

TO: Columbia River Gorge Commission

FROM: Krystyna U. Wolniakowski, Executive Director

DATE: February 8, 2022

RE: **ACTION ITEM*:** Request to Consider a Management Plan Amendment

Action Requested:

Consider whether to adjust the Commission's 2022-23 workplan to review Erwin Haglund's request for a Management Plan amendment. This item is starred for public comment. Your decision here does not approve or deny a Plan amendment.

National Scenic Area Act Plan Amendment Section.

Section 6(h) of the National Scenic Area Act (16 U.S.C. § 544d(h)) authorizes the Gorge Commission to amend the Management Plan outside of the required plan review process that must occur on a five to ten-year cycle:

(h) Amendment of plan If the Commission determines at any time that conditions within the scenic area have significantly changed, it may amend the management plan. The Commission shall submit amendments to the management plan to the Secretary for review, in accordance with the provisions of this section for adoption of the management plan.

Erwin Haglund's Request for a Plan Amendment

Erwin Haglund, a resident of Hood River County in the National Scenic Area, is requesting an amendment to the Management Plan to change the land use designation for his property from Large Woodland to a Small Woodland. Mr. Haglund purchased a total 47.8 acres of land consisting of seven contiguous tax lots in three separate transactions. Two purchases were made in December 2013, a lot of 1.5 acres and a lot for 7.7 acres for a total of 9.3 acres. One year later in December 2014, Mr. Haglund purchased 3 lots for 38.5 acres. The tax lots range from 1.4 acres to 23 acres in size.

The property is located along both sides of Post Canyon Road that bisects the parcel, west of the Hood River Urban Area. The southern boundary of the property is on the exterior boundary of the National Scenic Area along Belmont Road. The Gorge Commission designated the land as Large Woodland when adopting the original Management Plan in 1991. Mr. Haglund's property is part of a larger complex of Large Woodland that extends to the east and northeast of his property (a total of 172 acres of contiguous Large Woodland). Adjacent to the north and west of Mr. Haglund's property is a total of 207 contiguous acres of GMA Open Space and SMA Open Space.

The forest land policies in the Management Plan specify that the Large Woodland land use designation is intended to protect heavily forested areas from conversion to non-resource use such as for recreation or for residential uses and provides the opportunity for continuous growing and harvesting of forest resources. Generally, the Management Plan uses the Open Space designation for lands where significant and sensitive resources could not be protected through regulation. Staff did not research the resource information for those lands as part of this staff report. Staff would research and update that information as part of reviewing a proposal to amend the Management Plan to redesignate Mr. Haglund's property.

Mr. Haglund contacted staff in August 2021 requesting a Plan Amendment to change the land use designation of his property from Large Woodland to Small Woodland in order to develop his tax lots and build dwellings on several of them. Mr. Haglund asserts that his property is improperly designated as Large Woodland, according to the current Forest Land designation policies in the Management Plan. Mr. Haglund has referenced the Small Woodland designation policies in his communications and believes that his property was incorrectly designated in 1991. The Large Woodland and Small Woodland designations policies are attached to this staff report.

Staff has been in contact with Mr. Haglund since August 2021. In our August 26, 2021, letter, staff encouraged Mr. Haglund to address the Commission directly with his request during a Commission meeting. Mr. Haglund did so at the November 9, 2021, Commission meeting.

To give the Commission a preliminary sense of Mr. Haglund's request, staff searched for, but was unable to find historical records showing why some properties received a particular designation. Staff did not find records for why Mr. Haglund's property was designated Large Woodland. Staff is not aware of, nor could find this information without conducting more in-depth research through archives to determine whether the land use designations took into account specific tax lots or groups of tax lots with similar characteristics.

Staff reviewed the Forest Land designation policies in the Management Plan and researched how Mr. Haglund's property satisfied the elements in the Large Woodland and Small Woodland designation policies. Staff reviewed Mr. Haglund's myriad emails to the Gorge Commission supporting his request. In addition, staff contacted Eric Walker, Hood River County Planning Director, and reviewed Hood River County's letter to the Gorge Commission about Mr. Haglund's request to better inform staff about Mr. Haglund's requests to the Commission since landowners usually contact the county

directly about development options on their private property. Mr. Walker stated that Mr. Haglund has been in contact with Hood River County, and he has been informed of his current development options for his lots by the county. Mr. Haglund was also made aware that new dwellings will no longer be an allowed use on Large Woodlands when the updated Hood River County NSA Ordinance goes into effect (after Gorge Commission approval and Secretary of Agriculture concurrence, which could be late spring or early summer 2022). Mr. Walker stated that Mr. Haglund has been attempting to initiate a land trade with Hood River County for an equivalent acreage and value outside of the NSA. Mr. Walker said that Hood River County and Mr. Haglund could not agree on a suitable land trade. Staff also asked Hood River County about whether Mr. Haglund has more than one legal parcel. Hood River County has not completed such a determination. Legal lot determinations typically require a significant amount of county time to conduct deed research. This is something that staff would work with Hood River County on if the Commission decides to move ahead with considering a Plan amendment application from Mr. Haglund.

When staff presented the roadmap for 2022 Commission priorities workplan at the December Commission meeting to determine where Mr. Haglund's request could fit into the Commission's workplan, the Commission directed staff to prepare a recommendation for the February 8, 2022, Commission meeting. For the Commission's review at the December Commission meeting, staff prepared a package of electronic communications from August 2021 through December 2021, which contains Mr. Haglund's Plan amendment request, Commission letter, his follow-up emails, a response from Mr. Walker, and the letter from Hood River County Commission Chair Oates. Staff is reattaching that package to this staff report at the end.

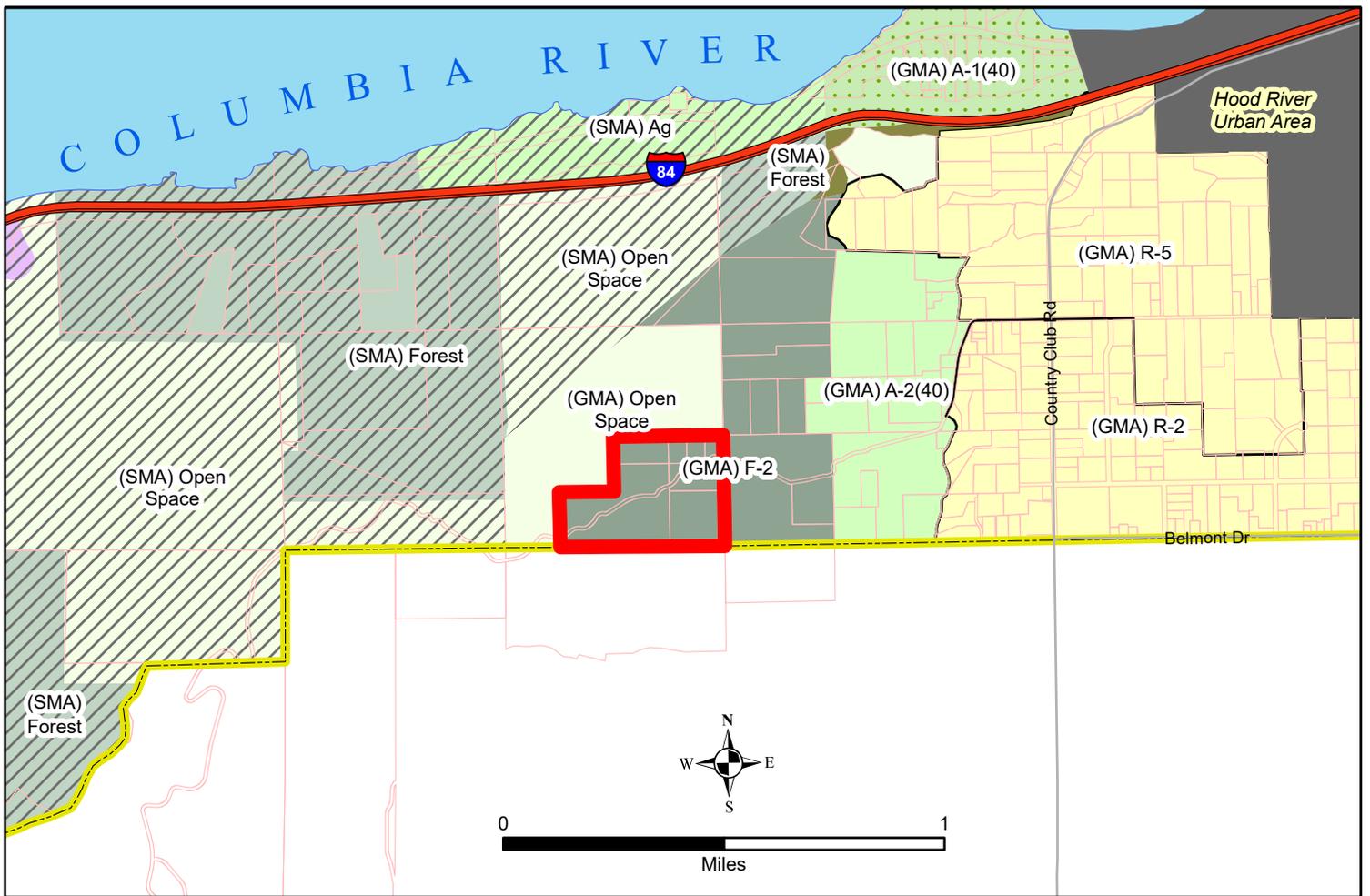
Staff Recommendation

Staff reviewed the Large Woodland and Small Woodland Land Use Designation descriptions in the Management Plan and Mr. Haglund's property as well as the surrounding area. With its research, staff recommends that Mr. Haglund's property appears to be correctly designated. It is a large, intact, steep, and a heavily forested area as part of a larger 172 acre Large Woodland designation. Adjacent to the east, also designated Large Woodland, there are more than a dozen similar sized tax lots and very few dwellings in the vicinity. These characteristics best fit the Large Woodland designation policies as compared to the designation policies for the Commercial Forest and Small Woodland designations. Again, this is not a final decision on a Plan amendment request; staff provides this recommendation to help the Commission decide how to use its limited time and resources.

Staff also recommends that at this time, an application to change the designation from Large Woodland to Small Woodland could not satisfy the requirement in section 6(h) of the National Scenic Area Act that there has been a significant change in the National Scenic Area. The measuring period for such a change is the date of the last revision to the Management Plan. At this time, staff is not aware of any new information or significant change in condition that has emerged since October 2020 (or the original adoption in 1991).

The Commission may also wish to consider that on December 16, 2021, Mr. Haglund submitted an application to the Oregon Department of Forestry to conduct forest practices on all of his property, which suggests that the property is still viable forest land. Additionally, the Commission's revision to the list of review uses for Large Woodland (removing new dwellings) does not go into effect until Hood River County's revised NSA Ordinance goes into effect, which, again, will be approximately late spring or early summer 2022. Mr. Haglund may, until then, submit a development application to the Hood River County Planning Department for construction of one dwelling on the property, if it is needed to support his forestry activities.

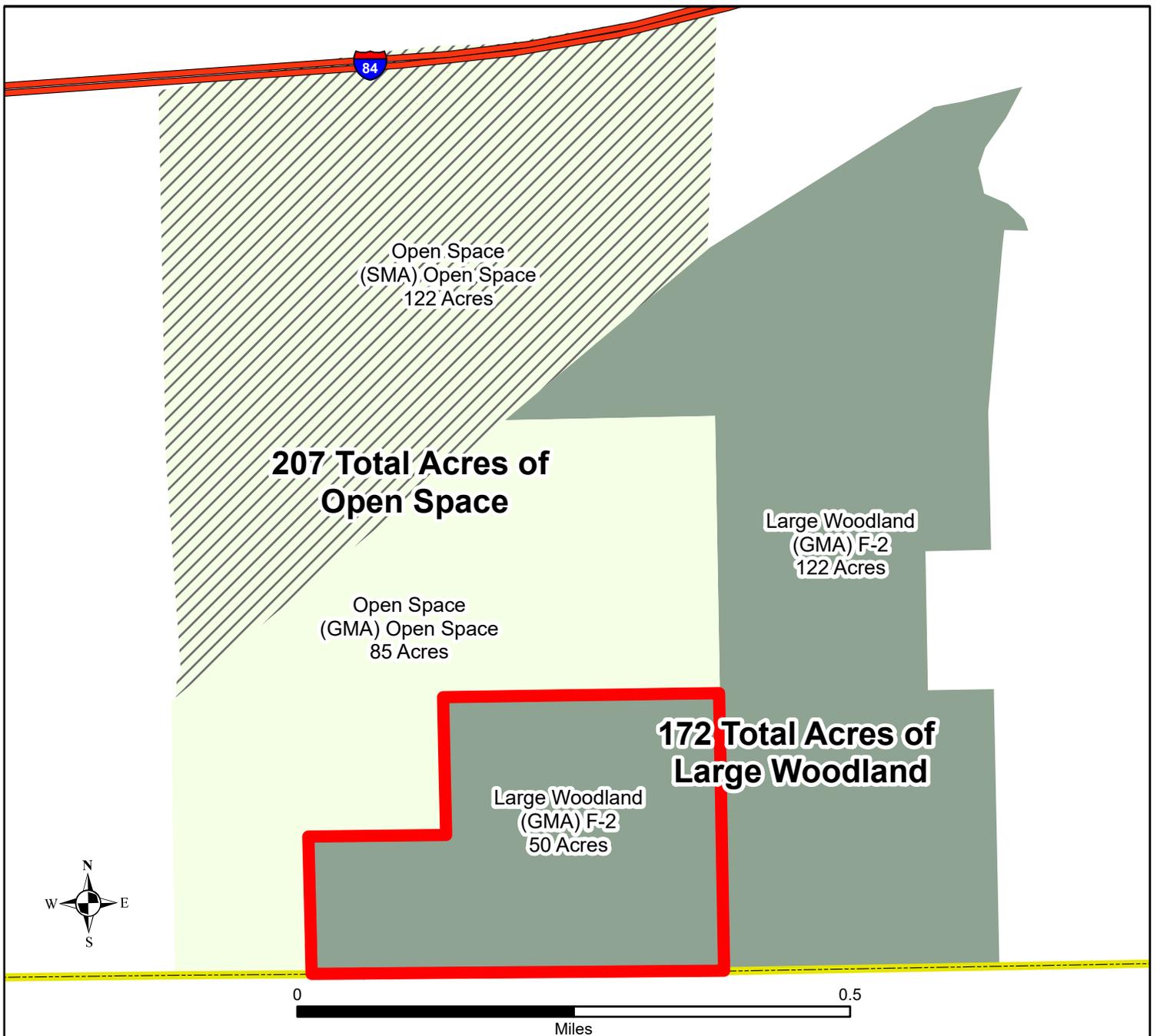
The Commission has approved workplan priorities for 2022 and directed staff to meet timelines for implementation. If the Commission chooses to direct staff to look for, research, review, and analyze any new information that might warrant consideration of a plan amendment, then the 2022 workplan will need to be revised.



NSA Land Use Designations Adjacent to the Erwin Haglund Properties

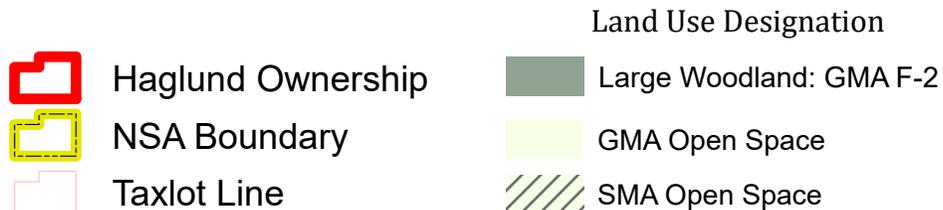
Hood River County, Oregon
Twn; 3N Rge: 10E Sec. 32

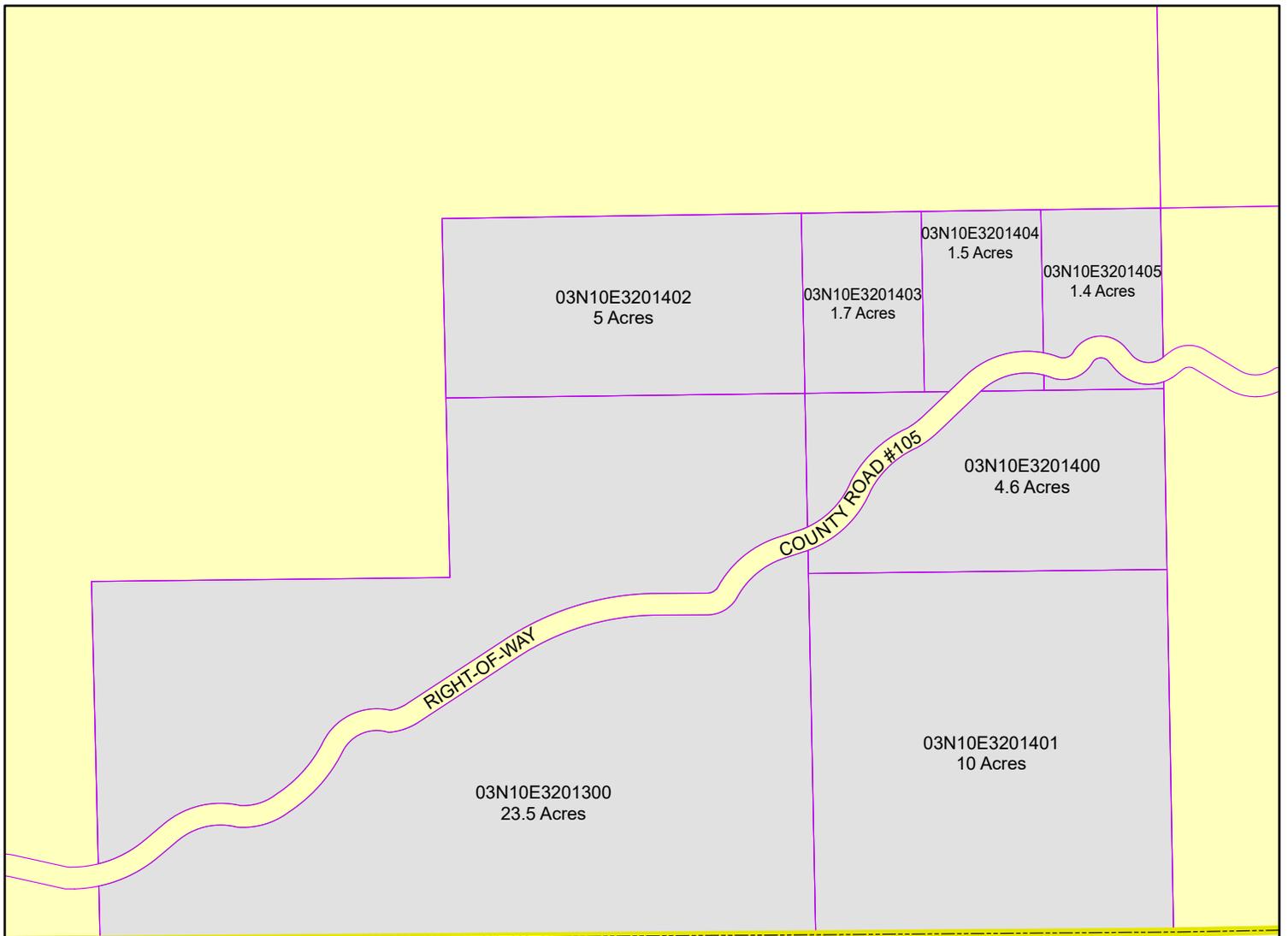
 Haglund Ownership  NSA Boundary  Taxlot Line	Land Use Designation		 Large-Scale Agriculture: GMA A-1
	 Large Woodland: GMA F-2  Small Woodland: GMA F-3  SMA Forest  Commercial Forest Land: GMA F-1	 Small-Scale Agriculture: GMA A-2  Agriculture: SMA Ag  GMA Open Space  SMA Open Space  GMA Residential: GMA R-2, R-5	



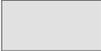
NSA Land Use Designations (w/ acreages) Adjacent to the Erwin Haglund Properties

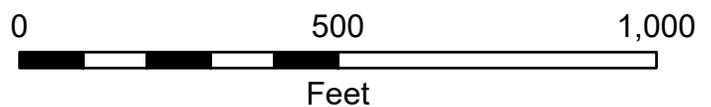
Hood River County, Oregon
Twn; 3N Rge: 10E Sec. 32





Erwin Haglund Properties in Hood River County 47.8 Total Acres

-  Haglund Ownership
-  Taxlot Line
-  Nat'l Scenic Area



classes or by lands designated Large Woodland (predominantly 80 acres or larger).

- (2) Contain lands in the non-industrial ownership class that occur in large tracts (predominantly 80 acres or larger), have few residences, have no organized structural fire protection services, are capable of growing 85 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by lands in the large non-industrial, public, or industrial ownership classes.

B. Blocks of forest land shall be designated as Large Woodland if they:

- (1) Contain lands in the non-industrial ownership class that occur in large tracts (predominantly 80 acres or larger), have few residences, have no organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or by lands in the industrial class.

C. Blocks of forest land shall be designated as Small Woodland if they:

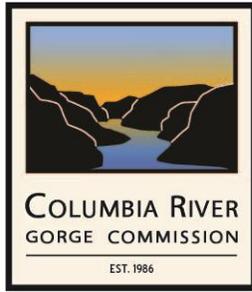
- (1) Contain lands in the non-industrial ownership class that occur in smaller tracts (predominantly 20 acres or larger), have organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or lands devoted to non-forest uses.

D. Small blocks of land that may themselves be deemed Large or Small Woodland shall be designated as Commercial Forest Land if residential development of them would conflict with the use of adjacent Commercial Forest Land or Large-Scale Agriculture land. Small blocks that are adjacent to Urban Areas, Residential, or Small-Scale Agriculture designations or that are physically buffered by natural or manmade barriers from adjacent Commercial Forest Land or Large-Scale Agriculture designations may be considered for Large or Small Woodland designations.

E. Lands shall be designated as Commercial Forest Land if they are within forest areas that are currently used for or suitable for Large-Scale Agriculture, but would otherwise qualify for designation as Commercial Forest Land or Large Woodland.

Land Use Policies

1. Conversion of forest land to agriculture or open space shall be allowed.



August 26, 2021

Erwin Haglund
PO Box 1228
The Dalles, OR 97058

Dear Mr. Haglund,

Over the course of the last week, you contacted the Gorge Commission office to request an amendment to the Management Plan to redesignate your property in Hood River County from Large Woodland to Small Woodland. You received a copy of the Gorge Commission's Rule for plan amendments (Commission Rule 350-50), which explains when and how the Gorge Commission considers plan amendments. If you need another copy of the Rule, you may download a copy from the Gorge Commission's website, <http://www.gorgecommission.org/images/uploads/pdfs/Commission%20Rule%20350-50%2020110501.pdf>.

Commission Rule 350-50-020(1) explains that the section of the National Scenic Area Act that authorizes the Gorge Commission to amend the Management Plan (sec. 6(h) or 16 U.S.C. § 544d(h)) does not require the Gorge Commission to consider requests, or to consider requests within a particular time frame. In the Gorge Commission's experience, plan amendments, such as yours that affect a small number of properties, require the Gorge Commission to allocate significant time and money for staff time, studies, inventories, and other resources to make a correct and defensible decision.

Based on this experience, the Gorge Commission adopted Commission Rule 350-50-060(1) which specifies that the Gorge Commission will only consider plan amendments that it has allocated time and money for its biennial work plan and biennial budget. The Gorge Commission's current biennial work plan and budget both run through June 2023 and do not contain time or funding allocated to plan amendments. This is because the Gorge Commission just completed its periodic revision of the Management Plan last year. The current biennial work plan and budget focus on carrying out the newly revised plan rather than amending it.

The Gorge Commission considers its work plan for a biennium based on that biennium's approved budget and correspondingly the Gorge Commission's budget must also explain how the Gorge Commission intends to use its funding (i.e., the Gorge Commission's priorities). The next workplan will be based on the Gorge Commission's 2023-2025 biennium budget after the states of Oregon and Washington approve that budget, which will be in late spring 2023. The Gorge Commission will begin considering its budget narrative that explains how it intends to allocate its funding in early 2022, likely at its January meeting.

We invite you to participate in meetings where the Commission discusses its budget priorities, at which you may request that the Commission consider allocating time to consider plan amendments in its 2023-2025 budget and work plan. If you are not already on the Gorge Commission's mailing list to receive notices of meetings and other Gorge Commission activities by email, please let me know and I will add you to that mailing list.

At this time, we are not scheduling pre-application meetings for plan amendment or reviewing information about possible plan amendments. Anything you send us will be held in a file, but not acted on until the Gorge Commission's work plan and budget allocate time and money for considering plan amendments.

You mentioned during our phone call yesterday morning that you may be contacting an attorney to assist you with amending the Management Plan. If you do so, your attorney is welcome to contact the Gorge Commission's legal counsel, Jeff Litwak, at jeff.litwak@gorgecommission.org, or at 509-493-3323, ext. 222.

I hope this letter answers your questions.

Sincerely,

Aiden Forsi
Land Use Planner, Columbia River Gorge Commission
aiden.forsi@gorgecommission.org
509-493-3323, ext. 225

Aiden Forsi

From: Corina Haglund <postcanyonfarms@gmail.com>
Sent: Friday, August 27, 2021 11:08 AM
To: Aiden Forsi
Subject: Re: Regarding your request for Gorge Commission plan amendment

Hello Aiden,

Thank you for your response. However, the letter attached in your email dated 26 Aug 2021 does not accurately reflect the request, context, or situation and does not look at all of the rules and regulations governing the Gorge Commission. We will get more information together to submit in the coming weeks to clarify.

Best regards

-Erwin

On Thu, Aug 26, 2021 at 3:43 PM Aiden Forsi <aiden.forsi@gorgecommission.org> wrote:

Mr. Haglund,

Please see the attached letter regarding your request for a plan amendment, subject to Commission Rule 350-50.

Aiden Forsi (he/him)

Land Use Planner

[Columbia River Gorge Commission](#) | gorgecommission.org

57 Wauna Ave

PO Box 730

White Salmon, WA 98672

t: (509) 493-3323, ext. 225

c: (509) 940-7739

e: aiden.forsi@gorgecommission.org

[Learn more about the Columbia River Gorge National Scenic Area](#)

Aiden Forsi

From: Corina Haglund <postcanyonfarms@gmail.com>
Sent: Friday, November 5, 2021 4:48 PM
To: Eric Walker
Cc: Aiden Forsi
Subject: Re: Gorge 2020 Review Process

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello Mr. Walker,

I am confused about the County and Gorge Commission taking away our building rights while not giving us due process, adequate time to prepare, and a chance to participate in the process. We were approached in 2015 by the Hood River County Parks and Rec District trying to find a public solution to the bottleneck and safety issues in Post Canyon. Since then, we have tried multiple agencies including the County for a trade for something out of town. We have talked about three options, the last of which is about 63 logged acres out in Dee with two building sites for out 50 forested acres and seven legal parcels in Post. Part of this agreement was we had to agree to donate the excess value of Post based on a forest for forest appraisal. In reaching the details of the last proposal, we met with a County Planning Commissioner, who got us in touch with a County Commissioner, who got us in touch with the County Administrator, who got us in touch with you, the County Planning Director, who got us in touch with the County Forester. These meetings ranged from 1.5 to 3 hours each and we asked questions of the top officials like "is there anything you don't like about this proposal" "take a look at this map and show me with a sharpie what would work for you". We have been denied participation multiple times in a row at public meetings. I don't understand how we can attend the County Commissioner meeting in person and still have the audio scrambled, how we can call the Gorge Commission and get a bogus password denying us entry to the meeting, how I can call into the last County Commissioner meeting on my landline (which I've never had any problems with) and have the audio scrambled again.... after I specifically said in an email to Heidi "When I attended in person in Aug, the audio was scrambled, are all of the bugs worked out of the system?".

It's very clear based on the Gorge Commissions current management plan that our property shall be zoned F3.

(PART II-Land Use Designations, II-2-4)

"C. Blocks of forest land shall be designated as Small Woodland if they:

(1) Contain lands in the non-industrial ownership class that occur in smaller tracts (predominantly 20 acres or larger), have organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or lands devoted to nonforest uses."

The definition of "shall" according to article 75 of the County zoning ordinance, page 29

"(153)Shall: Action is mandatory."

which is an identical copy to the definition of "shall" in the Gorge Commissions management plan, page glossary 18.

We spoke with two elected officials about this F3 paragraph and within three days when I referenced GIS again, the links for fire protection district and water districts were disabled on the County's GIS website. They were later brought back after an email and verbal communication.

We clearly meet all of the F3 requirements and none of the F2 (except one that is common to both). It is also clear based on the County's zoning ordinance article 75 page 138 that we should be able to build on every legal lot, provided we

dissolved one into the others leaving us 5-8ac lots and 1-10ac lot (through a replatt so we can meet the setback requirements and give people some room). Could the Gorge Commission and County please show us other F2 zoned land in Klickitat, Wasco, or Hood River County and why that land is Zoned accordingly?

Hood River County zoning article 75, page 138

"(b) On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon the parcel's enrollment in Oregon's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with Sections 300 and 310. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture."

We have started the process of properly zoning our small section in Hood River County. We started with you, the County Planning Director who sent us to the Gorge Commission. We have officially requested correct zoning at each level in accordance with

The County's article 75

"035. Plan Amendment (1) Pursuant to provisions in Section 6 (h) and the Management Plan, Chapter 1 Gorge Commission Role, the Gorge Commission may amend the Management Plan, including land use and zoning designations and ordinances, upon application by any person or upon its own motion, if it determines that conditions within the Scenic Area have changed significantly since adoption of the Management Plan. Plan amendments must be consistent with the Scenic Area Act and other provisions of the Plan.

and the Gorge Management plan page IV-1-1 (amendment of the management plan) states

" 1. The Gorge Commission may amend the Management Plan, upon application by any person or upon its own motion, if it determines that conditions within the Scenic Area have changed significantly since adoption of the Management Plan. Plan amendments must be consistent with the Scenic Area Act and other provisions of the plan."

Under both sets of rules, "any person" has the right to initiate the process and in another section it talks about an amendment due to mistakes like our zoning. We received a letter back from the Gorge Commission mischaracterizing our simple verbal request and citing lots of red tape and budget/time constraints. This is our official notice again to the County and Columbia River Gorge Commission that we (my neighbors and I) would like to request F3 zoning for all of our small section of currently zoned F2 property for the above reasons. I would like to do a replatt, and end up with 6 legal building lots as described above. Completely within the Columbia River Gorge management plans zoning criteria.

The Gorge Commission has a huge tax payer funded budget, and it's frustrating that small landowners have to hire attorneys to encourage the Commission to follow its own rules, clearly it has little oversight.

<http://www.gorgecommission.org/commission-operations/budgets/>

We were only recently made aware of the proposed changes. One of my neighbors lives in Alaska and another in Arizona, how was public involvement in accordance with the Gorge Management plan page IV-1-7 supposed to be achieved sooner in the process if no measure 56 type notice was sent out from the Gorge Commission years earlier? In our opinion, all private landowners affected by proposed changes should have got proper notice years earlier.

http://hrccd.co.hood-river.or.us/images/uploads/documents/gorge_2020_m56_notice_8.2021.pdf

Which leaves us little time to correct the zoning and submit complete applications, especially since everything is shut down (including the Gorge Commissions office for the last year and a half). Given the circumstances, circumstances, and circumstances, we strongly urge you, the County Planning Director, County Planning Commission, County Commissioners, and the Columbia Gorge Commission (and staff) to consider waiting to approve new restrictions on our

land. This has clearly been a targeted assault on our property value due to the extremely high recreation value, the fact that it is already subdivided, and proximity to Hood River. We saw a Columbia Gorge Commission employee trespassing on our property after it was shut down this spring. She went through the "No Trespassing" signs and we encountered her between our two bridges. We are disappointed about many aspects of this so far and look forward to presenting a lot more evidence.

Once again, this is written notice that we are requesting to apply for and under F3 zoning, is there a time we can meet both the County and Gorge Commission for a Pre-application conference please?

541 993 5280

(Tx or calls work best due to schedule)

On Sun, Sep 12, 2021 at 1:45 PM Eric Walker <eric.walker@co.hood-river.or.us> wrote:

Good afternoon Erwin.

I just wanted to make sure that you received the County's notice of the upcoming public hearings related to the County's required adoption of the Gorge 2020 updates approved by the Gorge Commission last year. If not, attached is a copy of the notice that was mailed out on August 11th. If all goes well, I would expect the revisions to be adopted by the Board of Commissioners on November 15, 2021 or soon thereafter, but will not likely go into effect until after the Gorge Commission acknowledges the County's amended ordinance, which likely would not happen until sometime after the first of next year.

Please let me know if you have any questions.

Thanks, Eric

County Community Development Director

601 State Street, Hood River, OR 97031

(541) 387-6840 – Phone

(541) 387-6873 – Fax

eric.walker@co.hood-river.or.us

Aiden Forsi

From: Eric Walker <eric.walker@co.hood-river.or.us>
Sent: Wednesday, November 10, 2021 1:39 PM
To: Corina Haglund
Cc: Aiden Forsi
Subject: RE: Gorge 2020 Review Process

Good afternoon Erwin.

I am sorry for not responding to your email sooner.

I read your email and appreciate your intentions and many of your comments. As we've discussed previously, Hood River County has no authority and little influence when it comes to rezoning property within the National Scenic Area, even within its own boundary. If you doubt that, just look at how many revisions the Gorge Commission made that were proposed by the County during the Gorge 2020 process. I state that, not as a criticism of the Gorge Commission (especially their staff), just as a factual statement that the vision of the Gorge Commission doesn't align with the County's vision in a number of ways.

As mentioned previously, the Gorge Commission has also recently developed a number of policies that support stricter limits on residential development on certain forest designated lands. Consequently, I think that convincing them that your property is better suited as being zoned F-3, which will increase development opportunities, instead of keeping it F-2 after +25 years of being zoned that way would be challenging. It seems like that fight should have happened at the time it was originally zoned. Nonetheless, I would encourage you to continue to work with the Gorge Commission to see if they would be willing to consider a plan amendment to rezone your property as suggested. This is the only way that I am aware of to achieve the zoning you desire.

In the meantime, as we have also discussed, you still have the option of applying for a dwelling based on your property's current F-2 zoning. I do not expect the new regulations to go into effect for another couple months. I truly believe this your best opportunity to obtain a dwelling on your tract, although I can provide no guarantees.

As for your request for another meeting, I really do not think I have anything more to add to the conversation. I spoke with Aiden Forsi with the Gorge Commission this morning and he confirmed the process we discussed previously for initiating a plan amendment. If you are looking for County support, that would need to come from the County Board of Commissioners. As the Community Development Director, I can give the Board suggestions, but have no authority to give out recommendations on their behalf.

I am sorry that I cannot be of further assistance.

Eric Walker

County Community Development Director
601 State Street, Hood River, OR 97031
(541) 387-6840 – Phone
(541) 387-6873 – Fax
eric.walker@co.hood-river.or.us

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We have started the process of properly zoning our small section in Hood River County. We started with you, the County Planning Director who sent us to the Gorge Commission. We have officially requested correct zoning at each level in accordance with

The County's article 75

"035. Plan Amendment (1) Pursuant to provisions in Section 6 (h) and the Management Plan, Chapter 1 Gorge Commission Role, the Gorge Commission may amend the Management Plan, including land use and zoning designations and ordinances, upon application by any person or upon its own motion, if it determines that conditions within the Scenic Area have changed significantly since adoption of the Management Plan. Plan amendments must be consistent with the Scenic Area Act and other provisions of the Plan.

and the Gorge Management plan page IV-1-1 (amendment of the management plan) states

" 1. The Gorge Commission may amend the Management Plan, upon application by any person or upon its own motion, if it determines that conditions within the Scenic Area have changed significantly since adoption of the Management Plan. Plan amendments must be consistent with the Scenic Area Act and other provisions of the plan."

Under both sets of rules, "any person" has the right to initiate the process and in another section it talks about an amendment due to mistakes like our zoning. We received a letter back from the Gorge Commission mischaracterizing our simple verbal request and citing lots of red tape and budget/time constraints. This is our official notice again to the County and Columbia River Gorge Commission that we (my neighbors and I) would like to request F3 zoning for all of our small section of currently zoned F2 property for the above reasons. I would like to do a replatt, and end up with 6 legal building lots as described above. Completely within the Columbia River Gorge management plans zoning criteria.

The Gorge Commission has a huge tax payer funded budget, and it's frustrating that small landowners have to hire attorneys to encourage the Commission to follow its own rules, clearly it has little oversight.

<http://www.gorgecommission.org/commission-operations/budgets/>

We were only recently made aware of the proposed changes. One of my neighbors lives in Alaska and another in Arizona, how was public involvement in accordance with the Gorge Management plan page IV-1-7 supposed to be achieved sooner in the process if no measure 56 type notice was sent out from the Gorge Commission years earlier? In our opinion, all private landowners affected by proposed changes should have got proper notice years earlier.

http://hrccd.co.hood-river.or.us/images/uploads/documents/gorge_2020_m56_notice_8.2021.pdf

Which leaves us little time to correct the zoning and submit complete applications, especially since everything is shut down (including the Gorge Commissions office for the last year and a half). Given the circumstances, circumstances, and circumstances, we strongly urge you, the County Planning Director, County Planning Commission, County Commissioners, and the Columbia Gorge Commission (and staff) to consider waiting to approve new restrictions on our land. This has clearly been a targeted assault on our property value due to the extremely high recreation value, the fact that it is already subdivided, and proximity to Hood River. We saw a Columbia Gorge Commission employee trespassing on our property after it was shut down this spring. She went through the "No Trespassing" signs and we encountered her between our two bridges. We are disappointed about many aspects of this so far and look forward to presenting a lot more evidence.

Once again, this is written notice that we are requesting to apply for and under F3 zoning, is there a time we can meet both the County and Gorge Commission for a Pre-application conference please?

541 993 5280

(Tx or calls work best due to schedule)

On Sun, Sep 12, 2021 at 1:45 PM Eric Walker <eric.walker@co.hood-river.or.us> wrote:

Good afternoon Erwin.

I just wanted to make sure that you received the County's notice of the upcoming public hearings related to the County's required adoption of the Gorge 2020 updates approved by the Gorge Commission last year. If not, attached is a copy of the notice that was mailed out on August 11th. If all goes well, I would expect the revisions to be adopted by the Board of Commissioners on November 15, 2021 or soon thereafter, but will not likely go into effect until after the Gorge Commission acknowledges the County's amended ordinance, which likely would not happen until sometime after the first of next year.

Please let me know if you have any questions.

Thanks, Eric

County Community Development Director

601 State Street, Hood River, OR 97031

(541) 387-6840 – Phone

(541) 387-6873 – Fax

eric.walker@co.hood-river.or.us

Aiden Forsi

From: Aiden Forsi
Sent: Wednesday, November 17, 2021 3:36 PM
To: postcanyonfarms@gmail.com
Subject: Plan Amendment request to Gorge Commission
Attachments: 20210826 Letter to Erwin Haglund.pdf

Erwin,

We received your email over the weekend about your request for a Plan Amendment. As we said in our letter to you in late August, the Gorge Commission needs to include staff time for a Plan Amendment in its work plan before we can schedule a pre-application conference. (We have included that letter as an attachment, for reference.) We suggested that you participate in the Gorge Commission meetings when the Commission discusses its work plan, and you did so at the Gorge Commission meeting last week.

The Gorge Commission is scheduled to finalize its 2022 work plan at its December 14, 2021 meeting. We will prepare an update to our staff report on the work plan that will summarize your request to the Commission. We do not know at this point whether the staff report will recommend your plan amendment. We again suggest you provide comment during that part of the meeting. The agenda and meeting materials should be available on our website by December 7. We suggest that you contact Connie Acker by no later than December 9 to ensure that you have the information you need to join the Commission meeting.

Please let us know if you have any questions.

Aiden Forsi (he/him)
Land Use Planner

[Columbia River Gorge Commission](#) | gorgecommission.org

57 Wauna Ave

PO Box 730

White Salmon, WA 98672

t: (509) 493-3323, ext. 225

c: (509) 940-7739

e: aiden.forsi@gorgecommission.org

[Learn more about the Columbia River Gorge National Scenic Area](#)

Aiden Forsi

From: Corina Haglund <postcanyonfarms@gmail.com>
Sent: Thursday, November 18, 2021 10:10 PM
To: Aiden Forsi; Eric Walker; Krystyna Wolniakowski; Jeff Litwak
Subject: Re: Plan Amendment request to Gorge Commission
Attachments: Post Fire District.png; Water District map for Post.png; County address for Post.png; 20210826 Letter to Erwin Haglund.pdf

Hello Mr. Forsi, Mr. Walker, Mr. Litwak, and Ms. Wolniakowski,

The Gorge Commission is refusing to follow the current management plan when it comes to correct zoning for our property in Hood River County. We were not given notification of the Gorge 2020 planned changes until our measure 56 notice from the County this Sept (2021), over the summer we were denied multiple times to participate at both the County and Gorge Commission level (we have a log of dates, times, and content).

Current management plan states

"PUBLIC INVOLVEMENT

The Gorge Commission believes that timely and appropriate public involvement is key to the long-range success of the Scenic Area Act. The purpose of the goals and policies in this chapter is to ensure a formal ongoing public involvement program."

(Please see further detail in the management plan, too long)

The Gorge Commission has targeted my neighbors and I (some of whom live out of state in AZ and AK) without just cause, proper notice, and denied us participation, while at the same time going on the offensive to take away our rights and trying to bury us in partial truths and bureaucratic red tape (like Mr Forsi's letter). We have a long record of trying to reach a reasonable solution with the County (last offer of 63 logged acres out in Dee). We are curious what Ms Wolniakowski employee would say in a deposition regarding why she was trespassing on our property with her friend and dog after we put up almost 30 "No Trespassing" signs and rolls of flagging early this summer (we spoke with them between the two bridges on our place). How would the Gorge Commission defend current incorrect F2 zoning to a jury based on the current management plan requirements? "Shall" means "action mandatory" according to both sets of rules and supersedes the minor Commission rule cited in Mr. Forsis letter, also, we are not asking for a "plan amendment" but rather for the Commission to follow its current "management plan". The Gorge Commission director has the authority to fix this under existing rules.

Current management plan states

"C. Blocks of forest land shall be designated as Small Woodland if they:

(1) Contain lands in the non-industrial ownership class that occur in smaller tracts (predominantly 20 acres or larger), have organized structural fire protection services, are capable of growing 50 cubic feet per acre per year or more of merchantable tree species, and are generally bounded by other lands in the same ownership class or lands devoted to nonforest uses. "

And it is clear that according to the County's current adopted plan (article 75), we are entitled to build on every legal lot (with no strings attached) provided we meet the setbacks.

" (b) On lands designated Small Woodland, one single-family dwelling on a legally created parcel upon the parcel's enrollment in Oregon's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with Sections 300 and 310. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners,

successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Commercial Forest Land, Large or Small Woodland, or Large-Scale or Small-Scale Agriculture."

There are also other aspects to this like Covid and everything associated.

Like we have said before, we are respectfully asking the Commission and Directors to not approve more targeted restrictions on our property this coming summer. We are asking the Gorge Commission to forward our concerns to the Secretary of Ag and we are requesting him not to approve this flawed amendment under these flawed circumstances. We are asking for the Commission to please follow the current management plan and allow us to apply for a replatt and six dwellings under what should be F3 zoning as discussed with Mr. Walker and Mr. Forsi. We also don't understand how our property (seven legal parcels dating back to 1910) can be reduced significantly in value down to one dwelling total without compensation? We heard the Commission has been working on this plan for almost four years? We are requesting that amount of time from the date the County sent out the Measure 56 notice this fall to resolve these issues. We would like to participate in the process. The only reason we have not developed our property yet is the fact that we have been trying to work with public officials to find a community minded solution (they approached us first back in 2015 due to the high recreation value) and we feel betrayed that they have taken the "eminent domain" approach instead of good faith negotiations.

We would also like to request that the Gorge Commission assess "civil penalties" against itself for not following the current management plan and we would like to appeal the current direction of Gorge 2020 in accordance with the current management plan in addition to seeking reimbursement for our rising attorney fees. Mr Forsi has said something along the lines of "it's been like that for a long time" in reference to the current zoning and this experience highlights why individuals have a hard time correcting these types of issues sooner.

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Policies 1. The Gorge Commission shall adopt rules to implement the requirements of the Scenic Area Act related to enforcement after consultation with the Secretary, the counties, and the Indian tribes and only after public hearings."

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Our main concerns were recently brought up at the Nov 9th Gorge Commission meeting (min 9)

<http://www.gorgecommission.org/images/uploads/audio/11.09.21 - E.mp3>

And at the County Commission meeting on Nov 15th

<http://216.110.201.232/rpc/cat/CountyShared/2021%20Recordings/BOC%20Meetings.2021/11.15.2021%20BOC%20Meeting%20Recording.mp4>

(We appreciate the commissions allowing us participation in these later meetings)

(Please see attachments showing our property meets all F3 zoning criteria and none of the F2, except one common to both)

This fight was brought to us out of the blue, we did not go looking for it. Does anyone see a way to resolve these issues without going to Federal Court to enforce the current Management Plan? The Federal Act has power that goes both ways and the Columbia River Gorge Commission continues to be in clear violation.

-Thank you

On Wed, Nov 17, 2021 at 3:35 PM Aiden Forsi <aiden.forsi@gorgecommission.org> wrote:

Erwin,

We received your email over the weekend about your request for a Plan Amendment. As we said in our letter to you in late August, the Gorge Commission needs to include staff time for a Plan Amendment in its work plan before we can schedule a pre-application conference. (We have included that letter as an attachment, for reference.) We suggested that you participate in the Gorge Commission meetings when the Commission discusses its work plan, and you did so at the Gorge Commission meeting last week.

The Gorge Commission is scheduled to finalize its 2022 work plan at its December 14, 2021 meeting. We will prepare an update to our staff report on the work plan that will summarize your request to the Commission. We do not know at this point whether the staff report will recommend your plan amendment. We again suggest you provide comment during that part of the meeting. The agenda and meeting materials should be available on our website by December 7. We suggest that you contact Connie Acker by no later than December 9 to ensure that you have the information you need to join the Commission meeting.

Please let us know if you have any questions.

Aiden Forsi (he/him)

Land Use Planner

[Columbia River Gorge Commission](#) | gorgecommission.org

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White Salmon, WA 98672

t: (509) 493-3323, ext. 225

c: (509) 940-7739

e: aiden.forsi@gorgecommission.org

[Learn more about the Columbia River Gorge National Scenic Area](#)

Aiden Forsi

From: Connie Acker
Sent: Monday, November 22, 2021 8:18 AM
To: Aiden Forsi
Subject: FW: Plan Amendment request to Gorge Commission
Attachments: Post Fire District.png; Water District map for Post.png; County address for Post.png; Hood River zoning.png; 20210826 Letter to Erwin Haglund.pdf

Hey Aiden,

I forwarded this to Krystyna but forgot to copy you as well.

Connie L. Acker

Administrative Analyst
Columbia River Gorge Commission
Cell: 509.774.7263

From: Corina Haglund <postcanyonfarms@gmail.com>
Sent: Friday, November 19, 2021 10:51 PM
To: Connie Acker <connie.acker@gorgecommission.org>; Jeff Litwak <jeff.litwak@gorgecommission.org>
Subject: Fwd: Plan Amendment request to Gorge Commission

Hello Connie (and Jeff),

We would like to request 60 to 90 min of time to speak at the next Commissioner meeting (Dec14th) to discuss items listed below. Can you please send us the time, call number, and any passwords required? We are requesting to apply with Hood River County under F3 rules in accordance with the current management plan before the rules are changed. We have gotten almost no notice and we are requesting this be addressed sooner than later. We are happy to meet with your attorney ahead of time to answer any questions and present information to better inform the Commissioners (pre meeting) in hopes of having a fruitful discussion.

-Thank you

----- Forwarded message -----

From: Corina Haglund <postcanyonfarms@gmail.com>
Date: Thu, Nov 18, 2021 at 10:10 PM
Subject: Re: Plan Amendment request to Gorge Commission
To: Aiden Forsi <aiden.forsi@gorgecommission.org>, Eric Walker <eric.walker@co.hood-river.or.us>, <krystyna.wolniakowski@gorgecommission.org>, <jeff.litwak@gorgecommission.org>

Hello Mr. Forsi, Mr. Walker, Mr. Litwak, and Ms. Wolniakowski,

The Gorge Commission is refusing to follow the current management plan when it comes to correct zoning for our property in Hood River County. We were not given notification of the Gorge 2020 planned changes until our measure 56 notice from the County this Sept (2021), over the summer we were denied multiple times to participate at both the County and Gorge Commission level (we have a log of dates, times, and content).

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Please let us know if you have any questions.

Aiden Forsi (he/him)

Land Use Planner

[Columbia River Gorge Commission](#) | gorgecommission.org

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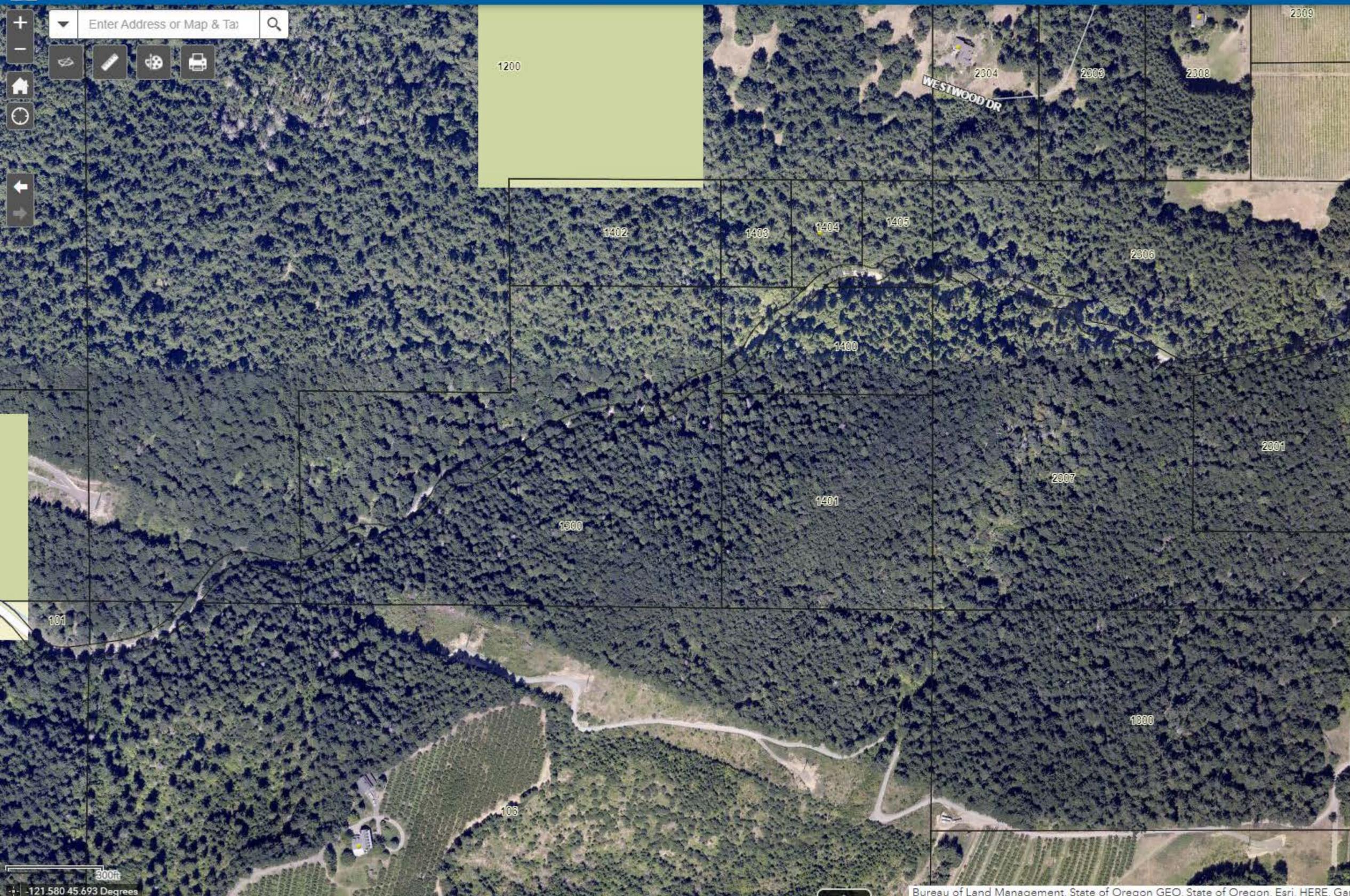
White Salmon, WA 98672

t: (509) 493-3323, ext. 225

c: (509) 940-7739

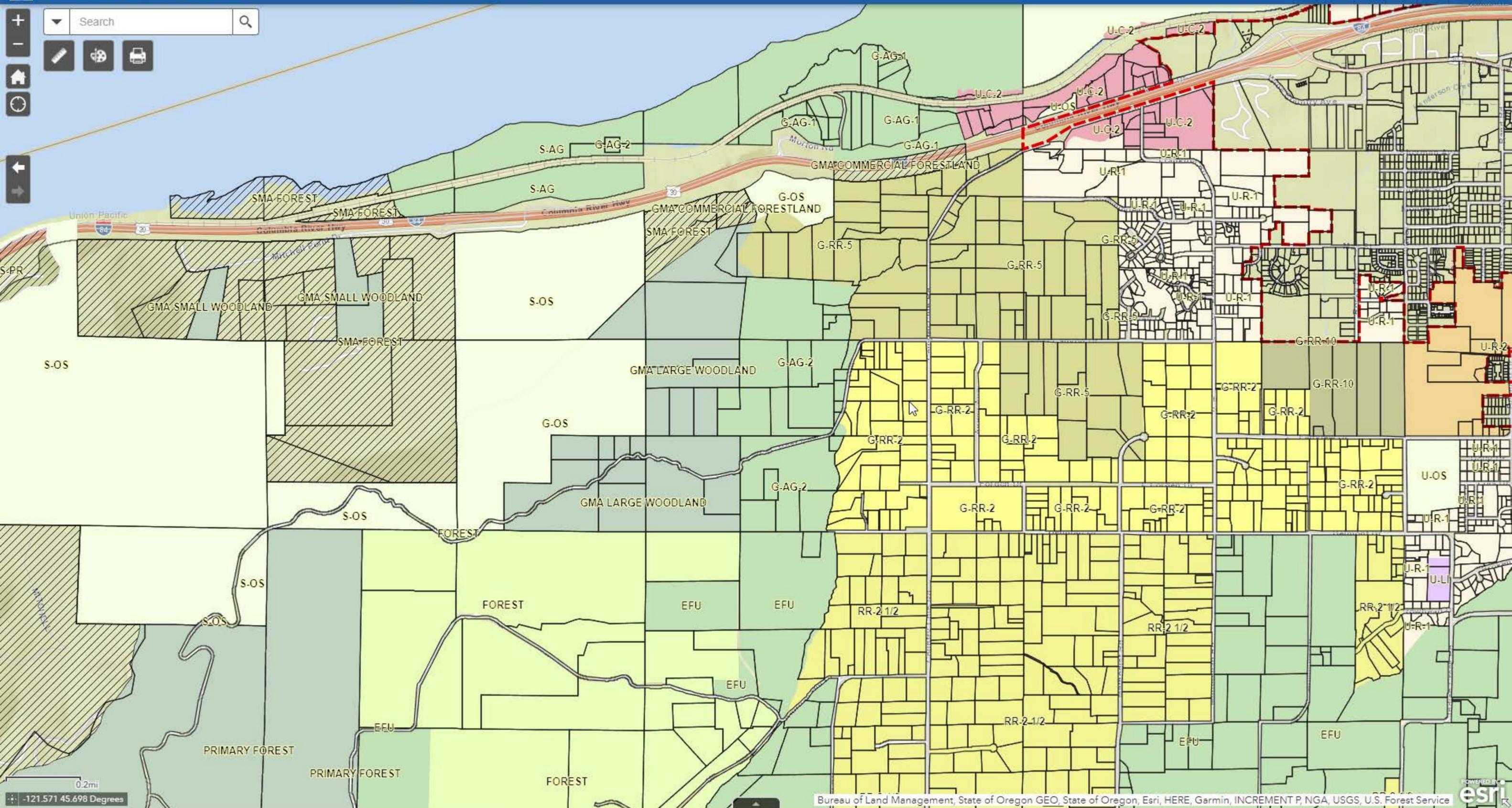
e: aiden.forsi@gorgecommission.org

[Learn more about the Columbia River Gorge National Scenic Area](#)



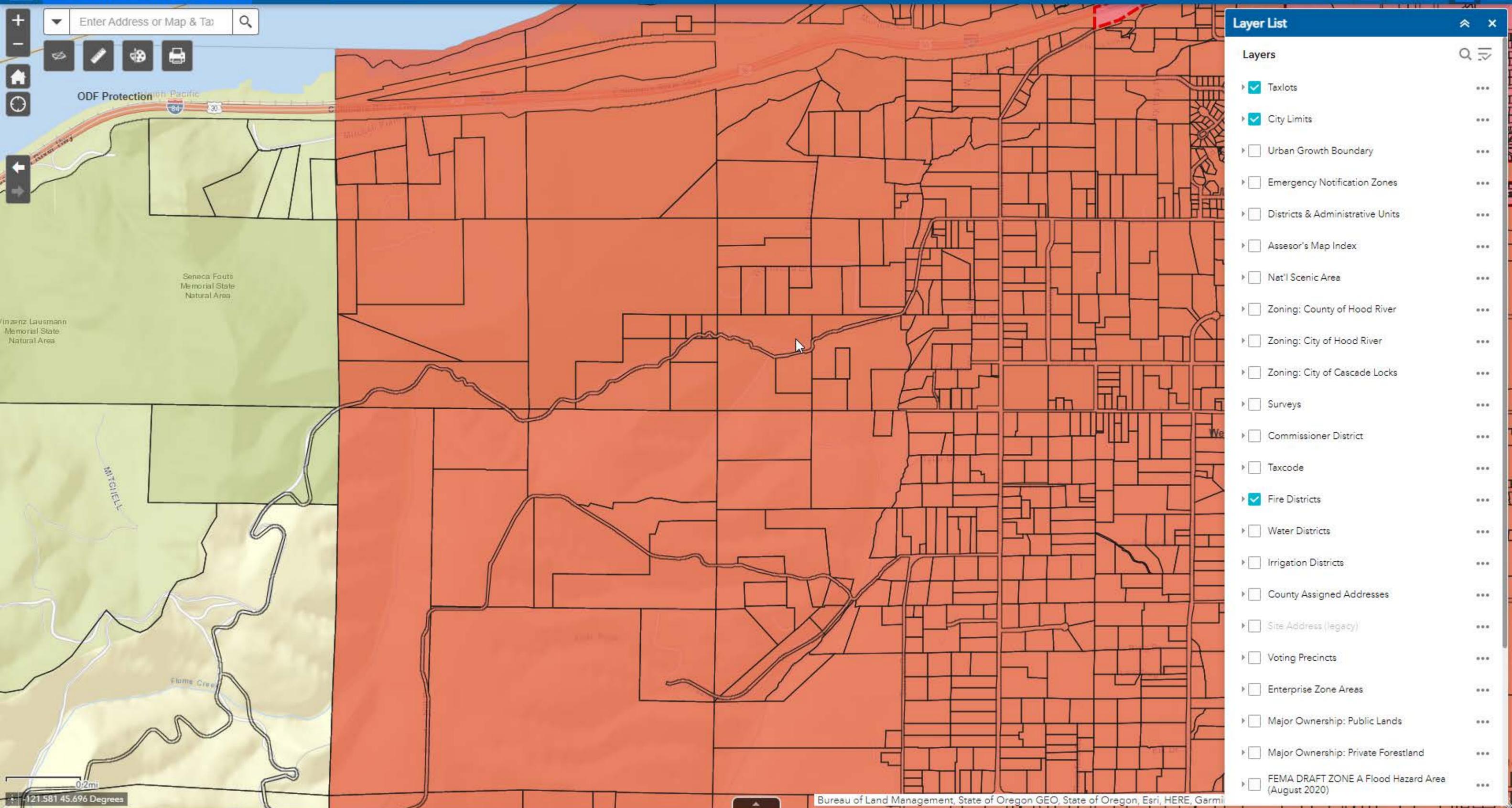
Layer List

- Assessor's Map Index ...
- Nat'l Scenic Area ...
- Zoning: County of Hood River ...
- Zoning: City of Hood River ...
- Zoning: City of Cascade Locks ...
- Surveys ...
- Commissioner District ...
- Taxcode ...
- Fire Districts ...
- Water Districts ...
- Irrigation Districts ...
- County Assigned Addresses ...
- Site Address (legacy) ...
- Voting Precincts ...
- Enterprise Zone Areas ...
- Major Ownership: Public Lands ...
- Major Ownership: Private Forestland ...
- FEMA DRAFT ZONE A Flood Hazard Area (August 2020) ...
- Soils ...
- County Boundary ...
- Building Footprints (Microsoft) ...
- 2020 Aerial Imagery (HRC) ...
- 2018 Aerial Imagery (OSIP) ...
- 2016 Aerial Imagery (HRC) ...



Hood River County WebMap

Comments or Suggestions about this map?



The map displays a detailed view of land parcels in Hood River County, Oregon. The parcels are color-coded in shades of blue and green. A red dashed line highlights a specific parcel in the upper right quadrant. The map includes a search bar at the top left with the text "Enter Address or Map & Ta". Navigation tools such as zoom in (+), zoom out (-), home, and refresh are visible on the left side. A layer list on the right side of the map allows users to toggle various data layers. The map also shows geographical features like the Union Pacific railway and the Seneca Fouts Memorial State Natural Area.

Layer List

- Taxlots
- City Limits
- Urban Growth Boundary
- Emergency Notification Zones
- Districts & Administrative Units
- Assessor's Map Index
- Nat'l Scenic Area
- Zoning: County of Hood River
- Zoning: City of Hood River
- Zoning: City of Cascade Locks
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- County Assigned Addresses
- Site Address (legacy)
- Voting Precincts
- Enterprise Zone Areas
- Major Ownership: Public Lands
- Major Ownership: Private Forestland
- FEMA DRAFT ZONE A Flood Hazard Area (August 2020)



Hood River County Board of Commissioners

Jeff Hecksel, County Administrator

COMMISSIONERS

601 State Street · Hood River, OR 97031 · (541) 386-3970 · FAX (541) 386-9392

Michael Oates – Chair
Karen Joplin – District No. 1
Arthur Babitz – District No. 2
Robert Benton – District No. 3
Les Perkins – District No. 4

November 30, 2021

Columbia River Gorge Commission
c/o Krystyna Wolniakowski, Executive Director
P.O. Box 730
White Salmon, WA 98672

RE: Revised National Scenic Area Ordinance

Dear Ms. Wolniakowski:

The Hood River County Board of Commissioners voted 4 to 1 on November 15, 2021, to amend the County Zoning Ordinance to be consistent with recent revisions to the Columbia River Gorge National Scenic Area Management Plan.

Although the County has fulfilled its legal obligation to revise its National Scenic Area ordinance, the Board remains frustrated with how the Gorge 2020 process was conducted and the Gorge Commission's ongoing disregard for public input received from County residents. As part of the commissioner's deliberations on the ordinance, three primary frustrations were expressed:

- (1) Continued dissatisfaction with how the Gorge Commission ignored the County's suggestions for improving the Management Plan. As part of the Gorge 2020 process, the County sought plan revisions that would help streamline processes, create efficiencies, and eliminate ambiguities wherever possible. No serious consideration of the County's comments was given. As the Board reviewed the draft ordinance and considered the implications of the new rules, the adverse effects of some of these rules on both property owners within the Gorge and our staff became more evident. The Board requests that the Gorge Commission make it a priority to consider adopting the revisions proffered by our Planning staff the next time the Management Plan is amended.
- (2) Concerns about the lack of public notice and involvement in the Gorge 2020 process. Comments were received from landowners who had no idea that the regulations in the National Scenic Area were being amended until after receiving the County's Measure 56 notice. At that point, the public's ability to provide meaningful input was effectively eliminated unless they wanted to see more restrictive standards applied. The Board finds the Gorge Commission's current approach of relying on Gorge counties, at least those on the Oregon side, to inform their landowners of pending plan revisions severely limits public input and undermines participation in the process. For all future plan revisions, the County would request that the Gorge Commission send notice to all property owners in the National Scenic Area so that their comments can be considered by the Gorge Commission before the regulations are actually adopted. Until this happens, accusations of being non-transparent and disinterested in hearing from those who will be most directly impacted by the revisions will continue.

(3) Lack of due consideration for a viable plan amendment proposal. Erwin Haglund and Mark Beardsley, landowners within a 178-acre tract of land located west of Hood River that is zoned Large Woodland (G-F-2), testified to the County Planning Commission and Board that the area in which they own property was incorrectly zoned when the original Management Plan was adopted in 1992¹. Their written testimony included various findings of fact that seem to support their claim. The Board understands that the zoning of property is based on many factors, but given the size and configuration of the parcels involved, surrounding land use pattern, and presence within a rural fire protection district, the area appears more aligned with the designation policies for Small Woodland (G-F-3) found in the Management Plan than those for Large Woodland. For these and other reasons, determining whether the current G-F-2 zoning of this area is correct seems worthy of further investigation.

According to Mr. Haglund, he approached your staff recently about applying for a plan amendment to redesignate the area in which his property is located from G-F-2 to G-F-3, but was told that no plan amendments were being considered now due to limited staff time and funding. He also approached the Gorge Commission during their last meeting requesting a similar proposal. Realizing that your current budget priorities for the next biennium are in the process of being considered, the Board would request that the Gorge Commission allocate time and staff resources to consider Mr. Haglund's plan amendment request.

Thank you for your time and consideration.

Sincerely,

DocuSigned by:

Michael J. Oates

523AEEB29255471...

Michael J. Oates, Chair
Hood River County
Board of Commissioners

cc: Michael Mills, Hood River County Appointee, Gorge Commission (*via email*)
Jeff Hecksel, Administrator, Hood River County (*via email*)
Eric Walker, Director, Hood River County Community Development (*via email*)

¹ According to the Gorge Commission's GIS WebMap, this area is the only place in Hood River County and on the Oregon side of the NSA zoned G-F-2. It is also only one of three areas within the entire National Scenic Area designated and zoned as such. The entire area is comprised of 19 tax lots (9 separate ownership tracts) ranging in size between approximately 1.44 and 24.49 acres. A total of 4 homes currently exists in this area, which abuts other developed properties zoned Rural Residential (G-RR-5) and Small-Scale Agriculture (G-AG-2) to the east and Open Space (G-OS) to the west.

From: [Connie Acker](#)
To: [Aiden Forsi](#); [Joanna Kaiserman](#)
Subject: FW: Plan Amendment request to Gorge Commission
Date: Thursday, December 2, 2021 3:26:12 PM
Attachments: [Post Fire District.png](#)
[Water District map for Post.png](#)
[County address for Post.png](#)
[Hood River zoning.png](#)
[20210826 Letter to Erwin Haglund.pdf](#)

Connie L. Acker

Administrative Analyst
Columbia River Gorge Commission
Cell: 509.774.7263

From: Corina Haglund <postcanyonfarms@gmail.com>
Sent: Thursday, December 2, 2021 3:24 PM
To: Connie Acker <connie.acker@gorgecommission.org>; Jeff Litwak <jeff.litwak@gorgecommission.org>
Cc: Krystyna Wolniakowski <krystyna.wolniakowski@gorgecommission.org>
Subject: Fwd: Plan Amendment request to Gorge Commission

Hello Connie (and Jeff)

I'm not sure your email dated Dec 1, 2021 answers any of the questions below. Can you please send me the walk in hours for the Columbia River Gorge Commission department? Could we please set up an appointment with your attorney and the director to discuss the Hood River County's BOC letter dated Nov 30th 2021? Once again, we are requesting a pre-application conference with the director and 60-90 min to discuss our incorrect zoning at the Dec 14th CRG Commissioner meeting. We are also requesting that the Gorge Commission does not approve the Gorge 2020 plan and we would like Hood River County BOC's, my neighbors, and our concerns passed along to the Secretary of Ag. Can we appeal this now with your department and can you please inform us how to appeal it to the Secretary of Ag? We feel without discussions ahead of time, there won't be enough facts on the table to have an informed discussion. This continued stonewalling is just another example of how the Gorge Commission has been doing business and clearly targets my neighbors and I.

Note from CRGC Staff: We believe that the Dec 1, 2021 email referenced here was the email sent to Commissioners and the public containing the Commission's proposed Land Use Ordinance. Staff did not send an independent email to Mr. Haglund on Dec 1.