



TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
RE: Comments on the Draft Scenic Resources Chapter Revisions
DATE: June 30, 2020

Friends of the Columbia Gorge (Friends) is a non-profit organization with approximately 6,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside within the Columbia River Gorge National Scenic Area.

Friends supports many of the technical updates included in the Draft Revised Management Plan. In addition, Friends and hundreds of members of the public identified many of the following deficiencies in the scenic resource chapter of the Management Plan during the scoping and in subsequent comment opportunities. Please included these edits in the Final Revised Management Plan.

Scenic Resources:

Overall GMA Policies

- 1. GMA Policy #1, Management Plan Page 35.** Friends recommends deleting this policy or clarifying it based on the Oregon Supreme Court's decision that GMA Policy 1 requires developments to comply with the applicable scenic standard to the maximum extent practicable or be denied.

Friends proposed revision (Delete text in blue strikethrough. New language in bold blue):

- ~~1. Except for production and/or development of mineral resources and disposal sites for spoil materials from public road maintenance activities, nothing in the key viewing areas or landscape settings guidelines in this chapter shall be used as grounds to deny proposed uses otherwise authorized by the land use designation. However, the guidelines may affect the siting, location, size, and other design features of proposed developments, and compliance with them is mandatory.~~

Alternatively, retain the current policy and add the text below.

Proposed developments that fail to comply with these guidelines to the maximum extent practicable will result in the denial of the development.

2. **GMA Policy #2, Page 35. Agriculture and forest practices.** This policy exempts agriculture and forest practices from regulation under the scenic chapter. Clarify that conditions of approval requiring retention of vegetation for screening development from KVAs is an exception to this policy.

Friends proposed revision (New language in bold blue, Commission draft revisions are in red):

2. The goals, objectives, policies, and guidelines in this chapter shall not affect agriculture or forest practices, ~~nor equipment or structures (other than buildings) associated with such practices, such as irrigation equipment or orchard fans,~~ **except for conditions of approval requiring retention of vegetation for screening development from KVAs.**

3. **GMA Policy 6, Page 36. New development called for in the National Scenic Area Act.** This policy does not require full compliance with the scenic standard. This presents a fairness and equity issue where private and other public development is held to a stricter standard. All development should meet the applicable scenic standard. Delete “to the maximum extent practicable” from this policy.

Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, Commission draft revisions are in red):

6. ~~The Gorge Discovery Center~~ New development or expansion of facilities that are called for in the National Scenic Area Act shall be designed and constructed to be visually subordinate as seen from key viewing areas and compatible with ~~its~~~~their~~ landscape setting ~~to the maximum extent practicable~~, consistent with ~~its~~~~the~~ facility’s mission.

GMA Guidelines

4. **GMA Guideline 2, Page 36. Compatibility.** New development is required to be compatible with the general scale of existing nearby development. Expansion of existing development must be compatible to the maximum extent practicable. This guideline has not been consistently applied throughout the scenic area and has been the subject of several appeals. The guideline should be clarified to expressly require compatibility in exterior visible volume and exclude buildings that are significantly larger than the rest of the buildings from the compatibility analysis. The term “maximum extent practicable” should be deleted. **The compatibility standard is lacking in the SMA and needs to be added.**

Friends proposed revision (Restored language in bold blue, deleted language in blue strikethrough, Commission draft revisions are in red):

2. New buildings **and additions** shall be compatible with the general **exterior** scale ~~(height, dimensions and overall mass)~~ **(height, dimensions and overall mass)** of existing nearby development. Expansion of existing development shall comply with this guideline ~~to the maximum extent practicable~~.

Findings addressing this guideline shall include but are not limited to:

- A. Application of the landscape setting design guidelines, if applicable.
- B. A defined study area surrounding the development that includes at least ten existing buildings not including existing buildings within Urban Areas or outside the National Scenic Area.
- C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:
 - (1) All finished above ground volumesquare footage;
 - (2) Total area and height of covered decks and porches;
 - (3) Volume of aAttached garages;
 - (4) Above-ground volume of dDaylight basements;
 - (5) Area and height of bBreezeways, if the breezeway shares a wall with an adjacent building; and
 - (6) Height, based on information from the application or on Assessor's records.
- D. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity defined study area of the proposed development that are significantly larger in size than the rest of the buildings in the study area ~~should~~ shall be removed from this evaluation.

Key Viewing Areas - GMA Guidelines

- 5. **New Guideline, Page 40. Railroads.** Clarify that new rail development, including new tracks, must meet the applicable scenic standard. Evaluation of the scenic impacts must include the trains that would travel on the new rail development or are paused or stored on proposed sidings or double tracks.

Friends proposed new guideline (New language in bold blue):

New rail development, including new tracks, must meet the applicable scenic standard. Evaluation of the scenic impacts must include the trains that would travel on the new rail development or are paused or stored on proposed sidings or double tracks.

- 6. **New Guideline, Page 40. New roads and parking areas.** Clarify that the evaluation of new roads and parking areas for compliance with the applicable scenic standard must include the vehicular use of the road or parking area.

Friends proposed new guideline (New language in bold blue):

Evaluation of new roads and parking areas, or their expansion, shall include analysis of the visual impacts of the vehicular use of the road or parking area.

- 7. **GMA Guideline #2, Page 40. Siting to achieve visual subordination:** Siting new development to achieve the visual standard is required unless it conflicts with natural

resource protection buffers. The Commission staff has proposed to require new development to comply with this guideline to the maximum extent practicable. Friends recommends adding new language requiring berms and vegetation to meet the visual subordination standard.

Friends proposed revision (New language in bold blue, deleted language in strikethrough, Commission proposed language in red):

2. Each development shall be visually subordinate to its setting as seen from key viewing areas. New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, new development siting shall comply with this guideline to the maximum extent practicable and, if necessary, new development shall be screened with berms and vegetation to be rendered visually subordinate.

8. **GMA Guideline #3, Page 40. Cumulative effects.** The Act prohibits adverse effects to scenic resources. The Management Plan currently requires evaluation of cumulative effects, but does not explicitly prohibit adverse effects to scenic resources. The existing language should be clarified to explicitly prohibit adverse cumulative effects.

Friends proposed revision (New language in bold blue, deleted language in strikethrough):

3. Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments. **Proposed development shall avoid adverse cumulative effects or be denied.**
9. **GMA Guideline #4, Page 41. Conditions applied to proposed development to achieve visual subordination.** Further clarify Guideline #4 to establish a hierarchy of conditions to achieve visual subordination starting with the most permanent, which is siting. First and foremost, new development should be sited to achieve visual subordination.

Friends proposed revision (New language in bold blue, deleted language in strikethrough, Commission staff proposed in red):

4. The extent and type of conditions applied to ~~various elements of a~~ proposed developments to ~~ensure they are visually subordinate~~ achieve visual subordination to their landscape setting shall be proportionate to its potential visual impacts as seen from key viewing areas. **Conditions shall be prioritized and applied in the following order to achieve visual subordination** ~~Conditions may include, and shall be prioritized, including but not limited to in order of condition to utilize:~~

- A. Siting, **using existing topography** (location of development on the subject property, building orientation, and other elements).
- B. **Siting, using and retaining** ~~Retention of~~ existing on-site vegetation.
- C. Design (color, reflectivity, size, shape, height, architectural and design details and other elements).
- D. New landscaping **and berms to provide year around screening**.

10. Guideline #5, Page 41. Topography and vegetation. Topography must be given a higher priority over existing vegetation for siting new developments because it is more permanent.

Site plans and conditions of approval must require new landscaping to be sufficient to screen the development within five years. If it does not, then it becomes an enforcement issue. Requiring additional screening vegetation five or more years after the land use decision is final is impractical and may raise finality issues. Delete the last sentence in guideline 5B.

Friends proposed revision (New text in blue bold, deleted text in blue strikethrough, Commission staff proposed in red underline):

5. New development shall **first** be sited using existing topography and ~~or~~ **then using** existing vegetation as needed to achieve visual subordination from key viewing areas.

The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

- B. If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. ~~If after five years the vegetation has not achieved a size sufficient to screen the development, additional screening vegetation be required by the local government to make the development visually subordinate.~~

11. GMA Guideline #10, Page 42. Non reflective or low reflective materials. Continuous glass surface must be minimized on the exterior of buildings visible from key viewing areas. Year-round screening must be required for glass surfaces on portions of new buildings that would be visible from key viewing areas.

Friends proposed revision (New text in blue bold, deleted text in strikethrough Commission staff proposed in red):

10. The exterior of buildings ~~on lands seen from key viewing areas~~ shall be composed of non-reflective materials or materials with low reflectivity, ~~unless the structure would be fully screened from all key viewing areas by existing topographic features.~~ Continuous Ssurfaces of glass exposed to key viewing areas shall be limited and screened year-round to ensure visual subordination. The Scenic Resources Implementation Handbook ~~will include~~includes a list of recommended exterior materials. ~~These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets recommended thresholds in the “Visibility and Reflectivity Matrices” in the Implementation Handbook (once they are created).~~ ~~Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook.~~ screening methods.

12. SMA grading guidelines are needed: Substantive standards regulating grading need to be added to the SMA guidelines.

13. Compatibility of new development in the SMAs. The SMA scenic resource guidelines lack any compatibility requirements. Add the GMA compatibility guideline to the SMA section.

Friends proposed revision: Add the GMA compatibility guideline to the SMA guidelines.

Landscape Settings

GMA Guidelines

14. Screening trees in all landscape settings, Pages 48-60. All landscaping required for screening purposes should provide year-round screening. However, the landscape setting guidelines require that only ¼ to ½ of trees planted for screening purposes be coniferous for winter screening. In the Grassland setting, screening trees are discouraged and there is no requirement for coniferous trees when screening vegetation is required. This severely limits the ability to render new development visually subordinate.

Friends proposed revision: In all landscape settings, require coniferous trees for year-round screening where new vegetation is needed to meet visual subordination.