



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & GIS

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Columbia River Gorge Commission
c/o Robert Liberty, Chair
P.O. Box 730
White Salmon, WA 98672

RE: Gorge 2020 – Draft Management Plan Revisions

Dear Mr. Chair and Commissioners:

Thank you for the opportunity to provide formal comments on the proposed amendments to the Management Plan for the Columbia River Gorge National Scenic Area (NSA). Hood River County staff recognizes the value in and importance of periodically reviewing and revising the Management Plan and are glad to have been given the opportunity to participate.

Early in the process, Hood River County provided written comments outlining various revisions to the Management Plan that it hoped to see considered for adoption. These prior comments can be boiled down into one primary issue:

“Provide meaningful changes to the Management Plan that will allow for clearer and more efficient implementation, while continuing to protect valued resources and support the economy of Gorge communities.”

This same primary issue remains the focus of Hood River County today. As you will notice in our most current comments below, we continue to look for revisions that streamline processes, improve efficiencies, and eliminate ambiguities wherever possible. Thank you for your consideration.

Introduction:

- Under the Vision of the Columbia Gorge (Page 13), existing language stating that “*urban areas may expand over time, even at some cost to scenic, cultural, natural, or recreation resources*” is proposed to be removed. We feel strongly that this language from the original Management Plan should be retained as it acknowledges that urban area expansions may occur, as opposed to the proposed draft language that seeks to all but eliminate any reasonable growth. The existing language also acknowledges that potential resource impacts may occur because of an urban area expansion. This language does not promote resource impacts, it just simply acknowledges the fact that some impacts may occur.

Scenic Resources:

- The modifications to the building “compatibility” requirement proposed as part of Guideline 2 under Scenic Provisions (Page 36) provide some needed clarity, which is important to ensure greater consistency in how applications are processed throughout the Gorge. However, the new criteria should be modified to allow for exemptions for certain minor buildings. The new proposed criteria *require* the evaluation of the overall scale of at least 10 other buildings, considering a list of various factors, regardless of building size. Although the additional

standards seem appropriate for buildings over a certain size, applying them to small accessory buildings or minor additions to an existing modest sized building is unnecessary. It is recommended that the language be changed to exempt any building under 2,500 square feet in size. Without an exemption, the guideline is forcing a process that is unnecessary for certain sized buildings that most would agree are compatible regardless of the setting in which they are located.

- Under Guideline 2 under Scenic Provisions (Page 36), it also seems reasonable to clarify what compatible means as it relates to the new criteria. For example, if a planner is asked to evaluate at least 10 other buildings and these buildings range in size between 1,400 square feet and 4,700 square feet, with an average size of 2,600 square feet, is a building that is 4,600 square feet compatible? One planner could say “yes” because the building size falls within the range of other buildings within the vicinity. Another planner may say “no” because the building is 2,000 square feet larger than the average. Hood River County has consistently considered buildings falling within the range of other nearby buildings to be deemed compatible, although anomalies are excluded as proposed under GMA Guideline 2, Item D (Page 36). Hood River County would recommend that this interpretation be explicitly noted in the Guideline to ensure greater consistency in how the compatibility standard is applied.
- Existing Guideline 3, under Key Viewing Areas (Page 40) requires consideration of the cumulative effects of proposed development on scenic resources. As part of the County’s initial comments, it was suggested that the Gorge Commission consider developing more objective and measurable standards to address the “cumulative effects” standard, which is highly subjective and often takes a significant amount of staff time to evaluate and implement. The vagueness of this existing standard also provides an easy issue with which to appeal. More focus should be put on parcel density and coverage requirements that are clear and objective and that better measure the overall impacts of development on the landscape than what the current standard provides.
- Guideline 7, under Key Viewing Areas (Page 42) proposes removing the existing variance language concerning buildings located on property that extend into the skyline. We are concerned that this change could result in a potential regulatory taking’s claim if a parcel has no viable alternatives. It is recommended that the existing variance language be retained.
- It may be worth reviewing current FCC regulations (e.g. regarding wireless transmission towers, “small cell” towers, and existing tower collocations) to determine how they may affect the implementation of Guidelines 17 and 18 under Key Viewing Areas (Page 44) concerning new communication facilities.

Signs:

- Existing Guideline 1.F under Signs (Page 65) references the size and number of signs that can be posted within areas designated as Recreational Intensity Class 1 through 4. It is recommended that these standards not apply to projects associated with the Historic Columbia River Highway State Trail. The guidelines from the Historic Columbia River Highway State Trail Wayfinding Signage Plan are recommended to be used instead. For instance, we are concerned that limiting the cumulative size of needed signage in areas designated Recreational Intensity Class 1 and 2 to 50 to 100 square feet, respectively, will be insufficient in certain instances. If the Historic Columbia River Highway State Trail is considered a “recreational facility” as referenced under Guideline 1.G under Signs (Page 65), which seems to provide additional allowances beyond those described under Guideline 1.F., then that should be made more clear.

Recreation Resources:

- Under the Recreation Resources, “Scenic Area Act Provisions” section (Page 157), new language is provided that *“the Act has supported Dam removal efforts to protect and enhance natural resources, which has provided additional recreational opportunities in the Scenic Area.”* After conducting a word search, it is unclear that any

language exists in the Act supporting dam removal. If this is the case, then this statement should be removed as it has much larger implication than just to recreational resources.

- Under Recreation Resources, “Recreation Intensity Class 3” – Item G (Page 177) and “Recreation Intensity Class 4” – Item C (Page 178), new language is proposed regarding facility accommodations for mass transportation (e.g. bus parking, etc.). The new language provides guidelines for “new” recreational sites. It is recommended that the standard be modified to also apply to certain “improvements to existing sites” that would have the potential to increase its overall intensity. For instance, the current segment of the Historic Columbia River Highway State Trail under review includes improvements to Viento State Park, which is designated Recreational Intensity Class 4. County staff expects that this improvement will result in more people visiting the site, especially with the Mitchell Point Tunnel proposed nearby. However, as part of this project review, County staff was unable to give any consideration of requiring bus parking or other facilities for mass transportation because the improvements involved an existing, and not a “new,” recreational site. Some consideration should also be given to require mass transportation facilities for certain existing sites located in other recreational intensity class areas as well. Mitchell Point is a good example, which is designated Recreational Intensity Class 2. As noted, once the new tunnel is completed, significantly more visitors to this existing facility are expected. However, for the reasons stated above, the County was unable to consider reasonable accommodations for mass transportation as part of its recent review given the existing Management Plan language.

Trails and Pathways:

- Existing Policy 7 under Trails and Pathways (Page 169) suggests prohibiting the use of “motorized vehicles on designated public use trails” except by appropriate agencies and emergency personnel. Some clarification should be included concerning “ebikes,” which are technically motorized in most cases. It is recommended that Policy 7 be amended to read: “Use of motorized vehicles on designated public use trails shall be prohibited, except for use by response agencies and their agents in an emergency operator-propelled vehicles, cycles or similar devices (such as electric assisted bicycles as defined in ORS 801.258), emergency service vehicles, authorized maintenance vehicles, and electric powered wheelchairs and scooters for persons with disabilities.”

Land Use Chapters:

- Proposed Guideline 2 under the Agricultural Buffer Zones (Page 207), states that “New buildings adjacent to lands designated Large-Scale or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity.” It is unclear why this buffer would automatically apply if a natural or created vegetation barrier, berm, or terrain barrier exists, which allows a path for a reduced buffer width.
- Guideline 1.G. under Approval Criteria for Fire Protection (Page 231) maintains an existing standard that requires use of fire-resistant roofing materials, including metal. However, under the Scenic Guideline 10 (Page 42), building exteriors must be composed of materials that are non-reflective or with low reflectivity. These standards conflict. It is recommended that Guideline 1.G. be modified to use the term “stone-coated steel or similar” instead of metal.
- Under Review Use 1.H. in the Rural Residential zone (Page 266), it lists “community parks and playgrounds, consistent with the standards of the *National Park and Recreation Society* regarding the need for such facilities. According to prior Gorge Commission staff, this Society is now known as the “National Recreation and Park Association” and they no longer set such standards (the last set of standards were last published in 1995). It is recommended that this provision either be modified to say only “community parks and playgrounds” without reference to other standards or updated to reflect current accepted standards.

- Under Review Use 1.I. in the Rural Residential zone (Page 266), it is recommended that this provision be modified to allow overnight accommodations in any Residential designated area and not just those designated as 5-acre and 10-acre Residential. (*For additional comments related to this issue, see the last bullet on page 4 below.*)
- The existing language under Guideline 1.A. under GMA/SMA Open Space (Pages 314/315), states “Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities...” may be allowed without review. The new language added to the end of this guideline states “This does not include trail or road improvements, including road and trail widening.” There appears to be a contradiction between the existing language that allows the repair and maintenance of trails and roads with the new language that excludes trail and road improvements.
- In March of 2017, Hood River County provided comments requesting that modifications to the Management Plan occur that would allow development reviews to be streamlined by increasing the list of uses that are either allowed outright or subject to an expedited review. No new uses/development types were added to the list of outright allowed uses and only one (*roof mounted solar panels*) was added to the list of expedited review uses (Pages 310-321). We would again suggest that the Gorge Commission consider expanding the list of uses/development types allowed outright or subject to an expedited review, especially for those proposed within the recognized “developed” landscape setting. Within this setting, the potential for significant resource impacts are limited given the nature of the setting. Safeguards included within the expedited review process will ensure that projects not conforming to the resource protection requirements are subject to the standard review process. Most NSA applications that Hood River County review involve property located within the developed setting located immediately west of the Hood River Urban Area. In most instances, development reviews could reasonably occur using the existing expedited review process instead of the standard process, which would help to streamline the review process without compromising protected resources.
- Examples of uses/structures that could be considered eligible as either outright allowed or subject to expedited review (Pages 310-321) include the following:

Outright Allowed:

- Forest fuel treatment/reduction activities.
- Accessory buildings 200 square feet or less. (*The current exemption is 60 sq. ft., while 200 sq. ft. matches current building code exemption.*)
- Collocation of antennas on an existing wireless transmission tower that does not exceed the height of the tower.

Expedited Review:

- Accessory buildings and structures up to 1,500 square feet or less, especially within a recognized “developed landscape setting.”
 - “In kind” building replacements, especially when destroyed or damaged by a disaster.
 - Highway projects occurring within the recognized road prism and conforming to specified standards, such as the I-84 Corridor Strategy Guidelines.
- Guideline 1 under Temporary Use – Hardship Dwelling (Page 344) allows the temporary placement of a mobile home or “dwelling structure” in conjunction with a family hardship. It is assumed that the new term “dwelling structure” would apply to tiny homes on wheels or park-model recreational vehicles, but it is unclear. It is recommended that a new definition be added to the glossary for this new term.
 - Guideline 1.A. under Overnight Accommodations (Page 347) allows overnight accommodation only in areas designated GMA Rural Center, Rural Commercial, and 5-acre and 10-acre Residential. It is unclear why overnight accommodation would not be allowed in areas designated 2-acre Residential as well. The designation of property as 5-acre or 10-acre Residential does not mean that all parcels conform to these acreage minimums, plus the resource impacts of the use will be the same regardless of the minimum parcel size in which the property is

located. For consistency and fairness, it is recommended that overnight accommodations be allowed in all GMA Residential designated areas.

- Guideline 1.A. under Overnight Accommodations (Page 347) limits “room nights” to 90 per year. It is unclear what the term “room nights” means. Does this mean that the dwelling can be used for up to 90 days per year or does it mean that if an owner has three rooms to rent in their house and those rooms are used with each rental that they can only rent their home for 30 days per year? If it is the latter, then it will be nearly impossible to ensure compliance. It is recommended that the standard be changed to simply allow the dwelling to be rented 90 days per year regardless of its size and the number of rooms proposed for rent.
- Guideline 1.C. under Overnight Accommodations (Page 347) is unnecessary since Guideline 1.A. already limits the number of nights the dwelling can be used as an overnight accommodation to up to 90 room nights per year. It is unclear how an overnight accommodation facility located within an existing single-family dwelling that conforms to Guideline 1.A. would not otherwise be incidental and subordinate to the primary use of the dwelling.
- Guideline 1.D. under Overnight Accommodations (Page 347) requires that the dwelling proposed to provide overnight accommodations be the permanent residence of the owner. The term “permanent residence” should be defined in the glossary. Hood River County has applied short term rental standards for a few years and the issue of whether the dwelling is the operator’s “primary residence” or not has been a major point to contention, which resulted in multiple appeals. It was not until the County amended the zoning code language to better define “primary residence,” did this matter get resolved.
- Additional clarity and consideration should be given to Guideline 1.G. under Overnight Accommodations (Page 347). This guideline proposes that an approved overnight accommodation be renewed every two years with a new application. Requiring a full review every two years is inefficient and will result in the unnecessary expenditure of limited staff time and resources to complete.¹ It is suggested that permits for overnight accommodations be allowed to be “renewed” every two years through a ministerial or expedited review, similar to the process used for minor amendment requests. As part of this renewal process, objective criteria can be established to ensure that the facility continues to meet the conditions of their permit and no violations have occurred.
- Guideline 1.H. under Overnight Accommodations (Page 347) is unnecessary since adjacent property owners will already be notified by the County as part of the normal review process.
- Similar to Guideline 1.G. under Overnight Accommodations, Guideline 2.J. under Commercial Events (Page 355) should be modified to allow for a ministerial or expedited review to renew approved commercial event sites instead of a new application, which involves an unnecessary staff review.
- Guideline 2.L. under Commercial Events (Page 356) precludes permit renewal if the allowed commercial event site has a violation or fails to file a yearly report. Does this standard intend to be applied as a permanent ban? It is one thing to revoke a permit and require reapplication, but it seems unnecessary to eliminate an otherwise valid commercial event site due to a minor infraction. It is recommended that the language be modified together with Guideline J to allow a minor renewal process, but a full review in the case of a permit violation. Nonetheless, some language could be provided to permanently ban a facility due to severe or habitual violations.
- Consider modifying Guideline 2.D. under Variances from Setbacks and Buffers (Page 357) as follows:

“The variance shall not be used to permit an addition to a building (including, but limited to decks and stairs), when the addition would be within the setback, except where the building is wholly within the setback, in which

¹ In Hood River County, a standard NSA review typically takes approximately 6 months to complete.

case, the addition may only be permitted on the portion of the building that not further on **not encroach any further into the required setback.**

- Recently, Hood River County and other jurisdictions met to discuss the proposed Hood River-White Salmon Bridge Replacement project. As part of this process, the Port of Hood River and their consultant BergerABAM were attempting to develop a preliminary plan and conduct an environmental assessment in compliance with the National Environmental Policy Act (NEPA). In developing its plan, the Port of Hood River and its consulting team were attempting to understand the NSA guidelines that would apply. It was difficult for staff from the Gorge Commission and Hood River County to clearly define the requirements that would apply to the new bridge. The major question that arose involved whether the visual quality objectives under the Columbia River Bridge Replacement section of the Management Plan (Pages 366-368) were to be applied alone or together with other scenic guidelines found elsewhere in the Management Plan. It was assumed that the standard scenic standards/objective, such as visual subordination, would not apply, but it was not clear. It is, therefore, recommended that language be provided under this section to clarify that the visual quality objectives listed under the Columbia River Bridge replacement section of the Management Plan are the only scenic standards intended to be applied to bridge replacements crossing the Columbia River.

Climate Change:

- Under Policy 1, Framework for Action: Climate Change Adaptation and Mitigation (Page 380), it states that “the Climate Change Action Plan shall include consultation with the four Columbia River treaty fishing tribes and the Forest Service, and shall involve the public.” It is recommended that this Policy be modified to specifically require consultation with the six Gorge counties as well. Any adopted climate change action plan will have the potential to significantly affect Gorge communities and, therefore, consultation with Gorge counties is imperative and should be explicit stated in the policy.
- Under Policy 1, Framework for Action: Climate Change Adaptation and Mitigation (Page 381), a priority to “protect forested lands for carbon storage” is identified, including the consideration of “forest practices policies.” Although the protection of forest land is supported for sustainable forest management, the protection forest land primarily for “carbon storage” is not. Part of Hood River County’s tree farm is located within the NSA and, therefore, the County is very sensitive to any potential policies that might limit ongoing, sustainable forest management activities, as currently allowed.
- Under Policy 1, Framework for Action: Climate Change Adaptation and Mitigation (Page 381), it states that “the Gorge Commission shall prohibit the conversion of forest lands to any use other than agriculture, recreation, and open space.” Does this mean that residential development currently allowed in the Small and Large Woodland zones would no longer be allowed? If so, this represents a significant policy change that would have substantial impacts on affected property owners, who should be notified directly of this policy change.

Economic Development:

- Amended Policy 7 under Economic Development (Page 392) states “*The Gorge Commission shall support the economy of the Gorge communities by encouraging integrating recreation development at appropriate rural locations with adequate infrastructure and by coordinating with appropriate organizations.*” It is unclear who would qualify as an “appropriate organizations.” It would be helpful to amend the Policy further by considering alternative language, such as “... by coordinating with appropriate government agencies, special districts, or other organizations specializing in recreational development.”

Enhancement Strategies:

- Objective 1 under Forest Land Enhancement Strategies (Page 402) is proposed to be amended as follows: “Enhance the ability of forest land to ensure continued productivity and to provide scenic, natural, cultural, recreation, and economic benefits over time.” This additional language should not be added as it could subject forest management practices, especially in the GMA, to additional scenic, natural, cultural, and recreational regulations beyond those currently applicable.

Amendment of the Management Plan

- Under Policy 1, Amendment of the Management Plan (Page 410), the following language is proposed: “*The National Scenic Area Act does not require the Gorge Commission to consider amendments to the Management Plan. The Act does not entitle any person or entity to have the Gorge Commission consider an application to amend the Management Plan.*” Although it is not disputed that the discretion to amend the Management Plan lies with the Gorge Commission, the tone of the new language seems autocratic. The existing language at least provides some guidance under which the Gorge Commission would consider plan amendments, such as “conditions within the Scenic Area” hav(ing) changed significantly.” It is recommended that the existing language be retained.

Urban Area Boundary Revisions:

- Under proposed Policies 4 and 5 of the Revision of Urban Area Boundaries section (Page 415), boundary revisions are tied directly to the Gorge Commission’s budget, which will creates an arbitrary standard that will likely result in inaction given historic budget constraints. The Gorge Commission should consider other alternatives, such as charging a reasonable fee or limiting the number of revision requests it accepts per year. Indefinite delays due to insufficient funding could result in a de facto moratorium on such requests. These Policies also eliminate any reasonable obligation for the Gorge Commission to consider requests to revise UA boundaries.
- The prior draft version of proposed Policy 8 of the Revision of Urban Area Boundaries section (Page 415) included both a “safe harbor” for conducting minor tweaks of its boundaries as suggested under Policy 8(A), but also a path to consider those revisions falling outside the confines of the safe harbor criteria. County staff supported this approach as it provided some level of flexibility. The current language, however, retains only the safe harbor criteria and eliminates any potential path that would allow consideration of proposals falling outside of these narrow criteria. As County staff stated previously, additional options to consider the unique characteristics and needs of the community involved are important to include under this Policy. For instance, there is a 50-acre tract located in the Hood River County that is surrounded by the Hood River Urban Area on two sides that was specifically zoned Rural Residential – 10-acre minimum (G-RR-10) in order to preserve it as a potential “urban reserve” area. The area is situated within one of the few “developed” landscape settings found in the NSA. Instead of zoning the tract as G-RR-2, like other surrounding NSA properties, the County and Gorge Commission agreed to designate the tract with a larger minimum lot size in order to preserve its potential to be developed at an urban density sometime in the future when the city of Hood River outgrows its current boundary. Such unique situations necessitate a certain level of flexibility that the proposed language does not provide.
- If the Gorge Commission chooses to move forward with proposed Policy 8 of the Revision of Urban Area Boundaries section (Page 415), it is suggested that Policy 8(A)(i) be modified to allow Gorge communities to transfer acreage between urban area boundaries. If a no net change in total urban area acreage is desired, then allowing one Gorge community to acquire acreage from another to address its needs, should be allowed for consideration. Hood River County staff sees this option as a viable way of addressing the concern of losing NSA acreage through the minor boundary revision process, while providing the flexibility needed to ensure reasonable accommodations for strategic growth.

- Policy 8(B) of the Revision of Urban Area Boundaries section (Page 416) is redundant with Policy 8(A) and should be removed.
- County staff continues to strongly oppose Policy 10(B) of the Revision of Urban Area Boundaries section (Page 416) as it makes urban area boundary revisions for those communities located near one of the Columbia River bridge crossings contingent upon the availability of land on the other side of the river. As stated in earlier comments, urban area boundaries on the Oregon side of the NSA were initially set to match their urban growth boundaries, which were previously established based on Oregon’s rigorous statewide planning system. Since Washington communities were not bound by similar state requirements, they had more flexibility in determining their boundaries. Most Washington communities wisely chose to create large boundaries to ensure adequate area for future growth. To now mandate that Oregon communities must consider the availability of ample urban area land in Washington before being allowed to revise their own boundaries is excessive and an easy way to arbitrarily preclude boundary revisions from occurring on the Oregon side.
- Added Policy 10(E) of the Revision of Urban Area Boundaries section (Page 417) requires the Gorge Commission to “*consider the consequences of climate change adaptation and generation of greenhouse gases.*” The inclusion of this language will all but ensure that urban area boundaries are not allowed to expand since, by its nature, development within urban areas will inevitably have greater potential adverse impacts on climate change and the generation of greenhouse gases than maintaining it as rural land.
- Proposed Policies 11 and 13 of the Revision of Urban Area Boundaries section (Page 417) would require land annexed into an urban area to continue to be subject to NSA guidelines, which would conflict with Oregon Revised Statute (ORS) 196.109.
- Proposed Policy 14 of the Revision of Urban Area Boundaries section (Page 417) sets policy that would direct development to areas unused, generally unsuitable, and/or not designated for farm, forest, or open space, which is consistent with existing language in the Act. However, the Commission should adopt language that seeks to “minimize the reduction” of such lands instead of allowing “no reduction,” unless the Commission first completes an inventory of viable farm, forest, and open space lands adjacent to existing urban areas to ensure that an appropriate amount of usable lands exists for such boundary revisions. The Gorge Commission could use the process to establish “urban reserve areas” for each urban area to ensure viable growth opportunities.

Public Involvement:

- Under the Public Involvement section of the Management Plan (Page 419), the following amended statement is provided: “*The Gorge Commission believes that timely ~~and appropriate~~ public involvement is key to the long-range success of the National Scenic Area Act. The Gorge Commission strives to provide for and consider a variety of viewpoints in decision making, encourages an informed public, and commits to consult and coordinate with other governmental jurisdictions, including, but not limited to the Forest Service, Indian tribal governments, county boards, city councils, and other local, state and federal agencies.” We would argue that the process being used to evaluate the current Management Plan amendments undercut this policy in some ways. The primary example of this involves the process used to develop the current draft urban area boundary revision policies. Various stakeholders, including the six Gorge counties, were invited to participate and provide input related to the draft policies. These stakeholders were engaged in the process and provided various suggestions to address their concerns. Like any public process, varying opinions were expressed. However, after a series of meetings, the group was abruptly disbanded, and the Gorge Commission limited further input until now. The draft policies currently proposed dismiss many of the concerns raised by Gorge community members who were looking for greater flexibility to consider the unique aspects and needs of the communities involved. Instead, the draft language overwhelming reflects a “no growth” policy agenda and undermines much of the input provided by*

Gorge area stakeholders. The process was neither transparent nor achieved the level of public involvement described in the policy above.

- In Oregon, ORS 215.503 requires that public notices be mailed to all property owners who may be negatively impacted by new zoning regulations. Notices are required to be sent at least 30 days prior to the first public hearing where the new regulations would be considered for adoption. To ensure true transparency in process and public engagement, a similar notice requirement should be considered for adoption by the Gorge Commission.

Cultural Resources – Indian Treaty Rights and Consultation:

- Proposed Guideline 4 under Tribal Government Notice and Comment Period (Page 436) states that, in addition to sending standard written notices (*which occurs already*), counties must make at least two calls or send at least two electronic communications offering to meet or consult with the tribal government chair, chief administrative officers, and natural and cultural resource staff prior to making a decision. Proper notice to tribal governments is important for transparency and to ensure they are made aware of projects that may affect important cultural resources. The new notice policy, though, establishes another layer of notice that seems unnecessary in every instance. It will extend the review process and place additional demands on staff reviewers. Instead, it would be preferred that the guideline be modified to require county staff to contact tribal government officials to determine the exact person(s) they would like to be notified and the preferred method of notice. If the tribal government is interested or has concerns about a particular application, they can then contact the staff reviewer and request consultation, as described under Guideline 6.

Natural Resources:

- If 30 days are given to tribal governments to provide written comments related to an application, then it would be recommended that the Oregon and Washington Departments of Fish and Wildlife, Oregon Biodiversity Information Center, and Washington Natural Heritage Program also be given the same amount of review time. From a staff reviewer's perspective, if 30 days is being given to one entity, then it should be given all entities. It eliminates the need for planners having to remember various dates for different agencies, plus it will not change the overall review time.

Glossary:

- Under the Glossary section of the Management Plan (Page 465 & 472), the definitions of "accessory building" and "dwelling unit" should be modified to clarify the level of residential improvements that can be allowed within such buildings. For instance, under the modified definition of "dwelling unit," it states that such use includes "a self-contained unit with basic facility needs for day-to-day living." It goes on to say that "Facility needs may include a food preparation area or kitchen, bedrooms, and a full bathroom." The existing language explicitly limits a dwelling to one cooking area or kitchen. The new language does say "a" kitchen, which implies one, but it also references "a" full bathroom. I assume it would not be the Gorge Commission's intent to limit one full bathroom per dwelling unit. If that is the case, then is it your intention to really limit a dwelling unit to one kitchen? To correct this issue, it is recommended that the second sentence in the dwelling unit definition be modified to read: "Facility needs may include a one food preparation area or kitchen and at least one bedrooms and a full bathroom."

Based on the new modified definition of dwelling unit, it also implies that a building containing a bedroom and full bathroom is not to be considered a dwelling unit since it does not also contain a kitchen. If not a dwelling unit, then it must be considered an "accessory building." Planners are regularly presented with plans for detached accessory buildings that contain one or more bedrooms, full bathrooms, laundry facilities, central heating systems, wet bars with counter high outlets and full-sized refrigerators, and other residential type improvements. Besides a kitchen, the building contains most amenities found in a dwelling. We would refer to such buildings as "guest

quarters” or “accessory dwelling units (ADUs).” If guest quarters and ADUs are intended to be allowed, then the Management Plan should explicitly say so. If not, then the Management Plan should be modified to minimize or prevent such amenities from occurring within detached accessory buildings. Regardless of how it is defined, just having clearer direction will give property owners and staff greater certainty when applying for or reviewing such structures.

Other:

As referenced earlier, County staff provided comments to the Gorge Commission regarding the 2020 Management Plan review process in March of 2017. Five key issues (*listed below*) were identified as priorities of Hood River County. Within these broad categories, various specific suggestions were given to improve upon existing Management Plan policies, regulations, and procedures. Here is a summary of the priorities identified at the time, which remain important to Hood River County and should be given additional consideration, as the current draft does not address them as much as we would like or not at all:

1. Establish Ability to Expand Urban Area Boundaries:

As stated earlier, Hood River County’s requests concerning the process and criteria used to expand urban area boundaries have not been taken into consideration as part of the current draft language. Given the significant and long-term ramifications of the proposed urban area boundary revision policies on the future growth and economic viability of Gorge communities, further modifications are needed to ensure additional clarity in process and more flexibility in how these important rules are applied. In their current form, the proposed policies seem to provide an unattainable path for Gorge communities to successfully navigate. Without significantly reworking current proposed policies, Gorge communities may be better served by leaving existing policies unchanged.

2. Streamline Development Review:

As the Gorge Commission is aware, Hood River County is and has been struggling with budget constraints for years, which has resulted in an understaffed department. Hood River County is not alone. Most of the changes identified by County staff in 2017 were suggested with the hope that reasonable modifications to the Management Plan could be made to relieve the heavy burdens that come with its implementation. The magnitude and complexity of the current Plan is highly burdensome on both permit applicants and staff reviewers. Many existing and proposed standards are so complex and specialized that it becomes nearly impossible for planners to clearly advise prospective applicants as to what the requirements means or how to appropriately address them. In the most extreme cases, applicants are required to hire an architect, engineer, archaeologist, nature resource specialist, and, in some cases, an attorney or land use consultant just to make application. This is even before they know if the use proposed can be approved. Review processes and review times are not sustainable. Many of the changes proposed in the draft Plan neither improve efficiencies nor streamline development reviews; just the opposite in some instances. More ambiguities and less certainty are real effects of some of the current draft Plan changes. As suggested previously, the Gorge Commission should consider the following:

- Expand the list of uses that are allowed outright or that qualify for an expedited review, especially in qualifying “developed settings.”
- Develop more objective, measurable standards to eliminate subjectivity and undue analysis. Two examples that were provided earlier, included the “cumulative effects” standard, which is so broad and nebulous that it is nearly impossible to apply, and the “compatibility” standards that mandates a building size analysis even in situations where it is unnecessary.

3. Recognize and Create Allowances for Emerging Uses, Industries and Agricultural Practices:

Some consideration of emerging uses was given in the amended Management Plan, which is appreciated. Additional consideration though should be given to allow cideries in agricultural zones on a commercial orchard when certain standards are met. The use is like a winery and the potential impacts should be comparable.

It is also suggested that some reasonable discretion and/or clear path be provided to consider uses that are not explicitly listed in the Management Plan, but are deemed through a review to be consistent with other allowed uses that are. Adding a general provision that gives the Gorge Commission and counties some discretion to evaluate “similar uses” under the “review uses with addition criteria” section in each zone seems reasonable. By doing so, it would allow a use to be reviewed like a condition use permit, in which additional discretion can be applied to ensure that it is truly similar and would not result in additional adverse impacts.

4. Improve Guidelines Applicable to the Historic Columbia River Highway (HCRH) and I-84:

Over the years, Hood River County has processed numerous applications involving the expansion of the HCRH State Trail and improvements along I-84. Many of these application reviews end up being quite extensive and overly complicated. Staff reports between 30-90 pages are common and reviews take months to complete. In addition to the Management Plan (*and associated ordinances adopted by each Gorge county*), there are also other documents that guide road/highway related improvement but not formally approved by the Gorge Commission. Such documents include the I-84 Corridor Strategy Guidelines, Historic Highway State Trail Design Guidelines, and the Historic Columbia River Highway Master Plan Guidelines. Currently, it is assumed by ODOT that these guidelines are to be used in evaluating highway and trail related projects. It is recommended that these various guidelines be formally evaluated and adopted into the Management Plan. The Gorge Commission should also consider making all (*or at least most*) highway related projects, especially those occurring within the developed road prism or some distance from the centerline of the highway as either an allowed use or expedited review as long as the adopted guidelines are followed. At the very least, such highway projects should be considered exempt from certain resource standards. For example, the last constructed segment of the HCRH State Trail involved extensive development and structures, including the Lindsey Creek Bench Cut and Summit Creek Viaduct. Both structures are very prominent in the landscape and highly visible from multiple key viewing areas. Instead of having to spend a significant amount of time trying to argue that these structures conform to existing scenic resource guidelines, which they could never meet, the Gorge Commission should create more streamlined standards that would apply instead; similar to what was created for future replacement of bridges crossing the Columbia River.

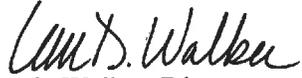
5. Other Considerations to Improve Implementation of the Management Plan:

A general list of other plan improvements was also suggested, ranging from ensuring greater review consistency to requiring land use appeals to only be heard in the state in which the application originated. For the most part, these suggestions were made in support of Hood River County’s overall goals of providing greater certainty, clarity, and flexibility in the process and standards being applied. Applicants and local jurisdictions are getting bogged down by unnecessary and unyielding and, in many cases, unnecessary requirements and processes. As stated earlier, the current review system and complexity of many existing and proposed regulations are becoming more and more unsustainable.

Please note that a copy of this letter has been presented to the Hood River County Board of Commissioners, who was in full support of our department’s earlier comments and who expressed their continued support as recent as June 1, 2020 when they met to discuss the draft urban area boundary revisions policies.

Thank you again for your time and consideration. Although some of our comments may be perceived as being critical, we support the meaningful work that you do. You have an impossible task of trying to address all issues and please all sides. That is not overlooked. I would also like to go on record in support of your staff. They are all outstanding representatives of the Gorge Commission and good stewards of the Act. They are effective public servants and we value the service and support that they provide.

Sincerely,

Handwritten signature of Eric Walker in cursive script.

Eric Walker, Director

Hood River County Community Development

cc: Michael Mills, Hood River County Appointee, Gorge Commission (*via email*)
Krystyna Wolniakowski, Executive Director, Gorge Commission (*via email*)
Mike Oates, Chairman, Hood River County Board of Commissioners (*via email*)
Jeff Hecksel, Administrator, Hood River County (*via email*)