



Submitted Via Email

December 13, 2021

To: Columbia River Gorge Commission

Re: Commission Rule 350-82, Final Draft Klickitat County Ordinance

Dear Commissioners,

Thank you for the opportunity to comment on Commission Rule 350-82, the draft Klickitat County Land Use Ordinance ("Ordinance"). Friends of the Columbia Gorge ("Friends") has reviewed and submits these comments on the Ordinance.

Friends is a nonprofit organization with approximately 5,500 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Friends' mission is to vigorously protect the scenic, natural, cultural, and recreation resources of the Columbia River Gorge. We fulfill this mission by ensuring strict implementation of the Columbia River Gorge National Scenic Area Act and other laws protecting the region of the Columbia River Gorge; promoting responsible stewardship of Gorge land, air, and waters; encouraging public ownership of sensitive areas; educating the public about the unique natural values of the Columbia River Gorge and the importance of preserving those values; and working with groups and individuals to accomplish mutual preservation goals.

Friends thanks the Commission staff for addressing some of the issues that we identified in the earlier draft Ordinance. We request that the Commission address the following issues that have not been addressed.

Hardship dwellings: The Management Plan does not allow for a separate permit renewal process. It requires a new application every two years and the opportunity for public notice, comment and appeal rights. The Draft Klickitat County Ordinance (Ordinance) creates a new process allowing a permit renewal rather than a new application. This is inconsistent with the Management Plan and must be deleted. Alternatively, treat the permit renewal as a land use decision, require public notice, comment opportunity and appeal rights.

350-082-0410. Temporary Use Hardship Dwelling

(5) A new or renewed permit may be granted upon a finding that a family hardship continues to exist. The Executive Director may renew an existing permit that has not expired for an additional two years. A new permit is necessary if the hardship permit has expired.

The Management Plan, Page 310 only allows for a new permit, not permit renewal.

4. A new permit may be granted upon a finding that a family hardship continues to exist.

Comment: The ordinance can't vary from the Management Plan requirement that a new permit application be submitted for review. A new permit application allows for notice to neighboring property owners and providing the opportunity to comment. In addition, there are no procedures in place for permit renewals.

Recommendation: Delete language allowing a separate process for permit renewal. It is not allowed in the Management Plan. Alternatively, require public notice and comment opportunities for permit renewal requests.

Overnight Accommodations: The Ordinance varies from the Management Plan in three important ways that are inconsistent with the Plan's requirements. The Revised Management Plan, Page 313, 1.D. requires the dwelling to be the owner's permanent residence *and* owner occupied during rental. Landowner must reapply for an overnight accommodation permit, not simply have it renewed by the executive director. The Ordinance is inconsistent with the Management Plan in these areas.

350-082-0450. Overnight Accommodations

(1) (d) The dwelling must be the principal residence of the owner.

Management Plan, GMA Guidelines 1.D., Page 313.

D. The dwelling must be the permanent residence of the owner and **occupied by the owner during rental.** (Emphasis added)

Comment: The Commission issued the draft 2020 Management Plan, dated June 1, 2020, for public comment. The draft included the owner occupation requirement. During the public comment period, the Commission received public comments that specifically addressed the owner occupation requirement. For example, comments submitted by the Skamania County Commission on June 30, 2020, page 6, called attention to the owner occupation requirement

and asked it to be changed. The Commission staff reviewed these comments, was aware of the owner occupation requirement and chose to keep it in the final draft Management Plan.

In the August, 2020 Commission meeting, a commissioner proposed removing the owner occupation requirement, but the Commission did not act on the motion and the language was retained.

The Commission voted to adopt this language requiring the dwelling to be the permanent residence of the owner and require owner occupation during rental in the revised Management Plan on October 13, 2020. In 2021, the Secretary of Agriculture concurred that these requirements were consistent with the Act.

In conclusion, the Commission and the public were well aware of the owner occupation requirement for several months and submitted comments that directly addressed this requirement. The Commission voted to retain this requirement and include it in the revised Management Plan. The Commission can't lawfully exclude this substantive requirement from the Ordinance. If the Commission has "buyer's remorse," then it should revise this requirement during the next plan review.

In conclusion, omitting the "owner occupied during rental" requirement in the Ordinance is a substantive change that is inconsistent with the Management Plan.

Recommendation: Add the requirement for owner occupation during rental to the Ordinance.

350-082-0450. Overnight Accommodations

(2) Approvals for overnight accommodations shall be valid for no more than two years. Landowners must reapply or renew an approval for the use, and demonstrate past compliance with conditions of approval through financial and other records. The Executive Director may renew an existing permit for an additional two years if that permit has not expired. A new permit is necessary if the overnight accommodation permit has expired. An existing permit shall not be renewed and a new permit shall not be approved if there have been past violations related to the overnight accommodations permit, including failure to file a new application while still operating overnight accommodations.

Management Plan, GMA Guidelines 1.G., Page 313.

G. Land use approvals for overnight accommodations shall be valid for no more than two years. Landowners must reapply for the use after a land use approval expires, demonstrating compliance with conditions of approval through financial and other

records. Permits will not be renewed if there have been past violations, including failure to file.

Comment: A new application is required for home occupations for the use to continue beyond two years. This is required by the Management Plan and gives the public, including surrounding landowners, proper notice and an opportunity to provide comments regarding compliance with the overnight accommodation criteria. Allowing the executive director to “renew permits” through a different process is not allowed by the Plan and fails to provide notice and comment opportunities to the public. Commissioners, the counties and the public raised many concerns over compliance and enforcement of the rules for short term rentals at public hearings. The Ordinance should accurately reflect the language in the Management Plan and not create a new and undefined permit renewal process.

Recommendation: Delete the language regarding permit renewal from the Ordinance. Alternatively, require public notice and comment opportunities for permit renewal requests.

Thank you for considering these comments.

Sincerely,

/s/ Michael Lang
Conservation Director