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To: Multnomah County Board of Commissioners

From: Derrick I. Tokos, AICP, Principal Planner 

Date: February 10, 2004

**RE: Gorge Commission's Release of Draft Revised Management Plan for the
Columbia River Gorge National Scenic Area**

On January 26, 2004 the Columbia River Gorge Commission released for public comment a draft copy of a revised Management Plan for the Columbia River Gorge National Scenic Area. This document incorporates policy direction given by the Commission at a series of public meetings held since the spring of 2001 and, when adopted, will conclude the process for comprehensive review of the Plan that the National Scenic Area Act requires occur at least once every 10 years. A copy of the revised Plan is available on the Gorge Commission web site, located at <http://www.gorgecommission.org/>.

In announcing the release of the revised plan the Executive Director of the Gorge Commission, Martha Bennett, and the Scenic Area Manager for the U.S. Forest Service, Dan Harkenrider, issued a joint letter summarizing the content of the document, outlining a schedule for its adoption, and providing direction for those interested in providing comment. A copy of this letter is attached. Within the National Scenic Area, the Gorge Commission is responsible for lands that have been designated General Management Areas and Forest Service for properties within Special Management Areas. To assist the public in reviewing the Plan, staffs from these agencies have prepared memorandums summarizing changes to each of these parts of the Management Plan. Copies of the memos are enclosed.

Background

At the beginning of 2001 the Gorge Commission and Forest Service approached each of the six counties in the National Scenic Area, the Tribes, and general public seeking feedback on issues that they would like to see addressed as part of Plan Review. To facilitate public input, Commission staff held open houses in each county. The open house in Multnomah County was held at the Corbett Grade School, in October of 2001.

Taking the information they had collected, the Commission's staff organized and consolidated issues into categories for land use, and scenic, cultural, and natural resources. The Gorge Commission then held a number of public meetings in which they pared down the list of topics that they would consider as part of Plan Review and formed sub-committees to evaluate the Plan and prepare recommendations for revisions to the document. The sub-committees met every two to four weeks through the better part of 2002 and early 2003. Their recommendations were presented by Gorge Commission and

Forest Service staff to the full Commission for policy direction. This happened incrementally at public meetings held over the last year or so, resulting in this initial Draft of the Revised Management Plan that was recently released for public comment.

Key Policy Themes in Management Plan

From the onset of Plan Review, Multnomah County Land Use and Transportation staff have participated in the Gorge Commission's process by reviewing materials prepared by their staff, attending public meetings, and providing both oral and written testimony on "technical" planning issues. In doing so, we observed three significant themes that evolved out of the Plan Review process.

1. The Gorge Commission stuck with the existing structure of the Management Plan, affirming its basic policies and guidelines as effectively protecting scenic, natural, cultural, and recreational resources within the National Scenic Area. This allowed them to focus their energy in Plan Review on correcting specific language that through experience or feedback they understood to be overly onerous, ambiguous, redundant or otherwise ineffective. For example, the Commission retained the concept of Key Viewing Areas (KVAs) as a way of identifying features within the Scenic Area, the views from which warrant specific scenic protection and kept "visual subordination" as the primary standard for safeguarding these resources. The Commission; however, eliminated the requirement that new development "minimize visibility" as viewed from KVAs because it at times forced development to be totally screened when visual subordination only requires that it not noticeably contrast with the landscape as viewed from a Key Viewing Area.
2. The Gorge Commission deferred a substantial amount of the detailed work in implementing scenic guidelines for color, reflectivity, and landscaping to a "Scenic Resource Implementation Handbook" to be developed by the Commission and Forest Service prior to the end of 2005. These guidelines apply to new development visible from Key Viewing Areas and are the types of requirements that landowners and planners struggle with, as it is sometimes difficult to determine the right blend of design, construction, and landscaping techniques necessary to achieve visual subordination. In their press release, the Commission's staff accurately represents the concept of this Handbook as a "safe harbor" specifying colors, textures and design elements that landowners and planners can rely upon as meeting Management Plan guidelines for scenic protection. It is a critical in making the Plan easier to implement for all involved. An example of where this detailed work was deferred to a future Handbook is the scenic guideline requiring the exterior of buildings seen from KVAs be composed of non-reflective or low-reflective materials, with a pre-approved list of acceptable materials to be included in the Handbook.
3. The Gorge Commission truncated their list of Plan Review topics as a result of budget constraints, meaning a number of issues that warrant attention will not be addressed. In the spring of 2003 the Commission elected to "triage" the range of plan review topics that they had planned to consider as a result of budget cuts from the states of Oregon and Washington. Examples include how to effectively respond to cumulative impacts of development on scenic and natural resources; alternative standards to "visual subordination" in the General Management Area where development occurs on the KVA (such as within a highway prism); appropriateness of the existing farm plan requirement versus a State of Oregon style farm income test approach to qualifying a dwelling on farm land; and an allowance for additional uses for structures that are on the National Register of Historic Places to facilitate their preservation. Several of the "triaged" items were identified by County staff as meriting consideration as part Plan Review. The Gorge Commission has indicated that they may pick-up some of the issues within the next two years, as resources are available.

County Issues

Multnomah County staff provided a preliminary list of issues to the Gorge Commission in February of 2001 and supplemented that list with written and oral testimony throughout the Plan Review process. We focused our efforts on elements of the existing Plan that are ambiguous, redundant or otherwise difficult to implement and worked with the Commission and their staff to make the Management Plan as user friendly as possible. While there are issues we raised that were not considered by the Gorge Commission, or were addressed in a manner in which we do not entirely agree, on balance this revised Management Plan improves upon the existing body of work and can be successfully implemented. We conclude this in part, because the Management Plan allows counties to adopt codes that vary from the policies and guidelines as long as they provide greater resource protection. This gives the County some ability to clarify elements of the Plan through adoption of an implementing ordinance. A summary of significant issues that we raised as part of Plan Review or that may be of particular interest to Multnomah County residents are as follows:

- Key Viewing Area Maps: Maps provided by the Gorge Commission when the existing Management Plan was adopted more than a decade ago are very general, identifying most of the properties within the County as visible from Key Viewing Areas but providing no guidance as to the specific KVAs a landowner should focus on in preparing and application. Further, the Management Plan does not define a threshold for visibility (i.e. screened by vegetation, topographically visible, etc.) This is a major point of frustration for applicants seeking to develop their property and was a concern that we raised as part of Plan Review. The Gorge Commission addressed this problem. They clarified that it is properties that are topographically visible from a KVA that are subject to review and Forest Service staff has mapped each of the Key Viewing Areas and identified properties from which they are visible.
- Geologic Hazards: Early in the Plan Review process we asked the Gorge Commission to consider adding a geologic element to the Management Plan to address such issues as landslides, steep slopes, and geologic events, particularly considering that geologic features are the first item listed in the Plan's table of resources to be inventoried and that there may not even be Scenic Area if it were not for the unique geologic features of the region. The Commission chose not to include this as a topic for consideration as part of Plan Review. Multnomah County land use ordinances presently regulate earthwork on steep slopes, including those in the Scenic Area, and the County may be able to establish such regulations as expressly authorized under the Management Plan by adopting an implementing ordinance utilizing the alternative language clause discussed above.
- Expedited Review: We raised this as an issue, seeking a clear streamlined process for the review and approval of small scale development such as minor additions to structures, fences, lighting, etc. The Commission addressed this issue by developing an expedited review process, and determining a range of uses that qualify for such review. While the Commission did a thorough job of defining a break point between uses eligible for expedited review and those that are not, the process they have created for expedited review, including comment and appeal periods, may not appreciably reduce review timelines.
- Size Restriction for Accessory Structures: This was not an issue raised by staff; however, it is one of the few areas where the Commission noticeably tightened land use regulations. The proposed language restricts the combined footprint for all accessory structures to 1,500 square feet in residential zones, and 2,500 square feet in agricultural and forest zones where the properties are larger than 10 acres in size. This does not include agricultural buildings. The Multnomah County land use ordinance does not presently contain a restriction of this nature.

- Existing Uses or Structures: Existing uses or structures are those that were lawfully established and predate the Management Plan. The requirements for altering such uses, or replacing them in the event of a disaster are ambiguous and confusing. This is an issue that we raised in Plan Review and; for the most part, the Commission has addressed our concerns. The nature and extent of the landscaping required for replacement of a dwelling due to disaster is still not clear; however, the Commission staff is working to clarify the issue.
- Minimize Visibility: While this was not an issue that we raised, it will impact how land owners approach scenic standards in preparing a permit application. The Gorge Commission eliminated the existing standard requiring development “minimize visibility” from KVAs, reasoning that it went beyond what is necessary to achieve visual subordination, at times requiring development be entirely concealed. The Commission replaced the standard with a new guideline emphasizing and prioritizing different techniques used to achieve visual subordination, such as siting, design, height, shape, color, reflectivity, and landscaping.
- Historic Structures: We asked the Commission to consider allowing additional uses for structures on the National Register of Historic Places because the range of allowed uses for some properties are very limited and could prevent the preservation of structures. The Commission did not take action on this issue.
- SMA/GMA Terminology: There are discrepancies between GMA and SMA portions of the Management Plan in the use of terms such as “building” and “accessory structure,” causing confusion. This is an issue that we had identified as a problem and the Commission addressed it as part of Plan Review.
- Small Scale Fish Processing/Support Facilities: – The Gorge Commission added this as an allowed use within certain General Management Area (GMA) land use designations when the activity is in conjunction with a family-based commercial fishing business. Such uses are presently considered industrial and restricted to urban areas.
- Dwellings on SMA Residential Land: The Management Plan appears to be inconsistent with the Scenic Area Act, with the Plan allowing new dwellings on SMA residential lands and the Act prohibiting them on smaller lots. The issue is specific to Latourell Falls in Multnomah County and Rowena Dell in Wasco County. While we raised the issue, the Forest Service, which is responsible for the SMA portion of the Plan, did not take it up.
- Cultural Resources: We had asked the Commission to streamline the steps involved in the cultural review process as it is process intensive and time consuming. While the Commission chose not to make changes to this process, Forest Service staff and the Tribes put together probability maps for cultural resources that might speed up their review for projects on low impact sites.
- Natural Resources: The Forest Service responsibility for reviewing SMA natural resource applications is unclear and causes confusion in the processing of applications. We raised this as an issue, and Forest Service staff made a concerted effort to correct the problem. We had also sought updated inventories for Sensitive Wildlife and Rare Plants, to assist in our work with the public. While the Forest Service and Gorge Commission have indicated that they are working on the issue, we are not certain as to how far they have progressed.

Next Steps

We are presently reviewing the draft Management Plan in preparation for the Gorge Commission's February 24, 2004 hearing in The Dalles. The County will have an opportunity to present testimony directly to the Gorge Commission at this hearing, or submit written comment prior to March 10, 2004. After the close of the comment period, the Commission will revise the plan as appropriate, and re-issue the document as a final draft in early April. They have tentatively scheduled a hearing on the final draft for April 27, 2004. Once the Management Plan is adopted, the Secretary of Agriculture has 90 days within which to concur, meaning that the Plan could go into effect between May and August of this year.

Once the revised Management Plan goes into effect, the Gorge Commission process is concluded. The Scenic Area Act gives counties 60 days from the effective date of the Plan to inform the Commission as to whether or not they will implement the ordinance or give that responsibility to the Gorge Commission. Counties that choose to implement the revised Management Plan will effectively have the balance of the year to adopt their implementing ordinances and forward them to the Commission and Forest Service for concurrence.