

Forest Land

The forest products industry historically was a mainstay of the Gorge economy. Its role has diminished in recent decades. The industry depends on lands inside and outside the Scenic Area for logs. Forest lands within the Scenic Area include parts of the Mt. Hood National Forest in Oregon and the Gifford Pinchot National Forest in Washington. The State of Washington owns substantial areas of land managed by the Department of Natural Resources. There are also large holdings of industrial forest land and substantial non-industrial, small woodlands within the Scenic Area.

SCENIC AREA ACT PROVISIONS

The Scenic Area Act directs the Gorge Commission and the Forest Service to "protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest to agricultural lands, recreation development or open spaces" [Section 6(d)(2)].

The Act defines forest lands to be those lands "used or suitable for the production of forest products" [Section 6(b)(3)].

Section 17(c) of the Act precludes the regulation of forest practices within the

GMA. SMA forest practices, specifically "the management, utilization or disposal of timber resources," are not exempted from regulation stemming from the Act.

KEY ISSUES

The amount of land used for timber production in Washington and Oregon is on the decline. Public and private forest lands available for harvest are shrinking as a result of a number of factors, including conversion to non-forest uses and allocation of forest land by public agencies to other uses that preclude forest practices. Because public agencies, primarily those dealing with federal lands, are decreasing the acreage of land available for harvest, it is increasingly important that private industrial and non-industrial forest lands are managed and protected for the production of forest products.

Forest lands need to be protected from direct conversion to non-resource use and from conflicts with adjacent land uses that impede accepted forest practices and provide disincentives to forest management. Land divisions in forest lands need to discourage speculation in forest and recreation homesites and provide the opportunity for continuous growing and harvesting in an economically efficient manner. As

with agricultural lands, there are increasing conversion pressures placed upon forest lands from Portland/Vancouver metropolitan area growth and the expansion of tourism and recreation in the central Gorge.

OVERVIEW OF FOREST LAND PROVISIONS

The GMA provisions provide for three forest designations: Commercial Forest Land, Large Woodland, and Small Woodland. These designations ensure protection of all forest land that can contribute to the production of forest products, and recognize the different levels of management occurring in the Scenic Area. SMA policies designate Non-Federal and Federal forest land.

GMA policies only allow land divisions in the Commercial Forest and Large Woodland designations when necessary to facilitate forest management. Minimum parcel sizes in the Small

Woodland designation protect forest land from conversion and ensure efficient forest management. The Scenic Area Act precludes land divisions in the SMA.

Both the GMA and SMA provisions establish use policies and guidelines that protect forest land from conflicting uses and conversion. Guidelines establish uses that may be allowed and criteria to be used to determine consistency with plan policies. GMA guidelines also establish fire protection criteria and siting criteria for dwellings that both protect forest land and maximize the efficient use of a parcel. Dwellings are not permitted on parcels less than 40 acres in size within the SMA.

SMA provisions also establish policies and guidelines for the review of forest practices in order to protect and enhance scenic, cultural, natural, and recreation resources.

GMA PROVISIONS

GMA Goal

Protect and enhance forest land for forest uses. Forest lands are those lands that are used for or suitable for the production of forest products.

GMA Objectives

1. Enhance forestry on lands designated Commercial Forest Land or Large or Small Woodland by encouraging consolidation of small, inefficient parcels into more efficient ownerships.
2. Enhance forestry by encouraging Washington and Oregon to consider grants and loans to secondary processors of forest products under Section 11 of the Scenic Area Act and other economic development programs.

GMA Policies

Designation Policies

1. Those lands that are used for the production of forest products shall be designated as Commercial Forest Land or Large or Small Woodland.
2. Those lands that are capable of growing 50 cubic feet per acre per year or more of merchantable tree species shall be designated as Commercial Forest Land or Large or Small Woodland.
3. In order to protect forest lands from conflicting uses, those lands that are interspersed among and part of other lands that are used or suitable for forestry shall be designated as Commercial Forest Land or Large or Small Woodland.
4. Lands that have been committed by development to other uses shall not be deemed suitable for or used for forestry.
5. Those lands suitable for both forestry and agriculture shall be designated as Commercial Forest Land or Large or Small Woodland if the surrounding area is generally devoted to lands used for the production of forest products.
6. The diversity of forest operations within the Scenic Area shall be recognized by establishing different minimum parcel sizes and different dwelling standards that reflect differences in type of forestry operations, considering the following factors:
 - A. Ownership class (industrial, non-industrial, public, etc.).
 - B. Productivity of forest land.
 - C. Size of ownership.
 - D. Surrounding land use.
 - E. Proximity to other types of forest land.
 - F. Availability of structural fire protection services.
7. Forest designations shall include the following:
 - A. Blocks of forest land shall be designated as Commercial Forest Land if they:
 - (1) Contain lands in the industrial and public ownership classes that occur in large tracts (predominantly 160 acres or larger), have few residences, and are generally bounded by other lands in the same ownership

classes or by lands designated Large Woodland (predominantly 80 acres or larger).

- (2) Contain lands in the non-industrial ownership class that occur in large tracts (predominantly 80 acres or larger), have few residences, have no organized structural fire protection services, are capable of growing 85 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by lands in the large non-industrial, public, or industrial ownership classes.
- B. Blocks of forest land shall be designated as Large Woodland if they:
- (1) Contain lands in the non-industrial ownership class that occur in large tracts (predominantly 80 acres or larger), have few residences, have no organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or by lands in the industrial class.
- C. Blocks of forest land shall be designated as Small Woodland if they:
- (1) Contain lands in the non-industrial ownership class that occur in smaller tracts (predominantly 20 acres or larger), have organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or lands devoted to non-forest uses.
- D. Small blocks of land that may themselves be deemed Large or Small Woodland shall be designated as Commercial Forest Land if residential development of them would conflict with the use of adjacent Commercial Forest Land or Large-Scale Agriculture land. Small blocks that are adjacent to Urban Areas, Residential, or Small-Scale Agriculture designations or that are physically buffered by natural or manmade barriers from adjacent Commercial Forest Land or Large-Scale Agriculture designations may be considered for Large or Small Woodland designations.
- E. Lands shall be designated as Commercial Forest Land if they are within forest areas that are currently used for or suitable for Large-Scale Agriculture, but would otherwise qualify for designation as Commercial Forest Land or Large Woodland.

Land Use Policies

1. Conversion of forest land to agriculture or open space shall be allowed.

2. Conversion of forest land to recreation shall be allowed when consistent with the guidelines established for the recreation intensity classes (Part I, Chapter 4: Recreation Resources) and the Recreation Development Plan (Part III, Chapter 1).
3. Forest land shall be protected from uses on nearby lands that conflict with the production of forest products by limiting the number, size, proximity, and scale of conflicting uses on nearby lands.
4. Forest land shall be protected from conversion to residential use by establishing minimum sizes for the creation of new parcels and by specifying the uses that may occur and the conditions of approval on lands designated Commercial Forest Land or Large or Small Woodland.
5. Land divisions of lands designated Commercial Forest Land or Large Woodland shall be allowed to facilitate forest management. No resulting parcel may be less than 80 acres in size.
6. Lands designated Commercial Forest Land or Large Woodland may be divided to facilitate protection of scenic, cultural, natural, or recreation resources. Resulting parcel(s) may be used only for the purpose intended at the time of creation of the parcel(s) or for agriculture or forest use.
7. A minimum size shall be established for the creation of new parcels on lands designated Small Woodland, considering the common size of forest units in the area, the impact on management efficiency, the existing landscape setting, wildlife habitat, and other resource factors.
8. Lands designated Small Woodland may be divided into parcels as large or larger than the specified minimum parcel size, subject to the guidelines for land divisions in "Land Divisions and Cluster Development" (Part II, Chapter 7: General Policies and Guidelines). No resulting parcel may be less than 20 acres in size.
9. Local governments may allow creation of parcels smaller than the designated minimum parcel size on lands designated Small Woodland, and award a density bonus, in order to protect scenic, cultural, natural, or recreation resources.
10. Dwellings shall be allowed in conjunction with agriculture on lands designated Commercial Forest Land.
11. New residences shall be allowed on lands designated Large Woodland if they are shown to contribute substantially to effective and efficient growing, propagation, and harvesting of forest tree species.
12. Single-family dwellings shall be allowed in areas designated Small Woodland when:
 - A. A dwelling is shown to be in conjunction with the growing, propagation, and harvesting of forest tree species, or

- B. A dwelling is on a parcel shown not to be eligible for enrollment in the subject state's forest assessment program.
13. Forest lands shall be protected and enhanced by establishing fire protection standards for new structures located on lands designated Commercial Forest Land or Large or Small Woodland.

GMA Guidelines

Uses Allowed Outright

- 1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Commercial Forest Land, Large Woodland, or Small Woodland.

Uses Allowed through the Expedited Development Review Process

- 1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Commercial Forest Land, Large Woodland, or Small Woodland.

Review Uses

- 1. The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. On lands designated Large Woodland, a single-family dwelling upon a demonstration that all of the following conditions exist:
 - (1) 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 Large Woodland 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.
 - (2) The subject parcel has been enrolled in the appropriate state's forest assessment program.
 - (3) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the appropriate local government. The plan must

indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, 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.

- (4) The parcel has no other dwellings that are vacant or currently occupied by persons not engaged in forestry and that could be used as the principal forest dwelling.
 - (5) The dwelling complies with the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.
 - (6) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- B. On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon the parcel's enrollment in the appropriate state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.
- C. One single-family dwelling if shown to be in conjunction with and substantially contributing to the current agricultural use of a farm. Guideline 1H of "Review Uses" (Part II, Chapter 1: Agricultural Land) shall be used to determine whether a dwelling is a farm dwelling. The siting of the dwelling shall comply with the "Approval Criteria for Fire Protection" in this chapter.
- D. Temporary onsite structures that are auxiliary to and used during the term of a particular forest operation. "Auxiliary" means a use or alteration of a structure or land that 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.
- E. 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.
 - F. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). 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).
 - G. Structures associated with hunting and fishing operations.
 - H. Towers and fire stations for forest fire protection.
 - I. Agricultural structures, except buildings, in conjunction with agricultural use, subject to the "Approval Criteria for Fire Protection" in this chapter.
 - J. 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 "Approval Criteria for Fire Protection" in this chapter and the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).
 - K. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.L or Guideline 1.M below.
 - L. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter and the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.

- M. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter and the following additional standards:
- (1) 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.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
- N. The temporary use of a mobile home in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines) and the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.
- O. A second single-family dwelling for a farm operator's relative, subject to Guideline 1.K of "Review Uses" (Part II, Chapter 1: Agricultural Land) and the "Approval Criteria for Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.
- P. Private roads serving a residence, subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.
- Q. Recreation development, subject to the guidelines established for the recreation intensity classes (Part I, Chapter 4: Recreation Resources) and the Recreation Development Plan (Part III, Chapter 1).
- R. Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.
- S. Agricultural labor housing, under the following conditions:
- (1) The proposed housing is necessary and accessory to a current agricultural use.
 - (2) 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 agricultural unit. Seasonal use shall not exceed 9 months.

- (3) 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 practices employed on nearby lands devoted to agricultural use.
- T. On lands designated Commercial Forest Land, a temporary mobile home in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or to protect the subject forest land from fire. The mobile home must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter.
- U. On parcels in Small Woodland, a land division creating parcels smaller than the designated minimum parcel size, subject to the guidelines for cluster development in "Land Divisions and Cluster Development" (Part II, Chapter 7: General Policies and Guidelines). If the designated minimum parcel size is 20 acres, this provision will apply to parcels 40 acres in size or larger. Similarly, if the designated minimum parcel size is 40 or 80 acres, this provision will apply to parcels 80 acres or larger or 160 acres or larger, respectively.
- V. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources).
- W. Life estates, subject to the guidelines in "Approval Criteria for Life Estates" in this chapter.
- X. Land divisions, subject to the guidelines for minimum parcel sizes in land use Policies 4 through 9, "Land Use Policies," above.
- Y. Lot line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).
- Z. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
- AA. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).
- BB. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

- CC. Commercial events on lands designated Large Woodland or Small Woodland, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).
- DD. Special uses in historic buildings, subject to the guidelines in "Special Uses in Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines).
- 2. The following uses may be allowed on lands designated Commercial Forest Land or Large or Small Woodland, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and the "Approval Criteria for Specified Review Uses" in this chapter.
 - A. Utility facilities and railroads necessary for public service upon a showing that (1) there is no practicable alternative location with less adverse effect on agricultural and forest lands and on scenic, cultural, natural and recreation resources and (2) the size is the minimum necessary to provide the service.
 - B. Home occupations or cottage industries in an existing residence or accessory structure, subject to the guidelines in "Home Occupations and Cottage Industries" (Part II, Chapter 7: General Policies and Guidelines).
 - C. 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.
 - D. 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.
 - E. Wine sales/tasting rooms, in conjunction with an on-site winery.
 - F. 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.
 - G. Exploration, development, and production of mineral and geothermal resources, subject to the guidelines in Part I, Chapter 1: Scenic Resources.
 - H. Aquaculture.
 - I. Boarding of horses. The reviewing agency shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings.
 - J. Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.
 - K. Expansion of existing nonprofit group camps, retreats, or conference centers.

- L. Bed and breakfast inns in single-family dwellings, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines) and provided that the residence:
 - (1) Is included in the National Register of Historic Places, or
 - (2) In Washington, is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation, or
 - (3) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.
- M. Nonprofit, environmental learning or research facilities.
- N. On parcels designated Small Woodland, 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 guidelines in "Small-Scale Fishing Support and Fish Processing Operations" (Part II, Chapter 7: General Policies and Guidelines).
- O. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).

Approval Criteria for Fire Protection

- 1. All uses, as specified, shall comply with the following fire safety guidelines:
 - A. All buildings shall be surrounded by a maintained fuel break of 50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.
 - B. Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).
 - C. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be

- provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
- D. Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be made only after consultation with the local rural fire district and the Washington Department of Natural Resources in Washington or the Oregon Department of Forestry in Oregon.
 - E. Within 1 year of the occupancy of a dwelling, the local government shall conduct a review of the development to assure compliance with these guidelines.
 - F. Telephone and power supply systems shall be underground whenever possible.
 - G. Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
 - H. Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
 - I. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.
 - J. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4-inch mesh metal screen that is noncombustible and corrosion resistant.

Approval Criteria for Siting of Dwellings on Forest Land

- 1. The approval of new dwellings and accessory structures on forest lands shall comply with the following guidelines:
 - A. The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
 - B. The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. 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 non-forest uses, adjacent dwellings, or land productivity.

- C. Dwellings shall be located to minimize the risks associated with wildfire. Dwellings should be located on gentle slopes and in any case not on slopes that exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty of gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.
- D. A local government may grant a variance to the siting guidelines contained within this section upon a demonstration that the guidelines in "Variances from Setbacks and Buffers" (Part II, Chapter 7: General Policies and Guidelines) have been satisfied.

Approval Criteria for Life Estates

- 1. A landowner who sells or otherwise transfers real property on lands designated Commercial Forest Land or Large or Small Woodland may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in the Management Plan. A second dwelling unit on lands designated Commercial Forest Land or Large or Small Woodland may be allowed, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources and upon findings that:
 - A. The proposed dwelling is in conjunction with agricultural use, using Guideline 1.H of "Review Uses" (Part II, Chapter 1: Agricultural Land); or
 - B. On lands designated Large Woodland, the dwelling will contribute substantially to the growing, propagation, and harvesting of forest tree species. The proposed dwelling shall comply with Guideline 1.A of "Review Uses" in this chapter; or
 - C. On lands designated Small Woodland, the proposed dwelling complies with Guideline 1.B of "Review Uses" in this chapter; and
 - D. Upon termination of the life estate, the original or second dwelling shall be removed.

Approval Criteria for Specified Review Uses

- 1. The uses identified under Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria:

- A. The owners of land that is designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture and 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 10 days to comment prior to a final decision.
- B. The use will not seriously interfere with accepted forest or agricultural practices on nearby lands devoted to resource use.
- C. The use will be sited in a way that minimizes the loss of forest or agricultural land and minimizes the chance of interference with accepted forest or agricultural practices on nearby lands.
- D. The use will not significantly increase fire hazard, fire suppression costs, or risks to fire suppression personnel and will comply with the "Approval Criteria for Fire Protection" in this chapter.

SMA PROVISIONS

SMA Goal

Protect and enhance forest lands for forest uses.

SMA Policies

1. Only lands determined used for or suitable for the production of commercial forest products shall be designated Forest land.
2. Lands that have greater than 10 percent of their area covered by commercial species of timber and that meet the definition of suitability (see glossary) are considered suitable for Forest land designation.
3. All new developments and land uses shall protect natural, scenic, cultural, and recreation resources.
4. A site plan shall be prepared by the applicant prior to any forest practice.
5. The Forest Service shall, in collaboration with county and/or state regulatory agencies, review site plans for forest practices for compliance with SMA forest practice guidelines. The Forest Service review of the site plans shall include the following analysis:
 - A. Protection of the scenic resources: analysis of potential impacts, including cumulative effects, to scenic values as viewed from the key viewing areas.
 - B. Protection of the cultural resources: analysis of potential impacts to the cultural resources, including cumulative effects.
 - C. Protection of natural resources: analysis of potential impacts, including cumulative effects, to the natural resources.
 - D. Protection of the recreational resources: analysis of potential impacts to the recreational resources, including cumulative effects.
6. Forest Service review decisions on forest practices are subject to review by the Regional Forester.
7. New dwellings shall not be permitted on parcels of land less than 40 contiguous acres in size.
8. New dwellings shall only be allowed if shown to be necessary for and accessory to forest use, with an approved forest management plan, or necessary for and accessory to agricultural use, as specified in Part II, Chapter 1: Agricultural Land.

9. Research and development programs that protect and develop markets for secondary manufacturing and increased utilization of wood products and use of other miscellaneous forest products from the National Scenic Area are encouraged and will be supported by the Forest Service National Scenic Area office.
10. Use of Forest Land for agriculture, open space, and public recreation shall be allowed and shall comply with the appropriate land use designation policies and guidelines. Use of Non-Federal Land for commercial recreation is allowed and shall comply with the provisions in Part I, Chapter 4: Recreation Resources.
11. Conversion of lands designated Forest Land to Agriculture or Open Space is allowed.
12. Chemical use in conjunction with all forest practices shall conform with existing local, state, and federal laws and regulations relating to the use of chemicals.
13. Fire protection siting guidelines and standards for dwellings shall be developed by the county to protect forest resources from wildfires.
14. Forest landowners shall be encouraged to develop plans for long-term management of their property to protect and enhance the forest resource.
15. The Forest Service shall work with local landowners to provide technical assistance for planning mitigation measures necessary for forest practices and to explain potential federal land acquisition options.
16. All National Forest System lands shall be subject to the laws and regulations pertaining to the National Forest system, including the National Environmental Policy Act (NEPA), the Mt. Hood National Forest Land and Resource Management Plan, and the Gifford Pinchot National Forest Land and Resource Management Plan as amended by the Northwest Forest Plan. The most protective standards of the National Scenic Area Management Plan or the respective Forest Land and Resource Management Plans (as amended by the Northwest Forest Plan) shall apply to National Forest System lands.
17. Forest management of National Forest System lands shall be for the purpose of ecosystem management and forest health.
18. Forest practices on National Forest System lands in the General Management Area shall comply with the Special Management Area forest practice guidelines.

SMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Forest.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Forest.

Review Uses

1. The following uses may be allowed on lands designated Forest subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines. The use or development shall be sited to minimize the loss of land suitable for the production of forest products:
 - A. All review uses allowed for in Part II, Chapter 1: SMA Agricultural Land.
 - B. 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 1.W of this chapter.
 - C. Railroad and road construction or reconstruction.
 - D. Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products in the SMA.
 - E. Silvicultural nurseries.
 - F. Utility facilities for public service, upon a showing that:
 - (1) There is no alternative location with less adverse effect on Forest Land.
 - (2) The size is the minimum necessary to provide the service.
 - G. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).
 - H. Fish hatcheries and aquaculture facilities.
 - I. Public recreation, commercial recreation, interpretive and educational developments, and uses consistent with the provisions of Part I, Chapter 4: Recreation Resources.

- J. One single family dwelling on a parcel of 40 contiguous acres or larger if an approved forest management plan demonstrates that such a dwelling is necessary for and accessory to forest uses. The forest management plan shall demonstrate the following:
- (1) 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.
 - (2) The subject parcel has been enrolled in the appropriate state's forest assessment program.
 - (3) A plan for management of the parcel has been approved by the Oregon Department of Forestry or the Washington Department of Natural Resources and the appropriate county. The plan must indicate the condition and productivity of lands to be managed; the operations the owner will carry out (thinning, harvest, planting, 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 management of the property.
 - (4) The parcel has are no other dwellings that are vacant or currently occupied by persons not engaged in forest management of the subject parcel.
 - (5) The dwelling complies with county dwelling, siting, and state/county fire protection guidelines.
 - (6) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject property are aware that adjacent and nearby operations are entitled to carry on accepted agricultural or forest practices.
- K. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 1.L or Guideline 1.M below.
- L. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:
- (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit

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

- (2) The height of any individual accessory building shall not exceed 24 feet.
- M. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:
- (1) 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.
 - (2) The footprint of any individual accessory building shall not exceed 1,500 square feet.
 - (3) The height of any individual accessory building shall not exceed 24 feet.
- N. Home occupations and cottage industries, subject to the "Home Occupations and Cottage Industries" guidelines in Part II, Chapter 7: General Policies and Guidelines.
- O. Temporary portable facilities for the processing of forest products.
- P. Towers and fire stations for forest fire protection.
- Q. Community facilities and nonprofit facilities related to forest resource management; or expansion of existing nonprofit group camps, retreats, or conference or education centers, necessary for the successful operation of the facility on the dedicated site. Expansion beyond the dedicated site shall be prohibited.
- R. On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to the guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).
- 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 guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).
- U. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

- V. Disposal sites managed and operated by the Oregon Department of Transportation, the Washington State Department of Transportation, or a Gorge county public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with the guidelines in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" (Part II, Chapter 7: General Policies and Guidelines).
- W. Clearing trees for new agricultural use with the following steps and subject to the following additional guidelines:
- (1) A Stewardship Plan shall be submitted and deemed complete by the local government and submitted to the Forest Service for review. (See Stewardship Plan Requirements).
 - (2) Clearing trees for new agricultural use shall be limited to 15 acres.
 - (3) If the Stewardship Plan proves that the above guideline is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of Guidelines 1.W(4)(a-d) below and subject to Guideline 1.W(9).
 - (4) After a 30-day public comment period, the Forest Service shall review the Stewardship Plan using the following criteria:
 - (a) Scenic Resource guidelines in Review Uses 1.X(4)(a) and (g) in this chapter.
 - (b) Applicable Chapter I Cultural, Natural and Recreational Resource guidelines.
 - (c) 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.
 - (d) 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.
 - (5) The Forest Service shall send the review statement to the appropriate local government planning office. 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 county.

- (6) The local government will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the Forest Service.
 - (7) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or local government until a decision on the new agricultural use is issued from the local government.
 - (8) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.
 - (9) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.
- X. Forest practices in accordance with an approved forest practices application (see application requirements) and subject to the additional guidelines in this chapter.
- (1) The following information, in addition to general site plan requirements (see Part II, Chapter 7: General Policies and Guidelines) shall be required:
 - (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 1.X(4)(a-g) and 1.X(5)(a-d).
 - (d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.
 - (e) Road and structure construction and/or reconstruction design.
 - (f) Existing and proposed rock pit development plans.
 - (g) A discussion of slash disposal methods.
 - (h) A reforestation plan as reviewed by the appropriate state forest practices agency.
- (2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.
- (3) Stewardship Plan Requirements: The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements (see Part II, Chapter 7: General Policies and Guidelines) 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 guidelines may better achieve forest health objectives.
 - (iv) Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.
- (d) For clearing trees for new agricultural use, the following shall be addressed in addition to X(3)(a) and (b) above:
- (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 W(4)(a-d) in this chapter.
 - (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.
- (4) For forest practices, the following scenic resource guidelines shall apply:
- (a) Forest practices shall meet the design guidelines and scenic standards for the applicable landscape setting and zone (See Required SMA Scenic Standards table, SMA Guidelines for Development Visible from KVAs, SMA Scenic Resource Provisions, Part I, Chapter I).
 - (b) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service.

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- (c) In the western portion (to the White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service.
 - (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 guidelines in Review Uses 1.X(5)(a)-(c) in this chapter.
 - (e) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in Natural Resources guidelines in Review Uses 1.X(5)(a)-(c) in this chapter.
 - (f) The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table.
 - (i) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.
 - (ii) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.
 - (g) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from a key viewing area.
- (5) Forest practices shall maintain the following in addition to applicable natural resources guidelines in Part I, Chapter 4, SMA Natural Resources:
- (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 Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.
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- (b) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed under the scenic resource guideline in Review Uses 1.X(4)(f).
- (c) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table 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.

DESIRED FOREST STRUCTURE AND PATTERN

<u>1</u>	<u>2</u>	<u>3</u>		<u>4</u>		<u>5</u>	<u>6</u>	<u>7</u>
<u>Vegetation Type</u> [#]	<u>Forest Structure</u> (Average % total canopy closure (cc)*)	<u>Typical Forest Opening s Size</u> <u>Disturbance caused</u>		<u>Percent Openings at One Time</u>		<u>Leave Trees</u> Includes all available remnant old forest	<u>Average Down Wood</u> Pieces 30 ft long per acre (scattered)	<u>Average Snags</u> (Conifers) No. per acre Snags are 20-40 ft in height
		<u>Historic (Natural)</u>	<u>Desired</u>	<u>Historic (Natural)</u>	<u>Desired</u>			
<u>West Conifer</u>	60-80% canopy closure 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 the foreground of KVAs) All openings 1 acre or less on National Forest land and all Open Space LUD Openings retain 15 - 40 % canopy closure	10% (mosaic fire) up to 55% (catastrophic fire) Intense fire return interval is 300 yrs	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
<u>East Conifer</u> (Ponderosa Pine/Douglas fir)	40-80% canopy closure Understory layer 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% canopy closure 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
<u>Ponderosa Pine/ Oregon Oak</u>	25-60% canopy closure 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% canopy closure 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

