Development Reviews

An overview of the Commission’s review process, primarily in Klickitat County

March 13, 2018
Who should a landowner work with?

**Oregon Counties**
- Multnomah County Land Use Planning Division
- Hood River County Community Development
- Wasco County Planning Department

**Washington Counties**
- Clark County Community Planning
- Skamania County Community Development
- Columbia River Gorge Commission for Klickitat County
When does the FS lead?

- Federal agency projects
- Projects on federal lands
- Federally funded projects
- Forest Practices in SMA
What are all the steps?

1. Pre-application discussions
2. Application
3. Comment Period
4. Analysis of Impacts, Project Modifications and Mitigations
5. Written Decision
6. Notice of Decision and Opportunity to Appeal
Steps to complete application

Pre-application discussions
• Determine if allowable use
• Regular or expedited?
• Potential SNCRs restrictions (Scenic/Natural/Cultural/Recreational)

Prepare application
• Project narrative
• Site plan
• Key viewing areas checklist, elevation drawings, and landscape details (if required)
• Names and addresses of adjacent property owners (if required)
• Grading plan (if required)
Is the proposed use/development allowed?

- General Policies
- Land Use Designation
- Parcel size
- Existing uses and development
- Is there a legal parcel?
- Prior conditions of approval
Web maps inform us and NSA landowners
Some uses do not require a permit in the NSA

(Does not apply in Open Space or AG-Special LUDs)

• Some agricultural uses
• Forest practices in the GMA
• Repair, maintenance, operation of existing structures
• Accessory structures ≤60 square feet and 10 feet in height, with some exceptions and restrictions
• Some fencing
• Some transportation and utilities
• Some signs
## Expedited Review

<table>
<thead>
<tr>
<th>Currently Eligible</th>
<th>Suggestions from Scoping</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Accessory buildings ≤200 square feet and 10 feet high</td>
<td>• Larger accessory buildings</td>
</tr>
<tr>
<td>• Small building additions and retaining walls</td>
<td>• Some geotechnical investigation, wells</td>
</tr>
<tr>
<td>• Signs</td>
<td>• New development in a “visually exempt” area</td>
</tr>
<tr>
<td>• Some fencing</td>
<td>• Renewals of recently approved permits</td>
</tr>
<tr>
<td>• Outdoor lighting</td>
<td>• Broader suite of highway projects</td>
</tr>
<tr>
<td>• Small transportation projects, including guardrails</td>
<td>• Recurring public facilities projects</td>
</tr>
<tr>
<td>• Lot Line Adjustments</td>
<td></td>
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</tbody>
</table>
Expedited Review Project Criteria

• exempt from cultural reconnaissance or historic survey

• does not disturb ground or is in a developed right-of-way

• outside buffer zones for wetlands, water resources (unless LLA, in a developed right-of-way)

• at least 1,000 feet from sensitive wildlife, habitat, and rare plants or wildlife agency has determined no adverse effect

• does not affect or modify treaty or other rights of any tribe
  • A project becomes a full review if a tribe submits substantive written comments that treaty rights would be impacted
Review SNCRs resources maps and data

- Is a cultural resource survey required?
- Are there natural resources within 1,000 feet?
- Is the site visible from KVAs?
- Does the proposal impact a recreation site?
- Will agricultural setbacks be required?
Additional surveys we may require

• Cultural surveys – reconnaissance, historical, more intensive survey
• Wildlife surveys
• Rare plant surveys – timing dependent
• Wetland and stream surveys
• Project feasibility studies – no practicable alternatives test
Additional information we may need

Paint and material samples

Grading plans
Completeness Review

✓ All application materials submitted
✓ Legal parcel status established
✓ Additional plans submitted (grading, elevation, materials)
✓ Cultural survey needed?
✓ Natural resource or buffers
Public Notice

Posted:
CRGC website
The Enterprise newspaper
White Salmon Library

Sent to:
Adjacent property owners
Four treaty tribes
U.S. Forest Service National Scenic Area Office
Washington Office of Archaeology and Historic Preservation
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Health Department
Klickitat County Assessor
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Regular review: 21 days
Expedited: 14 days
Cultural Resources & Treaty Rights

• We consult when there are known resources or comments. 30-day additional review for survey reports.

• For cultural resources, USFS archaeologist leads consultation with the state historic preservation offices or other historic interests.

• The permitting agency conducts Treaty Tribe Consultation, according to the Management Plan, for issues of treaty right concerns.
GMA REVIEW PROCESS FOR NATURAL RESOURCES

For wetlands and streams, ponds, lakes, riparian within 50-150 foot buffers:
- Approval criteria: modifications to serviceable structures or minor water-dependent
- Practicable Alternatives
- Reasonable Measures
- Rehabilitation & BMPs
- Complies with applicable laws
- REVIEW COMPLETE
- Review by state F&W
- Mitigation or Rehabilitation Plan
- REVIEW COMPLETE

For wildlife habitat within 1,000 feet:
- Large scale use
- Other uses
  - Field Survey
  - State Fish & Wildlife Dept review; effects established
  - Adverse
    - Wildlife Mitigation Plan
    - Plan review by state F&W
    - REVIEW COMPLETE
  - Minor
    - Apply measures
    - REVIEW COMPLETE
  - None
    - REVIEW COMPLETE

For sensitive plants within 1,000 feet:
- Large scale use
- Other uses
  - Field Survey
  - State Natural Heritage Program review; buffers established
  - Inside Buffer
  - Outside Buffer
  - Protection and Enhancement Plan
  - Plan reviewed by Nat Heritage Prrg
  - REVIEW COMPLETE

Reasonable Measures
- Public interest
- Mitigation or Rehabilitation Plan
- REVIEW COMPLETE

REVIEW COMPLETE

Public interest
- Reasonable Measures
- No water degradation
- Practicable Alternatives
- REVIEW COMPLETE

Adverse
- Minor
- None
- REVIEW COMPLETE

Complies with applicable laws
- Review by state F&W
- Mitigation or Rehabilitation Plan
- REVIEW COMPLETE

Reasonable Measures
- Review by state F&W
- Mitigation or Rehabilitation Plan
- REVIEW COMPLETE

Mitigation or Rehabilitation Plan
- REVIEW COMPLETE

No water degradation
- Review by state F&W
- Mitigation or Rehabilitation Plan
- REVIEW COMPLETE
SMA Natural Resources Protection Process

US Forest Service Resource Determination

Minimum Natural Resource Protection Standards applied for:
- Sensitive wildlife and plants
- Riparian areas, wetlands, ponds and lakes
  - Fish and wildlife habitat
  - Biodiversity
  - Soil productivity
  - Air and water quality

Natural Resource Agency review to establish effects and buffers

- Inside buffer
- Practicable Alternatives Test
  - Mitigation Plan
  - Plan review by NR agency & FS
- Outside buffer
  - REVIEW COMPLETE

REVIEW COMPLETE
Landscape Settings

Gorge Canyon Walls and Wildlands

Pastoral
Site Visits

Verify site plan, evaluate resource impacts
Staff report & Decision

• Staff report
  • Findings and conclusions
  • Conditions of approval
    • Life of the project
    • Requires follow up inspection. More on that later.
  • Directors decision
  • Legally defensible – Can be appealed.

• Warman Director’s Decision sent out to Commission
Why the process might take longer

- Incomplete application
- Missing deed information
- SNCRs resource compliance
- Other agency involvement/surveys
Post-permit inspections

Has the applicant met all conditions of approval?
Additional county review/permitting

- Building permits
- Shorelines
- JARPA & HPAs
- SEPA
- Floodplains and slopes
- Federal permitting
- ...etc
Gorge Commission staff reviews all Development Reviews by the other 5 counties
### NSA Development Reviews: Funding by County

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>FUNDING/YR</th>
<th>ACTUAL*</th>
<th>#DRs/2017*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wasco County</td>
<td>$45,000</td>
<td>$124,000</td>
<td>24</td>
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<tr>
<td>Hood River County</td>
<td>$40,000</td>
<td>$55,000</td>
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<tr>
<td>Multnomah County</td>
<td>$35,000</td>
<td>$34,800</td>
<td>44</td>
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<td>Clark County</td>
<td>$10,000</td>
<td>$10,000</td>
<td>12</td>
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<td>Skamania County</td>
<td>$195,000</td>
<td>$195,000</td>
<td>50</td>
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<td>Klickitat (CRGC grant)</td>
<td>$77,600</td>
<td>$77,600</td>
<td>17</td>
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**NOTE:** This is preliminary info from various county reports and conversations. More clarification is forthcoming.