



PLANNING DEPARTMENT

2705 East Second Street • The Dalles, OR 97058
p: [541] 506-2560 • f: [541] 506-2561 • www.co.wasco.or.us

Pioneering pathways to prosperity.

March 7, 2022

Columbia River Gorge Commission
PO Box 730
White Salmon, WA 98672
(Sent by email to connie.acker@gorgecommission.org)

Subject: National Scenic Area Management Plan Update and Wasco County's Ordinance

Greetings Commissioners,

Thank you for the opportunity to provide comment on the review of Wasco County's National Scenic Area Land Use and Development Ordinance for compliance with the Gorge 2020 updates to the National Scenic Area Management Plan. I would like to offer some additional context to our process that I believe may be helpful in your review.

Undertaking an update of this size and magnitude took considerable staff resources at a time our department was experiencing significant staffing transitions, including the departure of our former Planning Director, Angie Brewer. As a result, it was necessary to limit our scope to only the required Management Plan updates and defer any additional ordinance updates to a future date when more resources are available to ensure for public involvement, careful staff analysis on discretionary issues, and overall non-substantive updates that will make our ordinance accessible and a reflection of our community's values.

CRGC staff has made us aware of four text points that, as submitted, conflict with the updated Management Plan.

The first issue addressed in the staff report is the allowance for agricultural labor housing in the public recreation zone. This has been in our ordinance since 2006 and, due to our limited scope, was not a part of staff review that focused solely on Gorge 2020 updates. This inconsistency was flagged by the Friends of the Gorge after our required public notice was sent and the Planning Commission review happened. We appreciated the information, but were unable to address it as it would've triggered a new notice and Planning Commission review that would have resulted in us missing the December deadline for updating our ordinance. As a result, our Board of County Commissioners adopted a Resolution to ensure that we would address this inconsistency at a future update and ensure staff implements consistent with the Management Plan. It's important to acknowledge that in Wasco County, we have only one potentially eligible property that is owned by Union Pacific Railroad in this zone, so this is not likely to be an issue in the near term.

We appreciate CRGC staff's thorough review and discovery of two additional mandatory requirements that we acknowledge are inconsistent. Specifically, the structure siting standards revision from 40% to

30% slope and revisions to the language related to open space and utilities. We also appreciate staff's recommendations for other revisions that do not impact consistency, including the added variance for landscape settings. It is Wasco County's intention to address these amendments in combination with a broader update, slated for 2023, that includes a public conversation about short term rentals.

I would like to assure the Commission that our incredible staff is well-versed in implementing the more restrictive policy or requirement, as state law is updated more regularly than our local Ordinance. In those cases where state law has a requirement that is out of sync with our regulations, we have a clear policy to note the discrepancy and ensure adherence to the governing rule. I have already informed staff of these outstanding issues and they are prepared to implement directly from the Management Plan until the time the amendments are codified.

To provide additional context to why it is important for us to bundle any and all updates, I thought I would share some insight into the rules that govern land use plan updates in Oregon that are in addition to National Scenic Area plan amendment regulations.

The process to adopt amendments is considered legislative and has some timelines and requirements attached to it. First, we are required for all ordinance updates to notify the Department of Land Conservation and Development with detailed information including the text of amendments, dates for legislative hearings, and other supporting documents thirty five days prior to the first evidentiary hearing. Within twenty to forty days before the first evidentiary hearing, we are also required to mail a notice (ORS 215.503) to all impacted residents with specific language about proposed amendments and describing, in detail, how the amendments will impact their use of their property. In order to be in compliance with these two requirements, we have to have a finalized draft plan that can no longer be substantively modified.

These mailed notices cost the County an average of \$4,000 to \$5,000 and take several weeks to prepare. These notices are in excess of our National Scenic Area grant award and funded solely through allotted General Fund dollars.

After the notification has been sent, we are required to hold several evidentiary hearings to allow for public involvement. The Planning Commission makes a recommendation to the Board. Our Board is required to hold two hearings on the matter. We are required to allow for a twenty day period between the Planning Commission hearing and the Board of County Commissioner hearing. Board hearings are typically spaced a week apart but that can vary depending on other urgent matters the Board needs to review or other scheduled interruptions, like holidays.

All told, the legislative process takes a minimum of three months for us to complete. The hearings require significant staff time, newspaper notices, mailed notices, legal review, and other costs that can be significant and always are in excess of our National Scenic Area grant award. It's critical for the sustainability of our program, equity and inclusion of all residents to participate in the land use planning process, and our fiduciary duty that we strategically plan for ordinance updates.

We had already intended to address the short term rental provision with our residents in 2023. We ask for consideration of the time and expense for forbearance until that time to make these remaining updates with the assurance our staff will be implementing the identified issues directly from the Management Plan until we are able to codify them.

I appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Howsley Glover". The signature is written in a cursive style with a large initial "K".

Kelly Howsley Glover, PhD
Planning Director