

MEMORANDUM

TO: Columbia River Gorge Commission

FROM: Joanna Kaiserman, Land Use Planner

DATE: November 12, 2019

SUBJECT: **Work Session*:** Gorge 2020 – Land Uses and Development Reviews Status Update and Discussion Questions

Summary

The purpose of this memo and presentation is to update the Gorge Commission on progress made for the Land Uses and Development Reviews Focus Topic as part of the Gorge 2020 Management Plan review process, and to request Commission discussion and guidance related to key themes of this Focus Topic that have emerged from our engagement with county planners and the public. Commissioners last heard a presentation on the Land Uses and Development Reviews Focus Topic at the November 13, 2018 Commission meeting, which outlined the main issues for this focus topic that the Commission directed staff to address following the September 11, 2018 Commission meeting. The staff report from the November 2018 meeting is attached to this memo. This memo is an update on staff's work following the November 13, 2018 Commission meeting. It summarizes the conversations that Commission and Forest Service staff have had at meetings with county planners regarding key issues of the Land Uses and Development Reviews Focus Topic. It also summarizes input received from landowners and other local stakeholders at public meetings held to discuss this Focus Topic on August 14, September 12, and October 3, 2019. Input received from all of these meetings informed the questions that staff will discuss with the Commission today.

Perspectives Requested

Discuss four key questions and provide perspectives to Commission staff at the November 12, 2019 Gorge Commission meeting. Staff seeks input in order to move forward with the next round of staff, county planner, and stakeholder meetings to develop recommendations for Management Plan revisions.

Background

At the September 11, 2018 Commission Meeting, staff summarized the development of the Land Uses and Development Reviews focus topic, and shared public comments received during scoping and at other Commission meetings that related to the topic. Staff identified five issues that emerged from those comments: wind and solar power generation; master planning for phased development; expirations and conditional uses; expedited reviews; and existing and emerging uses not currently addressed in the Management Plan. Staff also revisited the Consider.It statements posted in February 2018 regarding Land Uses and Development Reviews.

Staff recommended that the Commission consider the issues of expedited reviews and of conditional uses and permit renewals, and that the Commission review the Consider.It statements for potential revisions or additions. The Commission deferred conversation of those issues to a later meeting. With a unanimous vote, the Commission directed staff to provide more information on the five previously-identified issues and on the following topics: mining and quarries; commercial uses; land use designations for public lands; cluster developments; accessory structures used as dwelling units; coal trains; climate change as it related to land uses; and enforcement.

At the November 13, 2018 Commission Meeting, staff presented a summary of each of these key issues and suggested next steps for staff to take to address these issues. Staff recommended engaging with county planners, affected individuals and organizations, and the public at large about these topics. Staff determined that some topics were not ready for Commission discussion at that time or were better suited for conversation outside of the Gorge 2020 Management Plan review process. A brief summary of staff's recommended next steps for each key issue presented at the November 2018 Commission meeting are listed below, along with an update of where staff currently is in addressing these issues.

Solar and Wind Power. Staff recommended discussion with county planners, recent applicants, and other interested persons to gather information to consider in the development of clear and consistent standards for reviewing solar and wind power proposals.

Update: Staff consulted with county planners and planning directors about how counties are reviewing applications for small-scale solar and wind power generation. The county planners provided suggestions about ways of ensuring that these uses are strictly for residential or agricultural use and do not generate power in excess of the minimum necessary required for the primary use. The planners had no objections to allowing solar and wind power as long as it complies with all resource protections and is verified as not for commercial use. This issue was also discussed at the August 14th and September 12th Land Use public workshops. At both workshops, participants were generally in favor of allowing solar in some capacity for both residential and agricultural uses. Some expressed concern that scenic guidelines would impede wind power projects, but generally supported allowing the use if it complied with resource protections and power generation limits. Staff will work with the counties to develop draft addressing solar and wind power generation developments.

Master Planning and Phased Development. Staff recommended discussion with county planners and local landowners, as well as interested entities such as agricultural interests, state DOTs, and railroads, to identify potential benefits and drawbacks of master planning permitting in the National Scenic Area.

Update: Staff consulted with county planners and planning directors and gathered agency and public feedback on this issue at the October 3rd stakeholder meeting. The county planners shared how they review for phased development, and different methods for permitting a master plan. The planners were generally in favor of allowing the option for master planning or phased development for specific developments, as it allows the reviewing agency to more accurately review potential impacts of the project. They also noted that allowing this is particularly beneficial to agricultural producers, who often would prefer a phased development approach and longer permit window to allow for crop establishment. This approach is more realistic because the landowner does not have to complete all stages of the project within the current 2-year permit period or complete separate applications for each component of a multi-phase project. Landowners at the public meeting agreed that planning ahead by submitting a master plan would streamline the process. For example, this could support farmers who might not have all the resources initially to sustain their operation long-term and could account for the time needed for the establishment of crops. Based on this feedback, staff will continue developing potential draft provisions for allowing master plans for review. These draft provisions will also address master planning and phased development for non-agricultural uses.

Existing and Emerging Uses. Staff recommended discussing the issue with county planners.

Update: Staff gathered input from county planners and planning directors about existing and emerging uses not currently in the Management Plan. The planners generally agreed that clear and objective standards are beneficial for implementation and applicant understanding. They suggested that uses can be folded into the existing guidelines of other similar uses, for example, including cideries and distilleries under the guidelines for wineries. Staff will continue to work with the counties to draft updated language to address uses that have emerged or grown since the last Management Plan update and to draft language that provides more direction for planners implementing the Management Plan as new and emerging uses are proposed in the future.

Mining and Quarries. Staff recommended postponing discussion on this issue until litigation regarding mining activity is resolved.

Commercial Events. Staff recommended discussing the issue with county planners.

Update: Staff discussed this topic with county planners, planning directors, and the public. The standards and definitions for commercial events and uses are not clear in the Management Plan, and that has led to challenges in implementation at the permitting level. Monitoring and compliance of commercial events is also challenging because it is difficult to enforce existing limits on attendees and parking.

The other key issue raised is the desire by some to expand and by others to limit the types of commercial uses allowed, particularly on agricultural land. Planners are generally in favor of allowing commercial events and uses at venues other than wineries and adding provisions for agritourism activities on agricultural land. Planners agreed that the Management Plan needs to be clearer about when a temporary use represents a commercial event, and to provide various guidelines and review processes depending on the size and number of events being held. The public had conflicting views on this issue. From the feedback gathered at the public meetings, participants were split on whether to allow more and different types of commercial events and uses. Many cited nuisance issues of amplified noise and traffic and lack of enforcement of existing attendance and

parking limits to be their greatest concerns. Others are in favor of allowing other commercial uses of their properties to generate additional income beyond the production of crops. Staff will continue to discuss this issue with county planners to determine if allowing additional types of commercial events and uses could be consistent with resource protections.

Land Use Designation Policies for Public Lands. This idea was raised in public comment: to consider requiring future acquisitions by public entities to be designated Open Space or Recreation, consistent with the existing Land Use Designation policies. Staff recommended consultation with public agencies and internal review of the existing designation policies.

Update: Staff did an initial consultation with federal and state agencies. The agencies were not interested in changing land use designation policies because the intent and benefit of doing so is unclear. Staff is also uncertain that changing land use designation policies for public agencies would better support the purposes of the Act. The land use designations were carefully considered and identified during the initial designation. Staff does not recommend any further pursuit of this proposal.

Cluster Developments. The Management Plan allows for land divisions smaller than the minimum parcel size in some land use designations, allowing for higher development density, upon a showing that the new developments will be clustered together leaving at least 75% of the land undeveloped. The purpose of cluster development is to limit impacts to protected resources. Cluster developments are rarely proposed, and opportunities for these kinds of land divisions are limited. Staff recommended internal study on the few remaining opportunities for cluster development in the National Scenic Area.

Residential Use of Accessory Buildings. Staff recommended discussing the issue with county planners.

Update: Staff discussed this issue with county planners and planning directors and gathered public feedback at the public workshops. The planners all agreed that whether the Commission decides to continue prohibiting accessory dwelling units (ADUs), ADUs should be explicitly addressed in the Management Plan. Concern about short-term rentals also emerged. Short-term rentals can potentially be allowed as a use in single-family dwelling units or in accessory buildings. Public feedback was mixed on whether to allow or prohibit ADU developments or short-term rental uses in the NSA, but most agreed that clear language would improve the Management Plan. Staff will continue to work with the counties to draft revised language for the Management Plan that would help to clarify this.

Coal Trains. Staff recommended postponing discussion on this issue until litigation regarding railroads is resolved.

Climate Change. Staff recommended postponing this specific discussion until the Commission had an opportunity to discuss climate change in the National Scenic Area more generally. This presentation took place at the October 8, 2019 Commission meeting.

Update: Staff discussed climate change as it relates to land use topics with county planners, planning directors, and the public. Feedback received included: to consider that climate change influences all land use topics; the Commission and Management Plan should promote and incentivize energy efficiency; and to include language in the Management Plan that promotes

energy efficiency that also helps to address climate change. Staff will continue to incorporate the information synthesized in the Climate Change Report¹ into this focus topic. Based on the feedback and guidance given by the Commission at the October 2019 Commission meeting, staff is creating a list of potential climate change adaptation and mitigation actions the Commission can consider. Some relate to potential Management Plan updates relating to this Focus Topic.

Enforcement. Staff recommended discussing the issue outside of the Gorge 2020 Management Plan review process. The Commission has heard three presentations from Commission staff and county planning directors regarding enforcement in the National Scenic Area since November 2018.

Improving monitoring and addressing impediments to compliance and enforcement is an ongoing discussion with Commission staff, county planning directors and the Commission, and we will continue finding ways to increase our effectiveness. We will be reporting back to the Commission on progress addressing impediments periodically.

Technical Clarifications. In addition to the policy issues described in this memo, staff has been reviewing our internal list of items that may warrant technical updates. These are primarily items that have required staff interpretation or legal opinion to clarify in the past, and that can be clarified with minor changes to the existing policy language.

Consultation with County Planners

Following the November 13, 2018 Commission Meeting, staff met with county planners to discuss these priority topics. Staff generated a list of discussion questions for each of these key issues to generate feedback from the county planners and planning directors. The intent of these discussion questions was to identify obstacles presented by the Management Plan, gather ideas for technical fixes to land use and development review guidelines in the Management Plan, and to discuss potential policy changes to address these issues.

- On February 19, 2019 staff met with county planners to discuss the topic questions. Staff received feedback from the planning staff of each of the six counties in the National Scenic Area.
- On August 5, 2019, staff met with the county planning directors to discuss technical revisions to the Management Plan related to the Land Uses and Development Reviews Focus Topic and to get their feedback on staff's public engagement roadmap for this Focus Topic. A full summary of the feedback from county planners and county planning directors is attached.

The feedback received during this stage helped to highlight the issues that could be better informed by additional input from the public. The topics that staff and county planners discussed as warranting more public engagement were accessory dwellings, agriculture-based tourism facilities and events, residential solar and wind power generation, wineries and tasting rooms guidelines.

¹ This report can be found online at <http://www.gorgecommission.org/meeting/october-2019-monthly-crgc-meeting>

Public Engagement to Date

Staff have hosted three public meetings to involve residents and regional stakeholders in the conversation around some of the key issues identified for potential policy change and gather public input on ideas for potential draft revisions to address these issues. On August 14th, staff held a public workshop to discuss the following topics: accessory dwellings, agriculture-based tourism, solar and wind generation, and wineries and tasting room guidelines. Through discussions with county planners, staff identified these topics as the ones that we wanted public feedback on the most. These are the topics that require more than a technical change to the Management Plan, and these topics are the ones that we continually heard about during scoping as needing to be updated or revised in the Management Plan. The workshop used a “World Cafe” model in which each topic was assigned to its own table and participants were invited to spend 15-20 minutes discussing a topic at a table, with the opportunity to switch tables after the time period and engage in the discussions at every table. At least one Commission staff, Forest Service staff, or county planner sat at each table, acting as the table “host”, introducing the topic and recording notes. The combined summarized notes for all of the topics of discussion are attached to this report.

Staff took the recorded input from the August 14th workshop and discussed how best to address participants’ ideas and concerns in draft suggested edits to the Management Plan. On September 12th, staff invited the public to an open house to continue the discussion on the Land Use topics and to gather ideas for targeted solutions. The intent of the open house was to give a brief review of what staff heard at the previous workshop, to share ideas and questions that staff is considering in response to what was heard, to facilitate additional discussion, and to gather ideas from participants for solutions that would best support resource protections.

Staff found that from the discussion of the various land use topics at the workshop and open house that several related themes around agriculture emerged. Staff decided that it would be productive to convene a meeting for ag producers, professionals, and industry interests to help give more perspective on some of these topics that staff is considering for policy changes in the Management Plan. Staff reached out to county planners, landowners in the scenic area who have expressed interest in this issue area, soil and water conservation districts, university extension offices, wine growers and fruit growers associations, and MCEDD, among others to invite participants. This meeting was held on October 3rd. The conversation focused on agriculture-related policy issues for potential Management Plan revisions. Staff gathered input from participants about what in the Management Plan impacts producers and markets, participants’ values and concerns related to agricultural land uses in the Gorge, and what opportunities there are for improved policies that protect the scenic, natural, cultural, and recreation resources and support economic development.

Summarized notes from all of these public workshops are attached to this staff report and summarized in the discussion of the Foundational Questions below.

Discussion Model

To help identify and discuss appropriate policies and guidelines, staff requests Commissioners' perspective on the existing Management Plan guidelines related to these Land Use topics. Your conversation will help staff and county planners to draft revised policy and guidelines.

At the Commission meeting, staff recommends you use the ***PRES model*** for your discussion. This model was last used during the Recreation Focus Topic discussions at the September 10, 2019 Gorge Commission meeting. PRES stands for Point, Reason, Example, and Summary. Please see the attached document for a more thorough overview of the PRES model.

Process for answering each question:

1. Staff will present background information and a question.
2. You will have 2 minutes to write down your thoughts and then you will give a 45–60 second statement to share your thoughts in the PRES format. Commissioners will present their statements one at a time, allowing only for clarifying questions until everyone has spoken.
3. After each Commissioner presents their PRES statement, there will be an opportunity for facilitated discussion on the question and how the topic could be addressed within the framework of the Gorge 2020 Management Plan review and revision process.
4. Staff will record Commissioners' perspectives on flip charts.

Land Uses Questions for the Commission

Residential Use of Accessory Structures

What's the issue?

The Management Plan does not currently allow accessory buildings to be used as dwelling units. ADUs are beginning to be allowed in other jurisdictions, and some Gorge landowners have expressed interest in allowing them. There is also some concern that allowing accessory dwellings in the NSA would have negative impacts to resources.

What the Management Plan currently says:

The Management Plan does not allow accessory dwelling units (attached or detached). Dwelling units are defined in the Management Plan as: "A single unit designed for occupancy by one family and having not more than one cooking area or kitchen."

The Management Plan typically allows only one single family dwelling per parcel, except for unique circumstances including hardship dwellings, life estates, a dwelling for farm operator's relative, agricultural labor housing, or duplexes in Rural Center land use designations. The Management Plan defines a single-family dwelling as: "A detached building containing one dwelling unit and designed for occupancy by one family only."

Input we've received:

- The Management Plan should have a policy addressing accessory dwelling units.
- Accessory dwelling units, if allowed, should only be permitted in the Rural Center land use designation.

Draft Recommendation:

1. Consider adding language to the Management Plan to explicitly allow or deny accessory dwelling units as review uses.

Question: Accessory dwelling units are not currently allowed in the National Scenic Area. Should the Management Plan explicitly address ADUs? If the commission wants to consider allowing them, should the staff invest time to develop resource protection measures for allowing accessory dwelling units in the National Scenic Area?

Short-Term Rentals**What's the issue?**

There is a growing interest among NSA residents in renting out accessory buildings or rooms in existing residences as short-term or vacation rentals as a means of supplemental income generation. The standards for Bed and Breakfast Inns in the Management Plan can be restrictive to landowners who wish to rent rooms in their residence on a daily or weekly basis.

What the Management Plan currently says:

The Management Plan does not allow short-term rentals but does allow Bed and Breakfast Inns in Rural Center and Commercial land use designations, in 5-acre Residential and 10-acre Residential designations, and in historic dwellings in other areas.

The Management Plan also allows travelers' accommodations in Rural Centers and Commercial designations. Travelers accommodations are defined as: "Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities."

Input we've received:

- Allowing short-term vacation rentals in the NSA would allow landowners to have a means of supplemental income without having to satisfy the requirements of a Bed and Breakfast.
- Vacation rentals, aside from bed and breakfasts, should not be allowed in the NSA.

Draft Recommendations:

1. Review the policies for Bed and Breakfast Inns to ensure that the standards are still relevant and protecting resources.
2. Consider adding language to the Management Plan to explicitly allow or deny short-term rentals.
3. Clarify the intent of allowing travelers' accommodations in certain Land Use Designations or remove this use from the Management Plan.

Question: Bed and Breakfasts and "travelers' accommodations" are allowed uses in some Land Use Designations, but other types of short-term rentals are not allowed anywhere in the NSA. Should short-term rentals be allowed? If so, what are key considerations to guide staff in developing possible Management Plan language?

Commercial Facilities and Events

What's the issue?

Many landowners in agricultural land use designations wish to expand the allowed review uses on agricultural land to include a wider variety of commercial facilities (such as cideries) and events (such as farm-to-table dinners). There is concern that commercial uses on agricultural land is changing the character of agricultural lands in the National Scenic Area.

What the Management Plan currently says:

The Management Plan allows commercial events (defined as, “weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel”) as a review use on most agricultural lands in the GMA in conjunction with a lawful winery, wine sales/tasting room, bed and breakfast inn, existing commercial use, or historic dwelling. The Management Plan does *not* regulate noise and traffic.

Fruit and produce stands may be allowed in certain land use designations, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region. Fruit and produce stands are not considered a commercial development/use.

Input we've received:

- Expand the allowed review uses on agricultural lands to include uses such as cideries, distilleries, concerts, food sales, farm-to-table style dinners, and bike tours, along with other value-added ag opportunities not related to tourism and recreation. Allowing for more and different value-added uses on agricultural lands supports economic development.
- Limit the size and number of events allowed based on the size of the parcel. Small parcels should not be allowed the same number of guests as larger ones.
- Agricultural lands should be used strictly for agricultural activities, not for commercial use. Events and commercial activities impact the quality of life of other residents in the area.
- Address cumulative impacts on resources, communities and neighbors of commercial events allowed in the NSA.

Draft Recommendations:

1. Review the definitions for commercial events and consider revising to clarify what is and is not allowed.
2. Consider expanding the allowance for wineries to also include cideries and distilleries. Apply the same restrictions that are on wineries, including that the facility be in conjunction with existing agricultural use and the inputs are sourced from the subject property and local area.

Question: Should the Management Plan allow and regulate cideries and distilleries in a manner similar to wineries?

Question: What goals should the Management Plan be achieving related to commercial uses on agricultural lands and others in the National Scenic Area?

Next Steps

Staff will incorporate your responses to these questions into further discussions on these topics with county planners and stakeholders. Using this feedback, staff will develop proposed revisions to the Management Plan over the winter and bring these proposals to Commissioners review and public comment at the Commission meeting scheduled for March 10th, 2020.

ATTACHMENTS

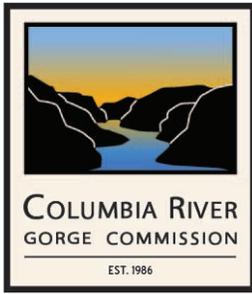
Attachment A: November 2018 Staff Memo on Land Uses and Development Reviews Focus Topic

Attachment B: Combined responses of County Planners and Planning Directors on Key Questions

Attachment C: Notes from August 14, 2019 Public Workshop

Attachment D: Notes from September 12, 2019 Public Open House

Attachment E: Summary of Meeting on October 3, 2019



MEMORANDUM

TO: Columbia River Gorge Commission

FROM: Joanna Kaiserman, NSA Land Use Planner

DATE: November 13, 2018

SUBJECT: "Gorge2020" Land Uses and Development Reviews - Key Issues

Background

At the September 11, 2018 Commission meeting, staff provided a brief background presentation on the "Land Uses and Development Review Process" focus topic to provide context and opportunities for the Commission to give direction and the public to comment. Staff requested the Commission's feedback on the proposed approach to this focus topic and asked the Commission to identify specific issues that the Commission is most interested in learning more about.

This memo is an update on staff's work following the Commission's feedback at the September meeting. It also provides information requested by the Commission and outlines the next steps that staff will be taking to address each issue. At the end of the memo is a summary of Consider.It responses to land use topics and a summary of next steps.

As part of this focus topic, Commission and Forest Service staff will consult with NSA county planners to identify and work through the technical fixes to the plan. This will be an iterative process of staff bringing topics to county planners and others with specific expertise or interest for discussion and developing draft recommendations for revisions to the Plan. Staff will present recommendations to the Commission and provide an opportunity for follow-up discussions with the Commission, with public comment, at a future Commission meeting in spring 2019.

Key Issues

The Commission identified the following as the key issues within this focus topic that the Commission would like to learn more about and discuss at future Commission meetings.

- Wind and solar power generation for home and agricultural use
- Master planning for phased development or new agricultural uses
- Existing and emerging uses not currently addressed in the Management Plan

- Mining and quarries
- Commercial uses
- Land use designations
- Cluster developments
- Accessory structures
- Coal trains
- Climate change (land use standard aspects of climate change in NSA- risk reduction standards; mitigation for climate change emissions, adaptation)
- Enforcement

Staff Approaches to Key Issues

Staff reviewed the topics identified by the Commission and identified which can be technical fixes, which need more information and discussion, and which can be addressed outside of the “Gorge 2020” Plan review. For each item, staff provides some context, and next steps.

Solar and Wind Power

Solar panels for residential use is an item that is occasionally brought up by landowners and county planners. Commission staff and county planners review solar panels for residential use as an addition if attached to a dwelling and as a structure if detached from a dwelling. In both the GMA and SMA, wind machines for frost control in conjunction with agricultural use are allowed outright.

Staff acknowledges the recent rise in the use of wind and solar energy in the NSA and anticipates an increased popularity of these uses in the future as energy generation is moving more towards renewable sources. Having clear and objective standards in the Plan specifically for solar panels and wind turbines would clarify the Commission’s approach to these uses and facilitate consistent implementation of standards throughout the NSA.

Staff hired a planning intern in 2017 to conduct an analysis and provide a summary of the use of solar panels in the NSA and suggest policy recommendations. Staff can provide a presentation of this work at a future Commission meeting if the Commission requests this.

Next steps: Staff will discuss with the county planners, recent applicants, and other interested persons how to develop clear and consistent standards for reviewing solar and wind power projects. Staff will bring future work on this topic to the Commission for review with a chance for public comment.

Master Planning

Staff has been discussing whether to explore a concept in which applicants for regional projects (such as ODOT, WDOT, railroads, and other similar landowners and project developers that cross several county boundaries) can seek master plan approval for their long-term plan for improvements, replacements, expansions, etc. that would be valid for a longer period of time than the standard two-year approval for other National Scenic Area approvals. The benefit is that Commission and county staff could better evaluate cumulative effects and require appropriate avoidance or mitigation. Commission staff and county staff can coordinate a single master plan approval, or Commission staff can review the entirety of a proposal even if portions would be other counties.

Staff is also discussing longer approvals for phased development and master planning in relation to agricultural uses. Landowners of agricultural land, especially large parcels, will often have a master plan or a vision for phased development for their property. If landowners share their master plan or vision upfront, planners can better evaluate potential resource protection issues and cumulative effects and can help prevent issues in the future.

Next steps: Staff will continue to explore the benefits and potential drawbacks to master planned projects in the National Scenic Area; discuss master planning with agricultural interests, the state DOTs, and railroads to better define the concept; and discuss with county planners. Staff will bring future work on this topic to the Commission for review with an opportunity for public comment.

Existing and Emerging Uses

During public scoping, staff heard about specific land uses that landowners want the Commission to discuss in the Plan review process. Commissioners requested a list of these uses that are not currently addressed in the Plan. The land uses that the public requested the Commission and Forest Service to add to the Plan or clarify in the Plan include the following:

- Cideries and other value-added agriculture
- Guest quarters and accessory dwelling units (ADUs)
- Recreation facilities for sports not currently addressed in the Management Plan such as paragliding, kiteboarding, canyoneering, kayaking and canoeing, rock climbing, etc.
- Docks and other developments on/over the Columbia River and tributaries
- Agritourism

Next steps: Staff will work with county planners to determine if clarifications need to be made in the Plan to allow for uses not specifically addressed in the Plan and discuss the potential for language in the Plan that could be flexible enough to allow for emerging uses without needing to amend the Plan to add new uses as they arise. Staff will bring future work on this topic to the Commission for review with an opportunity for public comment.

Mining and Quarries

The Commission expressed concern about current Management Plan development standards for mining and quarries. The expansion of existing quarries and new production and development of mineral resources is an allowed use in some GMA land use designations. There have been legal questions dating back to the adoption of the Management Plan in 1991 whether mining operations established pre-Act that have a current state permit need to apply for an NSA permit to expand or continue to operate. Members of the public asked the Commission to consider prohibiting mining activities in the National Scenic Area.

The Act and the Management Plan have provisions that address mining. Section 6(d)(9) of the National Scenic Area Act states that the Plan shall “Require that the exploration, development and production of mineral resources, and the reclamation of lands thereafter, take place without adversely affecting the scenic, cultural, recreation and natural resources of the scenic area.” The Plan in Chapter 1 Scenic Resources/GMA Objectives currently states that the Commission “will establish a program to phase out existing quarries and associated activities and develop reclamation plans for such quarries at sites where the Gorge Commission determines that such uses adversely affect scenic resources on land visible from key viewing areas” but does not prohibit new production or expansion of existing quarries as long as they are visually subordinate and do not adversely affect other resources.

Next steps: The Commission currently has two pending appeals related to mining activity in the NSA and staff will postpone discussion of this topic with the Commission until the appeals are resolved, probably in late spring 2019. Postponing Commission discussion ensures that the Commission decides the appeals based on the county record and parties' briefs, not staff's research and communications, and may help the Commission refine the issues that need the Commission's attention during Plan review. Staff will continue to study mining issues and report back to the Commission after the Commission resolves the appeals.

Commercial Events

Commercial events are currently allowed in the GMA except on lands designated Open Space, Commercial Forest, or Agriculture-Special, subject to compliance with the specific commercial events standards and the scenic, cultural, natural and recreation resource protection guidelines applicable to all development. The Plan defines commercial events as "weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel." Temporary structures are allowed for commercial events if they are placed no more than two days before the event and removed no more than two days after, or up to 90 days if fully screened from KVAs. County planners have asked the Commission to further define "small-scale gathering." For example, county planners have asked whether a temporary or special event, such as a festival, would be considered a commercial or a private event. Having more clear and objective guidelines about commercial uses would help planners implement these guidelines more consistently.

Next steps: Staff will work with county planners to clarify the standards for commercial events to ease their implementation. Staff will bring future work on this topic to the Commission for review with an opportunity for the public to comment.

Land Use Designations

Friends of the Columbia Gorge requested the Commission, "Zone lands acquired by public agencies as open space or recreation, based on the land use designation policies." At the September Commission meeting, the Commission asked staff to consider this topic. Currently, the Management Plan has land use designation policies, which describe the characteristics of land appropriate for each land use designation. Requiring an open space or recreation land use designation will require changing some designation policies.

Next steps: Staff will start initial consultations with public agencies to solicit feedback on this issue and will study the current designation policies. Staff will bring this work to the Commission for review with an opportunity for the public to comment.

Cluster Developments

The Commission raised the question whether allowing cluster developments in agriculture and forest land use designations is consistent with resource protections. The Plan allows for cluster developments only in the Small-Scale Agriculture and Small Woodland land use designations. After reviewing the inventory of land in those LUDs that would qualify for cluster development, Commission staff found that there are very few opportunities left in those LUDs.

Next steps: Staff will research the few opportunities remaining for cluster development and report back to the Commission. The Commission can then discuss whether to remove the cluster developments standards from the Plan or clarify and revise the standards to meet resource policy objectives.

Use of Accessory Buildings

The Commission is concerned that accessory buildings are being used as dwellings or accessory dwellings units (ADUs), which the Plan does not currently allow.

The Plan has guidelines for allowable square footage for accessory buildings, either 1,500 or 2,500 combined total square footage for all accessory buildings on a parcel, depending on the size of the parcel. The Plan does not permit occupancy in accessory buildings as dwellings or ADUs. These standards are clear and enforceable.

The Plan also has standards for dwellings, usually one single family dwelling per parcel, (except for unique circumstances including hardship dwellings, life estates, a dwelling for farm operator's relative, agricultural labor housing, or duplexes in Rural Center land use designations). The Commission does not have a definition for an Accessory Dwelling Unit, but the Commission does have a definition for dwelling unit: "A single unit designed for occupancy by one family and having not more than one cooking area or kitchen."

Because the Commission only typically allows one dwelling per parcel, ADUs are not allowed because they typically require and request a kitchen or cooking area. Staff has interpreted this rule, specifically in Klickitat County, to mean an accessory building is not an ADU if it does not include a "cooking area." A cooking area has been interpreted to mean a range or stove typically but can also include a refrigerator or sink depending on the situation. (For example, a bar sink and mini fridge in combination has not been interpreted to be a cooking area). Multiple counties – including Klickitat and Skamania in 2018 – have adopted ordinances addressing ADUs and allowing them in most county land use designations. The county ordinances typically have size requirements for ADUs and require the ADUs to be within a certain proximity to the primarily dwelling.

Next steps: There are two issues here. One is an enforcement issue—whether accessory buildings are currently being used as dwellings or ADUs; the other is a policy issue whether to specifically permit ADUs in the National Scenic Area, which could address the first issue. The first issue relating to current enforcement is an administration issue to handle outside of Gorge 2020. The second issue is a topic that staff will discuss with county planners to gather information about how they address these issues. Staff will bring future work on this topics to the Commission for review and public comment.

Coal Trains

Next steps: Staff will report back to the Commission after the pending litigation is resolved. A court decision or settlement could address some of the Commission's concerns or require actions that would put the Commission in a position of holding another appeal hearing, or some of both.

Climate Change

At the February 2018 Commission meeting, staff invited a panel of climate science and policy experts to make presentations and stimulate discussion on how to incorporate climate adaptation and resilience into the Gorge 2020 Management Plan. The Commission requested staff to focus on land use standards through the lens of climate change and discuss how the Plan can be modified to include the application of climate science. The Commission brought up the topics of risk reduction standards, mitigation for emissions, building resilience, and adaptation. Land use issues include planning for more severe weather events; pressure for new energy facilities or use of individual

renewables; pressure to harden Columbia River and tributary river banks to protect land; and possible increases in population growth throughout the Pacific Northwest from climate refugees, which will increase pressure for urban growth in urban areas, increase recreational use of the National Scenic Area, and place pressures on sensitive resources.

This issue ties in with a discussion that the Natural Resources technical team is currently having about fire-related planning and policy. Commission and the Forest Service staff have convened a team of regional fire experts to review the current fire protection policies in the Plan.

Staff has also met with the treaty tribes and attended meetings where the tribes are developing their climate models and strategic plans. Staff hopes to continue to meet with the tribes on this issue. In addition, staff will be working with county planners to determine how to address climate change in the Plan's land use standards.

Next steps: Staff will make a presentation in spring 2019 at a Commission meeting with suggestions of a practical approach for Plan review. Right now, staff is anticipating examples from the land trust community, climate science centers, the tribes who are preparing their own climate adaptation plans, and other policy scholars.

Development Review Process

Staff is reviewing the standards that counties must use for accepting and reviewing development proposals for efficiencies and to consider how to get more uniform application of the Management Plan standards throughout the entire National Scenic Area.

Next steps: Staff is doing much of this work internally and will use existing regular Gorge planning director and Gorge planner meetings to discuss process issues. Staff will bring any recommendations for changes to the Commission for review with an opportunity for the public to comment.

Enforcement

Commissioners requested information about the status of post-permit compliance monitoring and enforcement in the NSA. Staff is preparing a separate report to the Commission to be presented at the December 2018 Commission meeting. For Gorge 2020, staff will evaluate existing, revised, and new policies and standards to see whether they create an incentive for landowners to avoid the permitting system; whether landowners see value in compliance with the new and revised standards, and whether the policies and standards are easy to comply with and enforce and present this work to the Commission for review with an opportunity for the public to comment.

Illegal Parcels

Some guidelines in the Plan require findings documenting that a parcel is a legal parcel. Staff is aware of a few situations in Klickitat County in which landowners sold portions of their property without National Scenic Area land division approval. These were done a long time ago—mostly in the 1980s and 1990s when Klickitat County was issuing plat approvals and recording deeds without notifying the Commission or ensuring that an applicant received National Scenic Area approval. In the early 2000s, the Commission and Klickitat County settled litigation with an agreement that Klickitat County would hold off issuing approvals until an applicant has received a National Scenic Area approval, and we are unaware of new illegal parcels since the settlement. Staff only becomes aware of the illegal parcels created in the 1980s and 1990s when researching whether an applicant has a legal parcel when reviewing development proposals. The issue is that to

correct the illegal parcels requires some unwinding of the old deeds and transactions, some of which predate the current landowner.

Next steps: Staff intends to study the problem and propose a policy solution or alternatives to the Commission. The policy solution could range from simply recognizing the illegal lots as parcels, to changing land use designations and minimum parcel sizes so that landowners can legalize parcels, to developing a process for handling each situation on an individual basis, or other concepts. Staff will do much of the work internally and with Klickitat County planners and present it to the Commission for review with an opportunity for public comment.

Review of Consider.It Responses:

Consider.It is an online platform for gathering opinions from the general public. As part of the public engagement strategy for Gorge2020, Commission staff launched a Consider.It page on the Gorge2020 website to solicit feedback from the public on the deep dive focus topics. Staff wrote statements based on issues raised during public scoping. The statements do not represent staff recommendations or the opinion of the Commission. The statements are italicized below, followed by direct public comment responses for each.

1. *The Management Plan should provide standards for uses that do not appear in the Plan but have been allowed, such as solar panels for home or agricultural uses and cideries/distilleries.*

Pros:

- Yes, management standards should be flexible and not restricted only to when the Plan is being revised. New standards make it more efficient and make the plan revision process easier.
- Cideries/distilleries in conjunction with an orchard or farm producing the raw material should have standards in the plan.
- Solar panels and metal roofs should be allowed in most places, but where they are located and how should have some standards.

Cons:

- The management plan should not be allowed to control everything, i.e. solar panels.
- The scenic plan should be amended before unlisted uses are permitted.

2. *There are additional types of developments that should be eligible for expedited review.*

Pros:

- Allowing additional types of developments under expedited review could encourage compliance.
- We should create an expedited process for uses to enhance and protect what uses currently allowed: tourism, agriculture, natural resources.
- Transportation facilities such as barriers, rock fall protection and cable barrier should be considered as expedited uses.

Cons:

- No fast tracking should be permitted for any type of land use application with the exception of developments that would address road or highway safety such as rock fall or flooding and erosion.

3. *The Management Plan should promote commercial event space and small commercial operations.*

Pros:

- The Gorge and should be enjoyed by many, but commercial opportunities should be disbursed to spread the impacts.
- There is a need for integrating recreation promotion with the Economic Development purpose of the Act to benefit the locals and communities.

Con:

- Commercial events can have huge negative impacts on small, agricultural communities. Commercial operations outside the urban areas may impact their "in town," competition.

Summary of Next Steps

Outside Commission meetings

- Commission and Forest Service staff will consult with county planners for this focus topic to gather input on the following identified key topics:
 1. Wind and solar power generation for home and/or agricultural use;
 2. Master planning for phased development or new agricultural uses;
 3. Existing and emerging uses not currently addressed in the Plan;
 4. Commercial uses; accessory structures; and
 5. Climate change adaptation as it pertains to land use policy.

Commission and Forest Service staff will develop recommendations in consultation with county planners and others with specific expertise or interest for revisions to the Plan and present these recommendations to the Commission at future Commission meetings for discussion and consideration.

At Commission meetings

- Staff will present the research and policy alternatives and drafts. If the Commission requests more information about a particular topic, staff will plan in-depth presentations at future Commission meetings about topics the Commission wants to learn more about and invite public comment after those presentations. We hope to gain a common understanding among Commissioners, staff, county planners, and the public about the unique land use and future development needs in the NSA.

Gorge2020 Focus Topic: Land Uses & Development Reviews Key Questions

Summary of responses from county planners and county planning directors.

Wind and Solar

Questions:

1. Is there any concern about clearly defining solar energy systems as accessory structures and additions with height and size restrictions in the Plan? Should these installations be considered “square footage” and count toward the limits on accessory building square footage?
2. What guidelines, if any, would need to be added to ensure visual subordination of non-commercial solar energy systems and wind turbines/machines? Should any standards for these be included in the Building in the Scenic Area Handbook?
3. How can we set limits for energy produced by wind turbines/machines and solar energy systems? How do the other counties regulate this? Is it working well? Should a policy statement be added to explicitly prohibit commercial power generation?

Feedback:

- Allow certain solar array applications to be treated as an outright structure or subject to an expedited review when certain standards are met, such as size, etc.
- The visual effects of wind turbines and solar arrays are different and, therefore, should be treated differently. Clearly state the height limits for wind turbines.
- For solar panels, scenic resources guidelines will ensure that structures and additions are visually subordinate. Requiring black trim with powder coating, non-reflective cells.
- The added cost and time required for a full review impact a property owner’s return on the cost of installing solar.
- Some counties have net metering laws to prevent energy from being used for commercial purposes. (Klickitat county cancelled net metering).
- Have a provision in the Plan that states energy produced must be accessory to the primary use, whether that’s residential or agricultural.
- Add statement to the Plan indicating that wind turbines and solar arrays may be allowed as accessory structures and that, to qualify as such, they may not produce more energy than required by the primary use. The burden would be on the applicant to demonstrate compliance.

Master Planning/Phased Development

Questions:

1. What are the benefits and potential drawbacks of allowing or requiring master plans for certain long-term projects? Would that require longer permit windows? What are the potential drawbacks to allowing longer permit times for different phases of projects to commence?
2. Should we offer or require applicants of projects that have multiple known phases to submit a master plan? Are there specific types of uses that should qualify?
3. Where has this approach worked in other counties? Does your county permit master plans/phased development outside the NSA? If so, for what type of projects and where?

Feedback:

- Benefit of allowing master planning and phased development is knowing the full picture of what is planned to assess potential cumulative impacts. Allows applicant more time to implement the project.
- Drawback: Ensuring that all conditions of approval are met.
- Offer the option of submitting a master plan for small-scale uses. Would need to be specific about the type. Seems to make the most sense for residential and agricultural projects.
- This would benefit both the agencies and applicants. We could better understand cumulative effects of a proposal.
- Counties do offer permits with longer permit windows for phased development. In Clark County, this is often seen for industrial, commercial, residential (subdivisions) and vineyard projects.
- If allowed, need to be specific about what types of uses qualify for these types of permits.
- Again, the drawback is making sure the project stays true to the original approval and that all conditions are met.

Existing/Emerging Uses not in the Plan

Questions:

1. Does it make sense to explicitly state the specific uses we've heard about that aren't currently in the Plan?
2. Does it make sense to include language that can be used for standards to accommodate similar uses and new uses that will inevitably emerge?

Feedback:

- Generally, clear and objective standards is beneficial for implementation and applicant understanding.
- Some uses can be folded into the existing guidelines of other like uses, for example, including cideries under the guidelines for wineries.
- Could include a provision saying that any use that is not explicitly listed may be considered a review use or review use subject to standards if the structure or use is of the same general type and would cause the same level of impact as any other use listed in the land use designation.

Commercial Uses

Questions:

1. How can the standards for commercial events be clarified to ease implementation (especially in Ag land use designations)?
2. When is a temporary use considered to be a commercial event?
3. Should short-term rentals be expressly prohibited in the Plan?

Feedback:

- Allow commercial events at venues beyond wineries.
- Add additional provisions for agritourism activities. Look to OR state regulations for agritourism.
- Consider waiving the public notice requirement for commercial events to streamline the permitting process.
- The Plan is not clear about when is a temporary use considered to be a commercial event. OR state laws are more prescriptive on this- look to these for ideas. A temporary use should be considered a commercial use any time money is exchanging hands.
- Provide various guidelines and review processes depending on the size and number of events being held.
- Whether short term rentals are allowed or not should be explicitly stated.
- Consider expanding short term rental regulations to properties to prevent short-term camping.
- Skamania Co. has no objection to allowing short-term rentals, would defer to the Commission: what does CRGC want to allow/prohibit?

Attachment B: Focus Topic Key Questions & County Planners Responses

- Wasco Co. is mixed about whether to prohibit short-term rentals. Request to the Commission: regulations need to be clear and objective (not lumped in with BnBs, etc.)

Accessory Buildings

Questions:

1. How can we better regulate accessory buildings to ensure that they are not used as dwellings or ADUs? Should the regulation be solely based upon the definition of a kitchen?
2. Should we allow ADUs in the NSA? What are the merits and drawbacks?

Feedback:

- Consider requiring that accessory building development be clustered.
- The kitchen definition should be looked at and possibly changed, or use a different factor to consider whether something is considered a dwelling unit. Prohibiting kitchens is an effective tool if kitchens are well defined.
- If the GC does not want to allow accessory buildings to be used as a dwelling or guest quarters, then the easiest way to achieve this is by not allowing a full bathroom (shower and/or tub).
- There are benefits and drawbacks to allowing ADUs. This is a larger question to pose to the Commission for discussion.
- ADUs are happening and to prohibit them is unrealistic. If we continue to prohibit ADUs we are only going to continue to see more and more noncompliance.

Land Use Climate Change Policy

- Consider that climate change influences all land use topics.

Accessory Dwelling & Short-term Rental Discussion NOTES

Issue:

- There is a growing interest among NSA residents in renting out accessory buildings or rooms in existing residences as short-term or vacation rentals as a means of supplemental income generation.
- There is some concern that allowing accessory dwellings in the NSA would have negative impacts to resources in the gorge.
- The standards for Bed and Breakfast Inns in the Management Plan can be restrictive to landowners who wish to rent rooms in their residence on a daily or weekly basis.

Summary of Discussion: Opinions were split about whether to allow accessory dwelling units in the National Scenic Area. There was a similar split in the discussion around short-term rentals; some were in favor of updating the Plan to allow short-term rentals where Bed & Breakfasts are allowed, others do not want to allow short-term rentals. Despite the disagreements on these topics, there was general agreement that clear guidelines, monitoring and enforcement are imperative, regardless of what is allowed.

General comments

- There is confusion because of the lack of distinction between a structure (accessory dwelling unit) and a use (short term rental)
- Focus on climate, cumulative effects and enforcement
- The rules and restrictions that are in place strike the right balance between commercial, economic, and environmental interests
- Focus accessory dwelling units and short-term rentals on how they can be allowed while maintaining the character of the CRGNSA
- Monitoring and enforcement will be the only way that these can be effective

Accessory dwelling units discussion

- There should be clarity on the intention of having an accessory dwelling unit if they're allowed.
- The urban areas are managing accessory dwelling units effectively. Have proper enforcement and allow accessory dwelling units
- Accessory structures for residential uses should not allow the use as a dwelling. No ADUs (accessory dwelling units)

- ADU's should be allowed in Residential (R-5 and R-10 zones)

Short-term rental discussion

- Short-term rentals should be allowed with regulation in all of the land use designations where Bed and Breakfasts are allowed
- Do not allow short-term rentals other than Bed and Breakfasts
- The Management Plan should use the Hood River county rules and guides as a template for short term rental rules in the National Scenic Area
- Bed and breakfasts are out of date. Update guidelines to reflect that short-term rentals are the main type of use today
- The guidelines for Bed and Breakfasts are adequate

Agriculture-Based Tourism Discussion NOTES

Issue:

- Interest and popularity of hosting commercial activities on agricultural land has increased.
- There is a desire to expand the allowed review uses on agricultural land to include a wider variety of commercial facilities and events.
- There is concern that commercial uses on agricultural land is changing the character of agricultural lands in the National Scenic Area.

Summary of Discussion: Agricultural producers were generally in favor of allowing farms to host different types of commercial events and uses beyond what is currently allowed on some agricultural lands by the Management Plan (*Commercial events* are defined in the Plan as: “weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel.”) Some suggested that the scale of the commercial event/use allowed should be in relation to the size of the parcel. Others believed that the current regulations for commercial uses and events on agricultural lands are sufficient. There was general agreement that cideries should be allowed-- participants did not see a significant reason for allowing wineries and not cideries. A few wondered if there was enough current interest in establishing cideries to include it as an allowed use.

General comments

- Already have strong noise and visitor ordinances for events on agricultural land
- The Management Plan should expand and evolve to allow review uses for cideries, food sale, farm dinners and bike tours
- The Management Plan should have more flexible options for commercial events that reflect the size of the property
- Farm economic sustainability is extremely difficult with existing land prices. Allowing uses beyond crop production can help with this
- Winery tourism is a legitimate form of recreation, which brings in an incredible amount of money to the counties and states and upholds the goal of the Gorge Act to promote conservation, recreation and economic development
- The rules and restrictions concerning commercial events strikes the right balance between economic and environmental interests
- There should be the ability for larger parcels with substantial setbacks to do larger events with more max usage in terms of people and cars

- Cideries and distilleries should not be allowed. Especially distilleries
- It's important for "events" to be clearly defined as all wineries are ready, willing and able to conform
- Winery tourism is a form of recreation and should be considered on the same as other more recognized forms of recreation like hiking, biking, watersports, etc.
- The current guidelines for commercial events properly balance resource protections and small-scale commercial use
- Commercial uses should not be expanded. Fruit and produce stands should not be expanded
- The current standards for commercial events should not be loosened or weakened
- Major focus should be on climate, cumulative effects, and enforcement
- Allow farms to expand their activity to include bed and breakfast offerings to accommodate visitors to wineries, hikers, etc.
- Allow art events to be held on agricultural lands, such as landscape painting groups, exhibit, art classes, sculpture symposiums
- Look to European models of agritourism. Review wine growing scenic areas in Europe

Small-Scale Wind and Solar Discussion NOTES

Issue:

- The Gorge Commission wants to support renewable energy production, recognizing the need to consider climate change in the National Scenic Area today and in the future.
- Solar panels and some wind turbines are currently allowed as review uses in the National Scenic Area, but the Management Plan does not explicitly address solar and wind power structures and generation.

Summary of Discussion: People are generally in favor of adding a provision in the Management Plan to explicitly allow small-scale solar and wind energy production, so long as it complies with all of the Scenic, Natural, Cultural, and Recreational resource protections in the Plan, and it only generates the amount of power needed for the primary use (residential or agriculture) to ensure that it is not generated for commercial use.

General comments

- Solar is already allowed as an accessory structure or addition. No need to list it separately
- Do not allow wind power generation. Too difficult to screen from Key Viewing Areas
- No commercial energy production
- Adhere to SNCR (Scenic, Natural, Cultural, Recreation) resource guidelines
- Focus on climate adaptation, cumulative effects and enforcement
- Ensure compliance with height restrictions and non-reflective material standards

Wineries and Tasting Room Guidelines Discussion NOTES

Issue:

- The Management Plan allows wineries in certain land use designations in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.
- There is some concern that the current rules make it too easy to establish a winery and tasting room, and that the term “local region” is too vague.
- There are also concerns about the environmental impacts of an increasing popularity of vineyard development in the National Scenic Area.

Summary of Discussion: Vineyard and winery owners and operators expressed strong opposition to defining “local region” in the Management Plan to mean the immediate area in the Gorge, as this would limit producers’ ability to acquire the necessary fruit needed for their business to survive. Participants were in general agreement that wineries are a foundational part of the economy in the National Scenic Area and should be supported as an important asset to the area. There was also much discussion about how the regulations of state and federal agencies on water usage and wastewater management already restrict the size and amount of water allowed for vineyards and wineries, so there is no need for the Management Plan to impose additional size restrictions.

General comments

- The CRGC should focus on the following: climate, cumulative effects, enforcement
- Define “local region” for sourcing grapes, including allowances for hardship and climate change. For example, Gorge fires can make it impossible for a winery to comply with “processing wine from the local region”
- Limit wineries to grapes grown on/at the vineyard or within the immediate area
- Due to weather events (smoke damage, hail, freeze, etc.) it is not a viable business model to be restricted to only these six counties [in the National Scenic Area]
- The CRGC should focus on the following: climate, cumulative effects, enforcement
- Restrictions on fruit production and processing would be totally out of line with regulations on other fruit products. Pear, cherry, and apple packing houses would never survive if restricted to only using fruit from “local” growers
- Concerns about production size and scale are met by the limitations for each permitted winery on their square footage
- The average 5,000 case winery uses less water limits wine production than an average single-family household

- A 60 acre vineyard uses the same amount of water as a 1 acre pear orchard, not to mention that vineyards in the West part of our growing region can be farmed without irrigation

Response to questions on poster

1) *Should there be additional size and location limits or standards for vineyards and wineries in the Gorge?*

- Already strict water use regulations by state Department of Environmental Quality
- Federal-level regulations are already in place for the sizing of wineries and vineyards that restrict the sizing and location limits from an ecological point of view
- Size of buildings- already restricted in Plan
- Limited to 7,500 cases by wastewater regulations
- Projects are reviewed on a case by case now- leave it that way
- Conversion from growing tree fruit to growing grapes reduces chemicals, wastewater use, etc.
- Industry dynamic is changing

2) *What voluntary programs and technical assistance for landowners should the Commission support?*

- Technical assistance from conservation districts, such as current partnership with Underwood Conservation District
- Salmon Safe Certification
- Provide a “kit” for winegrowers: have a checklist for applicants of available certifications and assistance programs

3) *How could “local region” be better defined to ensure that local wineries are only producing wine made with grapes grown in the area? What is “local” enough?*

- Limiting where grapes are sourced from would stifle people from coming in to the industry. Only those with a lot of money could afford to do that.
- Hinders farmers if they can only sell grapes in the area.
- The term “local region” could be economically devastating if focused or constrained to just the AVA of the Columbia Gorge, due to the variability of grapes being an ag product.
- The “region” needs to be diversified to perhaps outlying AVA’s even the entire state of WA. “Local region” should be WA state for economical sustainability
- “Local region” should be within a 10 mile radius

Notes from Accessory Dwelling Discussion

1. Many residents are concerned about the proliferation of unpermitted dwellings and short-term rentals in the National Scenic Area. (County enforcement is complaint-driven and relies on the public to report these violations, or they are discovered through the development review process).
 - a. Corbett residents report RVs being used illegally as dwellings.
 - b. Many rooms in residences and accessory buildings are being used as unpermitted vacation rentals.
2. There was discussion about short-term rentals (STRs) vs. bed and breakfasts, and questions about why BnBs are allowed and STRs are not.
 - a. Because vacation rentals or short-term rentals were not popular when the Management Plan was first written they did not include allowances for them, but since Bed and Breakfast establishments did, they were included.
 - b. Some believe that there should at least be a provision for STRs to be a conditional use if they cannot be considered an outright allowed use.
 - c. Allowing short-term, vacation rentals in the NSA would allow landowners to have a means of supplemental income without having to satisfy the requirements of a Bed and Breakfast.
 - d. The definition of bed and breakfasts could be expanded to include vacation rentals.
3. There is general agreement that the definition for “travelers accommodations” in the Management Plan needs to be better defined.

(Definition of *travelers accommodations* in the Management Plan: “Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.” Travelers' accommodations, including bed and breakfast inns, may be allowed in Rural Centers and Commercial designations.)

- a. This definition could be updated to clarify that it is referring to short-term rentals and vacation rentals, if that is what was first intended.
- b. Many agree that the word “transients” should to be removed from this definition. Concern that this implies that transients are welcome in the Gorge- residents do not want to imply this.
- c. Some think this provision should be taken out altogether- and to make clear that vacation rentals, aside from bed and breakfasts, should not be allowed in the NSA.
- d. Others are in favor of changing this to “vacation rentals” and allowing it in all land use designations (not just Rural Center and Commercial).

4. Some participants think that the provisions for hardship dwellings need to be updated.
 - a. In addition to mobile homes, RVs and camper trailers should explicitly be allowed to be used as hardship dwellings.
 - b. There is general concern that hardship dwellings might not be used for an actual hardship as defined in the Plan.
 - c. Concerned about the follow-up: are these dwellings being removed at the end of the time permitted? How do we know they are not being used as accessory dwelling units after the hardship?
5. Many expressed concerns about allowing accessory dwelling units in the NSA.
 - a. There is some agreement that accessory dwelling units and short-term rentals will not alleviate the Gorge's affordable housing problem.
 - b. Some suggested that accessory dwelling units, if allowed, should only be permitted in Rural Center land use designation.
 - c. Some people are concerned about the impacts of accessory dwellings to water resources.

Notes from Agriculture-based Tourism Discussion

Residents from Corbett, Washougal, Wasco and Skamania Counties participated, and discussed the following questions:

Are there commercial events or activities that should be permitted that aren't currently addressed in the Plan?

What are the benefits/drawbacks of agriculture-based tourism, events and commercial facilities on agricultural land use designations?

1. Commercial events that should be permitted: u-cut Christmas trees, pumpkin patches, corn maize, cooking classes, or ag teaching/education ...the types of activities that can make a landowner some revenue but does not involve lots of noise, alcohol and traffic issues.
2. What are the drawbacks of ag based tourism (defined very broadly)—the participants shared personal stories about neighbors with large acreage having weddings and other events that attracted many people (more than 100) and the problems have been:
 - a. excessive amplified noise/music, traffic congestion, public safety, alcohol abuse and rowdiness, parking, trespassing, litter/garbage, sanitation, and fire hazards/safety with that many people in a venue.
 - b. They believe that an occasional family wedding is fine, but 18 events in one year most likely means 18 summer Saturdays which in their opinion is too much for one landowner with impacts to neighbors.
 - c. They thought that the impact of these events goes further than 500 feet from the property so neighbors further away need to be notified further in advance. 10 days is inadequate notice and the neighbors have no influence if the event will or will not be allowed based on impact to their livability.
 - d. They questioned how a vineyard that then turns into a winery that then builds a tasting room that then hosts commercial weddings can be allowed, There needs to be stricter standards that, for example, 50% of the grapes used to make the wine and sold at the winery come from the vineyard rather than having a winery with grapes from all over the region.
 - e. Often the land is owned by one person but leased out for the vineyards and winery production which does not seem fair as an ag use with an ag landowner making a living from the land other than the lease fees.
 - f. Landowners that want to have commercial events should get a business license and pay business taxes.
 - g. Permits need to restrict music so there are no amplifiers and should not go late into the night; restrict parking, restrict number of events per year, and notify more neighbors of potential impacts with an ability for a neighbor to have an opinion on the event if they are adjacent.

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- h. There needs to be enforcement of the permits because the permit conditions are not followed at times and there are no consequences. Lack of law enforcement can lead to illegal drinking etc. and accidents on the rural poorly lit roads.
- i. Farm stands should be allowed but parking, traffic and congestion need to be planned for and size restricted so it is not a farmers market but a personal farm stand of products made or grown on site.
- j. Need to address the cumulative impacts on resources and communities and neighbors of all the new vineyards, wineries and commercial events allowed in the NSA.
- k. What is considered ag revenue vs commercial revenue? If a winery is not making money just off the tasting room, they need a better business plan so that commercial events are not needed to supplement the income. Restrict the wedding venues to places that have good roads, ample parking, and no neighbors in the area.
- l. Climate change needs to be considered (they were not specific about this)
- m. Rural communities are not the place for loud festivals and activities—people moved out into the country for peace and quiet not unregulated decibel levels.
- n. Make sure to get more accurate definitions for commercial developments/use and include events, not just buying and selling goods. Many definitions were created 30 years ago and those words can be interpreted differently today given the evolution of ag tourism, facilities and events into what it is today.
- o. Include stricter standards and assure county will enforce the noise and other conditions of a permit. How does an ag land use designation become an event center—why is this allowed?

Notes from Solar and Wind Generation Discussion

1. Everyone was in favor of allowing solar in some capacity for both residential (accessory) and agricultural uses.
 - a. There were more concerns about demonstrating the agricultural use, but still overwhelming support in favor of solar for agricultural uses. A couple people brought up solar farms as an agricultural use, and not as a serious consideration and more as an interesting discussion point.
 - b. No real serious concerns about the reflectivity of the panels, if the project can achieve the visually subordinate standard. Many folks noted that if the angle of the panels is towards the sun, they will not generally be directed at KVAs.
 - c. There were no objections to rooftop mounts vs. ground mounts, as long as the project is visually subordinate.
 - d. One participant has gone through the process twice in Multnomah County and said the process was very clear and recommends using their ordinance language.
2. In general, people thought there are too many impediments to wind power at all levels, including residential.
 - a. In general people felt “visual subordination” and “wind turbines” are not synonymous with each other.
 - b. Someone mentioned helical wind turbines, but visual subordination would still be required.
3. The Commission and Management Plan should promote and incentivize energy efficiency.
 - a. There was talk about including language in the management plan that promotes energy efficiency that also helps to address climate change.
 - b. We discussed energy audits and promoting companies locally that provide those services, because both solar panels and energy efficiency directly address climate change and stimulate the economy.
 - c. People mentioned energy efficient design guidelines for new development. Examples included orientation of the home, and including south facing roofs that are also built at the right pitch for solar panel roof mounts in this region.

Notes from Wineries and Tasting Rooms Discussion

1. Underwood residents expressed concern about the impacts from an accumulation of wineries in Underwood.
 - a. Short-term impacts to water resources
 - b. Intensification of commercial uses and activity at wineries
 - c. Change is an impact to established ag users in communities
2. Many participants do not agree with Management Plan guidelines that allow commercial events to occur on agricultural land use designations.
 - a. The path from approval of a vineyard to > a winery to > a tasting room to > commercial events (weddings) should not be allowed.
 - b. Traditional agricultural uses should be protected, and events restricted.
 - c. Hobby wineries do not deserve to have event facilities.
 - d. Commercial events are incompatible with ag use without more robust regulations.
 - e. Event facilities remove ag land from productive use.
 - f. Events held at tasting rooms can be disturbing to neighbors.
3. Participants agreed that the definition of wineries in the Management needs to be revised and/or new definitions need to be added to include cideries and distilleries.
 - a. Lack of clarity on the use of wineries
 - b. Add new definitions for Distilleries and Cideries these uses should be explicitly allowed.
 - c. New cideries and distilleries should not be allowed in R-10 zones
4. Many expressed general concern about the cumulative effects of wineries and tasting rooms across the National Scenic Area.
 - a. New development creates seasonal use impacts- increased traffic, noise, strain on water supply.
 - b. More specific language is needed for the aesthetic enjoyment of the Gorge
 - c. Concern for wineries' impacts to water resources overall
 - d. Need to restrict acreage allowed for grape cultivation
5. Participants agreed that the Management Plan needs to strengthen rules regarding local appellation and the amount of on-site or local grapes used for production.
 - a. Define what is meant by "local region" in the Management Plan's allowance of wineries: *"in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region."*

**Community Conversation: Working Lands in the National Scenic Area
Gorge2020 Stakeholder Meeting
Thursday, October 3, 2019 | 1:00pm - 4:30pm
Hood River Library**

Meeting Summary

Participants: See last page

Overview

As part of the Gorge 2020 Management Plan update process, the Gorge Commission and US Forest are seeking input from the public about emerging land uses and policies in the Management Plan that may need to be clarified or changed to improve the permitting process.

Values and Concerns

Participants were asked to share two things they value about the National Scenic Area and two concerns for their agricultural operation or the resources of the NSA. Each person shared ideas to the full group and staff clustered these into themes, described below. Complete notes from the exercise are available on our [Gorge2020 website](#).

Maintain Rural Communities and Support Economic Vitality

- Maintain the right to farm, family-owned working lands, local food production
- Economic health, sustainable living wages
- Rural communities and low population densities

Protect Agriculture Resources and Working Lands

- Land conversion or conflicts with other land uses
- Regulation should be sensible and minimal; some ag uses are highly regulated
- The rising costs of production and low commodity prices; rising cost of living/land

Balanced Protection of Resources and Quality of Life

- Livability for residents (quality of life), minimizing conflicts (noise, traffic)
- The gorge offers scenic beauty, recreation, a diversity of people, balance of resources
- Farms abutting wild lands, and proliferation of small farms is a model of sustainability

Scenic Agricultural Character (Related to Balanced Resource Protection and Quality of Life)

- Mixed use landscape – forests, farms, orchards, vineyards, wild areas, historic structures – with more intensive development in Urban Areas

Environmental Protections and Natural Resources

- Green spaces, forested lands, open space, watershed health, collaborative conservation
- Natural beauty, wildlife, native species; concern about invasives, disease, pests
- Limiting pollution, pesticides and promote sustainability

Climate Change and Disturbances

- Climate change is creating conditions that generate large, destructive wildfires seasons in rural areas and extreme weather events

Enforcement

- Total lack of enforcement by the Gorge Commission

Science-based policies

- Lack of undisturbed habitat for wildlife
- Protections may no longer be backed by current data

Water

- Control of per- and polyfluoroalkyl substances (PFAS) and other contaminants
- Lowering water tables – result in more pumping; water use for agriculture

Permitting Burden/Barriers for Working Lands Management

- Streamline permitting, especially for conservation/good stewardship projects
- Fairness in development reviews; lack of farming expertise in permitting agencies
- Short-term rental impacts on housing supply and ag lands
- Lack of funding for Gorge Commission staff – slow response times and turnover

Urban Area Boundaries

- The Management of the Scenic Area is not responding effectively (yet) to the need for communities to grow within the NSA

Breakout Discussions

Staff facilitated small group discussions around three of the topics identified by the participants as values and concerns:

Ag-Related Tourism and Emerging Trends Impacting Quality of Life and Rural Character

The groups discussed several issues and questions including the definition of “event” and “commercial activities”, the lack of compliance/enforcement capacity to implement the

rules, the idea that a few bad apples are threatening the allowances for commercial events, the effects of events (traffic, noise, disturbance to communities and to wildlife).

Environmental Protections, Conservation, and Impacts to Natural Resources

The groups discussed and provided ideas to address grazing, stream buffers, natural resource enhancement projects, human disturbance to wildlife (especially from recreation), conversion of forest lands to agriculture, permitting redundancies and costs, no net loss strategies for wildlife habitats, water quality, coal dust pollution from railroads, data and monitoring needs, climate change impacts, wildfire risk reduction.

Permitting Process Improvements

The group identified issues with current permitting and suggested improvements including checklists and allowed uses published publicly, extending the time periods for discontinued uses (generally and for emergencies), aligning policies with state and federal regulations, permitting disturbance envelopes, creating standards to support planning ahead, providing more pre-application planning assistance, increasing staff and diversifying expertise, expediting agriculture structures where appropriate.

Suggested Solutions

- Streamline resource improvement and conservation projects, such as stream restoration and forest thinning
- Reduce fees/permitting requirements for grant-funded projects where possible
- Help clarify the permitting process and policies for those who wish to apply
- Connect with universities and invite graduate students to research resources and land use in the National Scenic Area

Next Steps

Staff compiled a contact list of all the resources suggested by participants, to assist landowners with sustainable agriculture in the NSA. That list is attached and has been provided to county planning departments.

List of Participants

Cole Provence, WA Dept of Ecology
Amy Kaser, wheat and cattle farmer east of The Dalles
Ken Bailey, cherry grower
Mike Doke, Columbia gorge fruit growers
Alan Peters, Skamania County
Garrett Duyck, USDA NRCS
Peter Cornelison, Friends of the Columbia Gorge
Eric Walker, Hood River County
Becky Bell, Cathedral Ridge
Sally Newell, Underwood landowner
Mark Johnson, One Gorge
Katherine McDevitt, vineyard owner
Thomas Lumpkin, vineyard owner
James Mantone, Syncline Winery, Columbia Gorge Winegrowers
Luke Bradford, COR Cellars
Don McDermott, vineyard owner, Columbia Gorge Winegrowers
Katie Pierson, ODFW
Michael Lang, Friends of the Columbia Gorge
Larry Keister, resident in NSA
Sherri Irish, resident in Washougal
Leslie Henson, small farm near Bridal Veil, pizzeria owner
Luke Bates, small farm near Bridal Veil, pizzeria owner
Robin Dobson, farmer, retired Forest Service
Hannah Ladwig, Gorge Grown Food Network
Lynn Burditt, Forest Service
Bryce Guske, Gorge Commission
Jan Thomas, Underwood Conservation District
Aiden Forsi, Gorge Commission
Rich Kortge, wheat and cherry grower in Wasco
Amanda Hoey, MCEDD
Krystyna Wolniakowski, Gorge Commission
Casey Gatz, Forest Service
Angie Brewer, Wasco County
Lorrie DeKay, Gorge Commission
Joanna Kaiserman, Gorge Commission
Jessica Olson, Gorge Commission
Rachel Pawlitz, Forest Service
Bridget Bailey, Gorge Commission
Ryan Rittenhouse, Friends of the Gorge