

SUMMARY OF REVISIONS FOR GENERAL MANAGEMENT AREA
DRAFT REVISED MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE
NATIONAL SCENIC AREA

Columbia River Gorge Commission
January 26, 2004

Introduction

This document summarizes revisions to General Management Area provisions in the Draft Revised Management Plan. They are listed by topic area, followed by a summary of the revision and where in the Draft Revised Management Plan the change can be found.

The Draft Revised Management Plan contains language to implement preliminary policy direction developed by the Columbia River Gorge Commission and the Scenic Area Manager during Plan Review. This preliminary direction occurred after significant technical work and public input on these topics.

In some cases, compiling the draft plan illustrated inconsistencies or oversights, and staff is recommending different language to resolve these problems. These proposed revisions are highlighted with bold phrasing indicating that staff made changes to the language.

Some of these recommendations address aspects of a topic that have not been discussed in detail by the Commission during Plan Review. Thus, these recommendations have not been integrated into the Revised Management Plan, pending public comment and deliberation by the Gorge Commission. The new language is included in this Summary report, highlighted by the phrase “staff recommend adding the following guideline...” in bold print. We particularly invite public comment on these issues, since in some cases, we have not received public comment on this proposed language before.

Part I, Chapter 1: Scenic Resources

Disposal sites for spoils materials: See summary for “disposal sites for spoil materials” under “Part II, Land Use Designations” on page 4 this document.

Mining reclamation plan guidelines: Eliminates requirement for mining applications to have prior state reclamation plan approval; adds new guideline requiring coordination with state agencies regarding state and Scenic Area mine reclamation requirements (Guidelines 6 and 7 in “Overall Scenic Provisions”). [Pages I-2 to I-4]

Scenic Resources Implementation Handbook: Adds a policy to develop a *Scenic Resources Implementation Handbook* to provide specific guidance for applicants and planners regarding guidelines for acceptable colors, landscaping and reflectivity of building materials on sites visible from key viewing areas (Policy 10 in “Key Viewing Areas”). [Pages I-5 to I-6]

Application of key viewing area guidelines: Clarifies that “Key Viewing Area” guidelines apply to development on sites topographically visible from key viewing areas (Guideline 1, “Key Viewing Areas”). [Page I-6]

Permanence and effectiveness: Requires that permanence and effectiveness of siting and design elements be considered to ensure developments meet visual subordination (Guideline 2, “Key Viewing Areas”). [Page I-6]

Siting guidelines: Eliminates requirement regarding siting to minimize visibility; adds new direction to site development to achieve visual subordination. Also clarifies the priority of existing topography and vegetation when screening is needed to meet visual subordination (Guidelines 5 and 6, “Key Viewing Areas”). [Pages I-6 to I-7]

Landscaping: Revised approach for use of new landscaping to meet visual subordination, including: 1) that new landscaping is relied on only if other means are not sufficient to meet the scenic standard; 2) requirements to analyze existing vegetative screening when requiring new landscaping; 3) timing requirements regarding installation of plantings and when they must achieve scenic standards; and 4) a cross-reference to the *Scenic Resources Implementation Handbook* regarding sizes and species of vegetation to be used (Guideline 9, “Key Viewing Areas”). [Pages I-7 to I-8]

Screening vegetation and fuel break requirements: Requires any screening vegetation on lands designated GMA Forest to meet scenic guidelines and fuel break requirements for fire protection (Guideline 10, “Key Viewing Areas”). [Page I-8]

Colors: Provides one color standard for structures visible from key viewing areas, based on dark earth-tone colors found in the background of the building site, and cross-references specific acceptable color palette to be included in the *Scenic Resources Implementation Handbook*. Replaces prior color guidelines in “Landscape Settings” section (Guideline 11, “Key Viewing Areas”). [Page I-8]

Reflectivity: Cross-references lists of pre-approved exterior materials and other specific direction regarding reflectivity of building surfaces to be included in the *Scenic Resources Implementation Handbook* (Guideline 12, “Key Viewing Areas”). [Page I-8]

Scenic Highway Corridor Strategies: Policies to develop and implement scenic highway corridor strategies for Washington SR 14 and Interstate 84 (Policies 1 and 2, “Scenic Travel Corridors”). [Pages I-23 to I-24]

Signs: Reorganizes GMA Sign guidelines to be easier to use, and to integrate with new “Uses Allowed Outright” and “Expedited Review” provisions in Part II, Chapter 7. **Staff revised a guideline for the list of signs allowed without review (now in Part II, Chapter 7, under “Uses Allowed Outright”, previously GMA Sign Guideline 3).** The previous requirement that these signs allowed without review must be consistent with the provisions of GMA Sign Guideline 1 is deleted. These types of signs (including small signs placed flat on buildings, and temporary “for sale” and election signs) have, by their nature, minimal scenic impacts. This is the rationale behind the Management Plan’s exempting them from review. Requiring them to

conform to substantive standards in Guideline 1 is impractical, and contrary to the concept of allowing them to occur without review (Guidelines 1-6, “Signs”). [Pages I-27 to I-29]

Part I, Chapter 2: Cultural Resources

There are no revisions proposed to this chapter, and it is not included in the Draft Revised Management Plan.

Part I, Chapter 3: Natural Resources

Revised reference to manual for delineating wetlands: The reference to the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989) has been replaced with reference to the *1987 Corps of Engineers Wetland Delineation Manual* (On-line Edition), and any subsequent amendments (Policy 4 and Guideline 2 of “Rules for Delineating Wetlands Boundaries”, “Wetlands”). [Pages I-44 and I-51]

New guideline regarding uses with minor effects in wetland buffers: Allows uses with “minor” effects in the outer 50 percent of wetlands buffer zone subject to specified approval criteria. “Minor” effects are defined as a maximum disturbed area of 1,500 square feet on slopes of less than 10 %, with less than 10 cubic yards of grading and not affecting any trees or shrubs (Guideline 2 of “Review Uses”, “Wetlands”). [Pages I-46 to I-47]

New guideline regarding uses with minor effects in riparian buffers: Allows uses with “minor” effects in the outer 50 percent of riparian buffer zones subject to specified approval criteria. “Minor” effects are defined as a maximum disturbed area of 1,500 square feet on slopes of less than 10 %, with less than 10 cubic yards of grading and not affecting any trees or shrubs (Guideline 2 of “Review Uses”, “Streams, Ponds, Lakes and Riparian Areas”). [Page I-56]

Updated reference to manual for timing of in-water work: The reference to the Oregon Guidelines for *Timing of In-water Work to Protect Fish and Wildlife Resources*, is revised to reflect the updated edition published in 2000 (Guideline 1.C(1) of “Approval Criteria for Other Review Uses in Aquatic and Riparian Areas”, “Streams, Ponds, Lakes and Riparian Areas”). [Page I-58]

Exemption from wildlife and plant field survey requirements for some projects: Exempts utility and communications projects occurring inside previously disturbed corridors, or existing developed utility sites, and that are maintained annually, from field survey requirements for sensitive wildlife or plants (Guideline 2 of “Site Plans and Field Surveys for Review Uses Near Sensitive Wildlife Areas and Sites”, “Wildlife Habitat”; and Guideline 2 of “Site Plans and Field Surveys for Review Uses Near Rare Plants”, “Rare Plants”). [Pages I-64 and I-71]

State-approved mitigation measures for minor effects to sensitive wildlife areas or sites: Allows state wildlife biologists to specify mitigation measures, in addition to site plan modifications or regulating the timing of new uses, to eliminate minor effects of development (Guideline 5 of “Approval Criteria for Review Uses Near Sensitive Wildlife Areas and Sites”, “Wildlife Habitat”). [Page I-65]

Part I, Chapter 4: Recreation Resources

There are no revisions proposed to this chapter, and it is not included in the Draft Revised Management Plan.

Part II, Chapters 1 through 7: Land Use Designations

Additions: Added "additions to existing buildings" as review uses, except in Open Space ("Uses Allowed through the Expedited Development Review Process" and "Review Uses"). [This revision appears in Chapters 1, 2 and 4 through 6; for example see Guideline 1.V on page II-10 and Guideline 1.B on page II-117.]

Resource enhancement projects: Added "resource enhancement projects" as review uses ("Review Uses"). [This revision appears in Chapters 1 through 6; for example see Guideline 1.M on page II-8] Added standards for resource enhancement projects, including quarry enhancement projects ("Resource Enhancement Projects" in Chapter 7). [Pages II-148 to II-149]

Review uses, inconsistencies: Added "signs" and "removal/demolition of structures" as uses allowed in all land use designations. [These revisions appear in Chapters 1 through 6; for example see Guideline 1.L on page II-112 and Guideline 1.E on page II-116 for signs allowed outright, Guideline 1.G on page II-117 for signs eligible for expedited review, and Guideline 1.X on page II-10 for removal/demolition of structures.] Added "docks and boathouses" as review uses, except Open Space. [This revision appears in Chapters 1, 2 and 4 through 6; for example see Guideline 1.W on page II-10.] Added "land divisions" as review uses in Commercial Forest, Large Woodland, and Small Woodland (Guideline 1.X, "Review Uses"). [Page II-29]

Applying new less-stringent regulations to development approved under prior scenic area regulations: Added guidelines that allow landowners to submit an application to alter conditions of approval for development approved and built under prior Scenic Area regulations ("Applying New Less-Stringent Regulations to Development Approved Under Prior Scenic Area Regulations" in Chapter 7). [Pages II-107 to II-108]

Accessory buildings and structures: Added guidelines that clarify the size and number of accessory buildings allowed on a parcel ("Review Uses"). [This revision appears in Chapters 1, 2 and 4 through 6; for example see Guidelines 1.E and 1.F on page II-6 and Guidelines 1.C and 1.D on pages II-70 and II-71.]

Agricultural buildings and structures: Added guidelines that distinguish agricultural structures from agricultural buildings ("Review Uses"). [This revision appears in Chapters 1, 2 and 4 through 6; for example see Guidelines 1.C and 1.D on page II-6.] Added standards for agricultural buildings ("Agricultural Buildings" in Chapter 7). [Page II-142]

Vested rights, existing uses and discontinued uses: Revised existing provisions and added new provisions to clarify what is meant by an existing use, discontinued use, and vested right ("Standards for Applications, Expiration of Approvals, Vested Rights" and "Existing Uses and Discontinued Uses" in Chapter 7). [Pages II-100 to II-102 and II-102 to II-107, respectively]

Disposal sites for spoil materials: Added disposal sites for spoil materials from public road maintenance activities as review uses on lands designated agriculture or forest (Guideline 2.P and Guideline 2.N, "Review Uses"). [Pages II-12 and II-31, respectively] Added application requirements and siting and scenic resource standards for disposal sites ("Disposal Sites for Spoil Materials from Public Road Maintenance Activities" in Chapter 7). [Page II-149 to II-150]

A scenic resources policy states, "Except for production and/or development of mineral resources, nothing in the key viewing areas or landscape settings guidelines in this chapter shall be used as grounds to deny proposed uses . . ." (Policy 2, "Overall Scenic Provisions" in Part II, Chapter 1, "Scenic Resources"). The first clause of this policy was revised to include disposal sites for spoil materials from public road maintenance activities. [Page I-1]

The Commission directed staff to draft two provisions regarding disposal sites. First, the Commission decided applicants (e.g., state transportation department or county public works department) must demonstrate it is not practicable to locate the disposal site outside the Scenic Area or inside an Urban Area. **Staff added a guideline to carry out this requirement (Guideline 2 in "Disposal Sites for Spoil Materials from Public Road Maintenance Activities" in Chapter 7). [Page II-149]** Second, the Commission decided agencies administering a Scenic Area ordinance (i.e., county, Forest Service, or Gorge Commission) shall determine whether spoil materials deposited as a result of an emergency/disaster response shall be (1) removed from the Scenic Area, (2) deposited at a site in the Scenic Area approved as a spoil materials disposal site, or (3) recontoured to emulate the surrounding landscape. **Staff added a guideline that makes this requirement clear (Guideline 4.A(6)(b) in "Emergency Disaster Response Actions"). [Page II-128]**

In regards to the second issue in the previous paragraph, the Commission did not specify what standard an agency administering a Scenic Area ordinance should use when determining the ultimate treatment of spoil materials deposited as a result of an emergency/disaster. Without a standard, agency decisions may be unpredictable and vulnerable to appeal. **Staff recommend adding the following guideline to Guideline 4.A(6) [page II-128] as a basis for selecting one of the three actions:**

The agency shall select the action that, to the greatest extent practicable, best complies with the policies and guidelines in the Management Plan that protect scenic, cultural, recreation and natural resources.

Wine sales/tasting rooms: Added wine sales/tasting rooms as a review use in Residential (Guideline 2.J in "Review Uses" in Chapter 4, "Residential Land"). [Page II-67] Also added standards for wine sales/tasting rooms (Guidelines 2.J(1) and 2.J(2) in "Review Uses"). [Page II-67]

Small-scale fishing support and fish processing operations: Added small-scale fishing support and fish processing operations as a review use in Residential, Small Woodland, and Small-Scale Agriculture ("Review Uses"). [Pages II-12, II-31 and II-67] Also added standards for such operations ("Small-Scale Fishing Support and Fish Processing Operations" in Chapter 7). [Pages II-146 to II-148]

Replacement structures: Revised existing provisions and added new provisions to clarify the standards for replacement structures (Guidelines 2 and 3 in "Existing and Discontinued Uses" Chapter 7). [Pages II-103 to II-106]

The Commission directed staff to add several provisions to the preliminary draft provisions for replacement structures. They decided replacement structures for structures destroyed by disaster may be slightly larger than original structures. **Staff added a guideline to allow this flexibility (Guideline 3.C in "Existing and Discontinued Uses" in Chapter 7). [Page II-104]**

Based on a motion by Commissioner Loerke, the Commission decided a replacement structure for a structure destroyed by disaster may be located in a different location when the original building site is no longer suitable for construction. **Staff added a guideline to allow this exception (Guideline 3.B in "Existing and Discontinued Uses" in Chapter 7). [Pages II-103 to II-104]** It was unclear if the new building site must comply with any of the provisions that protect treaty rights and scenic, cultural and natural resources. Staff and Commissioner Loehrke discussed this issue. He said he assumed sensitive resources would be protected. **Staff added guidelines to protect treaty rights and scenic, cultural and natural resources (Guidelines 3.B(2) and (3) in "Existing and Discontinued Uses" in Chapter 7). [Page II-104]**

The Commission decided to limit the amount of new vegetation required to screen a replacement structure for a structure destroyed by disaster. **Staff added guidelines to carry out this decision (Guideline 3.D(3) in "Existing and Discontinued Uses" in Chapter 7). [Pages II-104 to II-105]** In doing so, staff discovered two issues. First, the Commission decided the percent of the replacement structure screened by vegetation shall not exceed the percent of the original structure that was screened by vegetation (Guideline 3.D(3)(a) in "Existing and Discontinued Uses" in Chapter 7). [Page II-104] **Staff recommend adding the following guideline to help avoid misinterpretations in situations where the original structure was constructed under a Scenic Area decision that included conditions of approval preserving existing landscaping and/or requiring new landscaping:**

If the original structure was approved under the Final Interim Guidelines, the Management Plan, or a Scenic Area land use ordinance, the replacement structure shall comply with any conditions of approval that required a landowner/land manager to preserve existing vegetation or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.

Second, the draft revised scenic resources guidelines allow applicants five years to achieve the visual subordination standard. The Commission decided this time frame should not apply to replacement structures for structures destroyed by disaster (Guideline 3.D(3)(d) in "Existing and Discontinued Uses" in Chapter 7). [Page II-105] This exception creates a problem; without a time frame, reviewing agencies could not require applicants to plant more than seedlings. For instance, assume 50 percent of an original house was screened by trees. Without a time frame, the applicant would only need to plant two 3-inch seedlings because the seedlings would eventually (75 or 100 years) grow into mature trees that screen 50 percent of the house. Staff believe the Commission intended to provide reasonable landscaping requirements in situations where structures are destroyed by disaster. **Staff recommend adding the following change to Guideline 3.D(3)(d) that provides a 10-year time frame:**

The time frame for achieving visual subordination ~~in the scenic resources guidelines~~ shall ~~not apply~~ be 10 years.

Using a 10-year time frame and average growth rates for trees, planners and landscape architects could determine how tall new trees would need to be in order to screen a specified percent of a replacement structure in 10 years.

Lot line adjustments: Added a new definition of "lot line adjustment" to the Glossary and new policies and guidelines for such actions ("Lot Line Adjustments" in Chapter 7). [Pages II-139 to II-141] Added lot line adjustments as review uses Space ("Uses Allowed through the Expedited Development Review Process" and "Review Uses"). [This revision appears in Chapters 1 through 6; for example see Guideline 1.U on page II-10 and Guideline 1.J on pages II-117 to II-118.]

In the process of adding these provisions, staff realized that the provisions tentatively approved by the Commission did not address land use designations without minimum parcel sizes, which include Open Space, Public Recreation, Commercial Recreation, and Commercial. **To address this oversight, staff added guidelines for lot line adjustments in these designations (Guidelines 2, 3, and 4 in "Lot Line Adjustments" in Chapter 7 and Guideline 1.J in "Development Eligible for Expedited Review" in "Expedited Development Review Process" in Chapter 7). [Pages II-140 to II-141 and II-117 to II-118, respectively]**

Uses allowed outright: Revised, expanded, and consolidated the lists of uses allowed outright ("Uses Allowed Outright" in Chapter 7). [Pages II-108 to II-116]

Expedited development review process: Added provisions that allow specific uses and developments to be reviewed using an expedited development review process ("Expedited Development Review Process" in Chapter 7). [Pages II-117 to II-122]

In October 2003, the Commission discussed the procedures and time frame for submitting comments on applications processed under the expedited development review process. Based on a motion by Commissioner Squier, the Commission decided interested parties should have at least 10 calendar days to mail written comments (Guideline 2.A in "Procedural Guidelines" in "Expedited Development Review Process" in Chapter 7). [Page II-122] Several county planners expressed concern about this procedure. They said letters may take a week or more to arrive in their offices, thereby extending the time needed to issue decisions. Staff and Commissioner Squier recognize this concern.

Staff recommend the following two changes to address this concern. First, replace the word "mail" with "submit" in Guideline 2.A:

Reviewing agencies shall allow interested parties at least 10 calendar days from the date a notice is mailed and/or posted to ~~mail~~ submit written comments on the proposed development.

Second, add the following definition of "submit" to the Glossary:

Submit: To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

In a separate but related issue, Commissioner Squier said she believes interested parties should have at least 12 days to submit comments. We invite public comment on this issue.

In reviewing procedural guidelines, staff recognized that the expedited development review process did not include notice requirements. **To address this omission, staff added guidelines that require reviewing agencies to send a notice of all proposed developments to be reviewed under the expedited review process to: (1) tribal governments, (2) appropriate state agencies, (3) Gorge Commission, (4) Forest Service, and (5) landowners with 200 feet (Guidelines 1.A and B in "Procedural Guidelines" in "Expedited Development Review Process" in Chapter 7). [Page II-122]**

In reviewing the resource protection guidelines, staff realized that the provisions tentatively approved by the Commission did not address Indian treaty rights. The Scenic Area Act prohibits development that would affect treaty rights. **Staff added guidelines that require reviewing agencies to address treaty rights (Guidelines 2.A, B., and C in "Resources and Treaty Rights Protection Guidelines" in "Expedited Development Review Process" in Chapter 7). [Pages II-121 to II-122]**

Open Space: As noted above, the Commission added new provisions for "Uses Allowed Outright" and "Expedited Development Review Process" (Chapter 7). While adding these provisions to the chapter on Open Space (Chapter 3, "Land Use Designations"), staff realized that the existing headings and some guidelines do not clearly distinguish between development allowed outright and development subject to review. **Staff added subheadings and guidelines to this chapter to avoid confusion (e.g., "Uses Allowed Outright," "Uses Allowed through the Expedited Development Review Process," and "Review Uses"). [Pages II-51 to II-55]**

Glossary

Additions: Added a definition of "addition." [Page 1]

Accessory buildings and structures: Changed the definition of "accessory building" to "accessory structure/building." [Page 1]

Buildings and structures: Clarified the definition of "building" in the Glossary. Used the term "buildings" when a provision only affects "buildings." Used the term "structures" when a provision refers to "structures." (The term "structure" includes all buildings). [Page 3]

Existing use and structure: Updated the definition of "existing use or structure." [Page 8]

Outdated/undeveloped subdivisions: Revised the definition of "parcel" to clarify the status of outdated/undeveloped subdivisions. [Page 14]

Previously disturbed and regularly maintained: The new provisions for "Uses Allowed Outright" and "Expedited Development Review Process" (Part II, Chapter 7) use the terms "previously disturbed" and "regularly maintained." Staff prepared and discussed definitions of these terms at several Commission meetings (September 9 and October 14, 2003). However, no action was taken to add these definitions to the Glossary. Without definitions, county planners will interpret these terms. This may result in inconsistent decisions and appeals.

Staff recommend adding the following definitions of "previously disturbed" and "regularly maintained" to the Glossary:

Previously disturbed: An area of land where the natural surface has been graded, excavated, filled, paved and/or graveled.

Regularly maintained: An area of land that has been previously disturbed and where periodic actions have been taken to (1) keep the area clear of vegetation (e.g., shoulders, utility yards), (2) limit the height and type of vegetation (e.g., utility rights-of-way), and/or (3) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

Repair and maintenance: Added separate definitions of "repair" and "maintenance." [Pages 12 and 17]