

Exhibit 1. Excerpt of Ord 1996-04-30

ORDINANCE NO. 1996-04-30

An ORDINANCE relating to lands in unincorporated Clark County within the Columbia River Gorge National Scenic Area (CRGNSA), amending Clark County Code Chapter 18.334.

WHEREAS, adoption of a local ordinance to allow for local administration of County jurisdictional lands within the CRGNSA is in the public interest, and is required by the Columbia River Gorge National Scenic Area Act; and

WHEREAS, CCC 18.334 was adopted by the County Board of Commissioners on January 30, 1996, and submitted for formal review and approval to the Columbia River Gorge Commission to determine consistency with the Scenic Area Management Plan; and

WHEREAS, the staff of the Columbia River Gorge Commission has reviewed CCC 18.334 and has provided Clark County with a listing of citations in the ordinance which they advise are inconsistencies with the Management Plan; and

WHEREAS, the Board of County Commissioners finds that amendments to CCC 18.334, as indicated in Attachment F adopted with this resolution are necessary to achieve consistency with the Management Plan, and therefore necessary to receive approval from the Columbia River Gorge Commission; and

WHEREAS, the Board further finds that recommended amendments to CCC 18.334 shall have no impact on existing landowners, who are already subject to regulations of the Management Plan as administered by the Columbia River Gorge Commission; and

WHEREAS, the Board finds that in order to achieve consistency with the Management Plan, CCC 18.334 as originally adopted and as maintained through the recommended amendments excludes the Washougal Urban Growth Area (UGA) boundary from the county portion of the Scenic Area. The Board further finds that changes to relocate the Scenic Area jurisdictional boundary require amendment to the federal Scenic Area Act. The Board hereby reaffirms its support for the ongoing efforts of the City of Washougal to seek such changes and corresponding amendments to the Management Plan, such that the Scenic Area no longer includes the originally designated UGA area under dispute; and

WHEREAS, the Board finds further that in the event of such future amendment to the Scenic Area jurisdictional boundary and Management Plan, it is the intent of Clark County to in a timely manner consider changes to the County Comprehensive Plan map to relocate the Urban Growth Area boundary to include the area in dispute, or to designate the area as Urban Reserve; and

WHEREAS, the Board has considered the recommended amendments, include with this resolution, at a duly advertised public hearing held on April 23, 1996; and

ORDINANCE - 1
REQUIRES CODIFICATION

RECEIVED

MAY 06 1996

CLARK COUNTY
Plan & Dev. Review

WHEREAS, the Board finds that upon adoption, amended Chapter 18.334 will be presented for review and approval to the Columbia River Gorge Commission, and that until such review and approval have been completed, the Columbia River Gorge Commission will continue to administer land use regulations in the Clark County portion of the scenic area through the Scenic Area Management Plan; and

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. New Chapter Attachment F, Amended Clark County Code Chapter 18.334 is hereby adopted, and existing Chapter 18.334 is repealed.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction or the Growth Management Hearings Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Effective Date The amended ordinance shall go into effect upon signature of this resolution.

Section 4. Instructions to Clerk. The Clerk to the Board shall:

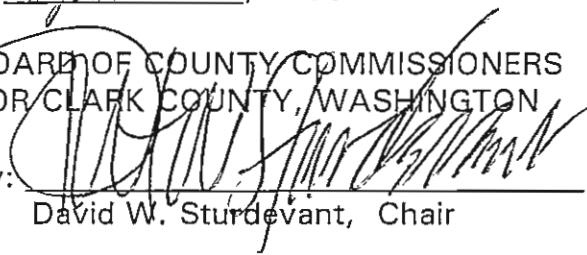
- (1) Transmit a copy of this ordinance as amended to the Washington State Department of Community Trade and Economic Development within ten days of its adoption pursuant to RCW 36.70A.106.
- (2) Record a copy of this ordinance with the Clark County Auditor.
- (3) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 37.70A.290.

ADOPTED this 30 day of April, 1996.

Attest:

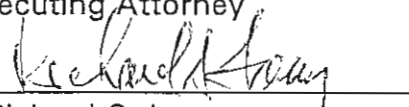

Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

By: 
David W. Sturdevant, Chair

Approved as to Form Only
ARTHUR D. CURTIS
Prosecuting Attorney

By: _____
Mel Gordon, Commissioner

By: 
Richard S. Lowry
Deputy Prosecuting Attorney

By: _____
John C. Magnano, Commissioner

ORDINANCE - 2
REQUIRES CODIFICATION

(NOTE: Previously adopted changes to 350-90, the ordinance used by the Columbia River Gorge Commission, are indicated by underline and strikeout. Changes presently recommended by staff to adopted CCC 18.334 are indicated by double underline and redline.)

Chapter 18.334

CLARK COUNTY IMPLEMENTING LAND USE REGULATIONS FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

18.334.010 Purpose and Authority

The purposes of the Clark County Implementing Regulations for the Columbia River Gorge National Scenic Area (CRGNSA) are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by allowing future economic development in a manner that enhances the scenic, cultural, recreational, and natural resources of the Gorge. These regulations contained within the Clark County Implementing Land Use Regulations for the Columbia River Gorge are intended to be consistent with and implement the Management Plan for the CRGNSA as adopted and amended by the Columbia River Gorge Commission. The full Chapter 18.334 will be incorporated into Title 18 of Clark County Code, and will be available at the Clark County Department of Community Development.

18.334.015 Adoption

The guidelines, standards, and regulations set forth in the Clark County Implementing Land Use Regulations for the Columbia River Gorge are hereby adopted and incorporated herein by this reference pursuant to the authority given to the County under the Columbia River Gorge National Scenic Area Act, and Chapter 43.97 RCW; the Management Plan adopted by the Columbia River Gorge Commission on October 15, 1991, as may be amended, and shall be considered part of this Chapter as is set forth in full.

Unless otherwise specified in the Clark County Implementing Land Use Regulations for the Columbia River Gorge, applicable Clark County land division, zoning, and other ordinances shall apply to all CRGNSA lands within unincorporated Clark County. If conflicts arise between Chapter 18.334 and other County ordinances, Chapter 18.334 shall prevail as to lands within the National Scenic Area.

18.334.020 Area Affected

Chapter 18.334 shall apply to all lands under the jurisdiction of in Clark County which lie within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act, as may be amended.

Chapter 18.334
 Clark County Implementing Regulations for the Columbia River
 Gorge National Scenic Area (CRGNSA)

<u>Section</u>	<u>Title</u>	<u>Page</u>
18.334.030	Purpose	1
18.334.031	Area Affected	1
18.334.032	Review	2
18.334.033	Designations	2
18.334.035	Ammendments	3
18.334.040	Definitions	4
18.334.050	Exemptions	18
18.334.060	Prohibited Uses	18
18.334.070	Existing Uses	19
18.334.080	Applications	21
18.334.090	Pre-Applications	23
18.334.100	Acceptance of Applications	24
18.334.110	Notice of Review	24
18.334.120	Comment Period	25
18.334.130	Decision of Director	26
18.334.140	Changes to Approved Actions	27
18.334.150	General Guidelines	28
18.334.160	Signs	37
18.334.170	Agricultural Land Designations	42
18.334.180	Agricultural Lands - Outright Uses	42
18.334.190	Agricultural Lands - Review Uses	42
18.334.200	Large or Small Scale Ag Designations	47
18.334.210	Large of Small Scale Ag-Life Estates	49
18.334.220	Large of Small Scale Ag-Criteria	50
18.334.225	Agricultural Lands-Dimensions	50
18.334.250	Forest Land Designations	53
18.334.260	Forest Lands-Outright Uses	53
18.334.270	Forest Land-Review Uses	53
18.334.280	Gorge Small Woodland-Review Uses	58
18.334.290	Gorge Small Woodland-Approval Criteria	59
18.334.300	Fire Protection in Forest Designations	60
18.334.310	Forest Lands-Siting of Dwellings	61
18.334.320	Gorge Small Woodland-Life Estates	61
18.334.325	Forest Lands-Dimensional Standards	62
18.334.330	Open Space Designations	63
18.334.340	Open Space-Review Uses	63
18.334.350	Residential Land Designations	67
18.334.360	Residential Land-Outright Uses	67
18.334.370	Residential Land-Review Uses	67
18.334.380	Residential Land-Additional Criteria	68
18.334.390	Residential Land-Specified Review Criteria	69
18.334.395	Residential Land-Dimensional Standards	69
18.334.470	Recreational Land Designations	73
18.334.480	Recreational Land-Outright Uses	73
18.334.490	Recreational Land-Review Uses	73
18.334.500	Recreational Land-Non Recreational Uses	76
18.334.520	General Management Area Scenic Resources	77
18.334.530	Special Management Area Scenic Resources	93
18.334.540	General Management Area Cultural Resources	97
18.334.550	Special Management Area Cultural Resources	111
18.334.560	General Management Area Wetland Review	116
18.334.570	General Management Area Water and Riparian	122
18.334.580	General Management Area Sensitive Wildlife	129
18.334.590	General Management Area Rare Plant	134
18.334.600	Special Management Area Natural Resource	139
18.334.610	General Management Area Recreation Resource	144
18.334.620	Special Management Area Recreation Resource	149

- (g) Fruit stands and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
- (h) Aquaculture.
- (i) Exploration, development, and production of sand, gravel, and crushed rock, as defined by Section 18.334.040, for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Area, subject to CCC 18.329, Section 18.334.520, and all other applicable Federal, State and County standards.
- (j) Utility facilities necessary for public service upon a showing that:
 - (A) There is no alternative location with less adverse effect on Agriculture lands.
 - (B) The size is the minimum necessary to provide the service.
- (k) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.
- (l) Signs as specified in Section 18.334.160(2).
- (m) Community facilities and non-profit facilities related to agricultural resource management.
- (n) Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
- (o) Recreation, interpretive and educational developments and uses consistent with Section 18.334.620.
- (p) Road and railroad construction and reconstruction.
- (q) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.
- (r) Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

18.334.200. Review Uses with Additional Approval Criteria -- Large-Scale or Small-Scale Agriculture Designations.

(l) The following uses may be allowed on lands zoned Gorge Large-Scale or Small-Scale Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Section 18.334.520 through 620, and 220).

- (a) Utility facilities and railroads necessary for public service upon a showing that:
 - (A) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and
 - (B) The size is the minimum necessary to provide the service.

- (b) Home occupations ~~or cottage industries~~ in existing residential or accessory structures, subject to Section 18.334.150(45).
- (c) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- (d) Wineries, in conjunction with on-site viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- (e) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- (f) Exploration of mineral and geothermal resources subject to Section 18.334.520 of this ordinance.
- (fg) Development and production of mineral and geothermal resources, as defined by Section 18.334.040, subject to Section 18.334.520 of this ordinance, and all other applicable Federal, State and County standards, including those of CCC 18.329, Surface Mining Overlay Zoning District. Type III review procedures specified under CCC 18.600.080 shall be required.
- (gh) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.
- (hi) Aquaculture.
- (ij) Recreation development, subject to Section 18.334.610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
- (jk) Boarding of horses.
- (kl) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.
- (lm) Bed and breakfast inns in single-family dwellings, subject to Section 18.334.150(56) and provided that the residence:
 - (A) Is included in the National Register of Historic Places; or
 - (B) ~~In Washington,~~ Is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation.

~~(C) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.~~

~~(m) Non-profit, environmental learning or research facilities.~~

~~(n) Expansion of existing schools or places of worship.~~

~~(2) The following uses may be allowed on lands designated Agriculture Special subject to compliance with the appropriate scenic, natural, cultural, and recreation resource guidelines (s 220 and 520 through 620):~~

~~(a) New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.~~

~~(b) New fences, livestock watering facilities, and corrals.~~

~~(c) Soil, water, and vegetation conservation uses.~~

~~(d) Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.~~

~~(e) Fish and wildlife management uses, educational activities, and scientific research.~~

~~(f) Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources.~~

~~(g) Single family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Section 18.334.190(1)(n). The buffer guidelines for non agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.~~

~~(h) Recreation uses, subject to the provisions for recreation intensity classes in Section 18.334.620.~~

18.334.210. Approval Criteria for Life Estates -- Gorge Large-Scale or Small-Scale Agriculture Zones.

A landowner who sells or otherwise transfers real property on lands zoned Gorge Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in Section 18.334.040. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in Section 18.334.520 through 620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

(1) The proposed dwelling is in conjunction with agricultural use, using guidelines from Section 18.334.190(1)(e).

(2) Upon termination of the life estate, the original or second dwelling shall be removed.