



TO: Columbia River Gorge Commission
FROM: Aiden Forsi, Land Use Planner
DATE: December 8, 2020
SUBJECT: **Work Session:** Klickitat County NSA Compliance Study Workplan

This staff report provides a brief overview of the workplan and timeline for the Klickitat County Compliance Study.

At its April 14, 2020 meeting, the Commission approved the methodology that staff developed for the Klickitat County Compliance Study. Staff did not initiate the study at that time in order to focus on completing Plan Review in the Commission's requested timeline. Now that the Management Plan has been approved and the concurrence process has begun, the Commission prioritized the completion of the Compliance Study at its November 10, 2020 meeting, requesting that the study be completed in nine months.

There are two parts to the Klickitat County Compliance Study. The **first part** examines a sample of all tax lots within the NSA in Klickitat County to determine whether development has occurred without NSA approval. The **second part** examines a sample of all tax lots with NSA-approved development in Klickitat County to determine whether development complies with the conditions in the Director's Decisions. While each sample will be analyzed independently to provide perspective on different aspects of compliance, the examination of development on any sample tax lot in either part of the study uses the same information and follows the same procedures. As such, staff will conduct these both parts of the study concurrently in order to be as efficient as possible.¹ The study timeline and methodology are described below. A more comprehensive description of the compliance study and methodology was given to the Commission in advance of its April 14, 2020 meeting, and is included with this staff report as an attachment.

In the first two months of the study, staff will select a sample of tax lots for each part of the study, and collect information about each sample tax lot. This information will come from internal sources such as our Development Review database, and from external sources such as Google Earth for aerial images. Some external information requires public records requests, like Klickitat County building permits, which will take a more substantial amount of time to collect and review. Some internal information may require staff coordination access physical files in the office. Staff intends to collect all available information on all sample tax lots before reviewing any individual tax lot.

¹ This differs from how the study was described in the Methodology Report. The COVID pandemic necessitated some adjustments to the methodology. The outcomes of the study will not be affected.

In the next four months of the study, staff will review the collected information to determine if compliance issues are present on any sample tax lot selected in either part of the study. Each individual determination will be unique and dependent on the factors present on each tax lot, such as land use designation, presence or absence of development, and applicable conditions of approval. This process will include site visits, to the degree that staff can view or access sites from public areas and Key Viewing Areas. Individual determinations may be complicated and take a significant amount of time to conclude. Further, research into an individual tax lot may highlight the need for more information from other sources, requiring staff to collect and review that information for the other sample tax lots.

In the last three months of the study, staff will analyze the collected data to answer the study questions regarding the frequency and the nature of compliance issues within the NSA in Klickitat County. This will involve data entry, organization, review, and discussion between staff in order to accurately characterize the results. Staff will prepare a report and presentation for the Commission, with recommendations for how to address any compliance issues that emerge.

Klickitat County Compliance Study Timeline

Now – February 2021

March – June 2021

July – September 2021

October 2021

Select tax lots and collect information

Review tax lots for compliance issues

Analyze data

Report

Pull GIS data, submit public records requests to Klickitat County, establish organizational system and process for tax lot review.

Examine assessor's records, building permits, NSA approvals, other documentation. Conduct site visits from KVAs and other public rights of way, where necessary.

Compile and analyze data, determine frequency and nature of compliance issues. Write staff report.

Present to Commission at October 2021 meeting.

Attachment 1

Survey Design for Compliance Study in Klickitat County

Purpose

The purpose of the study is to determine the extent of compliance with the National Scenic Area Act development standards and other authorities within Klickitat County.

Study Questions

There are two core questions for this compliance study:

1. *With what frequency do compliance issues manifest within the National Scenic Area in Klickitat County?*
2. *What are common compliance problems within the National Scenic Area in Klickitat County?*

Study Method Overview

Staff recommends collecting two samples to answer the study questions. The first is a sample of all tax lots within Klickitat County that are subject to the standards of the Management Plan. This will tell us the frequency and type of development activities that are occurring without National Scenic Area approval. The second is a sample of all approved applications within Klickitat County since 1988. This will tell us the frequency and type of compliance problems with Director's Decisions, such as compliance with application materials, approved site plans and conditions of approval.

To determine the size of the first sample, staff used GIS tools to extract information on all tax lots that are wholly or partially within the National Scenic Area in Klickitat County. There are 1113 tax lots, of which any part touches land within the mapped exterior boundary of the National Scenic Area and outside the mapped boundaries of the Urban Areas of White Salmon/Bingen, Lyle, Dallesport, or Wishram. Staff determined the size for the second sample by extracting all Director's Decisions issued by the Gorge Commission from the Commission's Development Review database. There are 484 Director's Decisions that approved some type of development activity. For a study to fall within a 95% confidence interval with a 10% margin of error, staff will need to use 89 samples of tax lots and 81 samples of approved Director's Decisions. The confidence interval and margin of error may be affected by staff's ability to conduct site visits (see *Site Visits* sections below).

Some of the tax lots are outside the Gorge Commission's jurisdiction (i.e., lands held in trust for the Columbia River Treaty Tribes), and some of the data in the Commission's datasets are incomplete. Additionally, the Commission has issued multiple Director's Decisions on several individual tax lots. Staff will determine how to address these sample issues as they arise.

Staff will split collection of the two samples into two distinct parts to manage staff's overall workload (discussed below). Staff will conduct the survey of tax lots first, and then conduct the survey of Director's Decisions.

Staff expects that evaluation of sample tax lots will involve examining current development and any applicable Director's Decisions to determine whether development has occurred without National Scenic Area approval. Likewise, evaluation of sample Director's Decisions will involve examining whether all development on a tax lot has been permitted. However, each sample needs to be considered independently to ensure that the survey answers the core question without bias from other samples.

Data Considered in Survey Design

As part of conducting the study, Staff will rely on several sources of data, both internal (for example, our Development Review database) and external (e.g., satellite imagery from Google Earth). Using this data, staff will examine historic and current development on site, and make determinations of compliance for each surveyed tax lot. Staff intends to review enough information to determine whether there is a compliance issue, and the type of compliance issue, which may not be all available information.

Staff Resources

The Gorge Commission currently has .25 FTE (a part of the new VSI Planner position) allocated for compliance work. All other FTE are assigned to other work, so staff is limited in the amount of time it can spend researching compliance issues in Klickitat County. This complicates the study somewhat, as researching any individual tax lot or Director's Decision could very easily turn into a substantial project, depending on the difficulty in obtaining necessary information or the details of the specific compliance issues at hand. Staff is conscious of this and developed the survey method to limit the amount of unnecessary research that takes place and will attempt to find the most direct research paths when answering complicated questions about development on any given tax lot or for any given Director's Decision.

Where staff identifies compliance issues, they will do as much research as necessary to describe the compliance issue but will be judicious in how much time and effort is applied to any one tax lot. Staff is interested in macro-level compliance trends, not the details of site-specific compliance issues, and will limit research into specific issues once they determine that more research is unlikely to yield different information.

Part 1 – General Procedure – Reviewing Sample Tax Lots in Klickitat County

Selecting Sample Tax Lots

Tax lots are identified by unique numbers. Staff will randomize the list of tax lot ID numbers and select a representative sample from the full list. Staff may stratify the sample based on non-identifiable site characteristics to ensure that the survey is representative (i.e., ensuring that all Land Use Designations in Klickitat County are part of the sample). In cases where the data used to select tax lots for initial review is incomplete or insufficient in some way, staff will remove that entry and add another from the randomized list. Landowner cooperation is not a factor in whether a tax lot is selected from the list.

Staff will send a letter to the owner of each tax lot selected from the list. This letter will state the purpose of the study and request access to the tax lot (see *Site Visit* section below). We will inform landowners that we will work with them to voluntarily resolve any compliance issues that we find. Depending on the number of compliance issues we discover through this study, staff may not be able to begin work on or resolve all the compliance issues immediately.

Research Phase

For each tax lot, staff will conduct research using internal and external sources of data. As a baseline, staff will examine our development review database, historic and current aerial and satellite imagery, and assessor's maps to determine what development exists or existed on site, when it was constructed, and whether it was approved by the Gorge Commission. The results of this research will be captured in a standardized way that allows for analysis of all results at the end of the study.

Site Visit

For each tax lot sampled, staff will attempt to conduct a site visit. Staff cannot enter a property without permission from the landowner so some site visits may be from public rights-of-way or other publicly accessible areas, such as key viewing areas. Staff will schedule site visits in advance for landowners that allow staff to access the site.

During site visits, staff will examine what development appears on the property and determine whether the development on site at that time is what also appears in satellite images and assessor's records, and if there are any apparent resource impacts from that development.

If staff is not able to access a site, staff believes it will still be able to use other available information to be able to identify whether there is compliance, but staff may not be able to make an accurate assessment of all compliance issues on site, and the results of the survey may be affected to that extent. Staff's ability to access a site will not exclude that site from review, though they will note where access impeded research and account for that in the survey results.

Determining Compliance and Summarizing Study Results

After staff has surveyed the sample tax lots, it will analyze and summarize the results, extrapolate the results, and answer the core study questions.

Part 2 – General Procedure – Reviewing Sample Director's Decisions in Klickitat County

Selecting Decisions

Director's Decisions are identified by unique case numbers. Staff will randomize the list of Decisions and select a representative sample from the full list. Staff will consider how many tax lots with Decisions were reviewed in Part 1 to determine how many samples to study.

Staff may stratify the sample based on non-identifiable site characteristics to ensure that the survey is representative (i.e. ensuring that all Land Use Designations and types of development are part of the sample). In cases where the data used to select Director's Decisions for initial review is incomplete or insufficient in some way, staff will remove the entry and add another from the randomized list. Landowner cooperation is not a factor in whether a Director's Decision is selected from the list. If the sample includes two or more decisions for a single tax lot, staff will examine all of them as one sample, and add more Decisions from the randomized list to ensure an adequate sample size for the study.

Staff will send a letter to the owner of each tax lot selected from the list. This letter will state the purpose of the study and request access to the tax lot (see *Site Visit* section below). We will inform landowners that we will work with them to voluntarily resolve any compliance issues that we find. Depending on the number of compliance issues we discover through this study, staff may not be able to begin work on or resolve all the compliance issues immediately.

Research Phase

For each Director's Decision, staff will conduct research using internal and external sources of data. As a baseline, staff will examine the content of the decision, current satellite imagery, and assessor's maps to determine whether development that exists on site was approved by a Director's Decision. The results of this research will be captured in a standardized way that allows for analysis of all results at the end of the study.

Site Visit

For each tax lot sampled, staff will attempt to conduct a site visit. Staff cannot enter a property without permission from the landowner so some site visits may be from public rights-of-way or other publicly accessible areas, such as key viewing areas. Staff will schedule site visits in advance for landowners that allow staff to access the site.

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If staff is not able to access a site, staff believes it will still be able to use other available information to be able to identify whether there is compliance, but staff may not be able to make an accurate assessment of all compliance issues on site, and the results of the survey may be affected to that extent. Staff's ability to access a site will not exclude that site from review, though they will note where access impeded research and account for that in the survey results.

Determining Compliance and Summarizing Study Results

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Post Study Staff Actions

Staff will analyze the results of the study and report back to the Commission. The results of the study will inform any further staff actions; as such, staff cannot propose a work plan for post-study actions until the study is nearer to completion.

Next Steps

Staff requests the Commission approve the study as outlined above. After the Commission's approval, staff will create survey tools, establish a timeline for completing each phase of the study, and begin the study.

KLICKITAT COUNTY COMPLIANCE STUDY – GENERAL DESIGN

- Purpose: determine compliance with the NSA Management Plan
- Two parts:
 - 1) Random sample of tax lots in NSA in Klickitat County (89 lots)
 - 2) Random sample of Commission-issued Director's Decisions for development in Klickitat County (81 Decisions)
- In-house review of our database, aerial imagery, tax assessments, other information as necessary
- Site visits from publicly-accessible roads, Key Viewing Areas, etc.

KLICKITAT COUNTY COMPLIANCE STUDY – KEY TAKEAWAYS

- Study will provide insight into whether compliance issues exist within the NSA in Klickitat County
- Focus on simple questions that can be answered with existing and accessible information
- If compliance issues exist, analyze results of the study to identify the extent and type of non-compliance
- Answers may be complicated and time-consuming to piece together
- Will help us develop and evaluate potential next steps