

# **GORGE COMMISSION – SCENIC RESOURCES PLAN REVIEW COMMITTEE**

**October 7, 2002, MEETING SUMMARY**

**Columbia Gorge Discovery Center, The Dalles, OR**

Committee members present: Jane Jacobsen, Joyce Reinig, Anne Squier, Wayne Wooster.

Other Commissioners present: Kenn Adcock, Doug Crow, Don Dunn.

Commission and Forest Service staff present: Keith Fredrickson, Brian Litt, Diana Ross.

Others present: Roger Allen, Dean Apostol, Nathan Baker, June Carlson, Todd Cornett, Judy Davis, Dan Ericksen, Jurgen Hess, Patrick Johnson, Jeanette Kloos, Derrick Tokos, Eric Walker.

The Committee reviewed the September 17 meeting summary and Recommendations/Rationale document. It was decided to use three categories on recommendations made by the Committee: “consensus” when all members agree; “majority” when there is some disagreement but a majority agree; and “dissent” when a member wants the minority position to be noted when a recommendation goes before the full Commission. Anne Squier suggested two changes to the Recommendations document reflecting that a majority of the Committee recommended dropping Courtney Road and Dell Road from consideration as KVAs (as opposed to a consensus). Similarly, Anne suggested revising the September 17 meeting minutes to make the same distinction. The Committee agreed, and Brian indicated he would make those changes.

The Committee then discussed the issue of possible revisions to the Management Plan’s color guidelines. Brian Litt summarized two issues and their options. Issue 1 asked, “Should changes to the color standards themselves be made for more clarity, flexibility, or to improve scenic resource protection?” with three options: A.) Create one color standard for the whole Gorge: “dark earth-tone colors”; B.) Create one color standard for the Gorge, qualified by colors found at the specific site; C.) Colors for structures shall be dark earth-tone found at the specific site, the colors shall be as dark or darker as the colors in the shadows of the surrounding background of the natural landscape at the specific site. Staff recommended option C, noting it emphasizes the importance of matching the darker colors found at the site.

Issue 2 asked, “Is more specificity needed to improve implementation of color guidelines?” Options included: A) Specify approvable colors in an implementation handbook cross-referenced in the Plan. Develop specific approvable colors for each landscape setting. Handbook colors would be developed by a working group such as Gorge Planners and approved by the CG Executive Director and Scenic Area Manager; B) Specify approvable colors in an implementation handbook and develop specific approvable colors for the most distinct landscapes in the Gorge with reference to color,

with handbook colors developed by a working group; C.) Specific approvable colors would be based on site-specific analysis, using appropriate colors found in the actual setting, within a range of a pre-approved palette of colors developed by each jurisdiction. The specific color would be part of the conditions of approval; D.) Same as option C, except the palette of colors would be developed by a working group such as Gorge Planners and approved by GC Executive Director and Scenic Area Manager. Specific approvable colors would be based on site-specific analysis, using appropriate colors found in the actual setting; E) Specific approvable colors would be based on site-specific analysis only; and no pre-approved palette of colors would be required. Staff recommended Option D, noting it responds to the need for, and simplifies the development of the approvable colors and addresses site specificity.

Anne and Joyce Reinig said they thought the staff recommendations were sound, and asked audience members for comments on the recommendations. Jurgen Hess said he thought the recommendations overall were good, and suggested that the Munsell color chart could be an effective tool for planners that would give their customers more of a range of colors to choose from. Todd Cornett said he liked the idea of giving customers a range of colors rather than one or two specific colors to choose from. Nathan Baker said Friends of the Columbia Gorge would support the staff recommendations if a quantitative range of colors were approved, and specific colors approved as part of the decision. Jeanette Kloos asked if color requirements apply to all structures, not just buildings, noting that ODOT needs contrast for some highway structures for safety purposes. Anne said that the recommended “harmonious” guideline should take care of the highway safety issue.

Roger Allen raised a concern about scenic impacts from houses that may pre-date the Scenic Act and are repainted highly contrasting colors. Anne then noted there are three other color-related issues the Committee hasn’t talked about: 1) Color requirements for new buildings are assumed to be in force when those buildings are repainted; 2) Buildings constructed under Scenic Area guidelines are assumed to have the same color requirements when repainted; 3) Should there be some review for pre-NSA homes when they are repainted? Joyce said that perhaps a fund could be provided, regarding repainting of pre-Act houses. Post-Act problems, on the other hand, are an enforcement issue, and the Commission lacks money and manpower to enforce everything. Brian indicated that Commission staff has always viewed repainting of pre-Act houses as beyond the scope of the Commission’s authority to regulate. Anne said she wished the counties would address the first two issues she raised, and asked if it would be helpful to include a provision in building permits that more clearly informs landowners that they need to use an approved color if they repaint their homes.

Eric Walker said he agreed with the idea of having a palette of colors available, and with a range of colors available to customers so if they want to change a specific color they have others available. Todd agreed that with a range of approved color, customers would not have to go through any lengthy process again if they change their minds about a specific color. Later in the discussion, Todd noted that if planners have a system, such as Munsell, that is consistent, it would be helpful both to homeowners and planners. Wayne

Wooster asked if such a process is practical, and Todd said he thought it would be if a range of colors are approved. Eric agreed, saying it would be less confusing for home builders if they have a palette of colors to choose from in a specific landscape zone. A discussion followed that questioned if home purchasers in the Scenic Area are aware they must keep the same house color if they repaint their structures. Dan Ericksen said that if the color requirement is recorded on the title, it's up to the buyer to be diligent about the provisions in the deed. The Committee then reached consensus on recommending Option C for Issue 1, and Option D for Issue 2.

Brian then followed with a presentation on Replacement Structures. He pointed out that the great majority of replacement applications are for a structure that is not an in-kind replacement, and not following a disaster. In-kind replacements of structures destroyed by a disaster are very rare; only a few cases have occurred in the years of plan implementation. Brian summarized how the Management Plan deals with replacements.

Issue 1 addressed what standards should apply to replacement structures that are not in-kind, with three options: 1) Maintain the status quo (no streamlined review; same scenic guidelines apply as for new uses, with the use itself vested; 2) Replacements may be allowed if less visible/lower contrast (from Key Viewing Areas) than pre-existing structure they are replacing; 3) Status quo, except allow additional consideration of "practical function" factors regarding function of replacement structure relative to location of other, existing development and infrastructure. Staff recommended Option 1 as a viable and equitable way of addressing potential impacts of replacements that are larger and/or at a different site than pre-existing structures. After some discussion, the Committee reached consensus on option 1.

Issue 2 was then discussed. It addressed what standards/guidelines should apply to in-kind replacements of structures destroyed by a disaster. Brian reiterated the rare cases where this type of replacement occurs. Options included: 1) Stay with status quo. (Apply color, reflectivity and landscaping to achieve visual subordination to extent practicable); 1a) Same as status quo, except make landscaping provisions more lenient (e.g. smaller trees with longer time frame allotted to achieve visual subordination; more time to implement landscaping) in deference to hardship situations; 2) Apply color, reflectivity and landscaping to achieve visual subordination to the extent practicable, except that required landscaping should not exceed amount of landscaping that screened the pre-existing structure before the disaster; 3) In-kind replacements associated with disasters should be no more visible/ have no more contrast from KVAs than pre-existing structures. Staff's first preference was Option 2, which strives to address the scenic effects of replacement structures after a disaster, while giving added deference to the hardship situation and fairness concerns. Staff's second preference was Option 1a, which retains strong scenic protection levels while providing additional consideration of cost impacts of landscaping in deference to hardship considerations.

Following Brian's presentation, Gorge Commissioner Donald Dunn made a presentation supporting Option 2 for Issue 2. He said that current plan provisions regarding landscaping in cases of rebuilding after a disaster were problematic from several

standpoints. He raised concerns that the current standards, if interpreted strictly in an appeal, could possibly prevent someone from rebuilding. He also made the case that the view one has from a property for development pre-dating the Scenic Act is part of the grandfathered rights for such a property. He read the current provision in the Management Plan which states that any use or structure existing on the effective date of the Management Plan may continue so long as it is used in the same manner and for the same purposes. He thus felt that those pre-existing views should be protected under regulations addressing in-kind replacements following a disaster. Don also noted the financial and practical problems of requiring screening to make such developments visually subordinate beyond pre-existing screening levels.

In the discussion that followed, Brian said the replacement issue requires coordination between the Land Use and Scenic Resources tracks of Plan Review, and that the issue may have to be revisited to make sure the two tracks are in sync. Joyce noted this issue could create problems if a disaster struck the Scenic Area, and she asked the Committee to make the requirements as clear as possible. She questioned the landscaping language in the Plan that would require people to plant trees that were not there in the first place. Anne noted that she had trouble with the “ambiguity” of Option 2, later adding she preferred Option 1.a, with language addressing use of landscaping to break up geometric forms and large expanses of glass. Jane suggested that perhaps a version of Option 2, with more specificity regarding amounts of landscaping required, would work. Kenn Adcock said he felt staff used common sense in recommending option 2. He suggested modifying the wording of option 2 to require “landscaping not to exceed the amount of landscaping that screened the pre-existing structure from KVAs before the disaster.” Joyce said she didn’t see that Option 2 would weaken protection standards. She felt it would be an act of good faith for the Committee to recommend Option 2. All members agreed that color and reflectivity should be used to the extent practicable to meet visual subordination. The Committee was evenly divided on this issue, with Anne and Jane Jacobsen favoring Option 1.a, and Joyce and Wayne Wooster supporting Option 2.

Issue 3 asked, “What standards/guidelines should apply to in-kind replacements of structures not destroyed by a disaster?” For this issue, staff recommended one option: Apply status quo for disaster-related in-kind replacements to in-kind replacements not involving structures destroyed by disaster. (Apply color, reflectivity and landscaping to achieve visual subordination to the extent practicable.) Staff noted that with in-kind replacements, siting guidelines are inapplicable, as are most other tools, assuming the replacement is essentially the same location, size and height as the pre-existing building. Color, reflectivity and landscaping are the only logical ways to ensure such replacements are visually subordinate. While three options for Issue 2 all arise from a concern to address the hardships people face in dealing with a disaster, such concerns do not apply to discretionary in-kind replacements not related to a disaster. The Committee concurred with the staff recommendation on Issue 3.

The Committee then discussed topics for the next meeting, which was scheduled for 3:30 on October 29, with the first preference for location in White Salmon, and the Discovery

Center if White Salmon was not available. The Committee decided to address policy questions regarding accessory buildings, guidelines on color for lands not seen from KVAs, and reflectivity guidelines. The meeting then adjourned.