

ORDINANCE NO. 2006-08-21

AN ORDINANCE relating to land use, and regulating the development of lands within the Columbia River Gorge National Scenic Area (CRGNSA) portion of Clark County.

WHEREAS, the Board adopted updates to CCC Chapter 40.240 Columbia River Gorge National Scenic Area districts on May 2, 2006 (Ordinance 2006-05-04) as requested by the Columbia River Gorge Commission; and

WHEREAS, the Gorge Commission and the Secretary of Agriculture need to find that the amendments to Chapter 40.240 are consistent with the Scenic Area Management Plan; and

WHEREAS, the Gorge Commission found at their July 11, 2006 meeting that the changes to CCC Chapter 40.240 are consistent with the management plan except for the definition of 'lot line adjustment'; now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

**Section 1.** Amendatory. CCC Chapter 40.240 Columbia River Gorge National Scenic Area districts is amended as shown in Exhibit A.

**Section 2.** Effective Date. This ordinance shall go into effect at midnight on November 2, 2006.

**Section 3.** Instructions to the Clerk. The Clerk of the board shall:

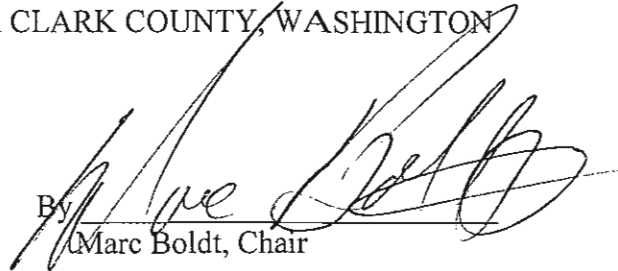
- (1) Transmit a copy of this ordinance to the state within ten days of its adoption pursuant to RCW 36.70A.106;
- (2) Record a copy of this ordinance with the Clark County Auditor;
- (3) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290; and
- (4) Transmit a copy of this ordinance to the Gorge Commission.

ADOPTED this 15 day of August, 2006

Attest:

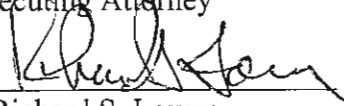
BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

  
Clerk to the Board

  
By Marc Boldt, Chair

Approved as to Form Only  
ARTHUR D. CURTIS  
Prosecuting Attorney

By \_\_\_\_\_  
Betty Sue Morris, Commissioner

By   
Richard S. Lowry  
Chief Civil Deputy Prosecuting Attorney

By \_\_\_\_\_  
Steve Stuart, Commissioner

## EXHIBIT A

### 40.240.010 PURPOSE AND AUTHORITY

....If the provisions of this chapter differ from state law ~~then~~ than the provisions of this chapter shall prevail.....

### 40.240.040 DEFINITIONS

#### Agricultural Use

- .....
  - Land under buildings supporting accepted agricultural practices. ~~Agricultural use does not include livestock feedlots.~~

Agricultural use does not include livestock feedlots.

'Lot-line adjustment'. "Lot line adjustment" means relocation of one or more common boundary lines between two contiguous parcels that does not create additional parcels. ~~transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.~~

Thinning (SMA) "Thinning (SMA)" means a forest practice intended to create ~~create~~ favorable conditions for continued growth....

### 40.240.050 APPLICATIONS AND PROCEDURES

#### D. Acceptance of Application.

The responsible official shall review the application for completeness and adequacy within the timeframe pursuant to Chapter 40.510, Section 40.240.050(F)(3). To determine that an application is fully complete refer to Section 40.240.050(A), Application for Review and Approval. Additional submittals additional to Section 40.240.050(A) may be required through reference in the pre-application report.

1. No application shall be accepted until all documented omissions and deficiencies have been corrected by the applicant. The responsible official shall notify the applicant of all omissions and deficiencies in writing within the time frame pursuant to Chapter 40.510, Section 40.240.050(F)(3).
2. No application shall be accepted which the responsible official deems cannot be acted upon reasonably within the time frame pursuant to Chapter 40.510, Section 40.240.050(F)(3), except when the applicant consents to a longer period for action.

### 40.240.060 EXPEDITED DEVELOPMENT REVIEW PROCESS

#### D. Procedure for Expedited Review Process

5. Written decision.
  - b. The responsible official shall approve a proposed use or development only if consistent with the standards of Section 6 ~~of the Management Plan~~ and the

purposes of the Act (Public Law Lands 99-663), and this chapter.

#### **40.240.070 EMERGENCY/DISASTER RESPONSE ACTIONS**

##### **A. General Guidelines.**

1. Actions taken in response to an emergency/disaster event, as defined in Section 40.240.040, are allowed in all GMA/SMA land use designations, subject to the notification requirements in subsection (B)(1) ~~(2)~~ below.

##### **B. Notification Requirements.**

2. Upon notification of an emergency/disaster response action, the responsible official, or Forest Service shall, as soon as possible:
  - c. Notify the Forest Service, the Office of Washington Office of Archeology and Historic Preservation, and the tribal governments of all emergency/disaster response activities. The Forest Service will review their cultural resource inventory data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas. ~~Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.~~
3. Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

#### **40.240.170 EXISTING AND DISCONTINUED USES**

##### **C. Replacement of Existing Structures Damaged or Destroyed by Disaster.**

5. The replacement structure shall be pursuant to Sections 40.240.170(B)(1) and B(3) if it would not comply with Sections 40.240.170(C)(2) and (C)(3) ~~(4)~~.

#### **40.240.280 DISPOSAL SITES FOR MATERIALS FROM PUBLIC ROAD MAINTENANCE ACTIVITIES**

##### **C. Scenic Resource Standards.**

Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and production and/or development of mineral resources in the GMA, as follows:

1. Sites more than three (3) miles from the nearest key viewing area shall be visually subordinate as seen from any key viewing area, pursuant to Section 40.240.800(B)(27). An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed three (3) years beyond the start of on-the-ground activities.

2. Sites less than three (3) miles from the nearest key viewing area shall be fully screened from any key viewing area, pursuant to Section 40.240.800(B)(28). An interim period to achieve compliance with this requirement.....

#### 40.240.310 SPECIAL USES IN HISTORIC BUILDINGS

- B. Additional review uses for historic buildings
  6. Uses in subsections (B)(3) and (B)(4)(I) are not subject to the parking limits in Sections ~~40.240.890~~ and ~~40.240.900~~.

#### 40.240.800 GENERAL MANAGEMENT AREA SCENIC REVIEW CRITERIA

- B. Key viewing areas.
  14. ~~For all buildings, roads, or mining and associated activities proposed on lands visible from key viewing areas, the following supplemental site plan information shall be submitted in in addition to the site plan requirements in Section 40.240.050, applications for all buildings visible from key viewing areas shall include: and 40.240.800(A)(6) for mining and associated activities:~~
    - a. ~~For buildings, a description of proposed building(s) height, shape, color, exterior building materials, exterior lighting, and landscaping details (types of plants used, number, size, location of plantings, and any irrigation provisions or other measures to ensure survival of landscaping planted for screening purposes.~~
    - b. ~~Elevation drawings shall show the appearance 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.~~
    - c. ~~All applications for structural development involving more than one hundred (100) cubic yards of grading with slopes between ten and thirty percent (10-30%) shall include a grading plan. This plan shall be reviewed by the local government for compliance with key viewing area policies. The grading plan shall include the following:~~
      - (1) ~~A map of the site, prepared at a scale of one inch equals two hundred (200) feet (1:2,400) or a scale providing greater detail, with contour intervals of at least five (5) feet, including:~~
        - (a) ~~natural and finished grades;~~
        - (b) ~~location of all areas to be graded, with cut banks and fill slopes delineated; and~~
        - (c) ~~estimated dimensions of graded areas.~~
      - (2) ~~A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:~~
        - (a) ~~its purpose;~~
        - (b) ~~an estimate of the total volume of material to be moved;~~
        - (c) ~~the height of all cut banks and fill slopes;~~
        - (d) ~~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);~~
        - (e) ~~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; and~~  
~~(f) a description of any other interim or permanent erosion control measures to be used.~~