

Residential Land

The Gorge is currently home to nearly 55,000 people, the majority living in cities, towns and communities along the Columbia River.

Rural residential development has taken a marked upturn as people seek rural lifestyles and recreation homesites. Modern highways and technology are permitting many more people to pursue a rural lifestyle within reach of the amenities provided by local and regional service centers.

SCENIC AREA ACT PROVISIONS

The Scenic Area Act encourages future residential development to occur in the Urban Areas, but also allows for rural residential development. The Act directs the Gorge Commission and Forest Service to "require that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area" [Section 6(d)(8)].

Sections 6(d)(1) and (2) of the Act do not allow agriculture and forest lands to be converted to residential use. When located outside Urban Areas, residential development shall be designated for areas "used or suitable for residential development, taking into account the physical characteristics of the areas in

question and their geographic proximity to transportation and commercial facilities and other amenities" [Section 6(b)(6)].

KEY ISSUES

The Scenic Area Act encourages development, including residential, to locate within the 13 Urban Areas designated in the Scenic Area Act. This helps strengthen existing cities and towns, while reserving lands outside the Urban Areas for agriculture, forest, and recreation use and resource protection. The Scenic Area Act requires that agricultural and forest lands be protected. It does not include similar provisions for residential lands.

These mandates in the Act generate perhaps the most significant residential planning issue in the Scenic Area. Much of the land in the Scenic Area not already committed to residential use and not too steep for development is either used or suitable for agriculture or forest use. These lands are often highly capable of supporting residential development. As a result, demands for rural residential development in such areas can conflict with Scenic Area mandates for protection of resource lands.

Enclaves of rural residential development do now exist outside the Urban Area boundaries, including Corbett, Bridal Veil, Skamania, Underwood, and Rowena.

The designation of lands for residential use must take into account the circumstances in which land otherwise suitable for agricultural or forest use is nonetheless committed by past development decisions to residential use. Residential development must also be focused in areas that are suitable. Factors include proximity to amenities, public services, and transportation; avoidance of hazards; and the resources protected by the Scenic Area Act.

Another issue is the density at which residential development may occur. Too much residential development can change the landscape setting of an area and impact scenic resources. Lower densities help maintain the rural character of an area and keep the demand for services at levels that can be better met by rural service providers. Residential development can greatly impact adjacent agriculture and forest practices. Natural resources within and adjacent to residential areas, such as plant and wildlife habitat and wetlands, need to be protected. The Act specifically protects recreation. Residential use can conflict with existing and planned recreation use on adjacent lands. Finally, the density of residential development needs to take into account the carrying capacity of an area. Development should avoid hazards and be located where sewage disposal, water, and fire services are available.

OVERVIEW OF RESIDENTIAL LAND PROVISIONS

In the GMA, lands currently devoted to residential use and other lands that are

nearby and committed to residential use are designated Residential. Plan policies outline the factors used to determine whether an area is committed to residential use. In the SMA, two areas of concentrated residential development, Rowena Dell and Latourell, are designated Residential.

The GMA policies establish minimum parcel sizes for new land divisions that protect scenic, cultural, natural, and recreation resources, adjacent agriculture and forest lands, and the landscape setting of an area, and that take into account the adequacy of services and the existence of any hazards. Minimum parcel sizes of 1, 2, 5 and 10 acres are listed. GMA provisions allow for smaller parcels in the 5-acre and 10-acre designations when clustering is used, and award a density bonus in such cases.

Both the GMA and SMA provisions establish land use policies and guidelines that allow uses that are consistent with the Scenic Area Act and compatible with residential use. GMA policies and guidelines also ensure protection of adjacent agricultural, forest, and recreation uses. In the GMA, one single-family dwelling may be permitted on each legally created parcel. *(Revised: U.S. Sec. Ag. concurrence 7/1/11)*

GMA PROVISIONS

GMA Goals

1. Protect and enhance the character of existing residential areas.
2. Ensure that residential development outside Urban Areas does not adversely affect scenic, cultural, natural, or recreation resources.
3. When designating lands for residential use, consider their physical characteristics and their geographic proximity to transportation, commercial facilities, and other amenities.

GMA Policies

Designation Policies

1. Those lands currently devoted to residential use and other lands that are nearby and committed to residential use shall be designated as Residential.
2. Residential development shall not adversely affect adjacent lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.
3. In determining whether an area is committed to residential use, the following factors shall be considered:
 - A. The relationship between a parcel and adjacent lands.
 - B. Existing public facilities and services, including, but not limited to, sewer, water, police protection, fire protection, school bus routes, and roads.
 - C. Parcel size(s) and ownership patterns. An examination must include a review of contiguous and non-aggregated ownerships that may, as constituent parcels, be used together for agriculture or forest use.
 - D. Natural or manmade features or impediments separating an area from resource lands.
 - E. The physical development of an area. An area may be physically developed to the extent that it is no longer available for resource use. This factor by itself does not commit an area to residential use.
 - F. Evaluation of the long-term, cumulative impacts of residential development on resources. The factors to be considered include, but are not limited to, conversion of adjacent agricultural and forest lands; compatibility with

adjacent uses; impacts on water quality and quantity; effects on services; and impacts on scenic, cultural, natural, or recreation resources.

- G. Other factors that would make agriculture or forest use impracticable.

Land Use Policies

1. Minimum parcel sizes for land divisions shall be established, based upon the following factors:
 - A. Avoidance of hazards, including, but not limited to, steep slopes, fire danger, and groundwater pollution.
 - B. Adequacy of services, including, but not limited to, transportation, fire protection, police protection, schools, sewage disposal and water.
 - C. Protection of the following:
 - (1) Existing landscape setting.
 - (2) Wildlife habitat.
 - (3) Plant habitat.
 - (4) Scenic sensitivity.
 - (5) Cultural resources.
 - (6) Wetlands.
 - (7) Scenic travel corridors.
 - D. Potential for conflict with nearby agricultural and forest uses.
 - E. Proximity to existing and planned recreation uses.
2. The following minimum parcel sizes shall be established:
 - A. A 1-acre minimum for those lands designated Residential where single-family, residential development generally occurs at a density of one dwelling unit per acre or greater. Because these residential areas are generally linked to an adjacent Rural Center or Urban Area, the relatively high densities have a minimal impact on the factors listed in Policy 1, above.
 - B. A 2-acre minimum for those lands designated Residential where parcelization and existing residential development occur at a density greater than 5 acres

- and in a landscape setting where a rural character is somewhat retained. These lands occur in large-enough blocks to minimize the impacts on adjacent agriculture and forest lands. A 2-acre minimum shall not be established in such areas if the potential number of new parcels that could be created would have an adverse cumulative impact upon the factors listed in Policy 1, above.
- C. A 5- or 10-acre minimum for those lands designated Residential that are situated in areas where a higher density would conflict with the factors listed in Policy 1, above. A 10-acre minimum shall be established where a 5-acre minimum would result in an adverse cumulative impact on one or more of the factors listed in Policy 1, above.
3. Local governments may allow creation of parcels smaller than the designated minimum parcel size on lands designated 5-acre Residential and 10-acre Residential, and may award a density bonus, in order to cluster new residences to protect scenic, cultural, natural, or recreation resources.
 4. Adjacent agricultural and forest lands shall be protected from residential development.
 5. New residential development within Residential designations located adjacent to forest land designations shall comply with the guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).
 6. Except as specifically identified, all legally created, undeveloped parcels are entitled to one single-family dwelling, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources. The location of a second dwelling unit on a parcel is not permitted, except in the case of a qualified temporary hardship dwelling.
 7. Adjacent recreation uses shall be protected from residential development. Buffer areas shall be established between residential development and adjacent recreation uses.

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 Residential.

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 Residential.

Review Uses

1. The following uses may be allowed on lands designated Residential, subject to compliance with the guidelines for the protection of scenic, cultural, natural, and recreation resources:
 - A. One single-family dwelling per legally created parcel. If the subject parcel is located adjacent to lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, the use shall comply with the buffer and notification requirements for agricultural land (Part II, Chapter 1) or forest land (Part II, Chapter 2). If the subject parcel is located within a Residential designation that is adjacent to lands designated Commercial Forest Land or Large or Small Woodland, the placement of a dwelling shall also comply with the fire protection guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).
 - 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 Guideline 1.C below.
 - C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - D. The temporary use of a mobile home in the case of a family hardship, subject to guidelines for hardship dwellings in "Temporary Use - Hardship Dwelling" (Part II, Chapter 7: General Policies and Guidelines).
 - E. Construction or reconstruction of roads.
 - F. On parcels 10 acres or larger in the 5-acre Residential designation, or 20 acres or larger in the 10-acre Residential designation, a land division creating new 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).
- G. 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).
 - H. Land divisions, subject to the guidelines for minimum parcel sizes.
 - I. 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).
 - J. 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).
 - 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" (Part II, Chapter 7: General Policies and Guidelines).
 - 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 guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).
 - O. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 - P. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).
 - Q. 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 Residential, subject to compliance with the guidelines for protection of scenic, cultural, natural, and recreation resources and "Approval Criteria for Specified Review Uses," below.

- A. Accredited childcare centers within lands designated 1-acre Residential or 2-acre Residential. A childcare center may be allowed in other Residential designations within an existing church or community building.
- B. Schools within an existing church or community building.
- C. 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.
- D. Utility facilities and railroads.
- E. 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).
- F. Fire stations.
- G. Recreation development, subject to the guidelines established for recreation intensity classes (Part I, Chapter 4: Recreation Resources).
- H. Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities.
- I. Bed and breakfast inns in single family dwellings located on lands designated 5-acre Residential or 10-acre Residential, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines).
- J. 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.
- K. Wine sales/tasting rooms in conjunction with an on-site winery, under the following conditions:
 - (1) The use shall comply with the guidelines in "Home Occupations and Cottage Industries" (Part II, Chapter 7: General Policies and Guidelines), 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.
- L. 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).
- M. Boarding of horses on lands designated 10-acre Residential. 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.

Approval Criteria for Specified Review Uses

1. The uses identified in Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria:
 - A. The proposed use will be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area; traffic generation; and 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 Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, new buildings associated with the proposed use comply with the buffer guidelines in "Agricultural Buffer Guidelines" (Part II, Chapter 1: Agricultural Land).
 - D. If the subject parcel is located within 500 feet of lands designated Commercial Forest Land or Large or Small Woodland, new buildings associated with the proposed use comply with the fire protection guidelines in "Approval Criteria for Fire Protection" (Part II, Chapter 2: Forest Land).

SMA PROVISIONS

SMA Goal

Allow concentrated residential development only at Rowena Dell and Latourell.

SMA Policies

1. New land divisions shall be prohibited.
2. New multifamily dwellings shall be prohibited.
3. Any new dwelling within the SMA Residential land use designation shall be on a parcel at least 40 acres in size. *(Added: U.S. Sec. Ag. concurrence 7/1/11)*
4. Existing uses of dwelling units in Rowena Dell will continue as allowed in Chapter 7 – General Policies and Guidelines, Existing Uses and Discontinued Uses. *(Revised: U.S. Sec. Ag. concurrence 7/1/11)*
5. At Latourell, contiguous lots under the same ownership as of November 17, 1986, are considered consolidated into a single parcel. Splitting of these consolidated parcels, including lot line adjustment, shall be prohibited.
6. New structures shall not adversely affect scenic, cultural, recreation, or natural resources.
7. 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.

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 Residential.

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 Residential.

Review Uses

1. The following uses may be allowed on lands designated Residential subject to review for compliance with scenic, cultural, natural, and recreation resources guidelines.
 - A. One single-family dwelling per legally created lot or consolidated parcel not less than 40 contiguous acres. The placement of a dwelling shall comply with fire protection standards developed by the county, in accordance with SMA Policy 13 in Part II, Chapter 2: Forest Land. *(Revised: U.S. Sec. Ag. concurrence 7/1/11)*
 - 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 Guideline 1.C below.
 - C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - D. New utility facilities.
 - E. Fire stations.
 - F. Home occupations and cottage industries subject to the guidelines in "Home Occupations and Cottage Industries" (Part II, Chapter 7: General Policies and Guidelines).
 - G. Bed and breakfast inns, subject to the guidelines in "Bed and Breakfast Inns" (Part II, Chapter 7: General Policies and Guidelines).
 - H. Community parks and playgrounds.
 - I. Road and railroad construction and reconstruction.

- J. Forest practices, as specified in Part II, Chapter 2: Forest Land.
- K. 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).
- L. 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).
- M. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
- N. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
- O. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).
- P. 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 Part II, Chapter 2: Forest Land.