



FRIENDS OF THE COLUMBIA GORGE

TO: Columbia River Gorge Commission
FROM: Friends of the Columbia Gorge
RE: Comments on Draft Revisions to the Economic Development Chapter
Date: January 31, 2020

Thank you for the opportunity to comment on the Economic Development chapter of the Management Plan for the Columbia River Gorge National Scenic Area and also the draft revisions to this chapter.

Friends of the Columbia Gorge has several recommendations for the draft revisions to the economic development chapter. As you will see below, recommendations to delete existing or proposed policy text has a “~~strikethrough~~” and our proposed policy changes with new text are in “**bold**.”

Encouraging Growth to occur in existing urban areas

The second purpose of the National Scenic Area Act (Act) requires protection and support for the economy of the Columbia River Gorge Area by *encouraging growth to occur in existing urban areas* and by allowing future economic development in a manner consistent with the first purpose of the Act. (Emphasis added)

Nothing in the proposed revisions to the Economic Development chapter of the Management Plan addresses how growth is encouraged to occur in existing urban areas. The existing chapter and the proposed revisions focus on expanding urban areas and requiring commercial uses outside, and not within existing urban areas in violation of the second purpose of the Act.

Comprehensive Plans and zoning within existing urban areas

For the Commission to carry out the second purpose of the Act and encourage growth in existing urban areas, local governments must have zoning and infrastructure to accommodate this growth at an urban scale. This is especially true in the designated urban areas that are not incorporated cities.

For example, the Dallesport urban area is more than 6,500 acres in size, is not developed at an urban scale and lacks urban-scale zoning and infrastructure for residential and commercial lands. Residential zones are rural residential and suburban with large minimum lot sizes and low densities. More than 2,700 acres in Dallesport are zoned for industrial development, but these lands are mostly vacant or underutilized. The Commission should prioritize working with local governments to encourage urban-scale zoning within urban areas to provide for future residential, commercial and industrial development.

Recommendation: Add a new policy or add to existing Policy 6. (New language is in **BOLD**)

- **Consistent with the second purpose of the Act, the Commission shall work with county governments to inventory buildable lands, identify infrastructure needs and encourage**

comprehensive plan revisions and zoning changes that apply urban- scale planning and zoning within the urban areas in the Scenic Area.

Draft GMA Policy 5 (Policies in blue text are the staff’s proposed revisions)

5. Agriculture and forest industries in the Columbia River Gorge shall be protected and supported by:

- preventing fragmentation of the agricultural and forest land base
- minimizing interference with agriculture and forest practices from conflicting uses
- enhancing agricultural lands for agricultural uses, forest lands for forest uses and forest lands for agricultural uses
- being consistent with the strategies listed in the Economic Vitality Plan to provide ongoing support for these industries.
- encouraging conservation efforts such as energy and water efficiency.

Comment: The first two bullets are consistent with the protection of agricultural land and forest land. The third bullet is problematic. It paraphrases the requirements of section 6.(d)(1-2) of the Act, but omits language related to conversions to recreation development and open space. It’s lacking in specificity on how these lands will be enhanced. It doesn’t consider the climate impacts of converting forests to agricultural uses.

Recommendation: Delete the third bullet point.

- ~~enhancing agricultural lands for agricultural uses, forest lands for forest uses and forest lands for agricultural uses~~

Draft GMA Policy 7

7. The Commission shall provide a clear process for urban area boundary revisions and shall coordinate with land use management agencies in the General Management Area (*cite reference in new 2020 Management Plan after Urban Area Boundary Policy adopted*).

Comment: The Commission has already provided a clear process for urban area boundary revisions in its rules. See Commission 350-40. These rules were adopted in the 1990’s and have been periodically updated. This policy is unnecessary and should be deleted.

Recommendation: Delete draft policy 7.

~~7. The Commission shall provide a clear process for urban area boundary revisions and shall coordinate with land use management agencies in the General Management Area (cite reference in new 2020 Management Plan after Urban Area Boundary Policy adopted).~~

Draft GMA Policy 8

8. The Gorge Commission shall allow commercial uses that are consistent with land use designations contained within this document and consistent with the resource protections policies and guidelines.

Comment: The following new policy would arguably remove any discretion by the Commission or a county to deny a commercial use. The policy does not address the need for adequate infrastructure for

commercial uses, the need to avoid conflicts with existing uses, such as residential use, agriculture and forestry practices. Policies and guidelines related to new commercial uses belong in Part II – Land Use Designations, which describe the review uses in each land use designation.

Proposed Policy #8 would purportedly *require* commercial uses to be approved under certain conditions: “The Gorge Commission *shall allow* commercial uses” (Emphasis added). The use of the phrase “shall allow” could be interpreted as eliminating a county’s discretion whether to approve such uses, especially given that for most other types of uses, the Management Plan uses the very different phrase “may be allowed.” See *Friends of the Columbia Gorge v. Columbia River Gorge Comm’n*, 346 Or 415, 426–27 & n 12, 212 P3d 1243 (2009) (The use of the phrase “shall be permitted” in the Gorge Management Plan “unambiguously require[d] the counties to permit the [listed] uses.”) Ordinarily, county governments in the Scenic Area have discretion whether to list, within their ordinances, specific uses as review uses within various land use designations, and they also have discretion to deny such uses even if they would be consistent with the Management Plan’s resource protection guidelines. The phrase “shall allow” could strip the counties of this discretion and force them to approve such uses over their objections. In deference to local government zoning principles and to ensure consistency with the Management Plan’s general treatment of review uses, the words “shall allow” should not be used here, and should instead be replaced with “may allow.”

Recommendation: Delete draft GMA Policy 8, or replace “shall” with “may.”

8. The Gorge Commission ~~shall~~**may** allow commercial uses that are consistent with land use designations contained within this document and consistent with the resource protections policies and guidelines.

Draft GMA Policy 10

10. The Gorge Commission shall acknowledge the importance of adequate infrastructure (such as water, sewer, roads, telecommunications, and broadband) to protect the health and safety and to support the economic vitality of Gorge communities.

Comment: New urban infrastructure must be sited within existing urban areas unless there is no practicable alternative, the project meets the public interest test and there is no adverse effects to scenic, natural, cultural or recreation resources. The word “shall” should be deleted from this policy.

Recommendation: (New language is in BOLD)

10. The Gorge Commission ~~shall~~acknowledges the importance of adequate infrastructure (such as water, sewer, roads, telecommunications, and broadband) to protect the health and safety and to support the economic vitality of Gorge communities. **New infrastructure serving urban areas shall be sited within existing urban areas unless there is no practicable alternative, it is in the public’s interest, it is the minimum size necessary to provide the service and the use is consistent with the land use and resource protection policies and guidelines in the Management Plan.**

Draft GMA Policy 11

11. The Gorge Commission shall recognize the ~~special~~ unique role of the ~~five~~ ports in the National Scenic Area as providers of river transportation, ~~and recreation facilities, in Urban Areas, and support their efforts to stimulate urban waterfront economic development by:~~ **and as developers of infrastructure to**

support economic vitality. The Gorge Commission shall support their efforts to stimulate economic development by:

- Assigning priority for revisions to Urban Area boundaries to those requests involving port properties or projects.
- Relying upon existing state and federal wetlands regulations on the Columbia River and exempting urban waterfronts from wetland and riparian area guidelines in the Management Plan.

Comment: Policy 11 elevates the Ports above other local jurisdictions and stakeholders in the Gorge, prioritizes their interests over the interests of the communities and could adversely affect water resources within the Columbia River outside of the urban area boundaries. This policy elevates port projects over the other needs of Gorge communities, such as affordable housing. In particular, the new text requiring the Gorge Commission to support urban area boundary revisions proposed by the Ports would conflict with the criteria for urban area boundary revisions in section 4(f) of the Act.

Recommendation: Delete draft policy 11. At a minimum, delete the last sentence in the first paragraph.

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