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June 30, 2020

To: Krystyna Wolniakowski, Columbia River Gorge Commission Executive Director

**RE: Columbia River Gorge National Scenic Area Management Plan Amendments (Gorge 2020)**

Dear Krystyna,

Congratulations on reaching the Gorge 2020 project milestone related to public release of draft amendments to the Columbia River Gorge National Scenic Area Management Plan. This is very important, lasting policy work and we greatly appreciate this opportunity to provide feedback on the draft Plan amendments<sup>1</sup>.

Multnomah County has been unable to engage in the Gorge 2020 project as closely as we would have preferred due to limited resources and staffing changes. Therefore we are providing comments only on the technical issues we see that could have a direct impact on our implementation program. Please accept the following comments from Multnomah County Land Use Planning.

	Topic Area	Plan Location	Comment
1	PART I Chapter 1: Scenic Resources – Key Viewing Areas (Exterior Lighting)	Page 43 Section 12.	<p><b>Questions</b></p> <p>It is unclear from the proposed sentence structure if limited intensity exterior lighting must <i>also</i> be shielded or hooded?</p> <p>We recommend the Commission consider adding the underlined language below if the intent is to require lighting to be limited intensity and shielded or hooded...<b>Any exterior lighting shall be sited, limited in intensity, <u>and</u> shielded or hooded in a manner that...</b></p> <p>We see similar but slightly different exterior lighting wording proposed in provision (4) on page 322 which should be consistent throughout the Plan if intended to be implemented in the same way.</p> <p>Will counties be able to define the term “limited” intensity? Will the Gorge Commission provide</p>

<sup>1</sup> [http://www.gorgecommission.org/images/uploads/pages/Draft2020ManagementPlan\\_1.pdf](http://www.gorgecommission.org/images/uploads/pages/Draft2020ManagementPlan_1.pdf)

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			counties direction or recommendations for how this should be defined (through a wattage, or lumen cap for example)? We recognize the challenge trying to balance between providing counties flexibility to define certain terms and ensuring consistent policy application throughout the scenic area. At this point we are not advocating for any particular outcome but wanted to flag this issue for the Commission’s consideration.
2	<b>PART I</b> Chapter 1: Scenic Resources – SMA Provisions <b>(Non-reflective materials)</b>	Page 72 Section 12.	<b>Questions</b>  Was the amendment from “ <b>structure</b> ” to “ <b>building</b> ” a deliberate policy change? For example, a retaining wall is a structure and not a building pursuant to the definitions in the Plan Glossary.  It appears, unless some other section of the Plan would control, that this proposed amendment could allow a highly reflective metal retaining wall, for example, given a retaining wall is a structure and therefore would no longer be subject to Section 12.
3	<b>PART I</b> Chapter 4: Recreation Resources – GMA Provisions, Recreation Intensity Classes <b>(Exterior Lighting)</b>	Page 182 Section 9.	<b>Question</b>  We see that the exterior lighting (dark sky) requirements have been deleted for recreational facilities in the GMA and SMA.  Will exterior lighting in these areas no longer be required to be dark sky compliant or has that provision been moved to another location that is still applicable to recreational facility design?
4	<b>Part II</b> Chapter 7: General Policies and Guidelines – <b>(Agricultural Buildings)</b>	Page 344 Section 1. & 2.	<b>Consider adding additional documentation requirement</b>  Please consider adding a requirement that an applicant shall submit documentation, such as the most recent Schedule F (Profit or Loss from Farming) tax statement, to help demonstrate any current Agricultural Use as that term is defined on page 466 of the Plan.

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			<p>We offer the following underlined language below for consideration:</p> <p><b>2. To satisfy Guideline 1, applicants shall submit the following information with their land use application:</b></p> <p><b><u>D. Documentation, which can include the most recent Schedule F (Form 1040), Profit or Loss From Farming, demonstrating any current employment of land is for the primary purpose of obtaining a profit in money.</u></b></p>
5	<p>Part II Chapter 7: General Policies and Guidelines – Overnight Accommodations <b>(Enforcement)</b></p>	<p>Page 347 Section 1.A.</p>	<p><b>Enforcement</b></p> <p>New GMA Guideline 1.A. on page 347 of the plan allows overnight accommodations within a legal single family dwelling in certain zones for up to 90 room nights per year. It would be helpful if an explanation could be provided for how counties should calculate a room night.</p> <p>Room nights may be a difficult metric for counties to effectively investigate and enforce due to limited compliance resources and because it might be difficult for counties to determine how many rooms may have been rented within a dwelling in the past. Multnomah County encourages the Gorge Commission to consider whether additional information should be required to be submitted by the applicant either as part of the application, or as a condition of approval, to ensure the room night per year limit will not be exceeded.</p> <p>We also do not see a limit on the number of rooms which can be rented at one time in a dwelling and highlight this for the Commission’s consideration to determine if a limit should be established to ensure any temporary rental component remains accessory to the primary use of a structure as a single-family dwelling.</p>

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6	Part II Chapter 7: General Policies and Guidelines – Review Uses ( <b>Regulatory Authority</b> )	Page 357 Section 4.	<p><b>Consider adding clarifying language</b></p> <p>Policy 4 only discusses land use and development actions of federal agencies for projects on federal lands. We have encountered other scenarios not articulated in Section 4. The standing practice in Multnomah County is that private, state and other non-federal agencies are required to have land use and development actions reviewed and authorized by the County (rather than the Forest Service) when proposed on federal land.</p> <p>Please consider adding language clarifying the role of the Forest Service and Counties when a project is proposed on federal lands by a private or non-federal agency. Multnomah County offers the additional underlined text below for the Gorge Commission’s consideration:</p> <p><b>4. The Forest Service shall review and issue a determination of consistency with the Management Plan for projects on federal lands. The Forest Service shall review land use and development actions of federal agencies for consistency with the Management Plan. Federal resource specialists will provide resource review for projects on federal lands. <u>Counties shall review land use and development actions of private, state and non-federal agencies for consistency with the Management Plan for projects on federal lands.</u></b></p>
7	Part IV Chapter 1: Gorge Commission Role - ( <b>County Ordinances</b> )	Page 419 Section 1.	<p><b>Ability for counties to adopt ordinances with greater protection</b></p> <p>The following comment is general in nature and intended to highlight our understanding of certain authorities granted by the Plan. Certain Gorge 2020 Plan amendments appear to relax existing provisions, assuming our interpretation of the intended effect of the proposed amendments is correct. Some of those amendments are addressed in comments above.</p> <p>Multnomah County may decide to adopt such amendments verbatim, or decide to either retain</p>

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			<p>existing code or adopt revisions offering greater protection of the identified Plan resources.</p> <p>It appears that Section 1. on page 419 continues to provide such latitude for counties to adopt provisions offering greater protections. The continued ability to exercise legislative discretion as outlined in this Section is important to Multnomah County. Please let us know if our understanding is not accurate.</p>

Sincerely,



Adam Barber  
 Multnomah County Deputy Land Use Planning Director

Comment letter submitted via email communication to: [gorge2020@gorgecommission.org](mailto:gorge2020@gorgecommission.org)

Cc:

Multnomah County Chair Deborah Kafoury  
 Multnomah County Commissioner Lori Stegman, District 4  
 Multnomah County Department of Community Services Interim Director Jamie Waltz  
 Multnomah County Land Use Planning Director Carol Johnson, AICP