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CHAPTER 14  SCENIC AREA REVIEW

SECTION 14.010  Purpose

The purpose of the Scenic Area Review is to preserve, protect and enhance the scenic, natural, cultural and recreational values of the Gorge and to assure that development occurs in a manner which is compatible with its unique qualities.

SECTION 14.020  Complete Application Submittal Requirements for a Scenic Area Review

A.  Application Form Requirements

1.  Project applicant’s name and address.

2.  Property owner’s name and address if different than 1 above.

3.  Location of the proposed use, including township, range, section, and tax lot number.

4.  A written description of the proposed use, including details on the height, dimensions, exterior color(s), and construction materials of proposed structures.

5.  A list of Key Viewing Areas that are visible from the proposed development site and from which the proposed use would be visible.


7.  Legal structure documentation. Evidence that a structure was lawfully established shall include the following:

   a.  Wasco County Assessor records verifying the structure was built prior to 4 September 1974; or

   b.  Any one of the following:

      (1)  a valid Oregon State Building Codes permit signed by the Wasco County Planning Department between 4 September 1974 and 17 November 1986; or

      (2)  a valid Wasco Sherman Health Department septic permit before 1 January 1985; or

      (3)  a valid Land Use Compatibility Statement signed by the Wasco County Planning Department between 1 January 1985 and 17 November 1986, or

      (4)  National Scenic Area approval by either the Columbia River Gorge Commission, the USDA Forest Service, or the Wasco County Planning Department, after 17 November 1986, and a valid Oregon State Building Codes permit signed by the Wasco County Planning Department.
8. Signatures of the owners or authorized representatives.

B. Site Plan

A complete site plan shall be submitted for all new development, except for buildings smaller than 60 square feet in area and less than or equal to 10 feet in height, as measured at the roof peak.

The site plan shall be prepared at a scale of 1" = 200' or a scale providing greater detail which clearly indicates the following information:

ALL DEVELOPMENT

1. Boundaries, dimensions, and size of the subject parcel.

2. Location, size, and shape, of all existing and proposed buildings and structures on the subject parcel.

3. Access: Indicate all existing and proposed points of ingress and egress and whether they are public or private.

4. Location, dimensions and method of improvement of all roads, access drives, trails, and parking areas with individual parking spaces and internal circulation patterns.

   Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a grade of twelve (12) percent with turnouts provided at a minimum of every five hundred (500) feet.

5. Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, telephone and power poles and lines. Telephone and power supply systems shall be underground whenever practical.

6. The location of the pond, stream, tank or sump with storage of not less than 1,000 gallons if the well or water system is not capable of delivering twenty (20) gallons per minute.

7. The location of a standpipe (water spigot) a minimum of fifty (50) feet from each flammable structure if the development includes a plumbed water system.

8. Location, size and dimension of all yards and setbacks and all spaces between buildings.

9. Lighting: General nature and location (not including interior building lighting).

10. Outdoor storage and activities, if permitted in the zone, showing type, location and height of screening devices, including trash and recycling storage locations and their pick up locations.

11. Location and depth of all proposed grading, filling, ditching and excavating unless a grading plan
is required by F below.

12. North arrow and map scale.

13. Significant terrain features and landforms.


NON RESIDENTIAL DEVELOPMENT

15. Signs: Locations, size, height, material and method of illumination.

16. Loading: Location, dimensions, internal circulation and access from public right-of-way.

17. General locations for all temporary facilities associated with a commercial event.

C. Material Samples - As part of a complete application, material samples for all exterior surfaces of proposed structures shall be submitted. Material samples may be paint samples, stain samples, a piece of the physical construction material, brochures, manufactures specifications, or other material or information that is adequate to represent the final exterior appearance. Samples shall be required for all exterior parts of proposed structure(s) including but not limited to:

1. Main

2. Trim or Secondary

3. Roof. The roof shall be constructed of fire resistant material.

4. Window frames, sills, and sashes

5. Doors, including garage doors, and

6. Hooding for exterior lighting

D. Landscaping Plan - A detailed plan for landscaping which shall clearly illustrate:
(The landscaping plan may be included on the site plan if there is adequate detail to show all of the required information.)

1. The location, height and species of existing trees and vegetation. Indicate which are proposed to be removed. The landscaping plan shall include detailed information to the level of individual trees and groupings of vegetation for the proposed development area and all topographically visible corridors between the proposed development area and Key Viewing Areas. The landscaping information for the remainder of the property may be generalized.

2. The location, height and species of individually proposed trees and vegetation groupings.
3. Indicate the fifty (50) foot fuel break surrounding each new building and how this area will meet hazardous fuels reduction standards.

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 with 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.

4. The location of automatic sprinkler systems or other irrigation provisions to ensure survival of landscape planting for screening purposes.

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

F. Grading Plan

1. All applications for structural development, except for trails in the SMA, involving more than 100 cubic yards of grading with slopes greater than 10 percent shall include a grading plan.

2. All proposed structural development involving more than 200 cubic yards of grading on sites visible from Key Viewing Areas shall include a grading plan.

3. All grading plans shall include the following:

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

      (1) Natural and finished grades.

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

      (3) Estimated dimensions of graded areas.

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

      (1) Its purpose.

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

      (3) The height of all cut banks and fill slopes.
(4) Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)

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

(6) A description of any other interim or permanent erosion control measures to be used.
SECTION 14.100 Provisions For All New Development (GMA & SMA)

A. All new development, except uses allowed through the expedited review process, shall be reviewed under the applicable sections of Key Viewing Areas, Scenic Travel Corridors, Landscape Settings, Natural Resources, Cultural Resources, and Recreation Resources.

SITING

B. New buildings and roads shall be sited and designed to retain the existing topography and to minimize grading activities to the maximum extent practicable.

DESIGN/COLOR

C. New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

D. Unless expressly exempted by other provisions, colors of all exterior surfaces of structures on sites not visible from Key Viewing Areas shall be 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.

E. Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of 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.

F. Outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and the Columbia River as well as preventing the lighting from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting. Shielding and hooding materials shall be composed of non-reflective opaque materials. There shall be no visual pollution due to the siting or brilliance, nor shall it constitute a hazard for traffic.

LANDSCAPING

G. All ground disturbance as a result of site development shall be revegetated no later than the next planting season (Oct-April) with native species. The property owners and their successors in interest shall be responsible for survival of planted vegetation, and replacement of such vegetation that does not survive.

H. Except as is necessary for site development or fire safety purposes, the existing tree cover screening the development area on the subject parcel from Key Viewing Areas and trees that provide a back
drop on the subject parcel which help the development area achieve visual subordinance, shall be retained. Additionally, unless allowed to be removed as part of the review use, all trees and vegetation within buffer zones for wetlands, streams, lakes, ponds and riparian areas shall be retained in their natural condition. Any of these trees or other trees required to be planted as a condition of approval that die for any reason shall be replaced by the current property owner or successors in interest no later than the next planting season (Oct-April) after their death with trees of the same species or from the list in the landscape setting for the property.

To ensure survival, new trees and replacement trees shall meet the following requirements

1. All trees shall be at least 4 feet tall at planting, well branched, and formed.

2. Each tree shall be braced with 3 guy wires and protected from livestock and wildlife. The guy wires need to be removed after two winters.

3. The trees must be irrigated until they are well established.

4. Trees that die or are damaged shall be replaced with trees that meet the planting requirements above.
SECTION 14.200  Key Viewing Areas

The following is required for all development that occurs on parcels/lots topographically visible from Key Viewing Areas.

A. Each development and land use shall be visually subordinate to its setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA as seen from Key Viewing Areas. 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 number of Key Viewing Areas it is visible from;
   b. The distance from the building site to the Key Viewing Areas it is visible from;
   c. The linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads and the Columbia River);
   d. The difference in elevation between the building site and Key Viewing Areas;
   e. The nature and extent of topographic and vegetative back screening behind the building site as seen from Key Viewing Areas;
   f. The amount of area of the building site exposed to Key Viewing Areas; and
   g. The degree of existing vegetation providing screening.

2. Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA 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);
   c. design (color, reflectivity, size, shape, height, architectural and design details and other elements); and
   d. new landscaping.

SITING
B. 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 wetlands, riparian corridors, endemic and listed plants, sensitive wildlife sites or conflict with standards to protect cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable. (GMA Only)

C. New development shall be sited to achieve visual subordinance utilizing existing topography, and/or existing vegetation as needed in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA from Key Viewing Areas.

D. Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from Key Viewing Areas.

E. The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. A variance in the General Management Area may be granted according to Chapter 6 if application of the guidelines would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height and site to comply with the criteria have been made.

F. An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing 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 is no practicable alternative means of altering the building without increasing the protrusion.

G. Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to this guideline may be authorized according to Chapter 6 of this Ordinance. In the SMA the setbacks described above shall be 200 feet.

H. New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. Variances to this guideline may be authorized according to Chapter 6 of this Ordinance if its application would render a property unbuildable. In determining the slope, the average percent slope of the proposed building site shall be utilized.

Design/Color

I. Unless expressly exempted by other provisions in this chapter, colors of all exterior surfaces of
structures 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.

J. The exterior of buildings in the GMA and structures in the SMA on lands seen from Key Viewing Areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features. The Scenic Resources Implementation Handbook will include a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this criterion, including those where the specific application meets recommended thresholds in the “Visibility and Reflectivity Matrices” in the Implementation Handbook (once they are created). 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 Implementation Handbook.

Landscaping

K. The following criteria 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 guidelines in this chapter is not sufficient to make the development visually subordinate in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA 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 in the GMA and meet the required scenic standard (visually subordinate or visually not evident) in the SMA 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 criterion 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.

4. Conditions regarding new landscaping or retention of existing vegetation for new developments shall meet both scenic guidelines and the fuel break guidelines listed in the fire protection standards for each zone.

MISCELLANEOUS
L. Determination of potential visual effects and compliance with visual subordinance policies shall include consideration of the cumulative effects of proposed developments.

M. New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

N. New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

O. 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.

P. 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;

2. The break in the skyline is the minimum necessary to provide the service.

Q. In addition to all applicable criteria above, all Mineral and Aggregate related uses on lands visible from Key Viewing Areas shall meet all applicable criteria in Chapter 10.

R. In addition to the GMA standards, the following will be required in the SMA.

1. 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.

2. Sites approved for development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

3. In all landscape settings, scenic standards in Table below shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.
4. 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 criterion is not feasible considering the function of the structure.

5. Seasonal lighting displays shall be permitted on a temporary basis, not to exceed 3 months.

6. Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

5. The following are not required to meet scenic standards:

1. Uses and activities in Developed Settings as specified in 14.400(J), Landscape Settings.

2. Rehabilitation of or modification of significant historic structures, carried out in compliance with the National Register of Historic Places guidelines (SMA)/National Parks Service regulations for such structures (GMA). To be eligible for such exemption, the structure must be included in or eligible for the National Register of Historic Places or be in the process of applying for a determination of significance pursuant to such regulations. Rehabilitation of or modifications to
structures meeting this guideline shall be consistent with National Park Service regulations for such structures.

3. Shoreline developments, uses and activities on the mainstream of the Columbia River that are adjoining Urban Areas.
SECTION 14.300  Scenic Travel Corridors (GMA & SMA)

A. Several state and federal highways, renowned as highly scenic travel and recreation corridors, traverse the National Scenic Area. These travelways parallel the Columbia River and several of its major tributaries. Among these well-known roads are the Historic Columbia River Highway and Interstate 84 (recently designated as one of the most scenic highways in America by Rand McNally).

The "Scenic Travel Corridors" program in the Management Plan acknowledges the importance of these travelways to the National Scenic Area. It provides measures to protect and enhance the scenic qualities of the landscapes within the foregrounds of these roads. Many of the standards included in this section require implementing actions from the state agencies charged with managing these scenic byways, in coordination with local governments.

B. The Historic Columbia River Highway and Interstate 84 are designated as Scenic Travel Corridors. Development along these corridors shall be subject to the following standards:

1. For the purposes of implementing this section, the foreground of a Scenic Travel Corridor shall include those lands within one-quarter mile of the edge of pavement of the Scenic Travel Corridor roadway.

2. All new buildings and alterations to existing buildings shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway. A variance to this setback requirement may be granted pursuant to Chapter 6. All new parking lots and expansions of existing parking lots shall be set back at least 100 feet from the edge of pavement of the Scenic Travel Corridor roadway, to the maximum extent practicable.

3. 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 standard 2 of this subsection to the maximum extent practicable.

4. 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, special wildlife habitat, wetlands or riparian areas on the project site. If such resources are determined to be present, the project shall comply with applicable Management Plan guidelines to protect the resources.

5. When evaluating which locations to consider undergrounding of signal wires or powerlines, railroads and utility companies shall prioritize those areas specifically recommended as extreme or high priorities for undergrounding in the Columbia River Gorge National Scenic Area Corridor Visual Inventory, prepared in April, 1990.
6. New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. An interim time period to achieve compliance with full screening requirements shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed one year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

7. Expansion of existing quarries may be allowed pursuant to Section 10.300(B)(2). Compliance with visual subordinance requirements shall be achieved within timeframes specified in Section 10.300(B)(3). (GMA Only)

C. In the SMA the following additional criteria shall apply 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.

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 the previous section 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 guidelines from the previous section,
   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:
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Cultural Resources

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.

4. Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.
SECTION 14.400 Landscape Settings (GMA & SMA)

Landscape settings are the combination of land uses, landforms and vegetation patterns which distinguish an area in appearance and character from other portions of the National Scenic Area.

Landscape Setting goals, policies and guidelines, as defined and identified in the Management Plan, represent a long-term vision of scenic protection as expressed in the landscape. The following design standards are provided to ensure that new developments are compatible with and maintain the character of their settings. These standards are not intended to limit imagination, variety or creative design solutions.

The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

A. Pastoral Landscape Setting

   GMA Only

   1. Accessory structures, outbuildings and accessways 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 standards shall be employed to achieve visual subordinance for new development and expansion of existing development:

      a. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

      b. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge).

      c. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

   SMA Only

   3. Pastoral areas shall retain the overall appearance of an agricultural landscape. The use of plant species in rows as commonly found in the landscape setting is encouraged. The use of plant species common to the landscape setting shall be encouraged.

B. Coniferous Woodland Landscape Setting
GMA Only

1. Structure height shall remain below the forest canopy level.

2. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development:
   
   a. At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, bigleaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas).
   
   b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

SMA Only

3. Woodlands areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous Woodland landscape.
   
   a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.
   
   b. Buildings shall be encouraged to have a vertical overall appearance.

C. Oak-Pine Woodland Landscape Setting

GMA Only

1. Structure height shall remain below the tree canopy level in wooded portions of this setting.

2. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development.

   a. At least half of any tree species planted for screening purposes shall be species native to the setting. Such species include: Oregon white oak, ponderosa pine, Douglas fir.

   b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

   For substantially wooded portions:
c. 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.

For treeless portions or portions with scattered tree cover:

d. Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.

e. Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.

f. Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

SMA Only

3. Woodland areas should retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Oak/Pine Woodland landscape.

a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

b. Buildings shall be encouraged to have horizontal overall appearance.

D. Grassland Landscape Setting

GMA Only

1. Accessory structures, outbuildings and accessways shall be clustered together as much as possible. Exceptions to this criterion, where necessary for farming operations, are permitted.

2. In portions of this setting visible from Key Viewing Areas, the following standard shall be employed to achieve visual subordinance standards for new development and expansion of existing development:

a. Structures shall be sited on portions of the property which provide maximum screening from Key Viewing Areas utilizing existing topographic features.

b. Lower structures which emphasize horizontal lines and blend with this sweeping landscape shall be encouraged rather than very tall structures.

c. Planting of trees for screening shall not be extensive, in character with the openness of this
setting. Where utilized, screening vegetation shall either tie in with near-by riparian vegetation in seasonal drainages or emulate windrows. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include: Oregon white oak, Lombardy poplar, black locust, black cottonwood (wet locations), Russian olive and ponderosa pine.

E. Rural Residential Landscape Setting

GMA Only

1. In portions of this setting visible from Key Viewing Areas, and not exempt from visual subordinance standards (see J below), the following standards shall be employed to achieve visual subordinance for new development:

   a. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

   b. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

F. Rural Residential/Pastoral, Coniferous Woodland or Oak-Pine Woodland Landscape Setting

GMA Only

1. New development in this setting shall meet the design standards described for both the Rural Residential setting and the more rural setting with which it is combined (either Pastoral, Coniferous Woodland, or Oak-Pine Woodland), unless it can be demonstrated that compliance with the guidelines for the more rural setting is impracticable. Expansion of existing development shall comply with this guideline to the maximum extent practicable.

2. In the event of a possible conflict between the two sets of standards, the standards for the more rural setting (Coniferous Woodland, Pastoral, or Oak-Pine Woodland) shall apply, unless it can be demonstrated that application of such standards would not be practicable.

G. Residential Landscape Setting

GMA Only

1. In portions of this setting visible from Key Viewing Areas and not exempt from visual subordinance standards (see J below), the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development:

   a. Structures' exteriors shall be non-reflective unless fully screened from Key Viewing Areas with existing vegetation and/or topography.
b. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.

c. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

SMA Only

2. The Residential setting is characterized by concentrations of dwellings.

a. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

b. At Rowena Dell, new buildings shall have a rustic appearance and use natural materials.

H. River Bottomlands Landscape Setting

GMA Only

1. In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordinance for new development and expansion of existing development:

a. At least half 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 native species include: black cottonwood, bigleaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (west Gorge) and various native willow species.

b. At least one-quarter of any trees planted for screening purposes shall be coniferous for winter screening.

SMA Only

2. River bottomlands shall retain the overall visual character of a floodplain and associated islands:

a. Buildings shall have an overall horizontal appearance in areas with little tree cover.

b. Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

I. Gorge Walls, Canyonlands and Wildlands Landscape Setting

GMA Only
1. New development and expansion of existing development shall be screened so as to not be 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. All buildings shall be limited in height to 1 1/2 stories.

4. The exteriors of structures shall be non-reflective.

5. Signage shall be limited to natural materials such as wood or stone, and natural colors or earth-tone colors, unless public safety concerns or federal or state highway standards require otherwise.

**SMA Only**

6. New developments and land uses shall retain the overall visual character of the natural appearing landscape:

   a. Structures, including signs, shall have a rustic appearance, use non-reflective materials, have low contrast with the surrounding landscape, and be of Cascadian architectural style.

   b. Temporary roads must be promptly closed and revegetated.

   c. New utilities must be below ground surface, where feasible.

   d. Use of plant species non-native to the Columbia River Gorge shall not be allowed.

**GMA Only**

1. Two landscape settings in Wasco County are considered developed settings: Rural Residential and Residential. Of all General Management Area lands in these two settings, two particular areas which are not visually sensitive have been identified. New development in these settings shall be compatible with the setting, but not necessarily visually subordinate. New developments in these settings are exempt from the color and siting guidelines in the Key Viewing Areas section of this chapter. These areas are:

   a. Murray's Addition subdivision, The Dalles (Residential)
b. Two small areas south of The Dalles in Sections 9 and 10, Township 1N, Range 13E (Residential).

2. The Gorge Discovery Center site at Crates Point is designated River Bottom lands. The scope of development planned for the site may not make visual subordination possible. The Discovery Center site shall be designed and developed to be visually subordinate from Key Viewing Areas and compatible with its landscape setting to the maximum extent possible.

K. The following guidelines shall apply to new landscaping used to screen development from key viewing areas: (SMA Only)

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 guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

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 guideline shall be sized to provide sufficient screening to meet the scenic standard within five 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 Building in the Scenic Area Handbook includes recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).
Section 14.500 Cultural Resources (GMA Only)

A. Purpose:

1. Protect and enhance cultural resources.

2. Ensure that proposed development and uses do not have an adverse effect on significant cultural resources.

B. Applicability of the Cultural Resource Reconnaissance and Historic Survey Requirements

1. The reconnaissance survey standards of C, Cultural Resource Reconnaissance and Historic Survey, apply until a cultural resource survey of the General Management Areas is complete.

   a. Each proposed use or element of a proposed use within an application shall be evaluated independently to determine whether a reconnaissance survey is required; for example, an application that proposes a land division and a new dwelling would require a reconnaissance survey if a survey would be required for the dwelling.

   b. A reconnaissance survey shall be required for all proposed uses, except:

      (1) The modification, expansion, replacement, or reconstruction of existing buildings and structures.

      (2) Proposed uses that would not disturb the ground, including:

         (a) land divisions and lot-line adjustments/replats;

         (b) storage sheds that do not require a foundation;

         (c) low-intensity recreation uses, such as fishing, hunting, and hiking;

         (d) installation of surface chemical toilets;

         (e) hand treatment of brush within established rights-of-way; and

         (f) new uses of existing structures.

      (3) Proposed uses that involve minor ground disturbance, as defined by depth and extent, including:

         (a) repair and maintenance of lawfully constructed and serviceable structures;

         (b) home gardens;
(c) live-stock grazing;

(d) cultivation that employs minimum tillage techniques, such as replanting pastures using a grassland drill;

(e) construction of fences;

(f) new utility poles that are installed using an auger, post-hole digger, or similar implement; and

(g) placement of mobile homes where septic systems and underground facilities are not involved.

The Gorge Commission will review all land use applications and determine if proposed uses would have a minor ground disturbance.

(4) Proposed uses that occur on sites that have been disturbed by human activities, provided the proposed uses do not exceed depth and extent of existing ground disturbance.

(a) To qualify for this exception, a project applicant must demonstrate that land disturbing activities occurred in the project area.

(b) Land disturbing activities include grading and cultivation.

(5) Proposed uses that would occur on sites that have been adequately surveyed in the past.

(a) The project applicant must demonstrate that the project area has been adequately surveyed to qualify for this exception.

(b) Past surveys must have been conducted by a qualified professional and must include a surface survey and subsurface testing.

(c) The nature and extent of any cultural resources in the project area must be adequately documented.

(6) Proposed uses occurring in areas that have a low probability of containing cultural resources, except:

(a) residential development that involves two or more new dwellings for the same project applicant;

(b) recreation facilities that contain parking areas for more than 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 33 kilovolts or greater; and

(e) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances.

Areas that have a low probability of containing cultural resources will be identified using the results of reconnaissance surveys conducted by the Gorge Commission, the U.S. Forest Service, public agencies, and private archaeologists.

c. A reconnaissance survey shall be required for all proposed uses within 500 feet of a known cultural resource, including those listed above in (a)(1) through (6). The location of known cultural resources are shown in the cultural resource inventory.

d. The Gorge Commission may choose to conduct a reconnaissance survey for proposed uses listed in the exceptions if, in its professional judgement, a reconnaissance survey may be necessary to ensure protection of cultural resources.

2. A historic survey shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or compromise features of the surrounding area that are important in defining the historic or architectural character of the buildings or structures that are 50 years old or older.

3. The Gorge Commission will conduct and pay for all reconnaissance and historic surveys for small-scale uses in the General Management Area.

a. When archaeological resources or traditional cultural properties are discovered, the Gorge Commission also will identify the approximate boundaries of the resource or property and delineate a reasonable buffer zone.

b. Reconnaissance surveys and buffer zone delineations for large-scale uses shall be the responsibility of the project applicant.

c. The Gorge Commission will conduct and pay for evaluations of significance and mitigation plans for cultural resources that are discovered during construction, subsection G, for small and large-scale uses in the General Management Area.

d. For this Ordinance, large-scale uses include development involving:

(1) two or more new residential dwellings;
(2) recreation facilities;

(3) commercial and industrial development;

(4) public transportation facilities;

(5) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater;

(6) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances; and

(7) disposal sites

4. The primary responsibility and cost of preparing an Evaluation of Significance, D; Assessment of Affect, E; or Mitigation Plan, F, shall be borne by the project applicant.

a. If the applicant has no practicable alternative, according to (7) below, Practicable Alternative Test, allowing them to avoid an affected cultural resource, or is seeking to make a change or addition to a historic resource, the Forest Service has agreed to provide services to aid in the preparation of the Evaluation of Significance, Assessment of Effect, or Mitigation Plan to the greatest extent possible.

b. The responsibility for and cost of any development necessary to protect or mitigate effects on the cultural resource shall be borne by the project applicant.

5. 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 published in 36 Code of Federal Regulations (CFR) Part 61 and Guidelines for evaluating and Documenting Traditional Cultural Properties (Parker and King, no date).

1. If cultural resources may be affected by a proposed use, an evaluation shall be performed to determine if they are significant. Cultural resources are significant if one of the following criteria is satisfied:

A. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.

The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria:

(1) Have an association with events that have made a significant contribution to the
broad patterns of the history of this region.

(2) Have an association with the lives of persons significant in the past.

(3) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.

(4) Yield, or may be likely to yield, information important in prehistory or history.

B. 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.

2. If a project applicant's and Indian tribal government’s evaluations of significance contradict, the Cultural Advisory Committee (CAC) shall review the applicant’s evaluation and Indian tribal government’s substantiated concerns. The CAC will submit a recommendation to the local government as to whether affected cultural resources are significant.

3. If cultural resources are determined to be significant, there shall be a professional assessment of the effects of the proposed use. The assessment shall be based on the criteria published in "Protection of Historic Properties" (36 CFR 800.5).

4. A mitigation plan shall be prepared if a proposed use would have an adverse effect on significant cultural resources. The criteria published in “Resolution of Adverse Effects” (36 CFR 800.6) shall be used to determine if a proposed use would have an adverse effect.

5. Mitigation measures shall ensure that a proposed use would have no adverse effect on significant cultural resources. Uses that would adversely affect significant cultural resources shall be prohibited.

6. Avoidance is the preferred method of cultural resource protection. Other mitigation measures to reduce the effect of a proposed use on cultural resources shall be used only if avoidance is not practicable.

7. The state historic preservation officer (SHPO) shall have an opportunity to review all cultural resource surveys, evaluations, assessments, and mitigation plans. Based on comments submitted by the SHPO and interested persons, the local government shall make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, and guidelines.

8. The SHPO may delegate all or a portion of his/her responsibilities under these goals,
objectives, policies, and guidelines to a local government that establishes a Certified Local Government, as provided in the National Historic Preservation Act of 1966.

9. If cultural resources are discovered during construction activities, all construction shall cease until the resources are inventoried and evaluated. If the resources are determined to be significant, a mitigation plan shall be prepared.

10. If human remains are discovered during a cultural resource survey or during construction activities, all activities shall cease and the proper officials and governments shall be notified. Human remains shall be treated in accordance with state laws. A mitigation plan shall be prepared if the remains are reinterred or preserved in their original position.

11. Provide incentives to protect and enhance historically significant buildings by allowing uses of such buildings that are compatible with their historic character and that provide public appreciation and enjoyment of them as cultural resources.

6. Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan.

7. **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 cultural resources;

   b. The basic purpose of the use cannot be reasonably 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 cultural resources; 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.

C. **Cultural Resource Reconnaissance and Historic Surveys**
1. Gorge Commission/Tribal Government Notice

   a. In addition to other public notice requirements that may exist, the County shall notify the Indian tribal governments when:

      (1) a reconnaissance survey is required; or

      (2) cultural resources that are prehistoric or otherwise associated with Native Americans exist in the project area.

   b. Notices sent to Indian tribal governments shall include a site plan as stipulated in Section 14.040.

   c. Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit written comments to the County Planning Office.

      (1) Written comments should describe the nature and extent of any cultural resources that exist in the project area and identify individuals with specific knowledge about them.

      (2) The County shall send a copy of all comments to the Gorge Commission.

2. Consultation and Ethnographic Research

   a. When written comments are submitted to the County Planning Office in a timely manner, the project applicant shall offer to meet with the interested persons within 10 calendar days.

      (1) The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.

      (2) Consultation meetings should provide an opportunity for interested persons to explain how the proposed use may affect cultural resources. Recommendations to avoid potential conflicts should be discussed.

      (3) All written comments and consultation meeting minutes shall be incorporated into the reconnaissance 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. A project applicant who is proposing a large-scale use or development shall conduct interviews and other forms of ethnographic research if interested persons submit a written request for such research.

      (1) All requests must include a description of the cultural resources that may be affected by
the proposed use and identify knowledgeable informants.

(2) Ethnographic research shall be conducted by qualified specialists. Tape recordings, maps, photographs, and minutes shall be used when appropriate.

(3) All written comments, consultation meeting minutes and ethnographic research shall be incorporated into the reconnaissance 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.

3. Notice of Survey Results

a. The County shall submit a copy of all cultural resource survey reports to the State Historic Preservation Office and the Indian tribal governments.

(1) Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.

(2) The State Historic Preservation Office and the tribes shall have 30 calendar days from the date a survey report is mailed to submit written comments to the County Planning Office.

(3) The County shall record and address all written comments in its development review order.

4. Conclusion of the Cultural Resource Protection Process

a. The County Planning Office will make a final decision on whether the proposed use would be consistent with the cultural resource goals, policies, guidelines, and standards.

b. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.

c. The cultural resource protection process may conclude when one of the following conditions exist:

(1) The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 20 calendar days of the date that a notice was mailed.

(2) A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantiated concerns were voiced by interested persons within 20 calendar days of the date that a notice was mailed.
(3) The proposed use would avoid archaeological resources and traditional cultural resources that exist in the project area.

(a) To meet this standard, a reasonable buffer zone must be established around the affected resources or properties;

(b) All ground disturbing activities shall be prohibited within the buffer zone.

(c) Buffer zones must preserve the integrity and context of cultural resources. They will vary in width depending on the eventual use of the project area, the type of cultural resources that are present, and the characteristics for which the cultural resources may be significant.

(d) A deed covenant, easement, or other appropriate mechanism shall be developed to ensure that the buffer zone and the cultural resources are protected.

(e) An evaluation of significance shall be conducted if a project applicant decides not to avoid the affected cultural resource. In these instances, the reconnaissance survey and survey report shall be incorporated into the evaluation of significance.

(4) A historic survey demonstrates that the proposed use would not have an effect on historic buildings or structures because:

(a) The State Historic Preservation Office concludes that the historic buildings or structures are clearly not significant, as determined using the criteria in the "National Register Criteria for Evaluation" (36 CFR Part 60.4); or

(b) 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 determined by the guidelines and standards in The Secretary of the Interior's Standards for Rehabilitation (U.S. Department of the Interior 1990) and The Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior 1983).

(5) The historic survey conducted by the Gorge Commission may provide sufficient information to satisfy these standards.

(a) If it does not, architectural and building plans, photographs, and archival research may be required; and

(b) The project applicant shall be responsible for providing information beyond that included in the survey conducted by the Gorge Commission.

(6) The historic survey and report must demonstrate that these standards have been clearly
and absolutely satisfied. If the State Historic Preservation Office or the County Planning Office question whether these standards have been satisfied, the project applicant shall conduct an evaluation of significance, according to D below, Evaluation of Significance.

D. Evaluation of Significance

1. Evaluation Criteria

Cultural resources are significant if one of the following criteria is satisfied.

a. The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places.

The criteria for evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the "National Register Criteria for Evaluation" (36 CFR 60.4). Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria.

(1) Have an association with events that have made a significant contribution to the broad patterns of the history of this region.

(2) Have an association with the lives of persons significant in the past.

(3) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic components may lack individual distinction.

(4) Yield, or may be likely to yield, information important in prehistory or history.

b. 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.

2. Evaluation Process and Information Needs

If cultural resources would be affected by a new use, an evaluation of their significance shall be conducted. Evaluations of significance shall meet the following standards: Evaluations of significance shall follow the procedures in How to Apply the National Register Criteria for Evaluation (U.S. Department of the Interior 2002) and Guidelines for the Evaluation and Documentation of Traditional Cultural Properties (Parker and King 1998). They 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.
a. To evaluate the significance of cultural resources, the information gathered during the reconnaissance or historic survey may have to be supplemented. Detailed field mapping, subsurface testing, photographic documentation, laboratory analyses, and archival research may be required.

b. The project applicant shall contact Indian tribal governments and interested persons, as appropriate. Ethnographic research shall be undertaken as necessary to fully evaluate the significance of the cultural resources.

c. The evaluation of significance shall follow the principles, guidelines, and report format recommended by the State Historic Preservation Office. It shall incorporate the results of the reconnaissance or historic survey and shall illustrate why each cultural resource is or is not significant. Findings shall be presented within the context of relevant local and regional research.

d. All documentation used to support the evaluation of significance shall be cited.

(1) Evidence of consultation with Indian tribal governments and other interested persons shall be presented.

(2) All comments, recommendations, and correspondence from Indian tribal governments and interested persons shall be appended to the evaluation of significance.

3. Notice of Evaluation Results

If the evaluation of significance demonstrates that the cultural resources are not significant, the County shall submit a copy of the evaluation of significance to the State Historic Preservation Office and the Indian tribal governments.

a. The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the evaluation of significance is mailed to submit written comments to the County Planning Office.

b. The County Planning Office shall record and address all written comments in its development review order.

4. Cultural Resources are Culturally Significant

If an Indian tribal government believes that the affected cultural resources are culturally significant, contrary to the evaluation submitted by the project applicant, the Cultural Advisory Committee shall make an independent review of the applicant's evaluation and the Indian tribal government's substantiated concerns.

a. The Cultural Advisory Committee will formulate a recommendation regarding the significance of the cultural resources.
b. The Indian tribal government must substantiate its concerns in a written report.

(1) The report must be submitted to the County Planning Office, Cultural Advisory Committee, and the project applicant within 15 calendar days from the date the evaluation of significance is mailed.

(2) The Cultural Advisory Committee must submit its recommendation to the County Planning Office within 30 calendar days from the date the evaluation of significance is mailed.

5. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the affected resources are significant.

a. If the final decision contradicts the comments or recommendations submitted by the State Historic Preservation Office or Cultural Advisory Committee, the County must justify how it reached an opposing conclusion.

b. The cultural resource protection process may conclude if the affected cultural resources are not significant.

c. If the project applicant or the County determines that the cultural resources are significant, the effects of the proposed use shall be assessed according to E below, Assessment of Effect.

E. Assessment of Effect

1. Evaluation Criteria and Information Needs

If a use could 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 standards:

a. The assessment of effect shall be based on the criteria published in "Protection of Historic Properties" (36 CFR Part 800.5) and shall incorporate the results of the reconnaissance or historic survey and the evaluation of significance. All documentation shall follow the requirements listed in 36 CFR Part 800.11.

(1) Proposed uses have an effect on cultural resources when they alter or destroy characteristics of the resources that make them significant [36 CFR Part 800.5].

(2) Proposed uses are considered to have an adverse effect when they may diminish the integrity of the cultural resource's location, design, setting, materials, workmanship, feeling, or association [36 CFR Part 800.5]. Adverse effects on cultural resources
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; and

(e) Transfer, lease, or sale of the cultural resource.

b. The assessment of effect shall be prepared in consultation with Indian tribal governments and interested persons, as appropriate. The concerns and recommendations voiced by Indian tribal governments and interested persons shall be recorded and addressed in the assessment.

c. The effects of a proposed use that would otherwise be determined to be adverse may be considered to not be adverse in the following instances:

1. The cultural resources are of value only for their potential contribution to archeological, 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;

2. 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 the Interior 1990) and The Secretary of the Interior's Standards for Historic Preservation Projects (U.S. Department of the Interior 1983); or

3. The proposed use is limited to the transfer, lease, or sale of cultural resources, and adequate restrictions or conditions are included to ensure preservation of the significant features of the resources.

2. Notice of Assessment Results

If the assessment of effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the County shall submit a copy of the assessment to the
State Historic Preservation Office and the Indian tribal governments.

a. The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the assessment of effect is mailed to submit written comments to the County Planning Office.

b. The County shall record and address all written comments in its development review order.

3. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the proposed use would have no effect, no adverse effect, or an adverse effect.

a. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.

b. The cultural resource protection process may conclude if the proposed use would have no effect or no adverse effect on significant cultural resources.

c. A mitigation plan shall be prepared if a project applicant or the County determines that the proposed use would have an adverse effect on significant cultural resources according to F below, Mitigation Plans.

F. Mitigation Plans

1. Mitigation Plan Criteria and Information Needs

Mitigation plans shall be prepared when proposed uses would have an adverse effect on significant cultural resources. The plans must reduce an adverse effect to no effect or no adverse effect. Mitigation plans shall meet the following guidelines:

a. 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 the State Historic Preservation Office.

b. Avoidance of cultural resources through project design and modification is preferred. Avoidance may be effected by reducing the size, scope, configuration, and density of the proposed use.

c. Alternative mitigation measures shall be used only if avoidance is not practicable.

(1) 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.
(2) If the mitigation plan includes buffer zones to protect cultural resources, a deed covenant, easement, or other appropriate mechanism must be developed and recorded in county deeds and records.

d. Mitigation plans shall incorporate the results of the reconnaissance or historic survey, the evaluation of significance, and the assessment of effect, and shall provide the documentation required in 36 CFR Part 800.11, including, but not limited to:

(1) A description and evaluation of any alternatives or mitigation measures that the project applicant proposes for reducing the effects of the proposed use;

(2) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(3) Documentation of consultation with the State Historic Preservation Office regarding any alternatives or mitigation measures;

(4) A description of the project applicant's efforts to obtain and consider the views of Indian tribal governments, interested persons, and local governments; and

(5) Copies of any written recommendations submitted to the County Planning Office or project applicant regarding the effects of the proposed use on cultural resources and alternatives to avoid or reduce those effects.

2. Notice of Mitigation Plan Results

If a mitigation plan reduces the effect of a use from an adverse effect to no effect or no adverse effect, the local government shall submit a copy of the mitigation plan to the State Historic Preservation Office and the Indian tribal governments.

a. The State Historic Preservation Office, Indian tribal governments, and interested persons shall have 30 calendar days from the date the mitigation plan is mailed to submit written comments to the County Planning Office.

b. The local government shall record and address all written comments in its development review order.

3. Conclusion of the Cultural Resource Protection Process

The County will make a final decision on whether the mitigation plan would reduce an adverse effect to no effect or no adverse effect.

a. If the final decision contradicts the comments submitted by the State Historic Preservation Office, the County must justify how it reached an opposing conclusion.
b. The cultural resource protection process may conclude if a mitigation plan would reduce an adverse effect to no effect or no adverse effect.

c. The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

G. 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 local government and the SHPO. Indian tribal governments shall also receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

1. **Halt 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.

2. **Notification**: The project applicant shall notify the County Planning Office and the Gorge Commission within 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 24 hours.

3. **Survey and Evaluation**: The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the State Historic Preservation Office (see, ORS 358.905 to 358.955).

   a. The Commission will gather enough information to evaluate the significance of the cultural resources.

   b. The survey and evaluation will be documented in a report that generally follows the criteria in the "Reconnaissance Survey Reports--Large Scale Uses" and "Evaluation of Significance, Evaluation Criteria and Information Needs" of this chapter.

   c. Based on the survey and evaluation report and any written comments, the County will make a final decision on whether the resources are significant.

   d. Construction activities may recommence if the cultural resources are not significant.

   e. A mitigation plan will be prepared by the Gorge Commission if the affected cultural resources are significant.

4. **Mitigation Plan**: Mitigation plans shall be prepared according to the information, consultation, and report guidelines contained in F above, Mitigation Plans.

5. All survey and evaluation reports and mitigation plans shall be submitted to the County Planning

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Office and the State Historic Preservation Office.

6. 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.

7. Construction activities may recommence when the conditions in the mitigation plan have been executed.

H. 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.

1. Halt Activities: All survey, excavation, and construction activities shall cease. The human remains shall not be disturbed any further.

2. Notification: Local law enforcement officials, the County Planning Office, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.

3. 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 from the Indian tribal governments shall have an opportunity to monitor the inspection.

4. Jurisdiction: If the remains are modern, the appropriate law enforcement officials will assume jurisdiction and the cultural resource protection process may conclude.

5. Treatment: Prehistoric/historic remains of Native Americans shall generally be treated in accordance with the procedures set forth in ORS 97.740 to 97.760.

6. If the 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 specified in F above, Mitigation Plans.

   a. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans.

   b. The cultural resource protection process may conclude when the conditions set forth in F above, Mitigation Plans, are met and the mitigation plan is executed.

I. Reconnaissance Surveys -- Small Scale Uses

Reconnaissance surveys for small-scale uses shall generally include a surface survey and subsurface testing. They shall meet the following guidelines:

1. A surface survey of the project area shall be conducted, except for inundated areas and
impenetrable thickets.

2. Subsurface testing shall be conducted if the surface survey reveals that cultural resources may be present.

3. Subsurface probes will be placed at intervals sufficient to determine the absence or presence of cultural resources.

J. Reconnaissance Survey Reports--Small Scale Uses

The results of a reconnaissance survey shall be documented in a confidential report that includes:

1. A description of the fieldwork methodology used to identify cultural resources, including a description of the type and extent of the reconnaissance survey.

2. A description of any cultural resources that were discovered in the project area, including a written description and photographs.

3. 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.

K. Reconnaissance Surveys--Large Scale Uses

Reconnaissance surveys for large-scale uses shall be designed by a qualified professional. A written description of the survey shall be submitted to and approved by the Gorge Commission’s designated archaeologist.

Reconnaissance surveys shall reflect the physical characteristics of the project area and the design and potential effects of the proposed use. They shall meet the following standards:

1. Archival research shall be performed prior to any field work. It should entail a thorough examination of tax records; historic maps, photographs, and drawings; previous archaeologic, 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.

2. Surface surveys shall include the entire project area, except for inundated areas and impenetrable thickets.

3. Subsurface probes shall be placed at intervals sufficient to document the presence or absence of cultural resources.

4. Archaeological site inventory forms shall be submitted to the State Historic Preservation Office whenever cultural resources are discovered.
L. Reconnaissance Survey Reports—Large Scale Uses

The results of a reconnaissance survey for large-scale uses shall be documented in a confidential report. Reconnaissance survey reports shall include:

1. A description of the proposed use, including drawings and maps.

2. A description of the project area, including soils, vegetation, topography, drainage, past alterations, and existing land use.

3. 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.

4. 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 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

5. 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 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

6. A summary of all written comments submitted by Indian tribal governments and other interested persons.

7. A preliminary assessment of whether the proposed use would or would not have an effect on cultural resources. This assessment shall incorporate concerns and recommendations voided during consultation meetings and information obtained through archives and ethnographic research and field surveys.

M. Historic Surveys and Reports

Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures.

1. Historic surveys shall include original photographs and maps. Archival research, blueprints, and drawings should be used as necessary.

2. 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.

3. The project applicant shall provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations.
N. Cultural Advisory Committee

The Gorge Commission will establish a Cultural Advisory Committee. The Cultural Advisory Committee will be comprised of cultural resource professionals, interested individuals, and at least one representative from each of the four Indian tribes.

The Cultural Advisory Committee will perform six principal functions:

1. Monitor cultural resource surveys, evaluations, impact assessments, and mitigation plans;

2. Periodically formulate and submit recommendations to the State Historic Preservation Office, local governments, and the Gorge Commission regarding cultural resource surveys, evaluations, impact assessments, and mitigation plans;

3. Monitor cultural resource decisions made by the State Historic Preservation Office and the local governments;

4. Recommend procedural and administrative changes to the Gorge Commission that would improve the cultural resource protection process;

5. Advise the Gorge Commission on the design and implementation of future cultural resource inventories, including oral history programs and survey strategies; and

6. Review evaluations of significance when a disagreement arises between a project applicant and an Indian tribal government.

   a. In these instances, the Cultural Advisory Committee will submit written recommendations to the local government.

   b. Recommendations will be based on the evaluation prepared by the project applicant, reports submitted by Indian tribal governments, and comments submitted by interested persons, including the State Historic Preservation Office.
Section 14.510 Cultural Resources (SMA Only)

In addition to the standards and conditions listed in this chapter for the GMA, the following standards apply to all lands in the Special Management Area:

A. If a standard or condition of this Section is more restrictive than other sections of this chapter, this section is controlling;

B. This section is applicable to all Federal agencies for new developments and land uses on all Federal lands, federally assisted projects and forest practices. The Forest Service will provide for completing the requirements of this Section for forest practices and National Forest system lands.

C. All projects that are not included for review in B above shall be reviewed under Section 14.500 of this Chapter.

D. 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 published in 36 CFR Part 61.

E. For federal or federally assisted undertakings, the reviewing agency will complete its consultation responsibilities under Section 106 of the Historic Preservation Act of 1966. [36 CFR 800.2]

F. Discovery During Construction:
   1. All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the reviewing agency in the event of the inadvertent discovery of cultural resources during construction or development.
   
   2. In the event of the discovery of cultural resources, 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 resource.
   
   3. If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:
      a. Stop all work in the vicinity of the discovery.
      b. The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the County coroner, and appropriate law enforcement agencies.
      c. The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

G. Effects to Cultural Resources
Reviewing agencies shall use the following steps under 36 CFR 800.4 for assessing potential effects to cultural resources and 36 CFR 800.5 for assessing adverse effects to cultural resources

1. **Literature Review and Consultation**
   
   a. An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or local level, on or within the area of potential direct and indirect impacts.

   b. A search of state and County, National Scenic Area/Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural resources, including consultation with the State Historic Preservation Office and tribal governments. State and tribal government response to the consultation request shall be within 30 days.

   c. Consultation with cultural resource professionals knowledgeable about the area.

2. **Field Inventory**
   
   a. As determined by G(1) above, the presence of a recorded or known cultural resource, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, shall require a field inventory by a cultural resource professional.

   b. Tribal representatives shall be invited to participate in the field inventory.

   c. The field inventory shall consist of one or the other of the following standards, as determined by the cultural resource professional:

      (1) **Complete Survey:**

         (a) The systematic examination of the ground surface through a controlled procedure, such as walking an area in evenly-spaced transects.

         (b) A complete survey may also require techniques such as clearing of vegetation, auguring or shovel probing of subsurface soils for the presence of buried cultural resources.

      (2) **Sample Survey:**

         (a) The sampling of an area to assess the potential of cultural resources within the area of proposed development or use.

         (b) This technique is generally used for large or difficult to survey parcels, and is generally accomplished by a stratified random or non-stratified random sampling strategy.
(c) A parcel is either stratified by variables such as vegetation, topography or elevation, or by non-environmental factors such as a survey grid.

(d) 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.

(e) Depending on the results of the sample, a complete survey may or may not subsequently be recommended.

d. A field inventory report is required, and shall include the following:

(1) A narrative integrating the Literature Review in G(1) with the Field Inventory G(2).

(2) A description of the Field Inventory methodology utilized under G(2), describing the type and extent of field inventory, supplemented by maps which graphically illustrate the areas surveyed, not surveyed, and the rationale for each.

(3) A statement of the presence or absence of cultural resources within the area of the new development or land in use.

(4) When cultural resources are not located, a statement of the likelihood of buried or otherwise concealed cultural resources shall be included.

(5) Recommendations and standards for monitoring, if appropriate, shall be included.

e. Report format shall follow that specified by the Oregon State Historic Preservation Office.

f. The field inventory report shall be presented to the Forest Service for review.

3. Evaluations of Significance

a. 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 relative to the criteria of the National Register of Historic Places (36 CFR 60.4).

b. Evaluations of cultural resource significance shall be guided by previous and current research designs relevant to specific research questions for the area.

c. Evaluations of the significance of traditional cultural properties shall follow National Register Bulletin 38, "Guidelines for the Evaluation and Documentation of Traditional Cultural Properties", within local and regional contexts.

d. Recommendations for eligibility of individual cultural resources under National Register Criteria A through D (36 CFR 60.4) shall be completed for each identified resource. The
Forest Service shall review evaluations for adequacy.

e. 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.

4. **Assessment of Effect**

   a. For each significant (i.e., National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.5 “Assessing Effects”. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for (b) through (d) below. The Forest Service shall review each determination for adequacy.

   b. If the proposed development or change in use will have "No Adverse Effect" (36 CFR 800.4) to a significant cultural resource, documentation for that finding shall be completed, following the "Documentation Standards" of 36 CFR 800.11. If the proposed development or change in use will have an effect then the criteria of adverse effect must be applied (36 CFR 800.5).

   c. If the proposed development or change in use will have an "Adverse Effect" as defined by 36 CFR 800.5 to a cultural resource, the type and extent of "Adverse Effect" upon the qualities of the property that make it eligible to 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”).

   d. If the "effect" appears to be beneficial (i.e., an enhancement to cultural resources), documentation shall be completed for the recommendation of that effect upon the qualities of the cultural resource that make it eligible to the National Register. This documentation shall follow the process outlined under 36 CFR 800.11 "Standards ".

5. **Mitigation**

   a. If there will be an effect on cultural resources, measures shall be provided (36 CFR 800.6 “Resolution of Adverse Effects”) for mitigation of effects. These measures shall address factors such as avoidance of the property through project design or modification and subsequent protection, burial under fill, data recovery excavations, and other appropriate measures.

   b. Evidence of consultation with tribal governments and individuals with knowledge of the resources to be affected, and documentation of their concerns, shall be included for all mitigation proposals.

   c. The Forest Service shall review all mitigation proposals for adequacy.
H. Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan.
SECTION 14.600 Natural Resources (GMA Only)

A. Wetlands

1. Purpose

   a. Achieve no overall net loss of wetlands acreage and functions.

   b. Increase the quantity and quality of wetlands.

2. Rules for Delineating Wetlands Boundaries

   a. The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

   Some wetlands may not be shown on the wetland inventory or soil survey maps. Wetlands that are discovered by the County planning staff during an inspection of a potential site shall be delineated and protected unless the proposed development is clearly sited beyond the wetland buffers as stated in A(3).

   b. Determining the exact location of a wetlands boundary shall be the responsibility of the project applicant.


      (2) 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.

   c. The County may verify the accuracy of, and may render adjustments to, a wetlands boundary delineation.

      In the event the adjusted boundary delineation is contested by the project applicant, the County shall, at the applicant's expense, obtain professional services to render a final delineation.

3. Wetlands Buffer Zones

   a. The width of wetlands buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.

   b. 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. Vegetation communities are classified as forest, shrub, or herbaceous.

(1) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(2) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(3) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

c. Buffer zones shall be measured outward from a wetlands boundary on a horizontal scale that is perpendicular to the wetlands boundary. The following buffer zone widths shall be required.

(1) Forest communities: 75 feet

(2) Shrub communities: 100 feet

(3) Herbaceous communities: 150 feet

d. Except as otherwise allowed, wetlands buffer zones shall be retained in their natural condition.

When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

4. Modification to Serviceable Structures and Placement of Minor Water Dependent and Water-Related Structures in Wetlands

The following uses may be allowed in wetlands and wetland buffer zones, subject to (5) below, Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Wetlands, (7) below Site Plans, and the remaining applicable sections of this Chapter.

a. The modification, expansion, replacement, or reconstruction of serviceable structures, if such actions would not:

(1) Increase the size of an existing structure by more than 100 percent;
(2) Result in a loss of wetlands acreage or functions; and

(3) Intrude further into a wetland or wetlands buffer zone.

New structures shall be considered to be intruding further into a wetland or wetlands buffer zone if any portion of the structure is located closer to the wetland or wetlands buffer zone than the existing structure.

b. The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretive aids, such as kiosks and signs.

c. The construction of water-dependent structures that are placed on pilings, if the pilings allow unobstructed flow of water and are not placed so close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state, or tribal resource agencies.

5. Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Wetlands. The uses listed in (4) above may only be allowed upon findings that:

a. Practicable alternatives, as determined by E below, Practicable Alternative Test, 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 a wetland's functions, existing contour, vegetation, fish and wildlife resources, and hydrology;

c. All wetlands that are altered or destroyed shall be restored, replaced, or enhanced according to (8) below, Wetlands, Compensation Plan

d. The structure will be constructed using best management practices;

e. Areas disturbed during construction of the structure will be rehabilitated to the maximum extent practicable; and

f. The structure complies with all applicable federal, state, and local laws.

6. Other Uses and Activities Located in Wetlands or Wetland Buffer Zones.

Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space) and Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Wetlands as specified in (4) above, other uses authorized by the applicable
natural resources zoning designation may be allowed in wetlands and wetland buffer zones subject to (7) below, Site Plans, the remaining applicable sections of this Chapter and the following criteria:

a. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by E, Practicable Alternative Test.

b. The proposed use is in the public interest as determined by F, Public Interest Test.

c. 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.

d. Groundwater and surface-water quality will not be degraded by the proposed use.

e. 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.

f. The proposed use complies with all applicable federal, state, and local laws.

g. Areas that are disturbed during construction of the proposed use will be rehabilitated to the maximum extent practicable.

h. Unavoidable impacts to wetlands will be offset through the deliberate restoration, creation, or enhancement of wetlands. Wetlands restoration, creation, and enhancement are not alternatives to the guidelines listed above; they shall be used only as a last resort to offset unavoidable wetlands impacts. Wetlands restoration, creation, and enhancement shall be in accordance with Subsection (8) below, Wetlands Compensation Plans.

The following wetlands restoration, creation, and enhancement guidelines shall apply:

(1) Impacts to wetlands shall be offset by restoring or creating new wetlands or by enhancing degraded wetlands. Wetlands restoration shall be the preferred alternative.

(2) Wetlands restoration, creation, and enhancement projects shall be conducted in accordance with a wetlands compensation plan.

(3) Wetlands restoration, creation, and enhancement projects shall use native vegetation.

(4) 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.

(a) Restoration: 2:1

(b) Creation: 3:1
(c) Enhancement: 4:1

(5) Replacement wetlands shall replicate the functions of the wetland that will be altered or destroyed such that no net loss of wetlands function occurs.

(6) 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.

(7) Wetlands restoration, creation, or enhancement should occur within 1,000 feet of the affected wetland. If this guideline 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.

(8) 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.

(9) Five years after a wetland is restored, created, or enhanced at least 75 percent 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 and this guideline.

7. Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

8. Site Plans

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 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.

9. Wetlands Compensation Plans

Wetlands compensation plans shall be prepared when a project applicant is required to restore, create, or enhance wetlands. They shall satisfy the following guidelines:

a. Wetlands compensation plans shall be prepared by a qualified professional.

b. The primary responsibility and cost of preparing wetland compensation plans shall be borne
by the applicant. If the applicant has no practicable alternative, according to E below, Practicable Alternative Test, to locating within the wetland or wetland buffer area, the Forest Service has agreed to provide assistance in the preparation of the plan, to the greatest extent possible.

c. Wetland compensation plans shall provide for land acquisition, construction, maintenance, and monitoring of replacement wetlands.

d. Wetlands compensation plans shall include an ecological assessment of the wetland that will be altered or destroyed and the wetland that will be restored, created, or enhanced. This assessment shall include information on flora, fauna, hydrology, and wetlands functions.

e. Compensation plans shall also 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 existing area to be converted.

f. Compensation plans shall provide 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 shall be provided in sufficient detail to explain and illustrate:

   (1) Soil and substrata conditions, grading, and erosion and sediment control needed for wetland construction and long-term survival.

   (2) 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.

   (3) Water-quality parameters, water source, water depths, water-control structures, and water-level maintenance practices needed to achieve the necessary hydrologic conditions.

g. A 5-year monitoring, maintenance, and replacement program shall be included in all plans. At a minimum, a project applicant shall provide an annual report that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor the replacement wetland.

h. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a wetlands compensation plan.

(1) The Director may require the owner of the property to sign a contract with the County for enforcement of the Wetland Compensation Plan. Such contract shall be executed within thirty (30) days after approval is granted, provided, however, that the Director
may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required, no building permit shall be issued for the use covered by the application, nor construction commence until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.

(2) A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Board of Commissioners or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the Wetland Compensation Plan may be required. Such bond or deposit shall be posted before any building permits will be issued or construction may commence.

B. Streams, Ponds, Lakes, and Riparian Areas

1. Purpose

   a. Protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas.

   b. Enhance aquatic and riparian areas.

2. Stream, Pond, and Lake Buffer Zones

   a. Buffer zones 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. The following buffer widths shall be required:

   (1) Streams used by anadromous or resident fish (tributary fish habitat), special streams, intermittent streams that include year-round pools, and perennial streams: 100 feet.

   (2) Intermittent streams, provided they are not used by anadromous or resident fish: 50 feet.

   (3) Ponds and lakes:

      (a) The pond or lake buffer zones shall be based on the dominant vegetation community that exists in a buffer zone.

      (b) 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 pond or lake. Vegetation communities are classified as forest, shrub, or herbaceous.

(i) A forest vegetation community is characterized by trees with an average height equal to or greater than 20 feet, accompanied by a shrub layer; trees must form a canopy cover of at least 40 percent and shrubs must form a canopy cover of at least 40 percent.

A forest community without a shrub component that forms a canopy cover of at least 40 percent shall be considered a shrub vegetation community.

(ii) A shrub vegetation community is characterized by shrubs and trees that are greater than 3 feet tall and form a canopy cover of at least 40 percent.

(iii) A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

(c) Buffer zones shall be measured outward from a pond or lake boundary on a horizontal scale that is perpendicular to the pond or lake boundary. The following buffer zone widths shall be required.

(i) Forest communities: 75 feet

(ii) Shrub communities: 100 feet

(iii) Herbaceous communities: 150 feet

(d) When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

b. Determining the exact location of the ordinary highwater-mark or normal pool elevation shall be the responsibility of the project applicant. The County may verify the accuracy of, and may render adjustments to, an ordinary high water-mark or normal pool delineation. In the event the adjusted boundary delineation is contested by the project applicant, the County shall, at the project applicant’s expense, obtain professional services to render a final delineation.

c. Except as otherwise allowed, buffer zones shall be retained in their natural condition. When a buffer zone is disturbed by a new use, it shall be replanted with native plant species.

3. Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Aquatic Riparian Areas.

The following uses may be allowed in streams, ponds, lakes, and riparian areas, and their buffer
zones subject to (4) below, Approval Criteria for Modifications to Serviceable Structures and Placement of Minor Water-Dependent and Water-Related Structures in Aquatic Riparian Areas, (6) below, Site Plans, the remaining applicable sections of this Chapter and the following:

a. The modification, expansion, replacement or reconstruction of serviceable structures, provided that such actions would not:

(1) Increase the size of an existing structure by more than 100 percent,

(2) Result in a loss of water quality, natural drainage, and fish and wildlife habitat, or

(3) Intrude further into a stream, pond, lake, or buffer zone.

New structures shall be considered intruding further into a stream, pond, lake, or buffer zone if any portion of the structure is located closer to the stream, pond, lake, or buffer zone than the existing structure.

b. The construction of minor water-related recreation structures that are available for public use. Structures in this category shall be limited to boardwalks; trails and paths, provided their surface is not constructed of impervious materials; observation decks; and interpretive aids, such as kiosks and signs.

c. 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 close together that they effectively convert an aquatic area to dry land. Structures in this category shall be limited to public and private docks and boat houses, and fish and wildlife management structures that are constructed by federal, state or tribal resource agencies.

4. Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Aquatic and Riparian areas. The uses listed in (3) above may only be allowed upon findings that:

a. Practicable alternatives, as determined by E below, Practicable Alternative Test, 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 water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;

c. All aquatic and riparian areas that are altered or destroyed shall be restored, replaced, or enhanced according to (7) below, Rehabilitation and Enhancement Plans;

d. The structure will be constructed using best management practices;

e. Areas disturbed during construction of the structure will be rehabilitated to the maximum
extent practicable; and

f. The structure complies with all applicable, federal, state and local laws.

5. Other Uses and Activities Located in Aquatic and Riparian Areas

Except for uses permitted without review in 3.100 and 3.180(B) (Open Space) and modifications to serviceable structures and placement of minor water-dependent and water-related structures in aquatic and riparian areas as specified in (3) above, other uses authorized by the applicable zoning designation may be allowed in aquatic and riparian areas subject to (6) below, Site Plans, the remaining applicable sections of this Chapter, and the following criteria:

a. The proposed use is water-dependent, or is not water-dependent but has no practicable alternative as determined by E below, Practicable Alternative Test of this section.

b. The proposed use is in the public interest as determined by F below, Public Interest Test of this section.

c. Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake and/or buffer zone.

As a starting point, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

(1) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.

(2) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

(3) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(4) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(5) Stream channels shall 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 grade should be used.
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.

d. Groundwater and surface-water quality will not be degraded by the proposed use.

e. Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

f. The proposed use complies with all applicable federal, state, and local laws.

g. Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement.

Rehabilitation and enhancement shall achieve no net loss of water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone. When a project area has been disturbed in the past it shall be rehabilitated to its natural condition to the maximum extent practicable.

When a project area cannot be completely rehabilitated, such as when a boat launch permanently displaces aquatic and riparian areas, enhancement shall also be required.

The following rehabilitation and enhancement standards shall apply:

1. Rehabilitation and enhancement projects shall be conducted in accordance with a rehabilitation and enhancement plan.

2. Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume, and normal water fluctuation.

3. Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile, and gradient.

4. The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.

5. Riparian areas shall be rehabilitated to their original configuration, including slope and contour.

6. Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structures. Structures include large woody debris and boulders.

7. Stream channels and banks, shorelines, and riparian areas shall be replanted with native plant species that replicate the original vegetation community.
(8) Rehabilitation and enhancement efforts shall be completed no later than 90 days after
the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as
is practicable.

(9) Three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75
percent of the replacement vegetation must survive. The project applicant shall
monitor the replacement vegetation and take corrective measures to meet this
standard.

6. Proposed uses in streams, ponds, lakes, and riparian areas and their buffer zones shall be
evaluated for adverse effects, including cumulative effects, and adverse effects shall be
prohibited.

7. Site Plans

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 map prepared at a scale of 1 inch equals
100 feet (1:1,200), or a scale providing greater detail; the exact boundary of the ordinary high
water-mark 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.

8. Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to
rehabilitate or enhance a stream, pond, lake, and/or buffer zone. They shall satisfy the
following standards:

a. Rehabilitation and enhancement plans shall be primarily the responsibility of the applicant.
If the applicant has no practicable alternative, according to E below, Practicable Alternative
Test, to locating within the stream, pond, lake, riparian zone, or buffer area, the Forest
Service has agreed to provide assistance in the preparation of the plan, to the greatest
extent possible.

b. Rehabilitation and enhancement plans shall be prepared by qualified professionals, such as
fish or wildlife biologists.

c. All plans shall include an assessment of the physical characteristics and natural functions of
the affected stream, pond, lake, and/or buffer zone. This assessment shall include
hydrology, flora, and fauna.

d. Plans shall include plan view and cross-sectional, scaled drawings; topographic survey data,
including elevations at contour intervals of at least 2 feet, slope percentages, and final grade
elevations; and other technical information shall be provided in sufficient detail to explain
and illustrate:
(1) 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.

(2) 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.

(3) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

e. A 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.

f. A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

(1) The Director may require the owner of the property to sign a contract with the County for enforcement of the Rehabilitation and Enhancement Plan. Such contract shall be executed within thirty (30) days after approval is granted, provided, however, that the Director may grant time extensions due to practical difficulty. The Director shall have the authority to execute such contracts on behalf of the County. If a contract is required, no building permit shall be issued for the use covered by the application, nor construction commence, until the executed contract is recorded on the real property records of Wasco County and filed in the County Journal. Such contract shall not restrict the power of subsequent administrative action, with or without conditions. Such contracts shall be enforceable against the signing parties, their heirs, successors, and assigns by Wasco County by appropriate action in law or suit in equity for the benefit of public health, safety and welfare.

(2) A bond, in a form acceptable to the Director or, upon appeal or review, by the Commission or County Board of Commissioners or a cash deposit from the property owner(s) or contract purchaser(s) in such amount as will assure compliance with the Rehabilitation and Enhancement Plan may be required. Such bond or deposit shall be posted before any building permits will be issued or construction may commence.

C. Wildlife Habitat

1. Purpose:

   a. Ensure that new uses do not adversely affect sensitive wildlife areas and sites.
"Sensitive wildlife areas" means the 17 land and water areas that are included in the wildlife inventory of the Management Plan.

"Sensitive wildlife sites" is used here in a generic sense to refer to sites that are used by species that are:

1. Listed as endangered or threatened pursuant to federal or state endangered species acts,
2. Listed as sensitive by the Oregon Fish and Wildlife Commission, or
3. Considered to be of special interest to the public, limited to great blue heron, osprey, mountain goat, golden eagle, and prairie falcon.
4. Updated lists of species included in (1), (2), and (3) above can be found on the website for the Wildlife Division of Oregon Department of Fish and Wildlife. A list also is maintained by the USDA Forest Service – Scenic Area Office and available at the Gorge Commission office and on its website.

b. Enhance wildlife habitat that has been altered or destroyed by past uses.

2. **Approval Criteria for Fences in Deer and Elk Winter Range**

   New fences in deer and elk winter range shall comply with the following standards.

   a. New fences in deer and elk winter range shall be allowed only when necessary to control livestock or exclude wildlife from specified areas, such as gardens or sensitive wildlife sites. The areas fenced shall be the minimum necessary to meet the immediate needs of the project applicant.

   b. New and replacement fences that are allowed in winter range shall comply with the guidelines in *Specifications for Structural Range Improvements* (Sanderson et. al. 1990), as summarized below, unless the project applicant demonstrates the need for an alternative design:

   1. To make it easier for deer to jump over the fence, the top wire shall not be more than 42 inches high.
   2. The distance between the top two wires is critical for adult deer because their hind legs often become entangled between these wires. A gap of at least 10 inches shall be maintained between the top two wires to make it easier for deer to free themselves if they become entangled.
   3. The bottom wire shall be at least 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.

(4) 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.

c. Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his/her specific and immediate needs, such as controlling hogs and sheep.

3. **Uses and Activities Permitted within 1,000 feet of a Sensitive Wildlife Area or Site.**

Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space), uses and activities authorized by the applicable designation may be allowed within 1,000 feet of a sensitive wildlife area or site subject to (4) below, Site Plans and Field Surveys, the remaining applicable sections this Chapter and the following criteria:

a. Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed by the Oregon Department of Fish and Wildlife.

(1) The approximate locations of sensitive wildlife areas and sites are shown in the wildlife inventory.

(2) State wildlife biologists will help to determine if a new use would adversely affect a sensitive wildlife area or site.

b. The Site plan shall be submitted to the Oregon Department of Fish and Wildlife by the County. State wildlife biologists will review the site plan and their field survey records. They will:

(1) Identify/verify the precise location of the wildlife area or site,

(2) Ascertain whether the wildlife area or site is active or abandoned,

(3) 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, and

(4) In some instances, state wildlife biologists may conduct field surveys to verify the wildlife inventory and assess the potential effects of a proposed use.

c. The following factors may be considered when site plans are reviewed:

(1) Biology of the affected wildlife species.
(2) Published guidelines regarding the protection and management of the affected wildlife species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).

(3) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(4) Historic, current, and proposed uses in the vicinity of the sensitive wildlife area or site.

(5) Existing condition of the wildlife area or site and the surrounding habitat and the useful life of the area or site.

d. The wildlife protection process may terminate if the County, in consultation with the state wildlife agency, determines:

(1) The sensitive wildlife area or site is not active, or

(2) 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.

e. If the County, in consultation with the State wildlife agency, 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:

(1) A letter shall be sent to the project applicant that describes the effects and measures needed to eliminate them.

(2) If the project applicant accepts these recommendations, the County will incorporate them into its development review order, and

(3) The wildlife protection process may conclude.

f. If the County, in consultation, with Oregon Department of Fish and Wildlife, determines that the proposed use would adversely affect a sensitive wildlife area or site and the effects of the proposed use cannot be eliminated through site plan modifications or project timing, the project applicant shall prepare a wildlife management plan as specified in 5, Wildlife Management Plans.

g. The County shall submit a copy of all field surveys and wildlife management plans to
Oregon Department of Fish and Wildlife.

(1) The state wildlife agency will have 20 days from the date that a field survey or management plan is mailed to submit written comments to the County Planning Office.

(2) The county shall record and address any written comments submitted by the state wildlife agency in its development review order.

(3) Based on the comments from the state wildlife agency, the County will make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines.

If the final decision contradicts the comments submitted by the state wildlife agency, the County shall justify how it reached an opposing conclusion.

h. The County shall require the project applicant to revise the wildlife management plan to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

i. Proposed uses within 1,000 feet of a sensitive wildlife area or site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

4. **Site Plans and Field Surveys**

   a. In addition to the information required for all 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 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:

      (1) Land divisions that create four or more parcels;

      (2) Recreation facilities that contain parking areas for more than 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 33 kilovolts or greater; and

      (5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed
road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

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.

5. **Wildlife Management Plans**

Wildlife management plan shall be prepared when a proposed use is likely to adversely affect a sensitive wildlife area or site. Their primary purpose is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. This information provides a basis for the project applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his/her development options, and mitigates temporary impacts to the wildlife area or site and/or buffer zone.

Wildlife management plans shall meet with the following standards:

- **a.** Wildlife management plans shall be prepared by a professional wildlife biologist.

- **b.** The primary responsibility and cost of preparing wildlife management plans shall be borne by the applicant. If the applicant has no practicable alternative, according to **Practicable Alternative Test**, to locating within 1,000 feet of a sensitive wildlife area or site, the Forest Service has agreed to provide assistance in the preparation of the plan, to the greatest extent possible.

- **c.** All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and useful life of the wildlife area or site.

- **d.** 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.

- **e.** A wildlife buffer zone shall be employed. 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.

- **f.** The size, scope, configuration, or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect scenic 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
standards shall apply:

(1) 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.

(2) 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.

g. Rehabilitation and/or enhancement shall be required when new uses are authorized within wildlife buffer zones.

(1) 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.

(2) When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required.

(3) Enhancement shall achieve no net loss of the integrity of the wildlife area or site.

(4) Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.

h. The project applicant shall prepare and implement a 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.

(1) It shall include an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.

(2) At the end of 3 years, rehabilitation and enhancement efforts may conclude if they are successful.

(3) In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement standards.

D. Rare Plants

1. Purpose
a. Ensure that new uses do not adversely affect plant species that are, according to lists kept current by the Gorge Commission:

   (1) endemic to the Columbia River Gorge and vicinity,

   (2) listed as endangered or threatened pursuant to federal or state endangered species acts, or

   (3) listed as endangered or threatened on list (1) or list (2), by the Oregon Natural Heritage Program. (For brevity, these species will be referred to as "sensitive" plant species.)

b. Encourage the protection of plant species that are classified "Review" (list 3), or "Watch" (list 4) by the Oregon Natural Heritage Program.

c. Enhance the natural habitat of rare plant species.

2. Sensitive Plant Buffer Zones:

   a. A 200 foot buffer zone shall be maintained around sensitive plants. Buffer zones shall remain in an undisturbed, natural condition.

   b. 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 25 feet.

   c. Requests to reduce buffer zones shall be considered if a professional botanist or plant ecologist hired by the project applicant:

      (1) identifies the precise location of the sensitive plants,

      (2) describes the biology of the sensitive plants, and

      (3) 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.

      (4) 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.

   d. The County shall submit all requests to reduce sensitive plant species buffer zones to the Oregon Natural Heritage Program.
(1) The state heritage program will have 20 days from the date that such a request is mailed to submit written comments to the County Planning Office.

(2) The County shall record and address any written comments submitted by the state heritage program in its development review order.

(3) Based on the comments from the state heritage program, the County will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.

3. **Uses and Activities Permitted Within 1,000 Feet of a Sensitive Plant**

Except for uses permitted without review in Section 3.100 and 3.180(B) (Open Space) uses and activities authorized by the applicable zoning designation may be allowed within 1,000 feet of a sensitive plant subject to (4) below, Site Plans and Field Surveys, the remaining applicable sections of this Chapter and the following criteria:

a. Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed by the Oregon Natural Heritage Program.
   
   (1) The approximate locations of sensitive plants are shown in the rare plant species inventory.
   
   (2) State heritage staffs will help determine if a new use would invade the buffer zone of sensitive plants.

b. Site plans shall be submitted to the State Natural Heritage Program by the County.
   
   (1) The State Heritage staff will review the site plan and their field survey records.
   
   (2) The State Heritage Office will identify the precise location of the affected plants and delineate a 200 foot buffer zone on the project applicant's site plan.

   (3) If the field survey records of the state heritage program 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.

   c. The rare plant protection process may conclude if the County, in consultation with the State Heritage Program, determines that the proposed use would be located outside of a sensitive plant buffer zone.

   d. New uses shall be prohibited within sensitive plant species buffer zones, except for those uses that are allowed outright.
e. If a proposed use must be allowed within a sensitive plant buffer zone in accordance with Chapter 6, Variances the project applicant shall prepare a protection and rehabilitation plan that complies with the standards in (7) below, Protection and Rehabilitation Plans.

f. The County shall submit a copy of all field surveys and protection and rehabilitation plans to the Oregon Natural Heritage Program.

   (1) The state heritage program will have 20 days from the date that a field survey is mailed to submit written comments to the County.

   (2) The County shall record and address any written comments submitted by the state heritage program in its development review order.

g. Based on the comments from the State Heritage Program, the County will make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state heritage program, the County shall justify how it reached an opposing conclusion.

h. Proposed uses within 1,000 feet of a sensitive plant shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.

4. Site Plans and Field Surveys

   a. In addition to the information required in all site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail.

   b. A field survey to identify sensitive plants shall be required for:

      (1) land divisions that create four or more parcels;

      (2) recreation facilities that contain parking areas for more than 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 33 kilovolts or greater; and

      (5) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.
c. Field surveys shall cover all areas affected by the proposed use or recreation facility.

(1) Field surveys shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant.

(2) Field surveys shall identify the precise location of the sensitive plants and delineate a 200 foot buffer zone.

(3) The results of a field surveys shall be shown on the site plan map.

5. Protection and Rehabilitation Plans

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 granted according to Chapter 6. All plans shall meet the following guidelines:

a. Protection and rehabilitation plans shall be prepared by a professional botanist or plant ecologist.

b. The primary responsibility and cost of preparing protection and rehabilitation plans shall be borne by the applicant. Recognizing the limited number of situations in which an applicant will be forced to locate within a sensitive plant buffer area, the Forest Service has agreed to provide assistance in the preparation of these plans, to the greatest extent possible.

c. 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.

d. Sensitive plants that will be destroyed shall be transplanted or replaced to the maximum extent practicable.

(1) Replacement is used here to mean the establishment or a particular plant species in areas of suitable habitat not affected by new uses.

(2) Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

(3) Replacement shall occur as close to the original plant site as practicable.

(4) The project applicant shall ensure that at least 75 percent of the replacement plants survive three years after the date they are planted.

e. 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.
f. Habitat of a sensitive plant that will be affected by temporary uses shall be rehabilitated to a natural condition.

g. Protection efforts shall be implemented before construction activities begin. Rehabilitation efforts shall be implemented immediately after the plants and their surrounding habitat are disturbed.

h. Protection and rehabilitation plans shall include maps, photographs, and text. The text shall:

(1) Describe the biology of sensitive plant species that will be affected by a proposed use.

(2) Explain the techniques that will be used to protect sensitive plants and their surrounding habitat that will not be altered or destroyed.

(3) Describe the rehabilitation and enhancement actions that will minimize and offset the impacts that will result from a proposed use.

(4) Include a 3-year monitoring, maintenance, and replacement program. The project applicant shall prepare and submit to the County an annual report that documents milestones, successes, problems, and contingency actions.
E. 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:

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, streams, ponds, lakes, riparian areas, wildlife, or plant areas and sites; and

2. The basic purpose of the use cannot be reasonably accomplished by reducing its 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, streams, ponds, lakes, riparian areas, wildlife or plant areas and sites.; and

3. 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.

F. Public Interest Test

The following factors shall be considered when determining if a proposed use is in the public interest:

1. The extent of public need for the proposed use.

2. 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.

3. The functions and size of the wetland, stream, pond, lake, or riparian area that may be affected.

4. The economic value of the proposed use to the general area.

5. The ecological value of the wetland, stream, pond, lake, or riparian area and probable effect on public health and safety, fish, plants, and wildlife.
SECTION 14.610 Natural Resources (SMA Only)

A. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)

1. **Purpose** - Protect and enhance the quantity and quality of water resources and their functions.

2. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or development. Comments from state and federal agencies shall be carefully considered.

   a. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in (2)(a) and (b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.

   (1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a Mitigation Plan as described in E below.

   (2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

   (a) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

   (b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

   (c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

      i. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

      ii. The wetland is not critical habitat.

      iii. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

   (3) The buffer width shall be increased for the following:
(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

(a) the integrity and function of the buffer zones is maintained,

(b) the total buffer area on the development proposal is not decreased,

(c) the width reduction shall not occur within another buffer, and

(d) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant

(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.

(6) The County 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 project file. Based on the comments from the state and federal agencies, the County 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 County shall justify how it reached an opposing conclusion.

b. When a buffer zone is disturbed by a new use, it shall be replanted with only native plant
species of the Columbia River Gorge.

c. The applicant shall be responsible for identifying all water resources and their appropriate buffers. (see above)

d. Wetlands Boundaries shall be delineated using the following:

   (1) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.

   (2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

   (3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the ‘1987 Corps of Engineers Wetland Delineation Manual’ (on-line Edition).

   (4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.

e. Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.

f. The County 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 County shall obtain professional services, at the project applicant's expense, or the County will ask for technical assistance from the Forest Service to render a final delineation.

g. Buffer zones shall be undisturbed unless the following criteria have been satisfied:

   (1) The proposed use must have no practicable alternative as determined by the practicable alternative test.

      Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.

   (2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:
(a) A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, 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.

g. 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 as described in E below.

i. 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.

B. Wildlife and Plants

1. Purpose

a. Protect (ensure that new uses do not adversely affect, including cumulative effects) and enhance the wildlife and plant diversity of the Gorge.

b. Encourage the protection of plant species that are classified as "List 3 (Review)" or "List 4 (Watch)" by the Oregon Natural Heritage Program.

c. Ensure that new uses do not adversely affect natural areas that are potentially eligible for the Oregon Register of Natural Heritage Resources.

2. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Comments from state and federal agencies shall be carefully considered.

a. Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 ft of a sensitive wildlife/plant site and/or area.

Sensitive Wildlife Areas and endemic plants are those areas depicted in the wildlife inventory and listed in the Priority Habitats Table below, including all Priority Habitats listed in this Chapter. The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

b. The County 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 Oregon Department of Fish and Wildlife and Oregon Natural Heritage Program for plant issues.
c. The Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife and/or plant area or site,

(2) Determine if a field survey will be required,

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season, and

(4) Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

i. the integrity and function of the buffer zones is maintained,

ii. the total buffer area on the development proposal is not decreased,

iii. the width reduction shall not occur within another buffer, and

iv. the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, manmade features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant,

i. identifies the precise location of the sensitive wildlife/plant or water resource,

ii. describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and

iii. 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 County 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 County 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 County shall justify how it reached an opposing conclusion.

d. The County, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron.

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.

(5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with the "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000).

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed on the following Priority Habitats Table. This includes maintaining structural, species, and age diversity,
maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

<table>
<thead>
<tr>
<th>Priority Habitats</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspen stands</td>
<td>High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.</td>
</tr>
<tr>
<td>Caves</td>
<td>Significant wildlife breeding habitat, limited availability, dependent species.</td>
</tr>
<tr>
<td>Old-growth forest</td>
<td>High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.</td>
</tr>
<tr>
<td>Oregon white oak woodlands</td>
<td>Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability</td>
</tr>
<tr>
<td>Prairies and steppe</td>
<td>Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.</td>
</tr>
<tr>
<td>Riparian</td>
<td>High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.</td>
</tr>
<tr>
<td>Wetlands</td>
<td>High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.</td>
</tr>
<tr>
<td>Snags and logs</td>
<td>High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.</td>
</tr>
<tr>
<td>Talus</td>
<td>Limited availability, unique and dependent species, high vulnerability.</td>
</tr>
<tr>
<td>Cliffs</td>
<td>Significant breeding habitat, limited availability, dependent species.</td>
</tr>
<tr>
<td>Dunes</td>
<td>Unique species habitat, limited availability, high vulnerability, dependent species.</td>
</tr>
</tbody>
</table>

e. The wildlife/plant protection process may terminate if the County, in consultation with the
Forest Service and state wildlife agency or Heritage program, determines

(1) the sensitive wildlife area or site is not active, or

(2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and

(3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the County shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

f. 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 in D below, and prepare a Mitigation Plan pursuant to E below to offset the adverse effects by deliberate restoration and enhancement.

g. The County shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The County shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order.

Based on the comments from the state and federal wildlife agency/heritage program, the County shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the County shall justify how it reached an opposing conclusion.

h. The County 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.

i. 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.

C. Soil Productivity

Soil productivity shall be protected using the following criteria:

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
3. The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

4. Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

D. 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:

1. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.

2. The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.

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

E. Mitigation Plan

1. Mitigation Plan shall be prepared when:

   a. The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites)

   b. There is no practicable alternative according to D below, Practicable Alternative Test.

2. 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).
3. 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.

4. The applicant shall submit the mitigation plan to the County. The County 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 County shall justify how it reached an opposing conclusion.

5. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.

6. Mitigation plans shall include maps, photographs, and text. The text shall:
   a. 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 guidelines.
   b. 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.
   c. Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed (for examples, delineation of core habitat of the sensitive wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).
   d. 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.
   e. 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 County, appropriate state agencies, and Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

7. At a minimum, a project applicant shall provide to the County a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic
monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

8. A final monitoring report shall be submitted to the County 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 County shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the County in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

9. 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:

a. Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

b. All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.

c. 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.

d. If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the County, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.

e. Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods.

Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted.

f. Nonstructural controls and natural processes shall be used to the greatest extent
practicable.

(1) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(2) 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 ‘Practical Alternative Test’.

(3) Fish passage shall be protected from obstruction.

(4) Restoration of fish passage should occur wherever possible.

(5) 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.

(6) 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.

(7) 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.

(8) Streambank and shoreline stability shall be maintained or restored with natural revegetation.

(9) The size of restored, enhanced, and replacement (creation) wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.

Restoration: 2:1
Creation: 3:1
Enhancement: 4:1

g. Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the County to ensure compliance. The Forest Service, in consultation with appropriate state agencies,
shall extend technical assistance to the County to help evaluate such reports and any subsequent activities associated with compliance.

h. 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 (f)(9) above. These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.
SECTION 14.700  Recreation Resources (GMA Only)

A. Purpose

1. Protect and enhance recreation resources consistent with Indian treaty rights.

2. Protect scenic, natural, cultural and recreation resources when providing new recreation opportunities.

B. Recreation Intensity Classes

The following uses are permitted in the applicable Recreation Intensity Class designation, subject to compliance with Subsections (C) Approval Criteria for Recreation Uses and (D) Facility Design Standards for all Recreation Projects.

1. Recreation Intensity Class 1 (Very Low Intensity)

   a. Parking areas for a maximum of 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 provisions for hitching rails and equestrian trailers at trailheads accommodating equestrian use).
   
   e. Scenic viewpoints and overlooks.
   
   f. Wildlife/botanical viewing and nature study areas.
   
   g. River access areas.
   
   h. Simple interpretive signs and/or displays, not to exceed a total of 50 square feet.
   
   i. Entry name signs, not to exceed 10 square feet per sign.
   
   j. Boat docks, piers, or wharfs.
   
   k. Picnic areas.
   
   l. Restrooms/comfort facilities.

2. Recreation Intensity Class 2 (Low Intensity)

   A. All uses permitted in Recreation Intensity Class 1.
B. Parking areas for a maximum of 25 cars, to serve any allowed uses in Recreation Intensity Class 2. Parking spaces for campground units are to be included in this number.

C. Simple interpretive signs and displays, not to exceed a total of 100 square feet.

D. Entry name signs, not to exceed 20 square feet per sign.

E. Boat ramps, not to exceed two lanes.

F. Campgrounds for 20 units or less, tent sites only.

3. **Recreation Intensity Class 3** (Moderate Intensity)

A. All uses permitted in Recreation Intensity Classes 1 and 2.

B. Parking areas for a maximum of 75 cars, to serve any allowed uses in Recreation Intensity Class 3. Parking spaces for campground units are to be included in this number.

C. Interpretive signs, displays and/or facilities.

D. Visitor information and environmental education signs, displays or facilities.

E. Entry name signs not to exceed 32 square feet per sign.

F. Boat ramps, not to exceed three lanes.

G. Concession stands, pursuant to applicable policies in this chapter.

H. Campgrounds for 50 individual units or less for tents and/or recreational vehicles, with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 3 campgrounds may also include one group campsite area, in addition to the individual campground units or parking area maximums allowed as described herein.

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 cars 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 to exceed 40 square feet per sign.
E. Boat ramps.

F. Campgrounds for 175 individual units or less for tents and/or recreation vehicles with a total density of no more than 10 units per acre (density to be measured based on total size of recreation facility and may include required buffer and setback areas). Class 4 campgrounds may also include up to 3 group campsite areas, in addition to individual campsite units or parking area maximums allowed as described herein.

Approval Criteria for Recreation Uses

1. For all proposed recreation projects outside of Public or Commercial Recreation designations, project applicants shall demonstrate compliance with the following criteria (if applicable) as a condition of project approval:

   A. Compliance with all applicable guidelines in the Management Plan for the protection of scenic, cultural, recreation, and natural resources. Cumulative effects of proposed recreation projects on landscape settings shall be based on the “Compatible Recreation Use Guideline” for the landscape setting in which the proposed project is located (see Part I, Chapter 1: Scenic Resources of the Management Plan).

   Cumulative effects of proposed recreation projects on landscape settings shall be based on the stated "compatible recreation use" for the designated landscape setting in which the proposed project is located.

   B. For proposed recreation projects in or adjacent to lands designated Large or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland:

      (1) The use would not seriously interfere with accepted forest or agricultural practices on surrounding lands devoted to forest or farm uses. Provision of on-site buffers may be used to partially or fully comply with this criterion, depending upon project design and/or site conditions.

      (2) A declaration has been signed by the project applicant or owner and recorded with County deeds and records specifying that the applicant or owner is aware that operators are entitled to carry on accepted forest or farm practices on lands designated Large or Small-Scale Agriculture, Commercial Forest Land or Large or Small Woodland.

   C. For proposed projects including facilities for outdoor fires for cooking or other purposes, or proposed campgrounds:

      (1) 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 on-site 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.

(2) To provide access for fire-fighting equipment, access drives shall be constructed to a minimum of 12 feet in width and a maximum grade of 12 percent. Access drives shall be maintained to a level that is passable to fire-fighting equipment.

D. For proposed trail or trailhead projects: compliance with applicable trail policies in the Management Plan.

E. For proposed projects providing boating or windsurfing access to the Columbia River or its tributaries: compliance with applicable "River Access and Protection of Treaty Rights" objectives in the Management Plan.

F. For proposed projects on public lands or proposed projects providing access to the Columbia River or its tributaries shall comply with guidelines for protection of tribal treaty rights, as defined in Sections 14.800 and 14.810, Indian Tribal Treaty Rights and Consultation.

G. Proposed projects which include interpretation of natural or cultural resources shall demonstrate that the interpretive facilities will not adversely affect natural or cultural resources and that appropriate and necessary resource protection measures shall be employed.

H. For proposed Recreation Intensity Class 4 projects (except for projects predominantly devoted to boat access), demonstration 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 requirement 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.

Facility Design Standards for All Recreation Projects

1. Recreation facilities which are not resource-based in nature may be included at sites providing resource-based recreation uses consistent with the standards and criteria contained herein, as long as such facilities comprise no more than one-third of the total land area dedicated to recreation uses and/or facilities. Required landscaped buffers may be included in calculations of total land area dedicated to recreation uses and/or facilities.

2. The facility design standards contained herein are intended to apply to individual recreation facilities. For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another.

To be considered a separate facility from other developments or improvements within the same Recreation Intensity Class, recreation developments or improvements must be separated by at
least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.

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 utilize topography to screen parking areas and associated structures. Parking areas, access roads, and campsites shall be sited and set back sufficiently from bluffs so as to be visually subordinate as seen from Key Viewing Areas.

4. Existing vegetation, particularly mature trees, shall be maintained to the maximum extent practicable, and utilized to screen parking areas and campsites from Key Viewing Areas and satisfy requirements for perimeter and interior landscaped buffers.

5. Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffer areas.

6. Lineal frontage of parking areas and campsite loops to Scenic Travel Corridors shall be minimized to the greatest extent practicable.

7. Ingress/egress points shall be consolidated to the maximum extent practicable, providing for 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 which reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduce required minimum interior or perimeter landscaped buffers. Upon determination that potential visual impacts have been substantially reduced by use of such designs and materials, the County shall allow either reductions in required minimum interior or perimeter landscape buffers up to 50 percent of what would otherwise be required, or additional parking spaces not to exceed 10 percent of what would otherwise be permitted.

11. A majority of trees, shrubs, and other plants in landscaped areas shall be species native or naturalized to the landscaped setting in which they occur. The landscape setting design guidelines Section 14.400 specify appropriate species.

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 10 vehicles shall be provided. Minimum required widths are 5 feet for 20 vehicles or less, 20 feet for 50
vehicles or less, 30 feet for 100 vehicles or less, and 40 feet for 250 vehicles or less.

14. Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas over 50 spaces in size. The minimum width of interior landscaped buffers between each parking lot of 50 spaces or less shall be 20 feet.

15. Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least 6 feet in height shall be planted for every 10 lineal feet as averaged for the entire perimeter width. A minimum of 25 percent 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 landscape buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent, at the discretion of the County, if existing vegetation stands and/or existing topography are utilized 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 Scenic Travel Corridors, and the Columbia River and its major tributaries at least 100 feet.

   a. Required perimeter landscaped buffers may be included when calculating such setbacks.

   b. Setbacks from rivers shall be measured from the ordinary high water mark.

   c. Setbacks from Scenic Travel Corridors shall be measured from the edge of road pavements.

19. Project applicants shall utilize measures and equipment necessary for the proper maintenance and survival of all vegetation utilized to meet the landscape standards contained herein, and shall be responsible for such maintenance and survival.

20. All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.

21. All proposed projects at levels consistent with Recreation Intensity Class 4 (except proposals predominantly devoted to boat access) shall comply with C(9) above regarding provision of mass transportation access.

Variance and Plan Amendments

1. The County may grant a variance to the setback and buffer requirements contained in this Chapter in accordance with Chapter 6 and upon findings that 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 a Scenic Travel Corridor;

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. The County may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(The provisions of Chapter 6, Variances shall not apply)

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

B. The proposed use is dependent on resources present at the site.

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

D. The proposed use is consistent with the goals, objectives and policies for recreation in the Management Plan.

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

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

3. Proposals to change the Recreation Intensity Class of an area to a different class shall require a plan amendment, pursuant to Policies 1 through 4 in "Amendment of the Management Plan" (Part IV, Chapter 1, Gorge Commission Role) of the Management Plan for the Columbia River Gorge National Scenic Area.
F. Proposed development on properties Adjacent to Listed Recreation Sites

Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment. 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.

SECTION 14.710 Recreation Resources (SMA Only)

The following standards apply to the lands in the Special Management Area:

A. If a standard or condition of this subsection is more restrictive than other subsections of this section, this subsection is controlling;

B. New developments and land uses shall not displace existing recreational use.

C. Protect recreation resources from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both on- and off-site cumulative effects shall be required.

D. New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

E. Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

F. The facility guidelines are intended to apply to individual recreation facilities. For the purposes of these standards, a recreation facility is considered a cluster or grouping of recreational developments or improvements located in relatively close proximity to one another. Recreation developments or improvements to be considered a separate facility from other developments or improvements within the same Recreation Intensity Class must be separated by at least one-quarter mile of undeveloped land (excluding trails, pathways, or access roads) from such developments or improvements.

G. New development and reconstruction of scenic routes (see Part III, Chapter 1: Recreation Development Plan in the Management Plan) shall include provisions for bicycle lanes.

H. New interpretive or education programs and/or facilities shall follow the recommendations of the "Interpretive Strategy for the Columbia River Gorge National Scenic Area."

I. Only natural resource-based recreation shall be allowed.

J. Recreation resources shall be protected by limiting development and uses as per the Recreation Intensity Classes.

K. Recreation Intensity Classes - (RIC)

The following uses are permitted in the applicable Recreation Intensity Class designation.
1. **Recreation Intensity Class 1** *(Very Low Intensity)*

   Emphasis is to provide opportunities for semi-primitive recreation opportunities.

   **A.** Uses permitted are those in which people participate in outdoor activities to realize experiences such as solitude, tension reduction, and nature appreciation.

   **B.** Maximum site design capacity shall not exceed 35 people at one time on the site. Maximum design capacity for parking areas shall be 10 vehicles.

   **C.** The following uses may be permitted:

   1. Trails and trailheads.
   2. Parking areas.
   3. Dispersed campsites accessible only by a trail.
   4. Viewpoints and overlooks.
   5. Picnic areas.
   7. Interpretive exhibits and displays.
   8. Restrooms.

2. **Recreation Intensity Class 2** *(Low Intensity)*

   Emphasis is to provide semi-primitive recreation opportunities.

   **A.** 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.

   **B.** The maximum site design capacity shall not exceed 70 people at one time on the site. The maximum design capacity shall be 25 vehicles.

   **C.** All uses permitted in Class 1 are permitted in Class 2. The following uses may also be permitted:

   1. Campgrounds for twenty (20) units or less, tent sites only.
   2. Boat anchorages designed for no more than 10 boats at one time.
(3) Swimming areas.

3. **Recreation Intensity Class 3 (Moderate Intensity)**

   Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

   **A.** 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.

   **B.** Maximum site design capacity shall not exceed 250 people at the site. The maximum design capacity shall be 50 vehicles. The GMA vehicle capacity level of 75 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 10% of the site.

   **C.** Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3 day-use recreation sites, except for sites predominantly devoted to boat access.

   **D.** All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

   1. Campgrounds improvement may include water, power, sewer, and sewage dump stations.
   2. Boat anchorages designed for not more than 15 boats.
   3. Public visitor, interpretive, historic, and environmental education facilities.
   4. Full service restrooms, may include showers.
   5. Boat ramps.
   6. Riding stables.

4. **Recreation Intensity Class 4 (High Intensity)**

   Emphasis is on providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.

   **A.** Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.
B. The maximum design capacity shall not exceed 1,000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles would be approved if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20% of the site.

C. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites, except for sites predominantly devoted to boat access.

D. All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

E. The County may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that all of the following conditions exist:

(The provisions of Chapter 6, Variances shall not apply)

(1) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from National Scenic Area recreation demand studies shall be relied upon to meet the 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 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, natural, or cultural resources and adjacent land uses.

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

F. Mass transportation shall be considered and implemented, if feasible, for all proposed variances to Recreation Intensity Class 4.

L. Proposals to change the recreation intensity class of an area shall require a Management Plan amendment pursuant to policies listed in Section 9.090 of this Ordinance and in accordance with applicable Gorge Commission Rules.

M. Proposed development on properties Adjacent to Listed Recreation Sites
Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment. 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.
SECTION 14.800 Indian Tribal Treaty Rights and Consultation (GMA Only)

A. Purpose

Ensure that the Scenic Area Act, the Management Plan, and these implementing ordinances do not affect or modify any treaty or other rights of any Indian tribe.

B. Tribal Government Notice and Comment Period

1. The County shall send a notice to the four 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.

Public lands include lands owned by cities, counties, states, and the United States. Lands adjacent to the Columbia River or its fish-bearing tributaries are those lands that are situated directly between the Columbia River or its fish-bearing tributaries and the closest public access point. Public access points include state highways and parks. The wildlife inventory in the "Streams, Ponds, Lakes and Riparian Areas" section of the Management Plan for the Columbia River Gorge National Scenic Area identifies all tributaries in the Scenic Area that support anadromous and resident fish.

2. Notices sent to the Indian tribal governments shall include a site plan. As specified in standards 3 and 4 below, the notices also may require supplemental information and treaty rights protection plans.

3. New uses located in, or providing recreation river access to, the Columbia River or its fish-bearing tributaries, shall include supplemental information:

   a. The site plan map also shall show adjacent river areas at least one-half 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 also shall include an assessment of the potential effects that new uses may have on Indian treaty rights. The assessment shall:

      (1) 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.
      (2) List tribal commercial fishing seasons in the project vicinity, as established by the four treaty tribes.
(3) List tribal ceremonial fishing seasons in the project vicinity.

(4) Assess, based on the above factors the potential effects that the proposed uses may have on Indian treaty rights.

4. Notices also shall include a treaty rights protection plan if new uses may affect Indian treaty rights.

   a. The protection plan shall specify measures that will be used to avoid effects to Indian treaty rights.

   b. These measures may include reducing the size and modifying the location or design of the proposed uses, seasonal closures, stringent on-site monitoring, information signs, and highly visible buoys or other markers delineating fishing net locations.

5. Indian tribal governments shall have 20 calendar days from the date a notice is mailed to submit substantive written comments to the County Planning Office. 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 uses.

C. Tribal Government Consultation

1. When substantive written comments are submitted to the County Planning Office in a timely manner, the project applicant shall offer to meet with the County Planning Office and the Indian tribal government that submitted comments within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the Indian tribal government.

Consultation meetings should provide an opportunity for the project applicant and tribal representatives to identify potential conflicts and explore options to eliminate them. The project applicant must demonstrate this his/her proposed use would not affect or modify treaty or other rights of any Indian tribe.

2. Any substantive comments, recommendations, or concerns expressed by Indian tribal governments during the consultation meeting shall be recorded and addressed by the project applicant in a treaty rights protection plan. The protection plan shall include measures to avoid treaty and other rights of any Indian tribe.

3. The County shall submit all protection plans to the Indian tribal governments. Indian tribal governments shall have 30 calendar days from the date a protection plan is mailed to submit written comments to the County Planning Office.

D. Conclusion of the Treaty Rights Protection Process

1. The County will decide whether the proposed uses would affect or modify any treaty or other
rights of any Indian tribe.

a. The final decision shall integrate findings of fact that address any substantive comments, recommendations, or concerns expressed by Indian tribal governments.

b. If the final decision contradicts the comments, recommendations or concerns of Indian tribal governments, the County must justify how it reached an opposing conclusion.

2. The treaty rights protection process may conclude if the County 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.

3. A finding by the County 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 these guidelines, 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.

SECTION 14.810 Indian Tribal Treaty Rights and Consultation (SMA Only)

For all new development or new uses in the SMA, the Forest Service is responsible for consulting with Indian tribal governments at the government-to-government level. The purpose of this process is to ensure that its management activities will not affect treaty rights, and to provide meaningful participation in the identification, evaluation and protection of cultural resources.

Section 17 (Savings Provisions of the Scenic Area Act) contains several provisions regarding the need to avoid potential effects to treaty rights. Treaty rights are defined by the Treaties of 1855 between the Congress and Indian Tribal governments. These rights are not subject to negotiation. Potential effects to treaty rights must be avoided. The Forest Service has no authority to interpret or negotiate in the area of treaty rights.

Cultural resources are protected by the Scenic Area Act and the Historic Preservation Act of 1966. Indian tribal governments are identified as parties to be consulted during the inventory, evaluation and protection of cultural resources.