What is the Gorge National Scenic Area?
The United States Congress established the Gorge National Scenic Area (GNSA) Act to protect its scenic, cultural, natural and recreational qualities as national treasures within the States of Washington and Oregon. The federal government has also provided funds to help preserve the scenic area which include the following:

- $10 million Economic Development Fund
- $10 million Recreation Fund
- $40 million for land acquisition by the US Forest Service, and another $40 million (available for a five year period) to offset loss of tax revenue in those counties where the acquisition occurred.

The Columbia River Gorge Commission (CRGC) was established to help manage the GNSA. The Commission has adopted a Management Plan for the land and resources within Clark County. The county has adopted Clark County Code, Chapter 40.240 to implement the CRGC Management Plan. The county is required to review all proposals for land divisions and for buildings/structures that may be erected, altered or enlarged, unless exempted by the ordinance.

How is land classified in the GNSA?
All Clark County lands within the GNSA are divided into two management areas, which are further broken into zoning districts.

The Special Management Areas (SMA) relates to natural resources area preservation and has four zoning districts:

- agriculture, federal forests, non-federal (private) forests and open space.

The General Management Areas (GMA) is related to rural development and has nine zones: large scale agriculture lots (40 and 80 plus acres), small scale agriculture lots (20 acres), small woodland lots (20 and 40 acres), open space, residential lots (5 and 10 acres) and public recreation lots.

If I have property within the GNSA, is my property subject to zoning regulations from both GNSA and Clark County?
All land within the GNSA is subject to federal zoning regulation designated by the GNSA. In some cases, where county zoning regulations are more restrictive than the GNSA zoning, county zoning regulations also apply.

If I have a legal lot of record in the GNSA, am I entitled to build a single-family residence on it as are other citizens of the county outside the GNSA?
Not necessarily. If you have a legally created parcel within the GMA, zoned Gorge Residential, you may build one single-family residence subject to compliance with all of the following:

- The scenic, natural and recreation guidelines found in CCC Sections 40.240.500 through 40.240.590, which follow the respective management area and zoning district criteria
- The buffer and notification requirements of CCC Sections
40.240.190 B and notification requirements of 40.240.190 H1, when the parcel is adjacent to lands zoned Gorge Large-Scale or Small-Scale Agriculture
- The buffer and notification requirements of CCC Sections 40.240.190 C, the notification requirements of 40.240.190 H1 and placement requirements of 40.240.330, when the parcel is adjacent to lands zoned Gorge Small Woodland.

**Do the GMA and SMA designations affect an owner's ability to divide their land?**

In the SMA, only land divisions that facilitate land acquisition by the federal government to achieve objectives of the Management Plan are permitted.

In the GMA land divisions, boundary line adjustments and lot consolidations are permitted subject to compliance with applicable county codes regarding the platting and subdivisions processes. Proposals shall also comply with applicable sections of CCC 40.240 related to minimum lot sizes for the various gorge zoning districts.

**What other permits may be required from the county?**

If your property is in an area that has critical environmental constraints; e.g., shoreline, habitat, wetlands, or unstable slopes, you may be required to obtain additional permits. These permits may allow your project to proceed, subject to conditions of approval, which mitigate adverse impacts caused by your proposal. Such issues will be reviewed and discussed at the pre-application conference prior to submittal of your proposal.

**Are there any land-use activities that are exempt from the requirements of CCC 40.240 and a gorge permit?**

Several exemptions are provided to include:
- Treaties and rights of Indian Tribes
- Lands held in trust for tribes or tribal members
- Rights to surface or ground water
- Water transportation and navigation facilities on the Columbia River and its tributaries
- Existing electrical transmission facilities of Bonneville Power Association (BPA)
- Hunting and fishing regulations
- General operation/maintenance of navigational facilities of BPA, except off-site disposal of excavation material
- General rights and responsibilities of non-federal timber landowners in GMA of the GNSA

**Are there any land-use activities that are prohibited in the GNSA?**

Prohibited land-use activities include the following:
- Solid Waste disposal sites and sanitary landfills within the SMA of the GNSA
- New industrial development in the Scenic Area outside the Urban Area
- **Commercial uses discontinued** for one year or more in the SMA

**What is the status of a use that existed before the GNSA Master Plan was adopted?**

Structures that existed before October 15, 1991, the effective date of the MP, may continue to be used in the same manner and for the same purpose as on that date. If a structure is damaged or destroyed by fire, an application to replace it, in kind, shall be made within one year of the date of its damage, and be subject to a review under CCC 40.240. Such structures shall comply with scenic resource protection measures regarding color, reflectivity and landscaping. Additionally:
- **Replacing an existing structure**
  with a different size structure or for a different purpose is subject to review under CCC 40.240.500 through 40.240.590.
- **Existing commercial and industrial uses** in the SMA may expand within the limits of their existing site subject to review under CCC 40.240.490 through 40.240.590.
- **Existing industrial uses may expand** within their existing site in the GMA. Such uses may **convert** to less intensive commercial, recreation or residential uses.
- **Existing mineral resource production operations** may continue unless the CRGC determines that the operation adversely affects the Scenic Area resources, at which time the uses would be considered discontinued.
- **Uses which involve exploration, development or production of sand, gravel and crushed rock** may continue in the SMA if their product is used for local road maintenance and if the U.S. Forest Service does not find that the operation adversely affects the Scenic Area resources.

**What are Key Viewing Areas and how will they affect my proposal?**

Key Viewing Areas (KVA) are defined in the GNSA Management Plan as important viewpoints, travel-ways, parks and other areas open to the public and other opportunities to view gorge scenery.

The primary emphasis of the scenic resource protection program is the preservation of the scenic quality for lands visible from the KVA. It is the applicant’s responsibility to provide evidence that their proposed development is visually subordinate in its landscape setting and that it does not break the skyline from any KVA. There are no written guidelines providing advice on how to ensure that your project is not visible from a KVA. Some applicants have placed highly visible objects, such as tethered balloons, at the highest point of elevation of the proposed project and used photographs of these objects, as taken from the various KVA, as documentation.

The following is a list of the KVA listed within CCC 40.240.060 Definitions:

- Historic Columbia River Highway
- Crown Point
- 1-84, & its rest stops
- Multnomah Falls
- Beacon Rock
- Washington State Route 14
- Panorama Point Park
- Cape Horn
- Dog Mountain Trail
- Cook-Underwood Road
- Bridal Veil State Park
- Columbia River
- Portland Woman’s Forum State Park
- Larch Mountain
- Bonneville Dam Visitor Centers
- Rooster Rock State Park
- Sandy River
- Washington State Route 141
- Oregon Highway 35
- Washington State Route 142
- Pacific Crest Trail
- Rowena Plateau and Nature Conservancy Viewpoint

Within the Special Management Area:
- Wyeth Bench Road
- Larch Mt. Road
- Old Washington State Route 14 (County Road 1230)
- Sherrard Point on Larch Mountain

**Are there any publications that would help me design my project in the gorge scenic area?**

Yes. Copies of the *Building in the Scenic Area* handbook, prepared for the Columbia River Gorge Commission, can be viewed at the Clark County Public Service Center.
Columbia River Gorge, Type II and III Review

Land Use Review

This handbook is also available on line at www.gorgecommission.org/handbooks.cfm

What is the application process?
The first step is to order a GIS Developer’s Packet from the Clark County Dept. of GIS, Public Service Center, 1300 Franklin Street, second floor, Vancouver, Washington, or by calling the GIS Developer’s Packet Hotline at (360) 397-2375, ext. 4082.

The packet is designed specific to your development site and includes the Comprehensive Plan and zoning designations, an aerial photograph, maps on transportation, soil types, steep slopes, critical environmental areas, such as wetlands and hazardous slide areas, and more.

The second step is to apply for a Pre-Application Conference. Submit the application together with eight copies of the requested submittal items and application fee to the Permit Center located on the first floor of the Public Service Center. See our Pre-Application Conference handout for more information.

Once the conference is held, the applicant may apply for a Columbia River Gorge Permit. See attached submittal requirements.

What is an expedited gorge review?
An expedited review process can apply for those uses and developments listed in CCC 40.240.060 A. An expedited review has a lower fee and a faster review time of 30 days from Fully Complete.

What is a State Environmental Protection Act determination and is it required for a gorge permit application?
The county is required to review proposed land developments, and make a determination as to whether any associated impacts will be considered as Non-significance (DNS), mitigated non-significance (MDNS), or significance (DS).

For a DNS or MDNS determination, an analysis will be incorporated within the Staff Report and Decision (referenced below). If a DS determination is made, the applicant is required to prepare an Environmental Impact Statement prior to the county considering the proposed subdivision. The state Environmental Protection Act (SEPA) determination is then published in The Columbian newspaper. Such issues will be reviewed and discussed at the pre-application conference scheduled before submittal of the proposal.

Staff will make a decision at the pre-application conference as to whether or nor a SEPA review is required. The construction of a single-family dwelling is exempt from a SEPA review. Otherwise, development such as grading or filling within a critical area or a buffer (shoreline, wetland or habitat) may require that a SEPA review of the potential environmental impacts of the proposal be conducted. County staff and interested agencies will review the application to determine its compliance with applicable federal, state and county Code. Through this process, a determination will be made.

What if I didn’t submit all of the required information?
The county conducts two application checks to ensure that applications are complete before staff begins their development review process. Prior to accepting your application, the Permit Center staff will conduct a Counter Complete review of your submittal package. This initial review ensures that all main listed within the subdivision submittal requirements have been submitted before accepting your application (see attached submittal list).
Once your application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, known as the **Fully Complete** review, within 25 calendar days of the Counter Complete date. This more detailed review ensures that all items with a box to the left listed under the numbered headings of the attached Submittal Requirements have been submitted. As an example, does the Existing Conditions Plan show all required information, such as significant features of terrain or landform, groupings and species of trees and other vegetation, bodies of water and watercourses, etc.?

If required items are missing from your original submittal, you will receive a letter of Not Fully Complete letter with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

**What is Vesting?**
Upon a determination of Fully Complete, your application is vested with the development regulations that are in place at the time the fully complete application was submitted.

Examples:
1. An application is submitted on June 1 and determined to be Fully Complete on June 25. The application is vested as of June 1.
2. An application is submitted on June 1 and subsequently determined to be Not Fully Complete on June 25. In response, the applicant submits additional information on July 8. The revised application is subsequently determined to be Fully Complete on July 18.

   **Note:** the completeness decision will be made within 14 calendar days of new submittals. The application is vested as of July 8, the day the fully complete application was submitted.

To be contingently vested on the date a pre-application is filed the following conditions must be met:
1. All the required pre-application conference information was submitted on the pre-application submittal date
2. A fully complete application for substantially the same proposal was filed within 180 calendar days of the date the county issued the Pre-Application Conference Report.

**What kind of public notice is provided?**
Within 14 days of the fully-complete date, a notice of the application, with the date, time and place for the public hearing will be mailed to:
- Applicant
- Neighborhood Association, if any
- Property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site
- SEPA notice to newspaper and listed SEPA agencies

The notice will invite written comments to be submitted within 14 calendar days of the date of the notice. Copies of any written comments received in a timely manner will be sent to the applicant. The applicant may submit a written response within 14 days from the date the comments are mailed.

**If the application is classified for a Type III review** additional notification requirements will apply.

At least 30 calendar days prior to the public hearing, the applicant must post a public notice sign.
Our Applicant Posting Requirements handout contains the basic posting requirements plus sign specifications needed by the sign company and a sample Affidavit of Posting.

**County public hearing notice requirements**

At least 15 calendar days prior to the public hearing date, the county will post public notices including the date, time and place of the hearing and describing the proposal as follows:

- Posted at the site
- Published in the newspaper
- Mailed to property owners within a 300’ radius (if within an urban growth boundary), and a 500’ radius (if outside an urban growth boundary) of the project site
- Mailed to the Neighborhood Association
- Mailed to the applicant

The notice will invite interested parties to present testimony at the hearing either orally or in writing.

What is the plan review and decision process?

A gorge permit will be classified for either a Type II or Type III review.

Type II applications are those proposals that do not create adverse off-site impacts and comply with the comprehensive plan. Typical Type II applications include site plan reviews, variances, home occupations, short plats and SEPA reviews. Type II projects are reviewed by county staff with the decision made by the Planning Director. A public notice of the application and request for comments are sent by the director to state and regional agencies, neighborhood association and property owners within 500' of the subject property. The comment period closes after 15 working days from the date of the notice of application. A public hearing before a hearing examiner is not required. The manager will issue a written decision within 75 calendar days from the Fully Complete determination, unless:

- The applicant consents to an extension
- Additional information is required by the manager to address public comment concerns
- Additional information is required to evaluate impacts to scenic, cultural, natural and recreation resources such as a SEPA review, habitat permit, wetland permit, archeological review, etc.
- Unforeseen circumstances

Additional review time may be required:

- If the gorge commission staff is performing a cultural/historic resources reconnaissance survey, the survey shall be completed by the close of the 15-day Comment Period. The director forwards the survey to the State Historic Preservation Officer and Indian Tribes
- An additional 30-day comment period is provided for the state and tribes to provide comments to the director, on the cultural/historic resources survey. The director will determine if an evaluation of significance is required; or,
- Within 7 days following the closing of the comment period, the director shall determine if a wildlife management plan or a rare plant protection and rehabilitation plan is required.

Type III applications generally involve broader public interest and have an effect on offsite facilities, such as streets. Type III applications include conditional use permits, all land divisions, and planned unit developments.

All Type III projects require public notice of the application, request for comments, and a public hearing before the county Hearing Examiner. Public notice is sent to the applicant, neighborhood association, property owners within 500' of the subject property, and state and regional agencies. Notice of the hearing is also posted in the newspaper and on the property. The public
hearing will be held within 78 calendar days from the Fully Complete determination of the application. The staff report and recommendations will be issues at least 15 calendar days prior to the public hearing.

**Can the decision be appealed?**
The Responsible Official’s decision may be appealed to the county Hearing Examiner by the applicant or any person or group. An appellant must submit an appeal application and fee within 14 calendar days after the written notice of the decision is mailed.

A decision by the Hearing Examiner is final unless a motion is filed for reconsideration or an appeal is filed with Superior Court.

See our *Appeals* handout for more information and fees.

**After the gorge permit, what is next?**
After receiving approval the applicant may proceed to obtain a building and other required permits.

**How long do I have before I must complete my project?**
A gorge permit is valid for two years from the decision date. A permitted project will no longer be legally permitted if the development action is discontinued for a period of one year or more. The applicant may apply to the Responsible Official for a one-time, one-year extension. Extension requests are a Type 1 review and must be filed, stating the reason for the extension, before the expiration date of the current permit.

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**Note:** This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code, Chapter 40.240 Columbia River Gorge National Scenic Area Districts.
Submittal Requirements
The following checklist identifies information to be included with the application.

All items with an underlined space (i.e., ___) must be submitted before the application will be considered Counter Complete.

All items with a check box must be submitted before the application will be determined Fully Complete. All bulleted items must be submitted, as applicable, but are not a Fully Complete requirement. The Pre-Application Conference Report will indicate any additional/exempted submittal requirements.

At the time of application, only one copy of the main submittal with original signatures, shall be submitted and bound by a jumbo clip or rubber band. One copy of any special studies, such as wetland, floodplain, etc., shall also be submitted but bound separately.

Once the original application contains all the required information, the applicant will be contacted to submit additional copies of the main submittal and any special studies with revisions.

1. Cover sheet and table of contents
Each submittal packet shall contain a cover sheet that contains the project name and applicant’s name, address, email address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.

2. Application form
The application form shall be completed and original signed in ink by the applicant.

3. Application fee
The required fee shall accompany the application. The check is to be made payable to Clark County Community Development.

4. Pre-Application Conference Report
A copy of the Pre-Application Conference Report must be submitted.

5. GIS Developer’s packet
A copy of the GIS Developer’s Packet shall be submitted with the application. Applicants can order a GIS Developer’s Packet with a credit card online at https://gis.clark.wa.gov/gishome/MapStore/?pid=map#/devPacketOrder. For more information, contact GIS at 564.397.4082 or themapstore@clark.wa.gov.

The packet includes the following:
- General Location Map
- Property Information Fact Sheet
- Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map
- Elevation Contours Map
- Photography Map
- Photography Map with Contours
- Zoning Map
6. __ **State environmental review**
A State Environmental Policy Act Environmental Checklist must be completed, original signed in ink, and submitted. Handout is available at the Permit Center.

7. __ **Proof of submitting an archaeological pre-determination to the state (DAHP), if applicable**
Predetermination reports and archaeology surveys, if required, must be reviewed by the Washington State Department of Archaeology and Historic Preservation (DAHP). Proof must be provided indicating the predetermination and/or survey have been submitted to DAHP for review. Proof can be via an email confirmation or other conclusive method of proof that DAHP has received the site-specific document for review.

8. __ **Narrative**
A written narrative shall be submitted that addresses the following:
- How the application meets or exceeds each of the applicable approval criteria and standards
- How the proposed plan meets the minimum area and dimensions of the gorge zone
- How the issues identified in the pre-application conference have been addressed
- A written description of current use of the subject property and adjoining lands
- As applicable, a written description of the proposal including details of any new structure, such as its height, exterior color scheme, and materials
- Listing all Key Viewing Areas from which the proposed project may be seen

9. __ **Site plan**
A site plan shall be submitted that provides enough information to confirm the location and extent of the project and its effects on existing scenic, cultural, natural and recreation resources. If the parcel is too large for the site plan to fit on a standard 30"x42" drawing sheet, a supplementary vicinity map shall be provided illustrating the parcel's local context. The site plan shall illustrate the following:
- North arrow
- Map scale 1 inch equals 200 feet
- Boundaries, dimensions, and area of the subject parcel in acres
- Significant features of terrain or landform
- Elevation drawings of proposed structure(s)
- Conceptual elevations of how views of proposed structure(s) from KVA will be screened by landscaping.
- Groupings and species, and size of trees or other existing vegetation
- Location and species of vegetation to be removed or planted
- Bodies of water and watercourses
- Location and width of existing and proposed roads, driveways and trails
- Location and size of existing and proposed structures
- Location of existing and proposed utility services including wells or other water service, sewage disposal systems, power and telephone lines and outdoor lighting
- Location and depth of all proposed grading and ditching
If within the Special Management Area, natural resource information from the county’s GIS packet (also available from the US Forest Service) is required, illustrating:
  o Locations of sensitive wildlife or plant species
  o Locations of riparian and wetland areas
  o A description of erosion control measures to eliminate soil erosion and stream sedimentation

10. **Other information required for certain uses or situations**
If the proposal relates to one of the following project types, additional information is required as specified within the Commissions Rules (CR) or Clark County Code (CCC), Chapter 40.240.

- For any **new proposal on** lands designated Open Space in the SMA [Commission Rule 350-80-340(1)]
- For **buildings, roads or mining** and associated activities visible from any KVA [CCC Section 40.240.570(B)].
- For **resource mining/quarrying** within a GMA [CCC Section 40.240(A)(5), (B)(4), (B)(22) and (B)(23)]
- For **grading** over 100 cubic yards on slope between 10 and 30 percent within a GMA [CCC Section 40.240.490(B)(21)]
- For **managing vegetation** along a Scenic Travel Corridor [CCC Section 40.240.520(D)(40)]
- Archeological reconnaissance surveys required for **large-scale projects** proposing two or more residences; any recreation, commercial, industrial, or transportation facility; electrical facilities/appurtenances over 33 kV; communication, sewer, or natural gas transmission lines, pipes, equipment or appurtenances [CCC Section 40.240.510(A)(3)(f) and (g)]
- Where exterior alterations are proposed to a **structure over 50 years old** [CCC Section 40.240.510. (A)(3)(h)(3)]
- For a **new use or recreation access to the Columbia River or its fish-bearing tributaries** [CCC Section 40.240.200(H)(1)]
- For a proposal in the GMA that is **within a wetland or wetland** For a proposal in the GMA that is **within a wetland or wetland buffer, a stream, pond, lake, or their buffers, or 1000 feet of a sensitive wildlife area or site** [CCC Section 40.240.530(A)(2)]
- For any proposal in the GMA that is **within 1000 feet of a sensitive plant** [CCC Section 40.240.560(A)(2)]
- For proposals on land zoned Gorge Large-Scale Agriculture, for a **single-family dwelling in conjunction with an agricultural use** within the GMA [CCC Section 40.240.230A5 and, if applicable( A)(6)]
- For proposals on land zoned Gorge Large-Scale Agriculture, for a **single family dwelling not in conjunction with an agricultural use** within the GMA [CCC Section 40.240.230(A)(14)]
- For proposals on land zoned Gorge Large-Scale Agriculture, for a **single family dwelling, for an agricultural operator’s relative**, within the GMA [CCC Section 40.240.230(A)(5)]
- For proposals on land zoned Gorge SMA Federal or Non-Federal Forest, for a **single-family dwelling**, in the SMA [CCC Section 40.240.300(B)]
- For proposals on land zoned Gorge SMA Federal or Non-Federal Forest, for a **forest practice**, in the SMA [CCC Sect. 40.240.300(B)(2)]
For a proposal on land Gorge SMA Agriculture, for a **single-family dwelling necessary and accessory to an agricultural use**, in the SMA [CCC Section 40.240.240(B)(2)]

For a proposal on land zoned Gorge SMA Agriculture, for **farm labor housing and agricultural buildings**, in the SMA [CCC Section 40.240.240(B)(2)]

On lands zoned Gorge Small Woodland for a **single-family dwelling** in the GMA (CCC Section 40.240.300)

On lands zoned Gorge Small Woodland for **a single-family dwelling in conjunction with agriculture** in the GMA [CCC Section 40.240.300(A)(2)]

On lands zoned Gorge Small Woodland for **agricultural labor housing** in the GMA [CCC Section 40.240.300(A)(15)]

11. **Submittal copies**

   ____ One copy of the main submittal, bound by a jumbo clip or rubber band, with original signatures
   ____ One copy of any special studies (wetland, floodplain, etc.) bound separately
   ____ One CD or Flash drive in PDF format

After the application is fully complete, the new copies must contain revisions and any additional information required in the fully complete review. The copies must be bound using jumbo clips, stapled or spiral bound. The applicant must select Option A or B below and proceed as follows:

**Option A**
Submit a CD/Flash drive in PDF format, with a copy of the fully complete application. Any special studies shall also be included. The main electronic application shall be organized as follows:

- The application submittal shall be organized in the same order as the fully complete application table of contents, with a separate PDF document for each separate item.
- The PDF document must be organized into separate files. Each PDF file must be labeled with a number followed by a name (example):

  1. Cover Sheet and Table of Contents
  2. Application Fee
  3. Pre-Application Conference report
  4. etc.

If submitting by CD/Flash drive, you will also need to include three full-size sets of paper plans.

**Option B**
Submit five additional individually bound paper copies of the fully complete application, except any special studies as identified within the Pre-Application Conference Report.

We are also requesting that an electronic copy of the land division/site plan be submitted by email to FullyComplete@clark.wa.gov

The applicant will also be required to submit additional individually bound copies of any special studies as identified below.

Copies of any special studies as identified within the Pre-Application Report as following:
☐ One original and three copies - Traffic Study and Road Modification requests
☐ One original and two copies of all other special studies or permits to include: Critical Aquifer Recharge Areas (CARA), floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland.
☐ Two reduced copies on 11” x 17” for all sheets larger than 11” x 17.”

Staff Notes:
1. __________________________________________________________
2. __________________________________________________________
3. __________________________________________________________
4. __________________________________________________________
5. __________________________________________________________
6. __________________________________________________________

This application was determined to be Counter Complete on: ___/___/___

Permit Technician: ____________________________________________

Fee schedule
The following fees are required to be paid when the application is submitted.

Application submittal fee $632

The following fees are required to be paid when the application has been deemed Fully Complete.

Planning
   Regular review $4,393
   Expedited review $2,663
   Issuance $94

Engineering
   Deposit $200
   Issuance $53
   Engineering will bill at an hourly rate which must be fully paid before application is approved or finalized.

Fire Marshal
   Type II Review $626
   Type III Review $434

A Legal Lot Determination may be required if a previous legal review has not been completed. Please see our Legal Lot Determination handout for more information and fees.