary within three (3) days after receiving notice that a post-emergency land use application has been received by the Administrator.
   1. ~~Reconnaissance~~Archaeological surveys and reports shall be conducted by the USDA Forest Service and comply with the standards in Sections 22.22.010(E)(g and i) for GMA and 22.30.010(I)(f and m) for SMA.
   2. 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.
C. 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 Administrator when:
   1. An ~~reconnaissance~~archaeological survey is required; or
   2. Cultural resources exist in the project area.
      a. Notices shall include a site plan.
      b. Tribal governments shall have fifteen (15) calendar days from the date a notice is sent to submit written comments.
      c. 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.

d. The Administrator shall send a copy of all comments to the Gorge Commission.

D. When written comments are submitted in compliance 22.34.050(C) above, the project applicant shall offer to meet within five (5) calendar days with the interested persons. The five (5)-day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Administrator following the consultation meeting. Consultation meetings and reports shall comply with the standards established in Section 22.22.020(A)(1, 2 and 4) for GMA and Section 22.30.020(A)(1, 2 and 4) for SMA.

E. If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.010(E)(1)(i) and Section 22.22.030(A) for GMA and Section 22.30.010(I)(1)(m) and Section 22.30.030(A) for SMA.

F. A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report provisions contained in Section 22.22.050 for GMA and Section 22.30.050 for SMA.

G. The Administrator shall submit a copy of all ~~reconnaissance~~archaeological and historic survey reports and treaty rights protection plans to the DAHP and the Tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The DAHP and Tribal governments shall have fifteen (15) calendar days from the date a survey report is mailed to submit written comments to the Administrator. The Administrator shall include and address all written comments in the Administrative Decision.

H. The Administrator shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and provisions. If the final decision contradicts the comments submitted by the DAHP, or those submitted by a Tribal government regarding treaty rights, the Administrator shall justify how an opposing conclusion was reached.

I. The cultural resource protection process may conclude when it has been determined that Tribal treaty rights have not been affected and one (1) of the following conditions exists:

1. The emergency/disaster response action does not require an ~~reconnaissance~~archaeological or historic survey, or an ~~reconnaissance~~archaeological survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within fifteen (15) calendar days of the date that a notice was mailed.
2. The emergency/disaster response action avoided cultural resources that existed in the project area.

3. Adequate mitigation measures to affected cultural resources have been developed and will be implemented.
4. A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:
   a. The DAHP 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
   b. 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 provisions 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].

22.34.060 POST-EMERGENCY/DISASTER RESPONSE DEVELOPMENT REVIEW - GMA/SMA PROVISIONS - NATURAL RESOURCES - WATER

A. Actions taken in all land use designations within the GMA/SMA that are in response to an emergency/disaster event, as defined above, shall be reviewed for compliance with the following provisions:
   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 Chapter 22.20 for GMA and Chapter 22.28 for SMA.
B. Emergency/disaster response actions occurring within a buffer zone of wetlands, streams, pond, lakes or riparian areas shall be reviewed by the 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 buffer zones. State biologists shall respond within fifteen (15) days of the date the application is mailed.
C. 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:
   1. 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.
   2. Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

D. 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.

E. If the Administrator, 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 Administrator shall incorporate them into the Administrative Decision and the aquatic area protection process may conclude.

F. Unless addressed in Section 22.34.060(E), mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy Section 22.20.020(H)(2)(a and b). Rehabilitation Plans shall also satisfy the following:
   1. 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.
   2. Planting plans shall be included that specify native plant species to be used, specimen quantities, and plant locations.

G. The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency disaster response activities.

22.34.070 POST-EMERGENCY/DISASTER RESPONSE DEVELOPMENT REVIEW - GMA/SMA PROVISIONS - NATURAL RESOURCES - WILDLIFE.

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

A. Emergency/disaster response actions occurring within 1,000 feet of a sensitive wildlife area or site, shall be reviewed by the 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 Washington Department of Fish and Wildlife for review. The wildlife agency shall respond within fifteen (15) days of the date the application is mailed per Section 22.20.030(A)(2)(a and b).

C. The wildlife protection process may terminate if the Administrator, 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 Administrator, 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 Administrator shall incorporate them into the Administrative Decision and the wildlife protection process may conclude.

E. If the Administrator, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had adverse effects on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall comply with Section 22.20.030(A)(~~3~~4). Upon completion of the Wildlife Management Plan, the Administrator shall:

1. Submit a copy of the Wildlife Management Plan to the applicable state wildlife agency for review. The state wildlife agency will have fifteen (15) days from the date that a management plan is mailed to submit written comments to the Administrator;
2. Record any written comments submitted by the state wildlife agency in the Administrative Decision. Based on these comments, the Administrator shall make a final decision on whether the proposed use would be consistent with the wildlife policies and provisions. If the final decision contradicts the comments submitted by the state wildlife agency, the Administrator shall justify how an opposing conclusion was reached.
3. 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.

F. Deer and Elk Winter Range. Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall comply with Section 22.20.030(B).

22.34.080 POST-EMERGENCY/DISASTER RESPONSE DEVELOPMENT REVIEW - GMA/SMA PROVISIONS - NATURAL RESOURCES - RARE PLANTS

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

A. Emergency/disaster response actions occurring within 1,000 feet of a sensitive plant, shall be reviewed by the 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 Washington Natural Heritage Program by the Administrator. State natural heritage staff will, within fifteen (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 Administrator, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plant buffer zone.

D. If the Administrator, 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 resource 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 Administrator shall incorporate them into the Administrative Decision 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 requirements of Section 22.20.040(~~D~~E)(1).

F. The Administrator shall submit a copy of all protection and rehabilitation plans to the applicable state heritage program for review. The state natural heritage program will have fifteen (15) days from the date the protection and rehabilitation plan is mailed to submit written comments to the Administrator. The Administrator shall review any written comments submitted by the state natural heritage program in the Administrative Decision. Based on these comments, the Administrator shall make a final decision on whether the proposed use would be consistent with the rare plant policies and provisions. If the final decision contradicts the comments submitted by the state natural heritage program, the Administrator shall justify how an opposing conclusion was reached.

G. The Administrator 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.

22.34.090 POST-EMERGENCY/DISASTER RESPONSE DEVELOPMENT REVIEW - GMA/SMA PROVISIONS - RECREATIONAL RESOURCES

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

A. To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

B. 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.

22.34.100 POST-EMERGENCY CONSTRUCTION

The following review uses are allowed in all land use designations subject to compliance with the Management Plan provisions for the protection of scenic, cultural, natural, and recreation resources:

A. 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 proposals and applications shall be submitted within twelve (12) months following an emergency/disaster event.