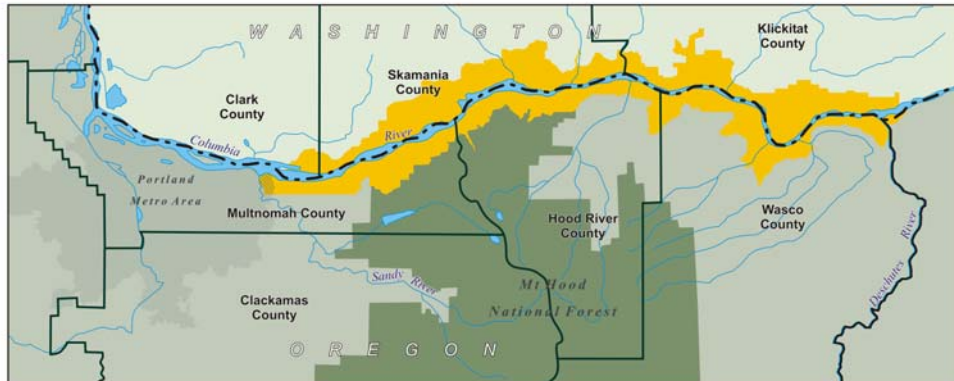


# Columbia River Gorge National Scenic Area Rural Area Plan Policy Document



*Prepared for:*  
**Multnomah County**  
**Department of Business and Community Services**  
**Land Use and Transportation Program**  
**1600 SE 190<sup>th</sup> Avenue**  
**Portland, Oregon**

*Prepared by:*  
**David Evans and Associates, Inc.**  
**2100 SW River Parkway**  
**Portland, Oregon**

*Financed in part by:*  
**Oregon Department of**  
**Land Conservation & Development**

**June 2005**



## Table of Contents

|   |           |
|---|-----------|
| <b>PURPOSE OF THE RURAL AREA PLAN .....</b>   | <b>1</b>  |
| <b>INTRODUCTION TO AND OVERVIEW OF THE RURAL AREA PLAN .....</b>  | <b>1</b>  |
| <i>Rural Area Plan Policy .....</i>   | <i>1</i>  |
| <b>INTRODUCTION TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA .....</b>                      | <b>3</b>  |
| <b>RELATIONSHIP OF THE RURAL AREA PLAN TO OTHER EXISTING PLANS AND REGULATIONS .....</b>                                | <b>3</b>  |
| MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA .....   | 3         |
| <i>Management Plan for the Columbia River Gorge National Scenic Area Policies .....</i>                                 | <i>4</i>  |
| LAND AND RESOURCE MANAGEMENT PLAN FOR THE MT. HOOD NATIONAL FOREST .....  | 4         |
| <i>Land and Resource Management Plan for the Mt. Hood National Forest Policy.....</i>                                   | <i>5</i>  |
| INDIAN TRIBES’ SOVEREIGN RIGHTS AND TREATIES .....  | 5         |
| <i>Indian Tribe’s Sovereign Rights and Treaties Policy.....</i>   | <i>5</i>  |
| OREGON STATEWIDE PLANNING GOALS .....   | 5         |
| OREGON REVISED STATUTES.....  | 5         |
| <i>Oregon Statewide Planning Goals Policy.....</i>  | <i>6</i>  |
| MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN.....  | 6         |
| <i>Comprehensive Framework Plan Policy.....</i>   | <i>6</i>  |
| <b>AUTHORITY IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA .....</b>   | <b>6</b>  |
| COLUMBIA RIVER GORGE COMMISSION .....   | 6         |
| <i>Columbia River Gorge Commission Policy.....</i>  | <i>7</i>  |
| U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE .....  | 7         |
| <i>Forest Service Policies .....</i>  | <i>8</i>  |
| INDIAN TRIBES .....   | 8         |
| <i>Indian Tribes Policies .....</i>   | <i>8</i>  |
| METRO REGIONAL GOVERNMENT JURISDICTION WITHIN SCENIC AREA .....   | 9         |
| <i>Metro Jurisdiction Policy.....</i>   | <i>9</i>  |
| MULTNOMAH COUNTY .....  | 9         |
| <i>Multnomah County Authority Policies .....</i>  | <i>10</i> |
| CITY OF TROUTDALE .....   | 10        |
| <i>City of Troutdale Policy .....</i>   | <i>11</i> |
| <b>ISSUES NOT SPECIFICALLY ADDRESSED IN THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA .....</b> | <b>11</b> |
| HILLSIDE DEVELOPMENT.....   | 11        |
| <i>Hillside Development Policies .....</i>  | <i>12</i> |
| OFF-STREET PARKING AND LOADING.....   | 12        |
| <i>Off-Street Parking and Loading Policy.....</i>   | <i>12</i> |
| LAND DIVISIONS.....   | 12        |
| <i>Land Divisions Policies.....</i>   | <i>13</i> |
| PLANNED DEVELOPMENTS .....  | 13        |
| <i>Planned Developments Policy.....</i>   | <i>13</i> |
| VARIANCES TO DIMENSIONAL STANDARDS.....   | 13        |
| <i>Variances to Dimensional Standards Policy.....</i>   | <i>13</i> |



## **PURPOSE OF THE RURAL AREA PLAN**

The purpose of this Rural Area Plan is to guide decision making regarding land use, capital improvements, and physical development of the Multnomah County portion of the Columbia River Gorge National Scenic Area.

## **INTRODUCTION TO AND OVERVIEW OF THE RURAL AREA PLAN**

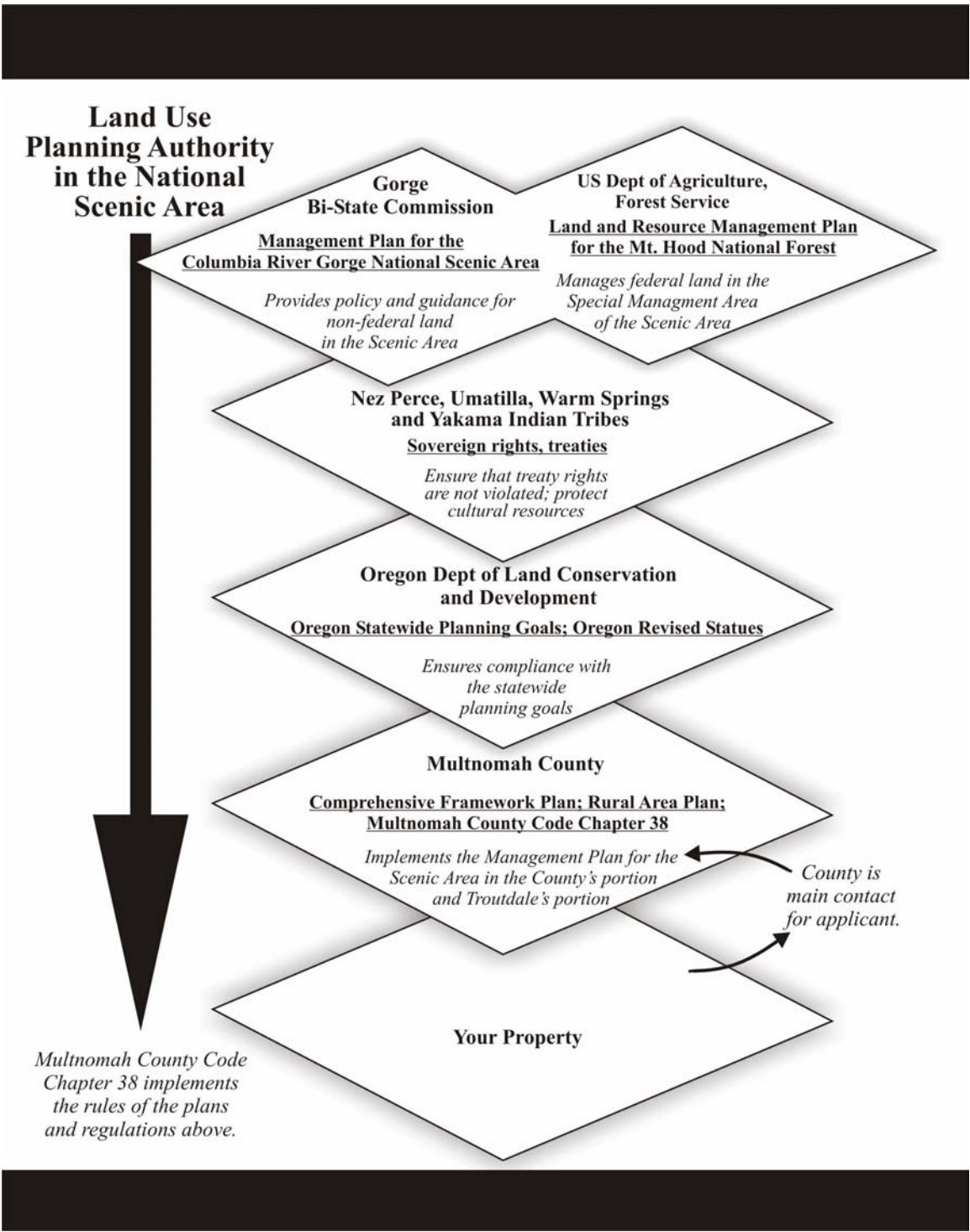
Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area is the guiding policy document for the NSA portion of the County. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan. The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Rural Area Plan and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community.

This Rural Area Plan for the Columbia River Gorge National Scenic Area (“Scenic Area”) explains how Multnomah County conducts land use planning in the portion of the Scenic Area within the County. The Scenic Area covers 85 miles along the Columbia River, including portions of Multnomah, Hood River, and Wasco counties in Oregon and Clark, Klickitat, and Skamania counties in Washington, and the Mt. Hood and Gifford Pinchot National Forests.

### ***Rural Area Plan Policy***

*The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge*

The Rural Area Plan explains the various sources for the County’s authority to administer land use planning in the Scenic Area and identifies the other agencies the County partners with to manage the Scenic Area. The list below shows the heirarchy of authority for land use planning in the Multnomah County portion of the Scenic Area. Agencies are shown in bold, their guiding plans and regulations in *italic*, and their primary responsibility in plain type.



### Introduction to the Columbia River Gorge National Scenic Area Act

U.S. Congress established the Scenic Area with Columbia River Gorge National Scenic Area Act (“the Act”—Public Law 99-663) on November 17, 1986. Congress called for the preparation of a management plan that would treat the portions of six counties in the states of Oregon and Washington as a region. The Congress also established a two-tiered management approach that divides responsibility between the U.S. Department of Agriculture, Forest Service (U.S. Forest Service) and the Columbia River Bi-State Gorge Commission. Congress directed the U.S. Forest Service to prepare land use designations and guidelines for the Special Management Areas (SMA). The SMA includes the region’s most sensitive lands, concentrated primarily in the western half of the Scenic Area. Congress authorized the Gorge Commission to plan for General Management Area (GMA) lands, which include agricultural, forestry, and residential uses.

## **INTRODUCTION TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA**

The Gorge Commission adopted Federal Interim Guidelines for the Scenic Area in 1988 and adopted the Management Plan for the Columbia River Gorge National Scenic Area on October 15, 1991. The U.S. Secretary of Agriculture gave his concurrence of the Management Plan for the Columbia River Gorge National Scenic Area on February 13, 1992.

As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan for the Columbia River Gorge National Scenic Area at least once every 10 years, to determine if it needs to be revised. The Commission started their first 10-year review in the spring of 2001. After public feedback and testimony, the Gorge Commission adopted a revised Plan on April 27, 2004. As required under the Act, the U.S. Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Management Plan for the Columbia River Gorge National Scenic Area to Multnomah County on September 8, 2004. From this date, the County had 60 days to inform the Gorge Commission if it would be revising its codes to implement the changes (which The Multnomah County Board of Commissioners Chair did on October 21, 2004) and 9 months to update its plans and ordinances. Multnomah County prepared this Rural Area Plan in conjunction with the amendments to Chapter 38 of the Multnomah County Code. As part of the code amendment and Rural Area Plan preparation process, the County held public open houses on December 8, 2004 and March 30, 2005 at the Corbett High School. The County also formed a Citizen’s Advisory Committee that met five times in 2005 to provide input on the amendments to the County code and the Rural Area Plan. Meetings were held on January 27, February 10, February 24, March 10, and March 17. The Multnomah County Planning Commission considered the Rural Area Plan at a public hearing on May 2, 2005. The Multnomah County Board of Commissioners considered the Rural Area Plan at a public hearing on June 16, 2005.

## **RELATIONSHIP OF THE RURAL AREA PLAN TO OTHER EXISTING PLANS AND REGULATIONS**

### **Management Plan for the Columbia River Gorge National Scenic Area**

The Management Plan for the Columbia River Gorge National Scenic Area serves as the overall policy document or comprehensive plan that guides the regulations in Multnomah

County Code Chapter 38. The Management Plan for the Columbia River Gorge National Scenic Area regulates land use to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the Gorge that are of particular value to the nation, and to protect agricultural, forest, and recreation land and open spaces. The Management Plan for the Columbia River Gorge National Scenic Area applies to all six counties in the Scenic Area. The policies and strategies incorporated into this Rural Area Plan are only applicable to the Multnomah County portion of the Scenic Area. In addition, the Rural Area Plan contains specific policy direction for provisions in the Multnomah County Code that are not provided by the Management Plan for the Columbia River Gorge National Scenic Area. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan.

The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Comprehensive Framework Plan applies to all areas of Multnomah County, both in the Scenic Area and not in the Scenic Area. The plan can be changed only if it goes through the process of an official plan amendment. Policy 41 of the Comprehensive Framework Plan is to implement the goals, objectives, policies, guideline elements, and maps of the Management Plan for the Columbia River Gorge National Scenic Area.

The Rural Area Plan, as an element of the Comprehensive Framework Plan, and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community. It will be used by the County, other governmental agencies, developers and residents of the area. In the event of a conflict between the Comprehensive Framework Plan, Rural Area Plan and the Management Plan, the policies and guidelines of the Management Plan for the Columbia River Gorge National Scenic Area will prevail.

***Management Plan for the Columbia River Gorge National Scenic Area Policies***

*Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area, in conjunction with the Rural Area Plan as an element of the Comprehensive Framework Plan, serves as the policy document that guides land use regulation in the Scenic Area.*

*Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan for the Columbia River Gorge National Scenic Area.*

**Land and Resource Management Plan for the Mt. Hood National Forest**

The Management Plan for the Columbia River Gorge National Scenic Area and the Mt. Hood Land and Resource Management Plan guide land management on National Forest System land in the Scenic Area. The Rural Area Plan has no relationship to the Land and Resource Management Plan, as the Rural Area Plan does not guide management of federal land, and the Land and Resource Management Plan does not apply to non-federal land.



### ***Land and Resource Management Plan for the Mt. Hood National Forest Policy***

*Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest serve as the policy documents that guide land use management on National Forest System Land in the Scenic Area.*

### **Indian Tribes' Sovereign Rights and Treaties**

The legally protected sovereign and treaty rights belong to each Indian tribe and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress. Multnomah County and the Rural Area Plan must observe these rights.

### ***Indian Tribe's Sovereign Rights and Treaties Policy***

*Ensure that the Multnomah County Code Chapter 38 and its application do not adversely affect treaty or other rights of any Indian tribe.*

### **Oregon Statewide Planning Goals**

The foundation of the Oregon land use planning program is a set of 19 Statewide Planning Goals that express the state's policies on land use and on related topics, such as citizen involvement, housing, and natural resources. Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission. When Land Conservation and Development Commission officially approves a local government's plan, the plan is said to be 'acknowledged.' It then becomes the controlling document for land use in the area covered by that plan.

In enacting ORS 196, the Oregon Legislative Assembly found that the Management Plan for the Columbia River Gorge National Scenic Area achieves on balance the purposes of the Statewide Planning Goals (ORS 196.107(1)). Therefore the County applies the Management Plan for the Columbia River Gorge National Scenic Area in the scenic area rather than the Statewide Planning Goals. The Rural Area Plan, as a complement to the Management Plan for the Columbia River Gorge National Scenic Area, does not directly address the Statewide Planning Goals.

### **Oregon Revised Statutes**

The Oregon State Legislature codified the Scenic Area Act in Oregon Revised Statutes Chapter 196. The statutes establish the relationship of the Gorge Commission; Multnomah, Wasco, and Hood River counties; and the Oregon Land Conservation and Development Commission. The statutes also establish the relationship among the Management Plan for the Columbia River Gorge National Scenic Area, Oregon Statewide Planning Goals, and county plans and ordinances.

### ***Oregon Statewide Planning Goals Policy***

*Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan for the Columbia River Gorge National Scenic Area to achieve, on balance, the objectives of the Statewide Planning Goals.*

### **Multnomah County Comprehensive Framework Plan**

The Framework plan establishes goals, policies, and strategies to guide development in the County. Policy 41: Columbia River Gorge National Scenic Area, states that it is the County's policy to implement the goals, objectives, policies, and guideline elements of the Management Plan for the Columbia River Gorge National Scenic Area. The strategy to implement this policy is to amend and apply the zoning districts and review procedures of the zoning code to implement the Management Plan for the Columbia River Gorge National Scenic Area.

### ***Comprehensive Framework Plan Policy***

*The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan for the Columbia River Gorge National Scenic Area, provides the policy basis for Multnomah County Code Chapter 38.*

## **AUTHORITY IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA**

### **Columbia River Gorge Commission**

Through an inter-state compact, the states of Oregon and Washington established the Columbia River Gorge Commission. The Commission is comprised of 12 volunteers. Each County appoints one Commissioner. The Governors of Washington and Oregon each appoint three. One non-voting member is appointed by the U.S. Secretary of Agriculture. Members serve for a period of four years. The two states share the cost of the Gorge Commission's budget and expenditures equally.

The Gorge Commission's activities with respect to Multnomah County include:

- Developing and adopting land use and resource protection policy through the Management Plan for the Columbia River Gorge National Scenic Area.
- Serving as the appeals board for Scenic Area land use decisions issued by Multnomah County. This function serves to increase uniformity of implementation through the six counties and two states in the scenic area.
- Working with Multnomah County and the other five Scenic Area counties who administer the land use ordinances that implement Management Plan for the Columbia River Gorge National Scenic Area.

The Gorge Commission's powers with respect to land use in Multnomah County include:

- The power to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

- The power to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area.
- The power to consider and decide appeals filed by any person or entity adversely affected by a final action or order of the County relating to the implementation of the National Scenic Area Act.

Multnomah County sends land use applications to the Gorge Commission for its review as part of the County's site review process.

### ***Columbia River Gorge Commission Policy***

*Multnomah County recognizes the Columbia River Gorge Commission's responsibility for revising the Management Plan for the Columbia River Gorge National Scenic Area and its authority to serve as an appeals board for Multnomah County Scenic Area land use decisions.*

### **U.S. Department of Agriculture, Forest Service**

The U.S. Forest Service determines the consistency of projects on federal lands with the Management Plan for the Columbia River Gorge National Scenic Area. The U.S. Forest Service administers the National Forest System lands within the special management areas of Multnomah County in accordance with the Act, the Land and Resource Management Plan for Mt. Hood National Forest (1990), and other laws, rules and regulations applicable to the National Forest System. Multnomah County accepts applications for new development and uses in the SMA on non-federal land and forwards them to the U.S. Forest Service for their review and for certain additional resource information. Multnomah County coordinates with the U.S. Forest Service to obtain technical support with respect to cultural resources, anadromous fisheries, oak woodland and wetlands management on non-federal lands. The U.S. Forest Service also maintains and updates a geographic information systems for use by the counties, Gorge Commission, and U.S. Forest Service.

The U.S. Forest Service's other activities and responsibilities include:

- Assuring that actions on all federal lands are consistent with the Act.
- Concurring on consistency of Management Plan for the Columbia River Gorge National Scenic Area amendments with the Act, and concurring on consistency of SMA ordinances with the Management Plan for the Columbia River Gorge National Scenic Area (authority delegated from the Secretary of Agriculture to the Region 6 Regional Forester).
- Consulting with Indian tribal governments at the government-to-government level to determine the effect of all new development or uses in the SMA on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.
- Continue to acquire SMA and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.
- Provide fish and wildlife resource information to counties and the Gorge Commission.
- Provide historic resource information to counties and the Gorge Commission.

- Provide technical assistance in SMA forest practices review for consistency with the Management Plan for the Columbia River Gorge National Scenic Area.

### ***U.S. Forest Service Policies***

*Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the Scenic Area according to the Management Plan for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest.*

*Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for the Columbia River Gorge National Scenic Area for all projects on federal lands in the Scenic Area.*

*Multnomah County shall foster close cooperation with the U.S. Forest Service in order to coordinate review of development proposals for SMA lands.*

### **Indian Tribes**

Four tribal entities with interests in the Scenic Area play an important role in implementing the Management Plan for the Columbia River Gorge National Scenic Area and protecting cultural resources. Tribal trust lands in the Scenic Area are managed by the Nez Perce, Umatilla, Warm Springs, and Yakama Indian tribes.

Treaty rights are defined by the treaties of 1855 between Congress and the Indian tribal governments. These treaties reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. These legally protected rights belong to each Indian tribe and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

Indian treaty rights must be observed by the Gorge Commission as well as local and state governments, federal agencies, and private citizens. Indian treaty rights guarantee the exclusive right of taking fish in the streams running through and bordering reservations and the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands (all public lands).

Multnomah County coordinates with the four tribal governments on matters respecting the Scenic Area principally through the notification process. Notices and decisions regarding land use applications in the Scenic Area are copied to all four tribal governments.

### ***Indian Tribes Policies***

*Multnomah County shall notify the four Indian tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.*

*Indian tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.*

*Project applicants shall consult Indian tribal governments that submit substantive comments about proposed uses that may affect or modify treaty or other rights.*

*Proposed uses that would adversely affect treaty or other rights of any Indian tribe shall be prohibited.*

### **Metro Regional Government Jurisdiction Within Scenic Area**

The jurisdictional boundary of the regional government Metro extends into the Scenic Area east of the Sandy River to include about four square miles. Metro is a directly elected regional government that serves more than 1.3 million residents in Clackamas, Multnomah and Washington counties, and the 25 cities in the Portland, Oregon, metropolitan area. Land use related functions which Metro provides are management of the urban growth boundary, regional transportation planning, and development of programs to protect natural resources and water quality. Metro's authority includes the ability to require local government compliance with their adopted programs.

Many of the Metro land use planning functions are implementation of certain Statewide Planning Goals. Examples of those Goals are those that strive to contain sprawl, strive to eliminate barriers to sufficient affordable housing, and developing protections for such "Goal 5" resources as fish and wildlife habitat. In particular Metro has inventoried and mapped the fish and wildlife resources within its jurisdiction, even the area inside the Scenic Area.

To avoid potential conflicting jurisdiction, Multnomah County takes the position that because the Oregon Legislature in ORS 196.107 has determined that the Management Plan achieves the purposes of the Statewide Goals, then the program developed by Metro to protect the fish and wildlife Goal 5 resources under Oregon Administrative Rule 660-023-0080 is not applicable within the Scenic Area.

#### ***Metro Jurisdiction Policy***

*It is the policy of Multnomah County that the Management Plan achieves the purposes of the Statewide Planning Goals, the Management Plan implements the Goal 5 fish and wildlife protection program and Metro ordinances regarding the Goal 5 fish and wildlife protection program do not apply.*

### **Multnomah County**

Multnomah County is one of six counties with lands in the Columbia River Gorge Scenic Area. Section 7 of the National Scenic Area Act requires counties to develop land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area. With adoption of Multnomah County Code Chapter 38 that the Gorge Commission and the Secretary of Agriculture (as delegated to the Regional Forester) for the SMA have found to be consistent with the current Management Plan for the Columbia River Gorge National Scenic Area, the County has the authority to implement the Management Plan for the Columbia River Gorge National Scenic Area for scenic area lands within its jurisdiction. Multnomah County has authority from the Scenic Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan for the Columbia River Gorge National Scenic Area as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area (with concurrence by the Gorge Commission and the Secretary of Agriculture for the SMA). The County also has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan for the Columbia River Gorge National Scenic Area.

Multnomah County is one of nine counties in the State of Oregon to have a home rule charter. Home rule charters allow voters the power to adopt and amend their own county government organization within certain limits set by the state. An amendment to the Oregon Constitution in 1958 allowed home rule charters. Until that time, counties were considered agents of the state government. The voters of Multnomah County approved a home rule charter on May 24, 1966, which became effective January 1, 1967. The primary organizational change was a governing body consisting of a board of five full-time county commissioners, which is the policy determining body of the county.

The County's home rule charter recognizes the dual role of the county as a unit of local government and as an agency of the state. The charter allows the County to avail itself of local determination in county affairs to the fullest extent possible under the constitution and laws of the state. Chapter II of the charter confers upon the County general powers. The county has authority over matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each particular power comprised in that general authority were specifically listed in the charter. The charter shall be liberally construed, and each power of the county under the charter shall be construed as a continuing power unless the charter or the grant of the power indicates the contrary.

#### ***Multnomah County Authority Policies***

*Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.*

*Multnomah County shall review all development proposals on non-federal land in the Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.*

*Multnomah County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems that the provisions are more protective of the resources in the scenic area.*

*The County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or federal laws not regulated by the Columbia River Gorge National Scenic Area Act, when not inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.*

#### **City of Troutdale**

The portion of the City of Troutdale, east of the Sandy River is within the Columbia River Gorge National Scenic Area. The City has not enacted an ordinance to implement the Management Plan for the Scenic Area and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Scenic Area Act to enforce its implementing ordinance

in this portion of the City. Development proposals affecting land use in this area are reviewed by Multnomah County staff for compliance with Multnomah County Zoning Code Chapter 38, which has been approved by the Gorge Commission. The City of Troutdale enforces its land use regulations, so that development within the area of the city subject to the National Scenic Area regulations is subject to review by both Multnomah County and the City of Troutdale. Such dual review is a burden to applicants and creates potential for conflicts between City regulations and County regulations. The Management Plan for the Columbia River Gorge National Scenic Area allows counties and cities to enter into agreements so that only one jurisdiction is applying a land use ordinance: *A county and a city may enter into an agreement to allow the other to implement a land use ordinance that applies to the city and that has been approved or adopted by the Gorge Commission under Section 8 of the Scenic Area Act.* (Part IV – Administration, Chapter 1: Gorge Commission Role, County Ordinances section, Policy 2) Multnomah County supports this concept and may explore the possibility of developing an agreement with the City of Troutdale.

### ***City of Troutdale Policy***

*Multnomah County shall review development in the Scenic Area portion of the City of Troutdale for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan for the Columbia River Gorge National Scenic Area or the City and County enter into an agreement to specify how the Management Plan is to be implemented in this portion of the City.*

## **ISSUES NOT SPECIFICALLY ADDRESSED IN THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA**

### **Hillside Development**

The Management Plan for the Columbia River Gorge National Scenic Area does not specifically address development on hillside areas, but does have thresholds for when a grading plan is required. The main purpose of the Management Plan for the Columbia River Gorge National Scenic Area's standards related to grading are to minimize the visual impact of large-scale grading. The purpose of the geological features inventory performed for the Management Plan for the Columbia River Gorge National Scenic Area was to determine how to protect features and avoid hazards. However, the Management Plan contains no policy guidance for achieving this purpose. Multnomah County's Hillside Development District meets fulfills this purpose. The Scenic Area in Multnomah County contains significant geologic resources consisting in many cases of steep and unstable hillsides. Inappropriate grading and hillside development in these areas may further destabilize them, threaten geologic resources, endanger public safety, and create liability issues for the County. Outside the Scenic Area, policy direction for these areas originally derived from the Statewide Planning Goal #7, which covers naturally hazardous areas. Multnomah County has mapped hazardous and steep areas. (The maps are based upon geotechnical analysis prepared by Shannon & Wilson, Inc., dated September 30, 1978 and May 31, 1996.) This document provides policy direction to protect geologic resources and public safety through the application of a Hillside Development District. The implementation of grading, hillside development, and erosion control measures in the MCC to protect the resources necessarily

differ from the thresholds established by the Management Plan for the Columbia River Gorge National Scenic Area because they implement the Plan's objective to protect geologic features and avoid hazards versus impacts of grading on scenic, or cultural resources.

### ***Hillside Development Policies***

*Multnomah County shall endeavor to protect geologic resources in the Scenic Area, particularly to help ensure that grading on unstable and steep slopes does not degrade geologic resources.*

*Multnomah County shall apply the Hillside Development District in the Scenic Area.*

### **Off-Street Parking and Loading**

The Management Plan for the Columbia River Gorge National Scenic Area addresses parking in relationship to protecting scenic resources, and primarily deals with setbacks and screening. It does not provide direction on the many specific standards for parking that a jurisdiction typically regulates. Multnomah County needs to fill this gap by enacting additional off-street parking and loading regulations to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout.

### ***Off-Street Parking and Loading Policy***

*Multnomah County shall enact standards to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout. The standards shall regulate the development and maintenance of off-street parking and loading areas, including location, dimensions, design, and minimum number of spaces in the Scenic Area.*

### **Land Divisions**

Land divisions in Oregon are governed by Chapter 92—Tentative and Final Approval of Plans; Plats—of the Oregon Revised Statutes (ORS). No land may be subdivided or partitioned except in accordance with ORS 92. Before a plat of any subdivision or partition can be recorded, the county or city having jurisdiction must review and approve the proposed subdivision or partition in accordance with the procedures established by the jurisdiction. The Management Plan for the Columbia River Gorge National Scenic Area provides rules regarding criteria for approving the subdivisions but does not identify how it is to be accomplished. ORS 92 serves this purpose.

The Management Plan for the Columbia River Gorge National Scenic Area regulates land divisions as review uses, so that they must meet the same criteria protecting scenic area resources. New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan for the Columbia River Gorge National Scenic Area. Multnomah County's requirements for land divisions ensure that streets connect, lots are developable, pedestrian and bike facilities are provided, utilities are extended logically, and street trees are planted.



### ***Land Divisions Policies***

*Multnomah County shall enact requirements for land divisions that ensure streets connect, lots are developable, pedestrian and bike facilities are provided, and utilities are extended logically.*

*The County shall allow the internal lot lines of a group of lots under one ownership to be eliminated and consolidated.*

### **Planned Developments**

The Management Plan for the Columbia River Gorge National Scenic Area does not address planned developments. The Management Plan for the Columbia River Gorge National Scenic Area does regulate cluster developments, the purpose of which is to allow creation of lots smaller than the minimum lot size where clustering would provide further protection to resources. Multnomah County needs to provide a means of creating planned environments through the application of flexible and diversified land development standards that will result in better or more efficient development arrangements, make efficient use of resources like energy and land, and of utility networks. Planned developments are broader in scope than cluster developments with respect to conserving a wider range of resources, including the County's investment in infrastructure.

### ***Planned Developments Policy***

*Multnomah County shall allow for planned development projects in the GGRC zone that use flexible and diversified land development standards that will result in better or more efficient development arrangements, and make efficient use of resources like energy, land, and of utility networks.*

*Application of the planned development standards shall be allowed in the Rural Center district (GGRC) for duplexes, single family residences, and limited supporting commercial uses.*

### **Variances to Dimensional Standards**

The Management Plan for the Columbia River Gorge National Scenic Area regulates variances from resource protection setbacks and buffers. The main purpose of allowing variances is to eliminate conflicts between competing resource protections. In addition to these variances, Multnomah County needs to allow variances to dimensional standards in order to provide flexibility for applicants where there are practical difficulties in application of the standards. The Management Plan for the Columbia River Gorge National Scenic Area explicitly allows counties to grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area. Policy 3 of the County Ordinances section states: *Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan.* (Part IV – Administration, Chapter 1: Gorge Commission Role)

### ***Variances to Dimensional Standards Policy***

*Multnomah County shall adopt zoning code provisions in Chapter 38 that allow variances to dimensional standards such lot dimensions, setbacks, and building*

*height in order to provide flexibility for applicants where there are practical difficulties in application of the standards.*