



TO: Columbia River Gorge Commission  
FROM: Friends of the Columbia Gorge  
DATE: June 30, 2020  
RE: Comments on proposed revisions to Part II: Land Use Designations of the Management Plan

Friends of the Columbia Gorge (“Friends”) has reviewed the draft Management Plan revisions for Part II: Land Use Designations and offers the following comments. 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.

## **Part II: Land Use Designations**

### **Chapter 1 Agricultural Land**

- 1. GMA Policy 6, Page 197.** Friends supports the proposed removal of this provision to reflect in the Management Plan what has become standard practice.
- 2. Land Use Policy 3, Page 198.** This policy should be restored. Removing this policy would be a significant change in policy and could result in, for example, repeal of agricultural setbacks in the future. Minimum lot sizes are not enough to prevent conflicts.

**Friends proposed revision** (Friends’ proposed restored text in blue):

**Agricultural land shall be protected from conflicts by limiting the number, size, proximity, and scale of conflicting uses on nearby lands.**

- 3. Land Use Policy 6, Page 199.** The “shall” should be “may” to prevent future arguments about whether approval of home occupations and wine sales and tasting rooms is mandatory or optional on Agricultural Lands.

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

The following commercial uses ~~shall~~ **may** be allowed in areas designated Large-Scale or Small-Scale Agriculture: **A. Home occupations. B. Wine sales and tasting rooms in conjunction with a lawful winery.**

- 4. Land Use Policy 7, Page 199.** The “shall” should be “may” to prevent future arguments about whether approval of commercial events is mandatory or optional on Agricultural Lands.

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

Commercial events ~~shall~~ **may** be allowed in areas designated Large-Scale or Small-Scale Agriculture in conjunction with a lawful wine sales or tasting room, commercial use, or dwelling listed in the National Register of Historic Places.

- 5. Land Use Policy 8, Page 199.** The “shall” should be “may” to reflect that “accessory to agricultural use” is not the only approval criteria for agricultural buildings.

**Friends proposed revision** (Friends’ proposed deleted text in blue strikethrough, added text in blue):

Agricultural buildings ~~shall~~ **may** be allowed in areas designated Large-Scale or Small-Scale Agriculture if they are shown to be accessory to agricultural use.

- 6. Land Use Policy 9, Page 199.** The “shall” should be “may” to reflect that the two listed criteria are not the only approval criteria for single-family dwellings.

**Friends proposed revision** (Friends’ proposed deleted text in blue strikethrough, added text in blue):

Single-family dwellings ~~shall~~ **may** be allowed in areas designated Large-Scale Agriculture when. . . .

- 7. Land Use Policy 12, Page 200.** The “shall” should be “may” to reflect that the two listed criteria are not the only approval criteria for processing and packing of agricultural products and uses that offer direct marketing opportunities.

**Friends proposed revision** (Friends’ proposed deleted text in blue strikethrough, added text in blue):

Agriculture ~~shall~~ **may** be enhanced by allowing processing and packing of agricultural products and uses that offer direct marketing opportunities, subject to review to minimize the loss of agricultural land and to limit the size and scale of use.

- 8. GMA Guideline 1.H.(3)(d). Page 202.** The guidelines for single-family dwellings in conjunction with agricultural use need to be updated. The \$40,000 minimum agricultural capability test adopted in 1991 is out of date and needs to be adjusted for inflation. The inflation rate based on the CPI data from the U.S. Department of Labor Bureau of Labor Statistics is 96.2%, which means \$40,000 in 1991 dollars is approximately \$80,000 in 2020 dollars. This should also be indexed to inflation so this does not need to be revisited. This income capability test also needs to be an income production test, consistent with Oregon law.

**Friends proposed revision** (Friends' proposed deleted text in blue strikethrough, added text in blue):

(3) The farm or ranch is a commercial agricultural enterprise as determined by an evaluation of the following factors:

(d) Income capability. The farm or ranch, and all its constituent parcels, must ~~be capable of producing~~ at least \$~~40,000~~ **80,000** in gross annual income in 2020 dollars, **adjusted for inflation**. This determination can be made using the following formula:

$$(A)(B)(C) = I$$

where:

A = Average yield of the commodity per acre or unit of production

B = Average price of the commodity

C = Total acres suitable for production, or total units of production that can be sustained, on the subject farm or ranch

I = Income ~~capability~~

## **Chapter 2 Forest Land**

**9. Policy 6. Agricultural dwellings on forest land.** Delete this policy allowing conversions of commercial forest land to an agricultural dwelling. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.

**Friends proposed revision** (Friends' proposed deleted text in blue strikethrough, added text in blue):

~~6. Dwellings shall be allowed in conjunction with agriculture on lands designated Commercial Forest Land.~~

**10. Policy 7. Page 198. Dwellings in large woodland zones.** Delete this policy allowing dwellings in large woodland zones. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.

**Friends proposed revision** (Friends' proposed deleted text in blue strikethrough, added text in blue):

~~New residences shall be allowed on lands designated Large Woodland if they are shown to contribute substantially to effective and efficient growing, propagation, and harvesting of forest tree species.~~

**11. Policy 8. Page 198. Dwellings in small woodland zones.** Delete this policy allowing dwellings in small woodland zones, except on parcels that are not suitable for commercial forest uses and are not eligible for the states' forest tax assessment programs. Allowing dwellings in forest land is inconsistent with the Act's requirement to protect forest land for forest uses and prevent the

conversion to residential uses. It increases the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, and protect public safety and property by reducing the threats of human-caused forest fires.

**Friends proposed revision** (Friends' proposed deleted text in blue strikethrough, added text in blue):

Single-family dwellings shall be allowed in areas designated Small Woodland when:

~~A. A dwelling is shown to be in conjunction with the growing, propagation, and harvesting of forest tree species, or~~

**BA.** A dwelling is on a parcel shown not to be eligible for enrollment in the subject state's forest assessment program.

- 12. Guideline 1.A. Page 225. Dwellings in large woodland zones.** Consistent with Friends' recommendation to delete policy 7, delete this guideline allowing dwellings in large woodland zones. This is inconsistent with the Act's requirement to protect forest land for forest uses and would increase the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.

**Friends proposed revision** (Friends' proposed deleted text in blue strikethrough, added text in blue):

**Delete Guideline 1.A.**

- 13. Guideline 1.B. Page 225. Dwellings in small woodland zones.** Consistent with Friends' recommendation to delete policy 8, delete this guideline allowing dwellings in small woodland zones, except on parcels that are not suitable for commercial forest uses and are not eligible for the states' forest tax assessment programs. Allowing dwellings in forest land is inconsistent with the Act's requirement to protect forest land for forest uses and prevent the conversion to residential uses. It increases the threats of wildfires in forest land due to the introduction of residential uses. Prohibiting new dwellings in forest land would protect productive forest land, adapt to climate change, protect public safety, and protect property by reducing the threats of human-caused forest fires.

**Friends proposed revision** (Friends' proposed deleted text in blue strikethrough, added text in blue):

On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon ~~the parcel's enrollment in the appropriate state's forest assessment program.~~ Upon a showing that **the parcel is not suitable for commercial forestry and cannot qualify for enrollment in the appropriate state's forest assessment program.** ~~, a parcel is entitled to one single family dwelling. In either case, †~~The location of a dwelling shall comply with the "Approval Criteria for the Siting of Dwellings on Forest Land" and "Approval Criteria for Fire Protection" in this chapter. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture.

**14. Guideline 1.C. Page 226. Agricultural dwellings in forest zones.** Consistent with Friends’ recommendation to delete policy 6, delete this guideline allowing conversions of commercial forest land to an agricultural dwelling. This guideline is inconsistent with the Act’s requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.

**(Friends’ proposed deleted text in blue strikethrough, added text in blue):**

**Delete guideline 1.C.**

**15. Guideline 1.N. Page 227. Second agricultural dwellings in forest zones.** Consistent with Friends’ recommendation to delete policy 6 and guideline 1.C., delete this guideline allowing conversions of commercial forest land to allow a second dwelling for a farm operator’s relative. This guideline is inconsistent with the Act’s requirement to protect forest land for forest uses and would increase the threats of wildfire in forest land due to residential uses.

**Friends proposed revision (Friends’ proposed deleted text in blue strikethrough, added text in blue):**

**Delete guideline 1.N.**

### **Chapter 3 Open Space**

**16. Land Use Policy 2, Page 251.** The “shall” should be “may” to reflect that criteria other than not causing adverse effects on the resources to be protected by the Open Space designation still apply in the Open Space zone.

**Friends proposed revision** (Friends’ proposed deleted text in blue strikethrough, added text in blue, Commission draft revisions are in green to reflect that they were moved from elsewhere):

Uses ~~shall~~ **may** be allowed in areas designated Open Space that can be undertaken without adverse effect to the resources to be protected.

**17. Review Use 1.C, Page 251.** If the word “improvement” is to be used then the potentially ambiguous term “improvement” should be defined in the Glossary.

### **Chapter 4 Residential Land**

**18. GMA Goal 1, Page 261.** The proposal changes a goal of residential land from “protect and enhance the character of existing residential areas” to “maintain the character of existing residential areas.” Protecting and enhancing, or maintaining the character of a residential area could conflict with the Commission’s mandate to protect and enhance the resources of the National Scenic Area. This provision should be stricken.

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

~~Protect and enhance~~ **Maintain** the character of existing residential areas.

**19. Land Use Policy 7, Page 264.** This provision should not be stricken so that the Commission can fulfill its mandate to protect and enhance recreation resources in the National Scenic Area.

**Friends proposed revision** (Friends' proposed reinstated text in blue):

Adjacent recreation uses shall be protected from residential development. Buffer areas shall be established between residential development and adjacent recreation uses.

### **Chapter 7 General Policies and Guidelines**

**20. GMA Goal 1, Page 261.** The proposal changes a goal of residential land from “protect and enhance the character of existing residential areas” to “maintain the character of existing residential areas.” Protecting and enhancing, or maintaining the character of a residential area could conflict with the Commission’s mandate to protect and enhance the resources of the National Scenic Area. This provision should be stricken.

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

~~Protect and enhance~~ Maintain the character of existing residential areas.

**21. Land Use Policy 7, Page 264.** This provision should not be stricken so that the Commission can fulfill its mandate to protect and enhance recreation resources in the National Scenic Area.

**Friends proposed revision** (Friends' proposed reinstated text in blue):

Adjacent recreation uses shall be protected from residential development. Buffer areas shall be established between residential development and adjacent recreation uses.

**22. Hardship Dwelling Guideline 1.A, Page 344.** The proposal changes a guideline for temporary hardship dwellings so that the hardship can be for someone that does not live on the property at the time of the application. The intent of temporary hardship dwellings is so that caregivers can help a person who already occupies an existing dwelling on the parcel, not so that additional dwellings can be built to increase residential density in the National Scenic Area.

**Friends proposed revision** (Friends' proposed deleted text in blue strikethrough, restored text in blue):

A family hardship exists where conditions relate to the necessary care for a ~~family member~~ **member of the family occupying the principal dwelling** and where medical conditions relate to the infirm or aged.

**23. Home Occupations Guideline 1.A, Page 346.** The proposal changes a guideline for home occupations that would allow three outside employees. Creating employment centers outside of urban areas (e.g., when a CPA establishes a home occupation and moves its office and

employees outside of an urban area) will drain the life from the towns in the National Scenic Area and create more traffic on rural roads. Short term rental overnight accommodations do not normally employ cleaning staff, they contract with cleaning services.

**Friends proposed revision** (Friends' proposed deleted text in blue strikethrough, restored text in blue):

May employ **only** the residents of the home. ~~and up to three outside employees~~

- 24. Bed and Breakfast Inns Policy 3, Page 348.** Bed and breakfast inns are a commercial use. Commercial uses are prohibited in the SMA. If not prohibited, approval new bed and breakfast inns should needs to be discretionary and based on compliance with guidelines to protect resources. Change “shall” to “may.”

**Friends proposed revision** (Friends' proposed restored text in blue):

3. In the SMA, bed and breakfast inns associated with residential use **shall may** be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.

- 25. Variances from Setbacks and Buffers GMA Guideline 2.D, Page 357.** There appear to be two typographical errors in this Guideline that should be fixed.

**Friends proposed revision** (Friends' proposed new text in blue):

The variance shall not be used to permit an addition to a building (including, but limited to decks and stairs), when the addition would be within the setback, except where the building is wholly within the setback, in which case, the addition may only be permitted on the portion of the building that **would not encroach** further on the setback.

- 26. Review Uses GMA/SMA Guidelines 7–10, 7, & 7, Page 361–363.** New mineral production and the expansion of existing mines should not be allowed within the National Scenic Area. (There appear to be two typographical errors that number the Guidelines after 10 as 7 and 7.) These 6 Guidelines should be removed.