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Department of
Agriculture

Forest
Service

Pacific
Northwest
Region

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Date: October 8, 2008

Jeffrey G. Condit, Chair
Columbia River Gorge Commission
P.O. Box 730
White Salmon, WA 98672

Dear Mr. Condit:

As you have requested and as provided for by the Columbia River Gorge National Scenic Area Act (“Act”), I have reviewed Plan Amendment PA-06-01 (“Amendment”) to the Columbia River Gorge National Scenic Area Management Plan (“Plan”) in order to determine whether the Amendment is consistent with the Act purposes and standards. The Amendment was adopted by the Columbia River Gorge Commission (“Commission”) on July 7, 2008 and submitted to the Regional Forester by letter dated July 24, 2008. The Amendment creates a new review use within the General Management Area (“GMA”) Commercial Recreation Land Use Designation. The Amendment establishes a specific set of policies and guidelines to be followed by Skamania County in the promulgation of land use ordinances providing for the redevelopment of an existing industrial complex as a recreation resort in a manner that ensures that any resort development is consistent with the Act.

In making my determination, I have reviewed the language of the Amendment, the Final Order of the Commission adopting the Amendment, and the Executive Director's Report on the Recreation Resort Plan Amendment Proposal. In addition, I have relied on the advice and recommendations of Dan Harkenrider, the Area Manager of the Columbia River Gorge National Scenic Area, and his staff. As an ex officio member of the Commission, Mr. Harkenrider attended and participated in the Commission meetings and public hearings held in the three year period from May 2005 to April 2008, during which time the Amendment was evaluated and considered. My Findings of Fact and Conclusions of Law supporting my determination that the Amendment is consistent with the Act purposes and standards accompany this letter.

My concurrence is based upon whether the Amendment is consistent with the two purposes and nine standards of Section 6 of the Act. The Amendment does not change the existing structure of the Plan, revised in 2004. Instead, it augments the existing structure of the Plan, and follows the Plan’s basic policies in protecting the scenic, natural, cultural, and recreation resources within the National Scenic Area.

I concur that Plan Amendment PA-06-01 to the Management Plan for the Columbia River Gorge National Scenic Area is consistent with the purposes and standards of the Act as summarized here below and discussed more fully in the Final Order of the Commission Adopting the Amendment, p. 27-43 and in the enclosed Findings of Fact and Conclusions of Law.



PURPOSES OF THE ACT

The two purposes of the Act as stated in 16 USC § 544a are:

- (1) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and
- (2) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

Purpose 1 - Conclusion

Taken together with the existing Plan guidelines, the Amendment is consistent with the first purpose of the Act because the Amendment contains specific guidelines requiring a resource enhancement and protection plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), and 5.C.(1)(i), p. 6-11.

Purpose 2 – Conclusion

The Amendment is consistent with the second purpose of the Act because it allows a new review use under Commercial Recreation guideline 5 that would contribute to the economy of the Columbia River Gorge while being compatible with the first purpose of the Act as a result of the requirements of specific guidelines requiring a resource enhancement and protection plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), and 5.C.(1)(i), p. 6-11.

STANDARDS OF THE ACT

Standards for the Plan and any Amendment thereto are set out in 16 USC § 544d(d)(1-9), commonly referred to as Standards 1-9:

- (1) Protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open space, recreation development or forest lands;
- (2) Protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest lands to agricultural lands, recreation development or open spaces;
- (3) Protect and enhance open spaces;
- (4) Protect and enhance public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the recreation assessment adopted pursuant to subsection (a) of this section;
- (5) Prohibit major development actions in special management areas, except for partitions or short plats which the Secretary determines are desirable to facilitate land acquisitions pursuant to this Act;
- (6) Prohibit industrial development in the scenic area outside urban areas;
- (7) Require that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the scenic area;
- (8) Require that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area; and
- (9) Require that the exploration, development and production of mineral resources, and the reclamation of lands thereafter, take place without adversely affecting the scenic, cultural, recreation and natural resources of the scenic area.

Standards 1, 2, 5, and 9 – Conclusions

Standards 1, 2, 5, and 9 do not apply to the Amendment because the Amendment will have no effect on agricultural or forest land or uses because no agricultural or forest resources would be displaced; none of the Plan provisions are applicable to Special Management Areas because any development provided for by the Amendment would take place in General Management Areas; and no exploration, development or production of mineral resources are authorized by the Amendment. Thus, the Amendment is consistent with Standards 1, 2, 5, and 9.

Standard 3 - Conclusion

The Amendment is consistent with Standard 3, which provides for the protection and enhancement of open spaces because the Amendment does not change the existing natural resources protection provided by the Open Space designation. The Amendment also lessens the risk of indirect effects due to the specific requirements designed to control the scale and impact of any development. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(1)(a-b), 5.A.(3)(a), 5.B.(4), 5.C.(1)(i), and 5.D.(6), p. 6-11.

Standard 4 – Conclusion

The Amendment is consistent with Standard 4 which provides for protection and enhancement of public and private recreation, education and interpretation because it protects recreation) and encourages interpretation and education. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.B.(5) and 5.D.(3) and 5.D.(3)(c)(vi) p. 7,10,11.)

Standard 6 – Conclusion

The Amendment is consistent with Standard 6 which prohibits industrial development outside of urban areas because the primary objective of the Amendment is to eliminate an existing non-conforming industrial use outside of an urban area by converting the site into a commercial recreation use as provided for in Commercial Recreation Policy 6. See Exhibit A, Adopted Amendments to the Management Plan, Part II, Chapter 6: Recreation Designations, Commercial Recreation, GMA Policies, 6A-H, p 2-3.

Standard 7 - Conclusion

The Amendment is consistent with Standard 7, requiring that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the Scenic Area because it allows limited commercial uses within the definition of a resort development and requires a resource protection and enhancement plan in order to actively enhance protected resources, in addition to avoiding-adverse effects to protected resources in the Scenic Area. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(2), 5.A.(3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D.(4-7), p. 6,7,10,11.

Standard 8 - Conclusion

The Amendment is consistent with Standard 8, requiring that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area because the resort will accommodate the vacationing public, not permanent residents. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(1), p. 6.

My concurrence is also based on and subject to the following Amendment requirements:

- Cessation of all industrial uses;
- Removal of industrial buildings, infrastructure, and other components of the industrial complex not rehabilitated for reuse as part of the resort and clustering of the new development in the already disturbed portions of the site;
- Very limited commercial development focusing only on serving the needs of visitors to the resort and adjacent recreation site;
- Emphasis on short-term occupancy—limited to 45 days out of a 90-day period;
- Comprehensive assessment, master planning, and resource protection and enhancement plans; and
- Compliance with the relevant existing guidelines in the Plan necessary for protection of scenic, cultural, natural, and recreation resources with the addition of new requirements for each resource.

The Amendment requires detailed master planning and staged implementation as well as mitigation and enhancement of the scenic, cultural, natural, and recreation resources. The Amendment provides the necessary policy framework and guidelines to ensure consistency with the Act, including the avoidance of adverse effects. This detail and complexity means that the actual assessment of potential effects will be completed during the review of the master plan including an on-the-ground assessment prior to approval. The following are suggestions for implementation:

- All mitigation and enhancement options will need careful review and consideration by appropriately trained technical specialists;
- It will be important to have a mechanism in place to ensure the Amendment requirements are being systematically addressed; and
- Monitoring of the resort actions and activities, especially the short-term occupancy requirement (i.e. no more than 45 days occupation out of a 90 day period) should be frequent enough and of sufficient intensity to ensure compliance over the long term. I recommend that Skamania County require the applicant to develop a self-policing system with periodic reports back to Skamania County and the Commission.

My thanks and congratulations to the Commission and its staff in the culmination of their efforts to successfully draft an Amendment to the Plan that meets the two purposes of the Act, protecting the scenic, natural, cultural and recreation resources of the Columbia River Gorge while, at the same time, protecting and supporting the economy of the Columbia River Gorge area.

Sincerely,



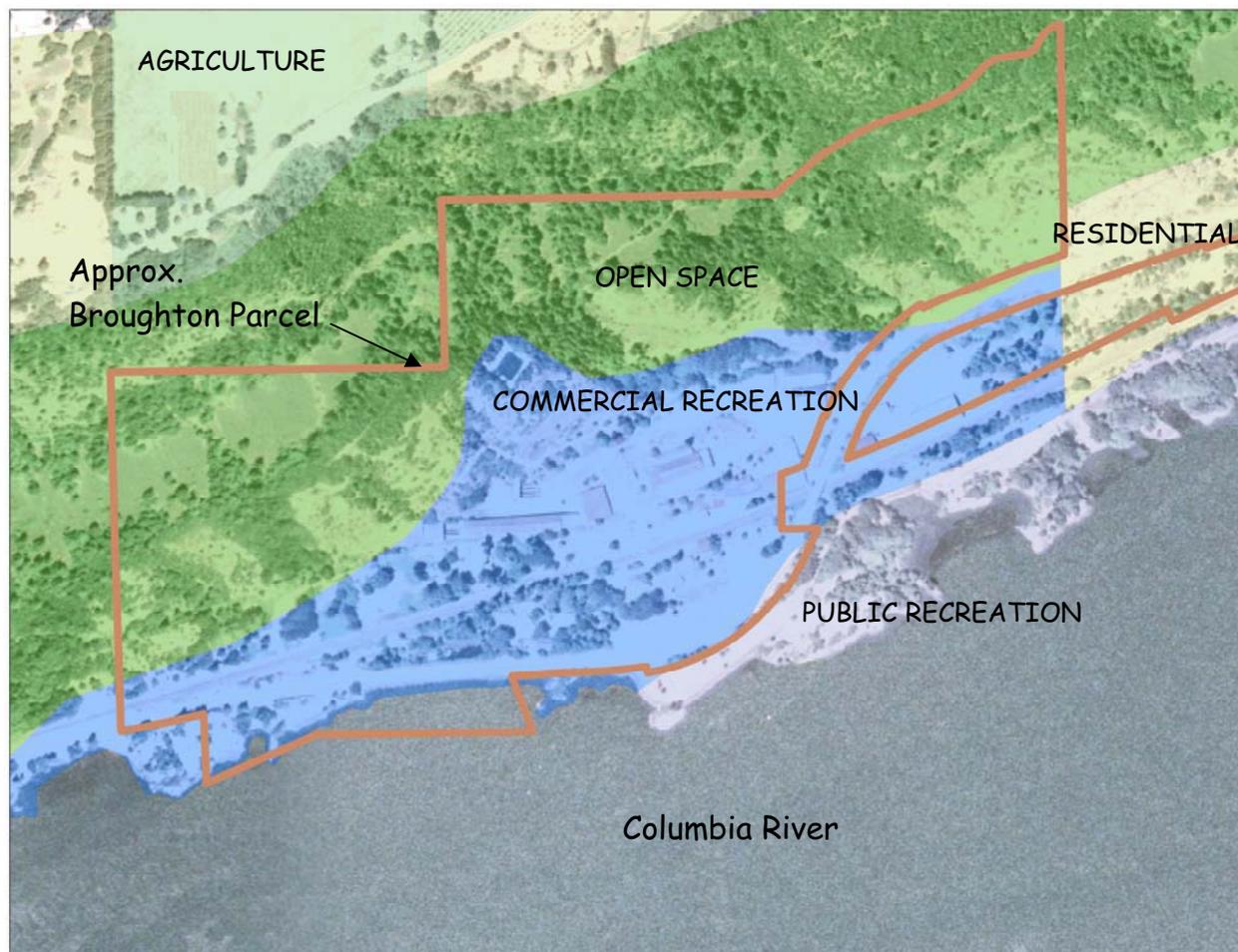
Cal Joyner
Acting Regional Forester

cc: Jill Arens, Executive Director, Columbia River Gorge Commission
CRGNSA, Daniel T. Harkenrider

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
REGARDING CONCURRENCE THAT
RECREATION RESORT AMENDMENT (PA-06-01)
TO THE MANAGEMENT PLAN FOR THE
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA
IS CONSISTENT WITH THE PURPOSES AND STANDARDS OF THE COLUMBIA RIVER GORGE NATIONAL
SCENIC AREA ACT**

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Broughton Parcels Location and Land Use Designations

I. Executive Summary

Amendment PA-06-01 (“Amendment”) to the Columbia River Gorge National Scenic Area Management Plan (“Plan”) creates a new review use within the Commercial Recreation Land Use Designation in the General Management Area (“GMA”). It provides for redevelopment of an existing industrial complex as a recreation resort using a set of policies designed to provide a framework for development of land use ordinances by Skamania County to ensure that any resort development is consistent with the Columbia River Gorge National Scenic Area Act (“Act”). The Columbia River Gorge Commission (“Commission”) approved this Amendment to the Plan on April 8, 2008 by a vote of 9 to 2.

On July 7, 2008 the Chair of the Commission signed the Final Order adopting the Amendment. The Final Order was transmitted to the Regional Forester by letter dated July 24, 2008. The Forest Service, through delegated authority from the Secretary of Agriculture, has 90 days to either: 1) Concur: Find the Amendment consistent with the Act, 2) Take no action: Failure to act within 90 days is deemed concurrence by the Secretary or 3) Deny concurrence. The 90 day period expires on October 24, 2008. The concurrence is based on whether the Amendment is consistent with the purposes of the Act and the standards of the Act set out in Section 6(d). 16 USC § 544d(d)(1-9).

This analysis concludes that the Amendment is consistent with the purposes and standards of the Act. It also includes some recommendations for implementation. The Amendment does not change the existing structure of the Plan, revised in 2004. Instead, it augments the existing structure of the Plan, and follows the Plan’s basic policies in protecting the scenic, natural, cultural, and recreation resources within the National Scenic Area.

Commission Rule 350-50 contains the Commission’s procedures and criteria for amending the Plan. The Commission must find the following criteria are satisfied before it approves an Amendment to the Plan:

- (1) Conditions in the Scenic Area have significantly changed,
- (2) The proposed amendment is consistent with the purposes and standards of the Scenic Area Act; and,
- (3) No practicable alternative to the proposed amendment more consistent with the purposes and standards of the Scenic Area Act exists.

1) Conditions in the Scenic Area Have Significantly Changed: The Act requires the Commission to conclude that conditions in the Scenic Area have significantly changed in order to proceed with an amendment to the Plan. Some members of the public are concerned that all the conditions mentioned in the Commission’s findings already existed at the time the affected guidelines in the Plan were created. The Commission found the following significant changes:

- Decline of the timber industry & effects on timber-dependent communities: socio-economic change not anticipated in the Plan;
- Change in orientation of the gorge economy;
- Decline in use and condition of the industrial site, and related decommissioning and cleanup cost issues,
- Change in legal conditions; and
- Trends in resort development.

2) The Amendment is consistent with the purposes and standards of the Act The Secretary (as delegated to the Regional Forester) is required by Section 6(f) of the Act to base concurrence solely on whether the approved Amendment is consistent with the standards contained in Section 6 and the two purposes of the Act. It does not require the Forest Service to review the methods of or conclusions by the Commission with reference to criteria 1) above or 3) below. The enclosed Findings of Fact and Conclusions of Law support the Regional Forester concurrence that the Amendment is consistent with the Act.

3) Alternatives to this Amendment: The Commission investigated the following alternatives to creating this specific Amendment and found that none were timely, practicable, or met the objectives set out for the Amendment.

- No Change,
- Development under Existing Plan Uses,
- Public Ownership,
- Public/Private Ownership,
- August 31, 2007 Plan Amendment Text,
- Property Owner Alternative,
- Recreation Resort throughout the Commercial Recreation Designation, and
- Friends of the Columbia Gorge Alternative.

The Commission conducted extensive public meetings and hearings during the three years of deliberation concerning recreation resorts in the Scenic Area (See Commission Final Order, p. 7 for more information). The following are the main public issues that affect the Secretary's determination for consistency:

- Scale of the Development with regard to Protection of Resources: There have been concerns throughout the process that the scale of development necessary for a recreation resort is not compatible with protection of resources.
- Commercial and Residential Development outside Urban Areas: There has been concern that a recreation resort will contain more commercial development than is allowed by the Act outside of Urban Areas. There is also a concern that vacation homes will turn into long term residential property—which is not compatible with a land use designation of Commercial Recreation.
- Encouragement of Economic Development inside Urban Areas: There is a concern that the level of economic development brought by a recreation resort would compete with the Urban Areas for the provision goods and services to the traveling public.
- Potential Conflict with Windsurfing at the Spring Creek Fish Hatchery Site: There is a concern that increased windsurfing caused by vacationers at the resort will overload the Spring Creek Fish Hatchery windsurfing area.
- Potential Conflict with Treaty Rights: Tribal governments have been concerned that there will be new conflicts with tribal fishing at the Spring Creek area, along with safety concerns for both windsurfing and fishing.

II. Overview

Amendment PA-06-01 to the Plan creates a new review use within the Commercial Recreation Land Use Designation in the General Management Area (“GMA”). It authorizes redevelopment of an existing industrial complex as a recreation resort using a set of policies designed to provide a framework for a Skamania County land use ordinance to ensure that such a resort development would be consistent with the Act.

The Commission approved this Amendment to the Plan on April 8, 2008 followed by the Final Order signed on July 7, 2008. The Commission transmitted the Final Order to the Regional Forester on July 24, 2008. The Regional Forester must now decide whether to concur with the Commission that the Amendment to the General Management Area (GMA) guidelines in the Plan is consistent with the Act.

Section 6(h) of the Act requires that “if the Commission determines at any time that conditions within the scenic area have significantly changed, it may amend the management plan. The Commission shall submit amendments to the management plan to the Secretary for review, in accordance with the provisions of this section for adoption of the management plan.” 16 USC § 544d(h).

Concurrence Options

The Secretary has 90 days from the date of receipt of the Final Order from the Commission to do any of the following (with “amendment” substituted for “plan” pursuant to Section 6(f) and 6(h)). 16 USC § 544d(f) and (h):

1. Concur: Find the Amendment consistent with the Act.
2. Take no action: Failure to act within 90 days is deemed concurrence by the Secretary.
3. Deny concurrence. State the reasons for finding the Amendment inconsistent, and submit to the Commission suggested modifications to the Amendment to make it consistent with the Act. Within one hundred and twenty days after receipt of notification of nonconcurrence, the Commission shall:
 - (A) revise and resubmit the Amendment to the Secretary; or
 - (B) by a vote of two-thirds of its membership, including a majority of the members appointed from each State, reject the suggested modifications of the Secretary and adopt an Amendment consistent with the provisions of this section and the purposes of this Act.

Criteria for Concurrence

In accordance with Section 6(f), the Secretary’s concurrence addresses whether the amendment is consistent with the standards of Section 6 and the purposes of the Act. 16 USC § 544d(f). The recommendations found in these findings are based solely on whether the Amendment satisfies these criteria. The findings do not judge the choice of methods the Commission used to achieve the statutory requirements such as the resolution of public issues, or whether the Amendment was warranted under Gorge Commission rules. The findings are based upon information found

in the language of the Amendment, the Final Order of the Commission adopting the Amendment, and the Executive Director's Report on the Recreation Resort Plan Amendment Proposal. In addition, the findings are informed by the information and knowledge of Dan Harkenrider, the Area Manager of the Columbia River Gorge National Scenic Area, and his staff. As an ex officio member of the Commission, Mr. Harkenrider attended and participated in the Commission meetings and public hearings held in the three year period from May 2005 to April 2008, during which time the Amendment was evaluated and considered

Purposes of the Act

The two purposes of the Act are:

- (1) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and
- (2) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

Standards of the Act

Section 6(d) of the Act mandates nine standards for the Management Plan:

- (1) Protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open space, recreation development or forest lands;
- (2) Protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest lands to agricultural lands, recreation development or open spaces;
- (3) Protect and enhance open spaces;
- (4) Protect and enhance public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the recreation assessment adopted pursuant to subsection (a) of this section;
- (5) Prohibit major development actions in special management areas, except for partitions or short plats which the Secretary determines are desirable to facilitate land acquisitions pursuant to this Act;
- (6) Prohibit industrial development in the scenic area outside urban areas;
- (7) Require that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the scenic area;
- (8) Require that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area; and
- (9) Require that the exploration, development and production of mineral resources, and the reclamation of lands thereafter, take place without adversely affecting the scenic, cultural, recreation and natural resources of the scenic area.

The Act defines “adversely affect” as:

- (a) "adversely affect" or "adversely affecting" means, except as used in section 15, a reasonable likelihood of more than moderate adverse consequences for the scenic, cultural, recreation or natural resources of the scenic area, the determination of which is based on—

- (1) the context of a proposed action;
- (2) the intensity of a proposed action, including the magnitude and duration of an impact and the likelihood of its occurrence;
- (3) the relationship between a proposed action and other similar actions which are individually insignificant but which may have cumulatively significant impacts; and
- (4) proven mitigation measures which the proponent of an action will implement as part of the proposal to reduce otherwise significant effects to an insignificant level. 16 USC § 544(a).

III. Description of the Amendment to the Plan

This Amendment creates a new review use, the “recreation resort,” in the Commercial Recreation land use designation for the General Management Area (“GMA”). The Final Order describes the Amendment below (excerpts only, see Final Order, p. 4-6, for a full description. See Exhibit A, Adopted Amendments to the Management Plan, p. 1-14 for the complete text of the Amendment):

Existing Plan Provisions

The Plan contains several existing provisions (dating back to the 1991 original adoption of the Plan) that relate to redevelopment of the Broughton Mill site. This Amendment supplements and implements these policies:

- Existing Industrial Uses,
- Commercial Recreation Designation,
- Economic Development Policies, and
- Scenic Enhancement Strategies.

Purpose and Objectives for the Amendment

The purpose of the Amendment is to improve implementation of existing Plan provisions by encouraging conversion of an existing industrial use and redevelopment of a largely abandoned industrial complex to a resource-based recreation resort use that furthers both purposes of the Area Act. The objectives of the Amendment are to:

- Encourage conversion of the industrial use and site to uses with fewer adverse impacts;
- Protect Scenic Area resources;
- Provide for enhancement of Scenic Area resources;
- Ensure commercial development protects Scenic Area resources;
- Ensure a recreation resort encourages Urban Area economic growth; and
- Provide for a successful and sustainable development over the long-term.

Important Elements

The Amendment includes the following elements to be consistent with the Act (Final Order, p. 27):

- All resort accommodation units are limited to short-term occupancy through design and residency/use restrictions.
- Very limited commercial development focusing only on serving the needs of visitors to the resort and adjacent recreation site.
- Comprehensive master plan requirements to ensure the entire development is evaluated for impacts prior to development of phases.
- Resource and community impact studies as part of the application to inform the evaluation of the resort.
- Compliance with all of the guidelines in the Plan for protection of scenic, cultural, natural, and recreation resources, with three differences, discussed below.
- Mandatory resource protection and enhancement plans, mitigation measures, and a plan for the protection of tribal treaty rights based on the impact studies.
- “Backstop standards” to help Skamania County in the development of the land use ordinance to administer the Amendment.
- Cessation of all industrial uses.
- Removal of industrial buildings, infrastructure, and other components of the industrial complex not rehabilitated for reuse as part of the resort.
- Clustering of development in the resort core (the existing industrial complex) rather than developing adjacent to it.

IV. Consistency with Purposes and Standards of the Act

A. Purposes of the National Scenic Area Act

Purpose 1: Resource Protection and Enhancement

"The purposes of this Act are:

- (1) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge;"

Findings of Fact

The 1992 Plan and 2004 Revision provided the framework for implementing the first purpose of the Act by establishing goals, policies, and guidelines for protection of scenic, cultural, recreational, and natural resources in the General Management Area (“GMA) and Special Management Area (SMA). The original 1992 Management Plan and the 2004 revision were based on the resource assessment completed pursuant to Section 6(a)(1)(A), 16 USC § 544d (a)(A), and Section 8(c) 16 USC § 544d(c).

This Amendment, due to specific wording limiting it to “redevelopment of an existing industrial complex” in the Commercial Recreation land use designation within the GMA limits it to one site only, the Broughton Mill site. Existing industrial use on this site is defined as a “non-conforming use,” that is, a use that is allowed to continue on a property after a zoning ordinance prohibiting it has been established for the area where the property is located. The Amendment, according to the Commission Final Order, p. 4, will “improve implementation of the existing Management Plan provisions by encouraging conversion of an existing industrial use...to a resource-based recreation resort...” thus moving the site closer to the level of protection of resources that the Commercial Recreation designation was designed to provide. In addition, the Amendment requires enhancement as well as protection of the scenic, cultural, natural, and recreation resources. The Amendment does not approve development, but rather sets up the guidelines and criteria—including a detailed master plan—that a development would have to meet in order to be approved by the local government. It also includes a requirement for a resource enhancement and protection plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.C(1)(i). p. 8.



Broughton Mill Location from Interstate 84 near Hood River



Broughton Mill Location from SR-14 near the Railroad Bridge

Scenic Resources

According to Forest Service landscape architect Diana Ross in an October 2006 scenic analysis of the existing conditions, the current Broughton Mill site meets scenic standards from most Key Viewing Areas except the immediate foreground of SR-14. In the foreground of SR-14, large buildings unscreened by vegetation are visually dominant near the railroad bridge and somewhat dominant elsewhere along the linear extent of the site.

The 1990 SR-14 Corridor Visual Inventory described the mill site as a “desirable feature in this landscape” and recommended that it not be screened from view. This opinion is still held by many of the public while the opposite view, that the site is an “eyesore” is also common. The 2006 scenic analysis did not judge the cultural impact of the existing buildings, but only their visual dominance with reference to the scenic standard. Considering only the required scenic standard as applied to current conditions, the mill site does not meet current guidelines viewed from SR-14.

Because the mill site is a pre-existing non-conforming use, the current owners of the mill site are not required to meet the current scenic guidelines for the existing buildings unless they alter or enlarge them enough to require that they meet current guidelines or change the use of the property. The existing scenic guidelines would require any new use to meet the scenic standard--although the Commission found (Final Order., p. 6) that the GMA “conversion of existing industrial uses” guidelines may “imply some flexible application”.

The Amendment does not require a new recreation resort to meet three of these existing guidelines. It extends the time allowed to meet the scenic standard of Visually Subordinate by 5 years and does not require the buildings to meet the “compatibility” guideline, a GMA guideline which requires that new buildings and roads are “compatible with the general scale (height, dimensions and overall mass) of existing development” or the requirement that development be “rural in scale” (generally, not exceeding 5000 square feet. See Plan, p. I-1-3 and II-6-6). These changes were made in recognition of the harshness of the site and the design strategy to use fewer, larger buildings to mimic some of the current site character rather than numerous smaller buildings that would require more land area.

“Enhancement” is defined as improved conditions over the existing situation. Therefore, a recreation resort that meets the required scenic standard of Visually Subordinate in 10 years (regardless of the scale of the buildings that combine to meet that standard) would be an enhancement over the existing situation and would protect the scenic resource. This finding rests on the following assumptions:

- The current use of the site would not otherwise change: The current allowed uses are not likely to provide enough incentive to change to a recreation use.
- The current site conditions would not likely result in meeting the scenic standard from SR-14 regardless of how many years pass: The harshness of the site would preclude natural revegetation that could reduce the visibility of the existing buildings.
- A recreation resort also meets all of the other required scenic guidelines: All applicable scenic guidelines in Part I, Chapter I of the Plan would apply and be met during implementation except those mentioned above that were changed in the Amendment.

The requirement for a master plan, height and building footprint restrictions, and scenic enhancements such as revegetation of disturbed areas and the removal of unsightly structures would all contribute to meeting the standard for protection of scenic resources. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.B.(1), 5.A.(3)(a-b), 5.D.(4), p. 7,11.

Cultural Resources

Some of the existing buildings on the Broughton site are older than 50 years and may be eligible for listing on the National Register of Historic Places. There is a potential for archeological resources to be found.

According to the analysis provided by the Commission Final Order and Forest Service archeologist Marge Dryden, the current Plan provisions for the protection of cultural resources will be effective at protecting resources concerning development allowed under the Amendment.

The cultural resource enhancements encouraged by the Amendment include cultural and historical interpretive displays and historic restoration. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.D.(5), p. 11.

The Commission conducted discussions with tribal members and “found many possibilities for improving awareness and understanding of tribal fishing activities by other river users and visitors to the Scenic Area” with the observation that the implementation of the Amendment would provide a means for addressing these issues further.

Natural Resources

Natural resources were protected in two very important ways in the Scenic Area during the zoning phase of the creation of the Plan. First, the most sensitive natural resources were included in the SMAs. The Amendment is applicable only in the GMA. Second, sensitive resources within the GMA were protected through the Open Space land use designation. The Commercial Recreation designation is adjacent to the Underwood Bluffs Open Space. No resort development would be allowed outside of the Commercial Recreation designation. Only development already allowed in the other designations could be approved in conjunction with a recreation resort. For example, trails are already allowed by the Plan in Open Space.

Effects to Open Space natural resources are minimized by the existing natural resource guidelines which protect sensitive resources and sites using buffers, wildlife management plans, and protection or rehabilitation plans where appropriate. In addition, the following Amendment requirements ensure protection of natural resources from direct effects at the site and indirect effects to Open Space:

- The cumulative footprint of all recreation resort buildings located within the resort shall not exceed that of buildings located within the existing industrial complex;
- An engineering assessment of impact on community water facilities and surface water quality due to projected water use and treatment methods;
- Resource protection and enhancement plan requirement; and

- Natural resources shall be protected and enhanced by the development of the recreation resort. Enhancement may include...habitat improvements, permanent protection of undeveloped lands, water quality improvement

See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(3)(a), 5.B.(4), 5.C.(1)(i), . 5.D.(6), p. 7, 8, 11.

According to Forest Service fish and wildlife biologist Chuti Fiedler, the specific effects to natural resources can only be assessed once the details of the master plan are known and can be reviewed. At that time, the requirements of the Amendment would require specific mitigations and enhancements for the impacts to natural resources of the master plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.D.(6), p. 11. However, the general risks to natural resources such as habitat loss and disturbance are also accounted for in the existing guidelines for the protection of natural resources. This finding rests on the expectation that all of the existing natural resource guidelines and the Amendment's protection guidelines will be met during implementation.

Recreation Resources

The biggest change from existing guidelines is a change in the type of Commercial Recreation allowed in the Scenic Area. This Amendment would add a new recreation use, a resource-based recreation resort.

In addition to adding a new type of use to the recreation mix in the Scenic Area, implementation of the Amendment would likely increase the number of recreation users in the general vicinity. According to the Commission: "The Spring Creek Fish Hatchery State Park is located adjacent to the mill site across SR-14. During peak summer months the park sees heavy windsurfing use. Many people expressed concern about the potential impacts of a recreation resort on the use of the state park. The existing parking capacity is limited at the state park, as are rigging areas on shore and sailing areas on the river. The addition of more users due to a resort could create impacts that would need to be mitigated in some way in order to protect the existing recreation resource. Public workshops held in the summer of 2007 looked at different measures to mitigate impacts and enhance recreation resources in the Hatchery–Swell City area. The Amendment requires a resort proposal to assess its effects on existing recreation resources at and adjacent to the resort and develop a resource protection and enhancement plan based on the assessment." Final Order, p. 31, 32.

"Guideline 5.B.(5) requires that application for a recreation resort include an assessment of effect on existing recreation resources at and adjacent to the resort. The assessment must evaluate:

- Types of recreation resources and levels of current use;
- Existing site conditions and recreation site capacity, including parking, safety, river access, and on-river conditions;
- Projected additional use and effect on existing recreation areas due to recreation resort development, by phase and at full build-out;

- Potential effect on the quality of the recreation experience at adjacent recreation sites; including effects due to potential changes in parking, traffic, public health and safety due to recreation resort development;
- Identification of potential mitigation and enhancement actions that would improve the quality of the experience for current and projected levels of use.

The resort master plan must also include a resource protection and enhancement plan that describes and indicates measures necessary to mitigate impacts identified through the assessment. Guideline 5.D.(3)(c) requires that the plan consider at a minimum:

- Improvements to recreation user areas;
- New or improved access to recreation sites
- Parking improvements and other potential methods to reduce parking demand at adjacent recreation sites by resort guests, such as shuttles or parking restrictions;
- Cooperative agreements with the management of adjacent recreation sites to jointly address potential adverse impacts;
- Establishment of mitigation funds to be applied to improvements at public recreation sites;
- Development of secondary activities, such as spectator seating, development of recreational trails, interpretation sites and trails”. Final Order p. 31, 32.

Purpose 1 - Conclusion

Taken together with the existing Plan guidelines, the Amendment is consistent with the first purpose of the Act because the Amendment contains specific guidelines requiring a resource enhancement and protection plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), and 5.C.(1)(i), p. 6-11.

Purpose 2: Protect and Support the Economy

"The purposes of this Act are -

- (2) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in manner that is consistent with paragraph (1)."

Findings of Fact

Urban Areas is defined in the Act:

"'urban areas' means those areas within the scenic area identified as urban areas on the map referred to in section 4(e) of this Act or within the boundaries of an urban area as revised pursuant to section 4(f)". 16 USC §544(s)

The second purpose of the Act establishes two principles supporting the economy of the Scenic Area. Initially, the economy is protected and supported by encouraging growth in existing urban areas. Secondly, economic development in general may occur only if consistent with the provisions to protect and enhance the scenic, cultural, natural, and recreation resources of the Scenic Area.

a. Principle One: Encourage growth within urban areas

Congress designated thirteen urban areas in the Act (Section 4(e)). 16 USC §544b(e). The Act significantly limits Commission authority over these urban areas by mandating their incorporation into the Plan without change (Section 6 (b)(7)) 16 USC §544d(b)(7); prohibiting land use guidelines in the urban areas (Section 6 (c)(5)(B)) 16 USC §544d(c)(5)(B); and denying the Commission any authority to create land use ordinances for urban areas if a county should fail to do so (Section 7 (c)(1) 16 USC §544e(c)(1)).

Analysis

According to the Commission, “The Commission discussed that the plan amendment is consistent with policies for economic development that are already in the Management Plan; development of the site encourages other economic development in nearby urban areas (Bingen, White Salmon, and Hood River)” Final Order, p. 33.

With reference to competition with urban areas, the Commission stated that “a resort is a sufficiently different product than hotels, motels, inns, and bed and breakfasts in urban areas; the commercial uses that would be at the resort would be limited; and a resort would enhance scenic, cultural, natural, and recreation resources on-site and off-site.” Final Order, p. 33. Commercial uses are limited to “restaurants and pubs, a mini-mart, recreation equipment rental, and other small scale retail and guest services... Gas stations, banks, grocery stores, or other services commonly found in urban areas or catering to the traveling public shall not be permitted.” Final Order, p. 37.

b. Principle Two: Allow future economic growth consistent with resource protection.

The second principle encourages the Commission to allow compatible economic development that protects and enhances the Scenic Area. As discussed under the first purpose of the Act, the Amendment requires protection and enhancement of the scenic, cultural, natural, and recreation resources through the requirements of a resource enhancement and protection plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), and 5.C.(1)(i), p. 6-11.

Purpose 2 – Conclusion

The Amendment is consistent with the second purpose of the Act because it allows a new review use under Commercial Recreation guideline 5 that would contribute to the economy of the Columbia River Gorge while being compatible with the first purpose of the Act as a result of the requirements of specific guidelines requiring a resource enhancement and protection plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), and 5.C.(1)(i), p. 6-11.

B. Standards of the Act

Standard 1: Agricultural Lands

"The management plan and all land use ordinances and interim guidelines adopted pursuant to this Act shall include provisions to-

- (1) protect and enhance agricultural lands for agricultural uses and to allow, but not require, conversion of agricultural lands to open spaces, recreation development or forest lands."

Findings of Fact

Agricultural lands is defined by the Act:

"The land use designations shall - designate those lands used or suitable for the production of crops, fruits, or other agricultural products or the sustenance of livestock as agricultural lands." Section 6(b)(2); 16 USC §544d(b)(2).

Analysis

The Plan designation for this Amendment is Commercial Recreation; therefore, no agricultural lands are directly affected by the Amendment. Also, according to the Commission, "The mill site is not suitable for agriculture or forest uses and the site is separated by distance and elevation from the agricultural and forest activities on Underwood Mountain. There will be no impact to agriculture or forest resources due to development allowed by the plan amendment." Final Order, p. 41.

Conclusion - Standard 1

The Amendment is consistent with Standard 1, Agricultural Lands, because the Amendment will have no effect on agricultural land or uses because no agricultural resources would be displaced.

Standard 2: Forest Lands

"The management plan and all land use ordinances and interim guidelines adopted pursuant to this Act shall include provisions to-

- (2) protect and enhance forest lands for forest uses and to allow, but not require, conversion of forest lands to agricultural lands, recreation development or open spaces."

Findings of Fact

Forest lands is defined in the Act:

"The land use designations shall - designate land used or suitable for the production of forest products as forest lands." Section 6(b)(3) 16 USC §544d(b)(3).

Analysis

The Plan designation for this Amendment is Commercial Recreation; therefore, no forest lands are directly affected by the Amendment. Also, according to the Commission, "The mill site is not suitable for agriculture or forest uses and the site is separated by distance and elevation from the agricultural and forest activities on Underwood Mountain. There will be no impact to agriculture or forest resources due to development allowed by the plan amendment." Final Order, p. 41.

Conclusion – Standard 2

The Amendment is consistent with Standard 2, Forest Lands, because the Amendment will have no effect on forest land or uses because no forest resources would be displaced

Standard 3: Protect and enhance open spaces

"The management plan and all land use ordinances and interim guidelines adopted pursuant to this Act shall include provisions to –

- (3) Protect and enhance open spaces;"

Findings of Fact

The Act defines open spaces as:

"Open spaces" means unimproved lands not designated as agricultural lands or forest lands pursuant to section 6 of this Act and designated as open space pursuant to section 6 of this Act. Open spaces include—

- (1) scenic, cultural, and historic areas
- (2) fish and wildlife habitat
- (3) lands which support plant species that are endemic to the scenic area or which are listed as rare, threatened or endangered species pursuant to State or Federal Endangered Species Acts
- (4) ecologically and scientifically significant natural areas
- (5) outstanding scenic views and sites
- (6) water areas and wetlands
- (7) archaeological sites, Indian burial grounds and village sites, historic trails and roads and other areas which are culturally and historically significant
- (8) potential and existing recreation resources
- (9) Federal and State wild and scenic, and recreation waterways." Section 2(1), 16 USC §544(2)(1).

Analysis

As discussed under Natural Resources on page 11 above, Open Spaces are primarily addressed in the Plan by the GMA and SMA Open Space designation. Nothing in the Amendment changes the designation of Open Space in the Scenic Area. Adjacent Open Space at the Underwood Bluffs area will be protected according to Open Space guidelines. The Amendment does not change natural resources protection by the Open Space designation. It also lessens the risk of indirect effects due to these specific requirements designed to control the scale and impact of the development:

- The total number of accommodation units and campground sites shall not exceed that approved by the resort master plan—the average size shall not exceed 1300 sq. ft...
- The cumulative footprint of all recreation resort buildings located within the resort shall not exceed that of building located within the existing industrial complex...
- An engineering assessment of impact on community water facilities and surface water quality due to projected water use and treatment methods...,
- Resource protection and enhancement plan requirement.
-

Natural resources shall be protected and enhanced by the development of the recreation resort. Enhancement may include...habitat improvements, permanent protection of undeveloped lands, water quality improvement. Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(1)(a-b), 5.A.(3)(a), 5.B.(4), 5.C.(1)(i), 5.D.(6), p. 6,7,8,11.

These findings rest on the expectation that all the requirements will be reasonably implemented.

Conclusion – Standard 3

The Amendment is consistent with Standard 3, protect and enhance open spaces, because it does not change the existing natural resources protection by the Open Space designation. It also lessens the risk of indirect effects due to the specific requirements designed to control the scale and impact of the development. Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(1)(a-b), 5.A.(3)(a), 5.B.(4), 5.C.(1)(i), 5.D.(6), p. 6,7,8,11.

Standard 4: Public and Private Recreation Resources, Education and Interpretation

“The management plan and all land use ordinances and interim guidelines adopted pursuant to this Act shall include provisions to-

- (4) protect and enhance public and private recreation resources and educational and interpretive facilities and opportunities, in accordance with the recreation assessment adopted pursuant to subsection (a) of this section."

Findings of Fact

The Act requires a recreation assessment by providing:

"The Commission shall complete an assessment of recreation resources and opportunities for enhancement of these resources. The recreation assessment shall:

- (A) designate the location and specify the construction of an interpretive center or other appropriate facility, to be located in the State of Oregon, and of a conference center or other appropriate facility, to be located in the State of Washington;
- (B) identify areas within the scenic area that are suitable for other public use facilities, including but not limited to educational and interpretive facilities, campsites, picnic areas, boat launch facilities and river access areas; and
- (C) subject to the treaty and other rights of Indian tribes, designate areas to provide increased access for recreation purposes to the Columbia River and its tributaries; and
- (D) incorporate without change the recreation assessment developed by the Secretary pursuant to section 8 of this Act for the special management areas." Section 6(a)(3), 16 USC §544d(a)(3).

Analysis

See findings under Recreation on page 12 above for some of the specific protections to recreation required by the Amendment. Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.B.(5) and 5.D.(3) p. 7, 10.

Public and private recreation resources, and educational and interpretive facilities and opportunities are addressed in the Plan by the Recreation land use designations, by the recreation resources protection standards (including the Recreation Intensity Classes) and by the Recreation Development Plan. The Amendment does not change the existing land use designation but allows a new use, a recreation resort, within the designation. The Amendment guidelines cite interpretive facilities as desirable enhancements for cultural and recreational resources. Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.D.(3)(c)(vi), p 11.

Conclusion – Standard 4

The Amendment is consistent with Standard 4, Public and Private Recreation, Education and Interpretation, because it protects recreation and encourages interpretation and education. Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5 B.(5) and 5.D.(3) p. 7, 10, 5.D.(3)(c)(vi), p 11.

Standard 5: Prohibit Major Development Actions in the SMA

"The management plan and all land use ordinances and interim guidelines adopted pursuant to this Act shall include provisions to-

- (5) prohibit major development actions in special management areas, except for partitions or short plats which the Secretary determines are desirable to facilitate land acquisitions pursuant to this Act."

Findings of Fact

Major development actions as used in the standard above as specifically defined by the Act:

- "(1) subdivisions, partitions and short plat proposals;
- (2) any permit for siting or construction outside urban areas of multi-family residential, industrial or commercial facilities, except such facilities as are included in the recreation assessment;
- (3) the exploration, development and production of mineral resources unless such exploration, development or production can be conducted without disturbing the surface of any land within the boundaries of a special management area or is for sand, gravel and crushed rock used for the construction, maintenance or reconstruction of roads within the special management areas used for the production of forest products; and
- (4) permits for siting or construction within a special management area of any residence or other related major structure on any parcel of land less than forty acres in size." Section 2(j) 16 USC §544(2)(j).

Analysis

The Plan provides specific language to prohibit the major development actions defined above, and this language was not changed in by this Amendment. This amendment affects the General Management Area only.

Conclusion – Standard 5

This amendment applies only to the GMA and is consistent with Standard 5 because it does not allow major development actions in SMAs None of the Plan provisions are applicable to Special Management Areas because any development provided for by the Amendment would take place in General Management Areas.

Standard 6: Prohibit Industrial Development Outside Urban Areas

"The management plan and all land use ordinances and interim guidelines adopted to this Act shall include provisions to

"(6) prohibit industrial development in the scenic area outside urban areas."

Findings of Fact

The Plan defines industrial uses as:

"Any use of land or water primarily involved in:

- 1). Assembly or manufacture of goods or products;
- 2). Processing or reprocessing of raw materials, processing of recyclable materials or agricultural products not produced within a constituent farm unit;
- 3). Storage or warehousing, handling or distribution of manufactured goods or products, raw materials, agricultural products, forest products or recyclable materials for purposes other than retail sale and service; or
- 4). Production of electric power for commercial purposes."

Urban areas are defined in the Act:

"Urban areas" means those areas within the scenic area identified as urban areas on the map referred to in Section 4(e) of this title or within the boundaries of an urban area as revised pursuant to Section 4(f) of this title." Section 2(s).

Analysis

The Broughton Mill site is a non-conforming existing industrial use outside of an urban area because it processes raw materials not produced within a constituent farm unit. The objective of the Amendment is to provide incentive for converting the site from an industrial use to a use compatible with its current designation of Commercial Recreation. As stated in the Amendment at Commercial Recreation Policy 6, the conversion must result in protection and enhancement of resources. See Exhibit A, Adopted Amendments to the Management Plan, Part II, Chapter 6: Recreation Designations, Commercial Recreation, GMA Policies, 6A-H, p 2-3.

Conclusion – Standard 6

The Amendment is consistent with Standard 6, Industrial Development because the primary objective of the Amendment is to convert the site from an existing non-conforming industrial use outside of an Urban Area to a commercial recreation use as stated in Commercial Recreation Policy 6. See Exhibit A, Adopted Amendments to the Management Plan, Part II, Chapter 6: Recreation Designations, Commercial Recreation, GMA Policies, 6A-H, p 2-3.

Standard 7: Commercial Development

“The management plan and all land use ordinances and interim guidelines adopted to this Act shall include provisions to-

- (7) require that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the scenic area;”

Findings of Fact

Urban areas as defined in the Act:

“ ... those areas within the scenic area identified as urban areas on the map referred to in Section 4(e) of this title or within the boundaries of an urban area as revised pursuant to Section 4(f) of this title.”

Commercial development is defined in the Plan:

“Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands”.

Analysis

Commercial development is addressed in the Plan both by the GMA Commercial Land designation, and by commercial uses that may be allowed in each of the other GMA land use designations, such as Commercial Recreation. Commercial development (other than commercial recreation) is only allowed in the GMA and only as a review use subject to scenic, cultural, recreation and natural resource protection requirements. The Amendment continues this basic structure. The Amendment allows limited commercial uses within the definition of a resort development and requires a resource protection and enhancement plan in order to actively enhance protected resources and not merely avoid-adverse effects to the protected resources of the Scenic Area. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(2), 5.A.(3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), p. 6,7,10,11. For further findings regarding the protection of resources provided by the Amendment, see pages 8-13 of this document above.

Conclusion – Standard 7

The Amendment is consistent with Standard 7, Commercial Development because it allows limited commercial uses within the definition of a resort development at 5.A.(2) and requires a resource protection and enhancement plan in order to actively enhance protected resources and not merely avoid adverse effects to the protected resources of the Scenic Area.. Other protective guidelines are located at Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), p. 7, 8,11.

Standard 8: Residential Development

"The management plan and land use ordinances and interim guidelines adopted pursuant to this Act shall include provision to-

- (8) require that residential development outside the Urban Areas take place without adversely affecting the scenic, cultural, recreation, and natural resources in the scenic area."

Findings of Fact

Residential development is defined in the Act:

"the permitting for siting or construction of any residence or other related major structure."
Section 2(n). 16 USC §544(n).

Analysis

According to the Commission, "There will be no residential development as a result of the plan amendment. All of the resort units will be designed for and restricted to short-term use; residential use is not permitted." Final Order, p. 43. This is accomplished through the following amendment requirements:

Accommodations that are part of a recreation resort shall meet the following standards:

- The average size of accommodation units shall not exceed 1,300 square feet. Individual accommodation units shall be no larger than 1,600 square feet in total floor area.
- No unit shall contain more than one kitchen.
- Parking shall be predominantly in common lots or structures and accessed through shared driveways. Individual accommodation units shall not have separate or attached garages.
- All accommodation units shall have design and use restrictions that effectively limit their use to short-term occupancy and that require occupancy to be limited to no more than 45 days in any 90 day period. Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (1), p. 6.

Therefore, the resort will be a short term occupancy development for vacationers, not residents. This finding rests on the expectation that the local government implements the short term occupancy requirements effectively.

Conclusion – Standard 8

The Amendment is consistent with Standard 8, Residential Development because the resort will accommodate the vacationing public, not permanent residents. . Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (1), p. 6.

Standard 9: Mineral Resources

"The management plan and all land use ordinances and interim guidelines adopted pursuant to this Act shall include provisions to –

- (9) require that the exploration, development and production of mineral resources, and the reclamation of lands thereafter, take place without adversely affecting the scenic, cultural, recreation and natural resources of the scenic area."

Findings of Fact

The Plan defines exploration, development (extraction and excavation) and production of mineral resources as:

"... all or any part of the process of surface, underground or submerged mining of mineral resources. Minerals include soil, coal, clay, stone, sand, gravel, metallic ore, oil and gases and any other material or substance excavated for commercial, industrial or construction use. For the Plan, this definition includes all exploration and mining, regardless of area disturbed or volume mined. Production of mineral resources means the use of portable crushing, on-site stockpiling, washing, milling, screening, or sorting equipment or other similar methods of initial treatment of a mineral resource to transport to another site for use or further processing. Secondary processing such as concrete or asphalt batch plants are considered industrial uses."

Analysis

The exploration, development, and production of mineral resources are thoroughly addressed in the Plan. The Amendment has no effect on mineral resources. Standard 9 does not apply to the Amendment because no exploration, development or production of mineral resources are authorized by the Amendment. Thus, the Amendment is consistent with Standard 9.

Conclusion – Standard 9

The Amendment is consistent with Standard 9, Mineral Resources because the exploration, development, and production of mineral resources are thoroughly addressed in the Plan and the Amendment has no effect on mineral resources. Standard 9 does not apply to the Amendment no exploration, development or production of mineral resources are authorized by the Amendment. Thus, the Amendment is consistent with Standard 9.

V. Summary Conclusion of Consistency with the Act

In sum, the Amendment to the Plan is consistent with the purposes and standards of the Act based on the following conclusions of law:

PURPOSES OF THE ACT

Purpose 1 - Conclusion

Taken together with the existing Plan guidelines, the Amendment is consistent with the first purpose of the Act because the Amendment contains specific guidelines requiring a resource enhancement and protection plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), and 5.C.(1)(i), p. 6-11.

Purpose 2 – Conclusion

The Amendment is consistent with the second purpose of the Act because it allows a new review use under Commercial Recreation guideline 5 that would contribute to the economy of the Columbia River Gorge while being compatible with the first purpose of the Act as a result of the requirements of specific guidelines requiring a resource enhancement and protection plan. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A. (3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), and 5.C.(1)(i), p. 6-11.

STANDARDS OF THE NSA ACT

Standards 1, 2, 5, and 9 – Conclusions

Standards 1, 2, 5, and 9 do not apply to the Amendment because the Amendment will have no effect on agricultural or forest land or uses because no agricultural or forest resources would be displaced; none of the Plan provisions are applicable to Special Management Areas because any development provided for by the Amendment would take place in General Management Areas; and no exploration, development or production of mineral resources are authorized by the Amendment. Thus, the Amendment is consistent with Standards 1, 2, 5, and 9.

Standard 3 - Conclusion

The Amendment is consistent with Standard 3, which provides for the protection and enhancement of open spaces because the Amendment does not change the existing natural resources protection provided by the Open Space designation. The Amendment also lessens the risk of indirect effects due to the specific requirements designed to control the scale and impact of any development. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(1)(a-b), 5.A.(3)(a), 5.B.(4), 5.C.(1)(i), and 5.D.(6), p. 6-11.

Standard 4 – Conclusion

The Amendment is consistent with Standard 4 which provides for protection and enhancement of public and private recreation, education and interpretation because it protects recreation and encourages interpretation and education. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.B.(5) and 5.D.(3) and 5.D.(3)(c)(vi) p. 7,10,11.)

Standard 6 – Conclusion

The Amendment is consistent with Standard 6 which prohibits industrial development outside of urban areas because the primary objective of the Amendment is to eliminate an existing non-conforming industrial use outside of an urban area by converting the site into a commercial recreation use as provided for in Commercial Recreation Policy 6. See Exhibit A, Adopted Amendments to the Management Plan, Part II, Chapter 6: Recreation Designations, Commercial Recreation, GMA Policies, 6A-H, p 2-3.

Standard 7 - Conclusion

The Amendment is consistent with Standard 7, requiring that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the Scenic Area because it allows limited commercial uses within the definition of a resort development and requires a resource protection and enhancement plan in order to actively enhance protected resources, in addition to avoiding -adverse effects to protected resources in the Scenic Area. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(2), 5.A.(3)(a-b), 5.B.(4-6), 5.D.(3)(c), 5.D. (4-7), p. 6,7,10,11.

Standard 8 - Conclusion

The Amendment is consistent with Standard 8, requiring that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the Scenic Area because the resort will accommodate the vacationing public, not permanent residents. See Exhibit A, Adopted Amendments to the Management Plan, Review Uses, 5.A.(1), p. 6.

Recommendations for Implementation

My concurrence is also based on and subject to the following Amendment requirements:

- Cessation of all industrial uses;
- Removal of industrial buildings, infrastructure, and other components of the industrial complex not rehabilitated for reuse as part of the resort and clustering of the new development in the already disturbed portions of the site;
- Very limited commercial development focusing only on serving the needs of visitors to the resort and adjacent recreation site;
- Emphasis on short-term occupancy—limited to 45 days out of a 90-day period;
- Comprehensive assessment, master planning, and resource protection and enhancement plans; and
- Compliance with the relevant existing guidelines in the Plan for protection of scenic, cultural, natural, and recreation resources with the addition of new requirements for each resource.

The Amendment requires detailed master planning and staged implementation as well as mitigation and enhancement of the scenic, cultural, natural, and recreation resources. The Amendment provides the necessary policy framework and guidelines to ensure consistency with the Act, including the avoidance of adverse effects. This detail and complexity means that the actual assessment of potential effects will be completed during the review of the master plan

including an on-the-ground assessment prior to approval. The following are suggestions for implementation:

- All mitigation and enhancement options will need careful review and consideration by appropriately trained technical specialists;
- It will be important to have a mechanism in place to ensure the Amendment requirements are being systematically addressed; and
- Monitoring of the resort actions and activities, especially the short-term occupancy requirement (i.e. no more than 45 days occupation out of a 90 day period) should be frequent enough and of sufficient intensity to ensure compliance over the long term. I recommend that Skamania County require the applicant to develop a self-policing system with periodic reports back to Skamania County and the Commission.

Adopted Amendments to the Management Plan

Newly adopted text is in italics

Glossary

***Existing Industrial Complex:** Areas including some existing industrial use and where readily visible remnants of past industrial activities exist. The complex includes buildings, including those abandoned or partially abandoned, paved areas, stockpiles, equipment storage areas, quarry areas, etc, and may include isolated patches of vegetation or rock outcroppings surrounded by areas described above. The complex does not extend to include areas where evidence of past activity is no longer readily evident in the landscape.*

***Recreation Resort:** A master-planned development focused on accessing a range of resource-based recreational opportunities, consisting of predominately short-term visitor accommodations and supporting commercial uses.*

***Resort Core:** The portion of a recreation resort formerly occupied by the existing industrial complex.*

Part III, Chapter 3: Enhancement Strategies

SCENIC RESOURCES ENHANCEMENT STRATEGIES

GMA/SMA Objectives

1. Screen or improve the appearance of discordant features in the landscape.
 - A. In conjunction with local governments, develop an inventory of discordant features in the Gorge landscape.
 - B. Establish a program of incentives to bring existing structures into compliance with guidelines for scenic resources, prioritizing discordant features in the foreground of scenic travel corridors.
 - (1) Rehabilitate roadcuts and other disturbed areas in the landscape.
 - (2) Encourage removal of abandoned structures.
 - (3) Encourage removal or replacement of signs that do not conform to the sign guidelines for the GMA (Part I, Chapter 1: Scenic Resources) and

the SMA (Part II, Chapter 7: General Policies and Guidelines).

- (4) Work with local governments to offer technical assistance and design suggestions to private developers.
- (5) *Provide incentives to convert existing industrial complexes to uses more consistent with the purposes of the Scenic Area Act and land use designation.*

Part II, Chapter 6: Recreation Designations

COMMERCIAL RECREATION

GMA Goal

Protect and enhance opportunities for commercially owned, resource-based recreation and supporting commercial uses on lands containing such existing uses or lands on which such proposed uses have been deemed consistent with the Scenic Area Act.

GMA Policies

1. Those lands devoted to resource-based, commercial recreation uses and those lands highly suitable for such uses shall be designated as Commercial Recreation.
2. Lands may be considered highly suitable for Commercial Recreation uses if they have the following characteristics:
 - A. The site offers an outstanding opportunity for active, resource-based, river-oriented recreation or a unique opportunity for some other type of active, resource-based recreation. Examples of such opportunities and uses include: access (e.g. swimming, windsurfing, boating, and picnicking) to the Columbia River or its major tributaries; access to an outstanding sport fishery on the main stem of the Columbia River or a major tributary; access to the only natural hot springs in the Scenic Area (uniqueness criterion); etc.

- B. The site is classified in the Management Plan for moderate- or high-intensity recreation (Recreation Intensity Class 3 or 4 as defined in Part I, Chapter 4: Recreation Resources).
 - C. Potential development on the site would not adversely affect sensitive wildlife habitat or plants, wetlands, or aquatic or riparian areas. This may be achieved by either designing the development to avoid areas containing such resources or by applying mitigation measures that reduce effects on such resources to less than adverse levels.
 - D. Potential development on the site would not adversely affect significant cultural resources. This may be achieved by either designing the development to avoid areas containing such resources or by applying mitigation measures that reduce effects to such resources to less than adverse levels.
 - E. Potential development on the site would not have cumulative adverse effects upon scenic, cultural, natural or recreation resources, considering other development (existing or authorized in the Management Plan) in the Scenic Area or in the vicinity of the development.
3. Overnight accommodations (in addition to campgrounds) shall be allowed if they are rural in scale, such as cabins or cottages, and are closely associated with resource-based recreation opportunities located onsite or on adjacent lands that are accessed through the site. *This policy shall not apply to a recreation resort.*
 4. Uses other than those providing commercially owned, resource-based recreation opportunities shall be allowed if they do not interfere with existing or approved recreation uses on the subject site or adjacent lands and do not permanently commit the site to non-recreational uses.
 5. Commercial uses (such as restaurants) shall be allowed if they are part of an existing or approved commercial recreation use and are consistent with the policies and guidelines for private concessions and commercial uses at recreation sites contained in this chapter.
 6. *Redevelopment of an existing industrial complex as a recreation resort may be allowed if the result is protection of and enhancement to scenic, cultural, natural and recreation resources, and protection of tribal treaty rights. All uses must be part of an approved master plan and consistent with the policies and guidelines for recreation resorts contained in this chapter.*
 - A. *The overall scale of a resort shall be limited to ensure the resort protects and supports the economies of urban areas and protects scenic area resources. The total number of resort users shall be roughly equivalent to what is otherwise allowed in the designation.*

- B. *All existing industrial uses shall be extinguished. All structures associated with the existing industrial complex that are not reused or restored for adaptation to resort use shall be removed. Existing residential uses may remain.*
- C. *Recreation uses (including campgrounds) consistent with the recreation intensity class guidelines associated with the recreation resort may extend to contiguous and adjacent lands under other land use designations if consistent with the adjacent land use designation and the recreation intensity class policies and guidelines. All recreation development shall be included in the resort master plan.*
- D. *All accommodation units shall be designed for, and uses limited to, short-term occupancy to ensure the resort protects and supports the economies of urban areas.*
- E. *Commercial uses shall be limited to ensure the resort protects and supports the economies of urban areas. Commercial uses shall be oriented toward serving resort guests and recreation site users rather than the traveling public.*
- F. *The general scale (height, dimensions and overall mass) of buildings in the resort core may be compatible with the scale of the buildings located within the existing industrial complex prior to redevelopment as a recreation resort.*
- H. *The recreation resort shall be compatible with the surrounding areas.*

GMA Guidelines

Uses Allowed Outright

1. The uses listed in "Uses Allowed Outright, All Land Use Designations, Except Open Space and Agriculture-Special" (Part II, Chapter 7: General Policies and Guidelines) are allowed without review on lands designated Commercial Recreation.

Uses Allowed through the Expedited Development Review Process

1. The uses listed in "Expedited Development Review Process" (Part II, Chapter 7: General Policies and Guidelines) are allowed with review through the expedited development review process on lands designated Commercial Recreation.

Review Uses

1. The following uses may be allowed on lands designated Commercial Recreation, subject to compliance with guidelines for the protection of scenic, natural, cultural and recreation resources and compliance with numbers 1A, 1C, 1D, 1E, 1F, and 1G (where

applicable) of the "Approval Criteria for Recreation Uses" contained in the recreation intensity class guidelines (Part I, Chapter 4: Recreation Resources):

- A. Commercially owned, resource-based recreation uses, consistent with recreation intensity class policies and guidelines (Part I, Chapter 4: Recreation Resources).
- B. Overnight accommodations that are part of a commercially owned, resource-based recreation use, where such resource-based recreation use occurs on the subject site or on adjacent lands that are accessed through the site, and that meet the following standards:
 - (1) Buildings containing individual units shall be no larger than 1,500 square feet in total floor area and no higher than 2-1/2 stories.
 - (2) Buildings containing more than one unit shall be no larger than 5,000 square feet in total floor area and no higher than 2-1/2 stories.
 - (3) The total number of individual units shall not exceed 25, unless the proposed development complies with standards for clustered accommodations in subsection (4) of this guideline.
 - (4) Clustered overnight travelers accommodations meeting the following standards may include up to 35 individual units:
 - (a) Average total floor area of all units is 1,000 square feet or less per unit.
 - (b) A minimum of 50 percent of the project site is dedicated to undeveloped, open areas (not including roads or parking areas).
 - (c) The facility is in an area classified for high-intensity recreation (Recreation Intensity Class 4).
- C. Commercial uses, including restaurants sized to accommodate overnight visitors and their guests, and non-resource based recreation uses that are part of an existing or approved resource-based commercial recreation use, consistent with the policies, guidelines, and conditional use criteria for such uses contained in this section.
- D. New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 3: Natural Resources).

- E. Special uses in historic buildings, subject to the guidelines in "Special Uses in Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines).
2. The following uses may be allowed on lands designated Commercial Recreation, subject to compliance with the "Approval Criteria for Non-Recreational Uses in Commercial Recreation," below, and the guidelines for the protection of scenic, natural, cultural, and recreation resources:
- A. One single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.
 - B. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in Guideline 2.C below.
 - C. Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:
 - (1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.
 - (2) The height of any individual accessory building shall not exceed 24 feet.
 - D. Agricultural structures, except buildings, in conjunction with agricultural use.
 - E. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards in "Agricultural Buildings" (Part II, Chapter 7: General Policies and Guidelines).
 - F. Utility transmission, transportation, and communication facilities.
 - G. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

- H. Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
 - I. Docks and boathouses, subject to the guidelines in "Docks and Boathouses" (Part II, Chapter 7: General Policies and Guidelines).
 - J. Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.
 - K. Commercial events, subject to the guidelines in "Commercial Events" (Part II, Chapter 7: General Policies and Guidelines).
3. Land divisions may be allowed, subject to compliance with criterion 1C under "Approval Criteria for Non-Recreational Uses in Commercial Recreation," below.
 4. Lot line adjustments may be allowed, subject to compliance with the guidelines in "Lot Line Adjustments" (Part II, Chapter 7: General Policies and Guidelines).
 5. *Recreation resorts may be allowed on lands designated Commercial Recreation that include an existing industrial complex, subject to compliance with the following approval criteria, and the guidelines for the protection of scenic, natural, cultural, and recreation resources. All uses on lands with an approved recreation resort shall be subject to the following limitations:*
 - A. *Uses Allowed: All commercial development (except for privately owned, public use resource-based recreation uses) and accommodations within a recreation resort shall be located within the resort core. Recreation facilities associated with the recreation resort shall be included on the resort master plan and may extend to contiguous and adjacent lands under other land use designations only if consistent with the land use designation and the recreation intensity class policies and guidelines (Part I, Chapter 4: Recreation Resources).*
 - (1) *Accommodations that are part of a recreation resort shall meet the following standards:*
 - (a) *The total number of accommodation units and campground sites shall not exceed that approved by the resort master plan.*
 - (b) *The average size of accommodation units shall not exceed 1,300 square feet. Individual accommodation units shall be no larger than 1,600 square feet in total floor area.*
 - (c) *No unit shall contain more than one kitchen.*
 - (d) *Parking shall be predominantly in common lots or structures and accessed through shared driveways. Individual accommodation units shall not have separate or attached garages.*

- (2) *A traffic impact study meeting the applicable local or state department of transportation standards that projects future conditions for each phase and after the project is completed.*
- (3) *A description of economic impacts of resort development prepared by a qualified economist that includes:*
 - (a) *Assessment of effects on public services and emergency response needs.*
 - (b) *Assessment of net economic effect on surrounding communities and counties that takes into account public services costs, job creation, effect on tax base, and commercial activity in nearby urban areas.*
- (4) *An engineering assessment of impact on community water facilities and surface water quality due to projected water use and treatment methods at resort build-out.*
- (5) *Assessment of effects on existing recreation resources at and adjacent to the resort that evaluates:*
 - (a) *Types of recreation resources and levels of current use.*
 - (b) *Existing site conditions and recreation site capacity, including parking, safety, river access, and on-river conditions.*
 - (c) *Projected additional use and effect on existing recreation areas due to recreation resort development, by phase and at full build-out.*
 - (d) *Potential effect on the quality of the recreation experience at adjacent recreation sites; including effects due to potential changes in parking, traffic, public health and safety due to recreation resort development.*
 - (e) *Identification of potential mitigation and enhancement actions that would improve the quality of the experience for current and projected levels of use.*
- (6) *Assessment of effect on surrounding areas. Review of impacts at a minimum shall include the visual character of the area, traffic generation, emergency response, fire risk and lighting.*
- (7) *A delineation of the boundary of the existing industrial complex, and an inventory of existing development within the complex, including the dimensions and locations of all buildings.*

C. *All development within the recreation resort shall be based on a master plan. Master plans shall be sufficiently detailed to enable the reviewing agency to confirm the guidelines of this section will be met through the development.*

(1) *The resort master plan shall include:*

- (a) *Land use plan: This shall designate uses for all areas within the development. This shall also include a delineation of the resort core.*
- (b) *Building design plan: This shall describe the location, materials, colors, and dimensions of all structures proposed.*
- (c) *Landscape plan: This shall identify all areas where existing vegetation is to be removed and retained, and describe proposed landscape plantings, species and size of plants used, as well as irrigation and landscape maintenance plans.*
- (d) *Traffic circulation plan: This shall describe all road way and parking locations, widths, and surfacing materials.*
- (e) *Roadway improvement plan: This shall describe all on-site and off-site improvements necessary to mitigate traffic impacts and enhance driver and pedestrian safety in the vicinity of the resort.*
- (f) *Grading and drainage plan: This shall indicate existing and proposed contours throughout the redevelopment area. Stormwater drainage routes and facilities shall also be indicated on this plan.*
- (g) *Infrastructure development plan: This shall describe the location, size, basic design, funding mechanisms, and operational plans for water, sewer, power, and emergency services.*
- (h) *Construction phasing plan: This shall indicate intended phasing of development of the project, if any, including anticipated initiation and completion dates for each component of the development. This shall also discuss how the project will function at interim stages prior to completion of all phases, and how the resort may operate successfully and meet its resource protection and enhancement commitments should development cease before all phases are completed.*
- (i) *Resource protection and enhancement plan: This shall describe and indicate proposed measures that will be implemented to protect and enhance scenic, natural, cultural and recreation resources, including measures necessary to mitigate impacts identified through assessments required by this section.*

- (2) *Reviewing agencies shall develop procedures for master plan and phase approval, time extension, and revision consistent with the following:*
- (a) *Construction of all phases of the master plan shall be completed within 12 years from the date of approval. A reviewing agency may grant one extension of time, not to exceed three years, to the validity of the master plan if it determines that events beyond the control of the applicant prevented completion of all phases of the master plan.*
 - (b) *The initial phase of the master plan shall be commenced within 3 years of master plan approval by the reviewing agency. The reviewing agency may approve one extension of time, not to exceed two years, to initiate the initial phase if it determines that events beyond the control of the applicant prevented commencement of the phase.*
 - (c) *The reviewing agency shall review each phase of the master plan for consistency with the master plan prior to any construction on that phase. The review for consistency shall be an administrative decision. Each phase of the master plan shall be completed within three years from the date the reviewing agency determines that phase is consistent with the master plan. The reviewing agency may grant one extension of time, not to exceed two years, if it determines that events beyond the control of the applicant prevented completion of that phase.*
 - (d) *The reviewing agency may approve minor changes to the findings, conclusions, and conditions of approval for master plans and phases if the change is deemed to be consistent with the guidelines of this section and does not generate new significant potential impacts not previously addressed in the original review. Approval or denial of a request for a minor change or extension shall be an administrative decision.*

D. *Development Standards: The applicant shall demonstrate and the reviewing agency shall make findings that determine the following standards are met through development under the approved master plan for the recreation resort:*

(1) *Master Plan:*

- (a) *Removal: The first phase of recreation resort development shall result in the elimination of industrial uses and removal of all portions of the industrial complex that are not planned for use as part of the resort. Existing residential uses may remain.*
- (b) *Infrastructure: The recreation resort shall provide its own sewer, water and internal circulation system, including roads. The development shall accommodate*

mass transportation to access the site and adjacent recreation areas.

- (c) *On-site and off-site infrastructure impacts shall be fully considered and mitigated. Mitigation may include assessment of impact fees, provision of community facilities within or adjacent to the resort. The reviewing agency may require that some or all reasonable and negotiated costs, expenses or charges associated with the alteration, construction or improvement of public services and facilities shall be the responsibility of the applicant.*
 - (d) *Phasing: Each phase shall be self-sufficient, in conjunction with existing elements of the resort. Transportation, parking, utilities, landscaping, as well as recreation mitigation and enhancements for each phase shall be satisfied within each phase and shall not be dependent upon a future phase.*
 - (i) *Each phase of the development shall be designed to be completed within two years of the commencement of construction for that phase.*
 - (ii) *Off-site recreation mitigation and enhancement shall be included in the first phase and completed prior to occupancy of resort buildings and initiation of a second phase.*
 - (iii) *On-site recreation mitigation and enhancement shall be developed in proportion to the type and amount of development in each phase.*
 - (e) *Landscaping necessary to screen development from key viewing areas shall be sized to provide sufficient screening to make development of each phase visually subordinate within 5 years or less from the commencement of construction of that phase, except for landscaping necessary to screen development from the section of SR 14 passing through the resort core. Such landscaping may be sized to provide sufficient screening to make development visually subordinate within 10 years from the commencement of construction of each phase. Landscaping for each phase shall be installed as soon as possible and prior to phase completion.*
 - (f) *Bonding sufficient to ensure remediation and clean up of the site and completion of resource enhancements identified in the master plan is required.*
- (2) *Potentially adverse impacts of a recreation resort on surrounding areas shall be mitigated.*
- (a) *Traffic, safety, and circulation impacts shall be mitigated in conformity with reviewing agency requirements. For each phase of the proposed development, the developer shall make road and intersection improvements to maintain traffic levels of service existing prior to each phase. The developer shall ensure that in no event may it cause the public road system to operate below a level-of-service (LOS) C for*

intersection delay during the peak traffic hour. LOS C standards shall be determined based on the most recently adopted version of the Highway Capacity Manual (Transportation Research Board).

- (b) Reviewing agencies may apply additional restrictions on noise, odor, lighting and water treatment in order to mitigate identified impacts.*
- (3) Recreation resources on the subject property shall be protected and enhanced by the development of the recreation resort. Recreation resources on adjacent lands and nearby areas shall be protected.*
 - (a) Potentially adverse impacts to adjacent recreation sites due to the development shall be mitigated.*
 - (b) Recreation enhancements shall include, but are not limited to, measures that address existing site conditions and provide new or expanded facilities that are open to the public.*
 - (c) Resource protection and enhancement plans shall address at a minimum:*
 - (i) Improvements to recreation user areas.*
 - (ii) New or improved access to recreation sites.*
 - (iii) Parking improvements and other potential methods to reduce parking demand at adjacent recreation sites by resort guests, such as shuttles or parking restrictions.*
 - (iv) Cooperative agreements with the management of adjacent recreation sites to jointly address potential adverse impacts.*
 - (v) Establishment of mitigation funds to be applied to improvements at public recreation sites.*
 - (vi) Development of secondary activities, such as spectator seating, development of recreational trails, interpretation sites and trails.*
- (4) Scenic resources shall be protected and enhanced by the development of the recreation resort. All new development, including additions or re-use of existing structures for resort use shall be visually subordinate as seen from key viewing areas. Enhancements may include, but are not limited to: removal of visually discordant structures and building materials not associated with the existing industrial complex, grading and vegetative restoration of previously disturbed areas and permanent protection of undeveloped lands in the master plan area or adjoining lands in the same ownership..*

- (5) *Cultural resources shall be protected and enhanced by development of the recreation resort. Cultural resource reconnaissance survey procedures and standards for large-scale uses are applicable to recreation resort development. Enhancements may include, but are not limited to, interpretive displays, restoration or adaptive re-use of historical structures.*
- (6) *Natural resources shall be protected and enhanced by the development of the recreation resort. Enhancements may include, but are not limited to, habitat improvements, permanent protection of undeveloped lands, water-quality improvements.*
- (7) *Tribal treaty rights shall be protected by development of the recreation resort. Protection requires determination that the policies for River Access and Protection of Treaty Rights in Part I, Chapter 4 have been met by the application and development plan.*

Approval Criteria for Non-Recreational Uses in Commercial Recreation

1. The uses identified under guidelines 2 and 3 under "Review Uses," above, may be allowed if they meet the following criteria:
 - A. The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigative measures used to comply with this criterion may include provision of onsite buffers, seasonal or temporary closures during peak recreation use periods, etc.
 - B. The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be used to comply with this criterion.
 - C. Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance, or otherwise improve recreational uses on the site.