

Topic: Accessory Dwellings

Background

The Commission is concerned that accessory buildings are being used as dwellings or accessory dwellings units (ADUs), which the Management Plan does not currently allow. The Plan has guidelines for allowable square footage for accessory buildings, either 1,500 or 2,500 combined total square footage for all accessory buildings on a parcel, depending on the size of the parcel. The Plan does not permit occupancy in accessory buildings as dwellings or ADUs. These standards are clear and enforceable. The Plan also has standards for dwellings, usually one single family dwelling per parcel, (except for unique circumstances including hardship dwellings, life estates, a dwelling for farm operator's relative, agricultural labor housing, or duplexes in Rural Center land use designations). The Commission does not have a definition for an accessory dwelling unit, but the Commission does have a definition for dwelling unit: "A single unit designed for occupancy by one family and having not more than one cooking area or kitchen." Because the Commission only typically allows one dwelling per parcel, ADUs are not allowed because they typically require and request a kitchen or cooking area. Staff has interpreted this rule, specifically in Klickitat County, to mean an accessory building is not an ADU if it does not include a "cooking area." A cooking area has been interpreted to mean a range or stove typically but can also include a refrigerator or sink depending on the situation. (For example, a bar sink and mini fridge in combination has not been interpreted to be a cooking area). Multiple counties – including Klickitat and Skamania in 2018 – have adopted ordinances addressing ADUs and allowing them in most county land use designations. The county ordinances typically have size requirements for ADUs and require the ADUs to be within a certain proximity to the primarily dwelling.

Suggestions we've heard from scoping comments

- Create allowances and standards for:
 - Short-Term Rentals (STRs)
 - Guest quarters
- Explicitly address Accessory Dwelling Units (ADUs).
- Consider allowing other types of structures than just manufactured dwellings as "temporary hardship residences." Such structures could include RVs or the use of an existing building. At the same time, consider limiting the size of manufactured homes to singlewides or small doublewides only to minimize costs and encourage their removal when no longer needed.
- Accessory Buildings:
 - Clarify whether or not full bathrooms (with shower/bathing facilities) should be allowed within an accessory building.
 - Clarify whether or not guest quarters should be allowed within an accessory building.

Definitions in the Management Plan

Accessory structure/building: A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use. The term “detached” means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.

Bed and breakfast inn: An establishment located in a structure designed as a single-family dwelling where more than two rooms but fewer than six rooms are rented on a daily basis. Bed and breakfast inns are clearly incidental to the use of a structure as a single-family dwelling and are owner occupied and operated. Bed and breakfast inns operate as transient accommodations, not as rooming or boarding houses.

Camping or recreational vehicle: A vacation trailer, camper, self-propelled vehicle, or structure equipped with wheels for highway use that is intended for recreational purposes, but not for residential purposes, and is equipped with plumbing, sink, or toilet. A camping or recreational vehicle shall be considered a dwelling unit if it is connected to a sewer system (including septic tank), water, and electrical lines or is occupied on the same parcel for more than 60 days in any consecutive 12-month period.

Dwelling, single-family: A detached building containing one dwelling unit and designed for occupancy by one family only.

Dwelling unit: A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

Travelers accommodations: Any establishment having rooms rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental use or use of facilities.

Allowances for commercial uses of accessory buildings in the Management Plan

“New commercial uses must be planned to protect the resources identified in the Scenic Area Act. Maintaining commercial uses to a rural scale helps to serve the rural communities without competing with Urban Areas. Home occupations, cottage industries, and bed and breakfast inns associated with residential use are other uses that can help the rural economy without placing many demands on rural services.

On lands designated Commercial, single-family dwellings and uses that cater to the traveling or visiting public shall be allowed. Home occupations and cottage industries may be allowed in other designations if they are determined to be compatible with the surrounding area. Policies are also provided that allow bed and breakfast inns outside the Rural Center and Commercial designations in 5-acre Residential and 10-acre Residential designations and in historic dwellings in other areas. GMA guidelines also establish approval criteria to ensure that uses are rural in scale and compatible with surrounding areas.”

(From Chapter 5: Commercial Land, of the Management Plan)

HOME OCCUPATIONS AND COTTAGE INDUSTRIES

GMA/SMA Policy

1. Small-scale cottage industries or commercial use associated with residential use shall be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.

GMA/SMA Guidelines

1. Home occupations and cottage industries may be established as authorized in specified land use designations consistent with the following conditions:

- A. A home occupation may employ only residents of the home.
- B. A cottage industry may employ up to three outside employees.
- C. No more than 25 percent of the total actual living space of the dwelling may be used for the home occupation or cottage industry.
- D. No more than 500 square feet of an accessory structure may be used for a home occupation or cottage industry.
- E. There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- F. Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.
- G. No retail sales may occur on the premises, except incidental sales at lodging establishments authorized in this chapter.
- H. One non-animated, non-illuminated sign, not exceeding 2 square feet in area, may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.
- I. Parking not associated with residential use shall be screened so it is not visible from key viewing areas.
- J. A bed and breakfast lodging establishment that is two bedrooms or less is considered a home occupation and shall meet the guidelines for "Bed and Breakfast Inns," below, except for Policy 3.

BED AND BREAKFAST INNS

GMA/SMA Policies

1. Bed and breakfast inns associated with residential use shall be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.

2. Bed and breakfast inns shall remain rural in character and scale and distinct from motels or restaurants, which can locate in Urban Areas.

3. In the SMA, bed and breakfast inns associated with residential use shall be allowed only in structures that are included in, or eligible for inclusion in, the National Register of Historic Places.

GMA/SMA Guidelines

1. Bed and breakfast inns may be established as authorized in specified land use designations, consistent with the following conditions:

- A. Guests may not occupy a facility for more than 14 consecutive days.
- B. One non-animated, non-illuminated sign, not exceeding 4 square feet in area, may be permitted on the structure or within the yard containing the structure.
- C. Parking areas shall be screened so they are not visible from key viewing areas.

Non-commercial uses of accessory dwellings

TEMPORARY USE--HARDSHIP DWELLING

GMA/SMA Guidelines

1. A permit for the temporary placement of a mobile home may be granted under the following circumstances:
 - A. A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.
 - B. The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.
 - C. The hardship dwelling is found to be consistent with the guidelines for protection of scenic, cultural, natural, and recreation resources.
2. A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.
3. Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.
4. A new permit may be granted upon a finding that a family hardship continues to exist.

Discussion questions

- Are the guidelines for hardship dwellings in the Plan sufficient? What modifications, if any, could aid a landowner who is experiencing a hardship?
- Should the Commission consider allowing accessory buildings to be used as dwellings? What are the reasons why or why not?
- Do you think that allowing Accessory Dwelling Units and Short-Term Rentals in the National Scenic Area would help provide more affordable housing?

Topic: Agriculture-based Tourism Facilities and Events

Background

Since the Plan was last updated, the interest and popularity of hosting commercial activities on agricultural land has increased. Commercial events are allowed in the General Management Areas of the National Scenic Area except on lands designated Open Space, Commercial Forest, or Agriculture-Special, in conjunction with a lawful winery, wine sales/tasting room, bed and breakfast inn, commercial use or dwelling listed in the National Register of Historic Places. The Plan defines commercial events as “weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel.” Temporary structures are allowed for commercial events if they are placed no more than two days before the event and removed no more than two days after, or up to 90 days if fully screened from KVAs. County planners have asked whether a temporary or special event, such as a festival, would be considered a commercial or a private event. Having more clear and objective guidelines about commercial uses would help planners implement these guidelines more consistently.

Suggestions we’ve heard from scoping comments

- Address new economic uses including value-added ag, cideries, commercial events
- Create allowances and standards for:
 - Farm stands
 - Agritourism
 - Concerts/events/festivals
 - Weddings
- Expand winery uses to allow for similar development, including cideries, and clarify the intent for distilleries, farm stands, concerts, food sales, commercial “farm” dinners, weddings, winery hiking trails (“wiking”), bike tours and races that stop at these locations, and other events.

Definitions in the Management Plan

Commercial development/use: Any facility or use of land or water whose function is primarily retail buying or selling of goods or services or both. This does not include fruit or produce stands.

Winery: An agricultural facility used for processing grapes into wine, including laboratories, processing areas, offices, and storage areas. A winery is distinct from a wine sales/tasting room; each of these uses must be explicitly reviewed and approved.

Wine sales/tasting room: A facility that is accessory to a winery and used for tasting and retail sales of wine, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine sales/tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events, unless allowed, reviewed and approved under the “Commercial Events” provisions in Part II, Chapter 7: General Policies and Guidelines of this Management Plan. A wine sales/tasting room is distinct from a winery; each of these uses must be explicitly reviewed and approved.

COMMERCIAL EVENTS

GMA Guidelines

1. Commercial events include weddings, receptions, parties and other small-scale gatherings that are incidental and subordinate to the primary use on a parcel.
2. Commercial events may be allowed in the GMA except on lands designated Open Space, Commercial Forest, or Agriculture-Special, subject to compliance with the following conditions and the scenic, cultural, natural and recreation resources guidelines:
 - A. The use must be in conjunction with a lawful winery, wine sales / tasting room, bed and breakfast inn, or commercial use. If the use is proposed on a property with a building on or eligible for the National Register of Historic Places, it shall be subject to the guidelines in "Special Uses in Historic Buildings" (Part II, Chapter 7: General Policies and Guidelines), and not the guidelines of this section.
 - B. The owner of the subject parcel shall live on the parcel and shall operate and manage the use.
 - C. A single commercial event shall host no more than 100 guests.
 - D. The use shall comply with the following parking requirements:
 - (1) A single commercial event shall include no more than 50 vehicles for guests.
 - (2) All parking shall occur on the subject parcel.
 - (3) At least 200 square feet of parking space shall be required for each vehicle.
 - (4) Parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other imperious materials shall be prohibited.
 - (5) All parking areas shall be fully screened from key viewing areas.
 - E. The owner of the subject parcel may conduct 18 single events up to one day in length per year.
 - F. The owner of the subject parcel shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
 - G. Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to 90 days if they are fully screened from key viewing areas.
 - H. The use may be allowed upon demonstration that the following conditions exist to protect any nearby agricultural and forest operations:
 - (1) The use would not force a change in or increase the cost of accepted agricultural practices on surrounding lands [GMA Guideline 1.Q(1), Review Uses, Part II, Chapter 1: Agricultural Land].
 - (2) The use would be set back from any abutting parcel designated LargeScale or Small-Scale Agriculture, as required "Agricultural Buffer Zones," or designated Commercial Forest Land or Large or Small Woodland, as required in the "Siting of Dwellings on Forest Land." [Guideline 1.Q(3), Review Uses, Part II, Chapter 1: Agricultural Land].
 - (3) A declaration has been 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 agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland [GMA Guideline 1.Q(4), Review Uses, Part II, Chapter 1: Agricultural Land].
 - (4) All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that is within 500 feet of the perimeter of the subject parcel on which the use is proposed to be located have been notified and given at least 10 days to

comment prior to a decision. [GMA Guideline 1.Q(5), Review Uses, Part II, Chapter 1: Agricultural Land].

I. Counties may impose additional requirements to address potential impacts to surrounding neighbors. For example, they may limit noise, lighting and operating hours.

J. Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.

Discussion questions

- Are there commercial events or activities that should be permitted that aren't currently addressed in the Plan?
- How are the current rules hindering agricultural land owners and producers from generating income from commercial uses of their land?
- What are the benefits/drawbacks of agriculture-based tourism, events and commercial facilities on agricultural land use designations?

Topic: Residential Solar and Wind Power Generation

Background

Commission staff and county planners review solar panels for residential use as an addition if attached to a dwelling and as a structure if detached from a dwelling. In both the GMA and SMA, wind machines for frost control in conjunction with agricultural use are allowed outright. Staff acknowledges the recent rise in the use of wind and solar energy in the NSA and anticipates an increased popularity of these uses in the future as energy generation is moving more towards renewable sources. Having clear and objective standards in the Plan specifically for solar panels and wind turbines would clarify the Commission's approach to these uses and facilitate consistent implementation of standards throughout the NSA.

Suggestions we've heard from scoping comments

- Allow roof mounted solar panels that are black with black frames, and not encased in glass, to be allowed without a Scenic Area permit.
- Allow black, low-reflective solar panels on rooftops without review or expedited review.
- Promote small-scale residential renewable energy, consistent with all the resource protection guidelines in the Management Plan.

Discussion questions

- What does it mean to incentivize renewable energy, while protecting the SNCRs?
- Should it be acceptable to see renewable energy structures as part of the scenic character of the gorge in some landscape settings?
- How prescriptive should the rules be about the design and size of these developments?

Topic: Wineries and Tasting Rooms Guidelines

Background

The issues for this topic are two-fold: First, the Management Plan currently only has language pertaining to wineries, and does not mention similar uses such as cideries. The other issue is concern over the current rules allowing vineyards, wineries and tasting rooms. The Management Plan allows wineries in certain land use designations in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region. There is some concern that the current rules make it too easy to establish a winery and tasting room, and that the term “local region” is too vague. There are also concerns about the environmental impacts of an increasing popularity of vineyard development in the National Scenic Area.

Suggestions we’ve heard from scoping comments

- Explicitly address vineyards (what’s the vision? unique resource impacts, waste water disposal), determine how inclusive to be of cideries and distilleries or other similar uses, including allowing commercial events and commercial uses.
- Consider providing provisions, similar to wineries, which allow cideries to be developed in the Large Scale and Small Scale Agricultural zones when provided in conjunction with on onsite orchard.

Definitions in the Management Plan

Winery: An agricultural facility used for processing grapes into wine, including laboratories, processing areas, offices, and storage areas. A winery is distinct from a wine sales/tasting room; each of these uses must be explicitly reviewed and approved.

Wine sales/tasting room: A facility that is accessory to a winery and used for tasting and retail sales of wine, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine sales/tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events, unless allowed, reviewed and approved under the “Commercial Events” provisions in Part II, Chapter 7: General Policies and Guidelines of this Management Plan. A wine sales/tasting room is distinct from a winery; each of these uses must be explicitly reviewed and approved.

Discussion questions

- Are there any drawbacks to changing or expanding the definition of wineries and tasting rooms to include cideries and/or distilleries?
- How could vineyards and wineries in the Gorge be better managed?
- How could “local region” be better defined to ensure that local wineries are only producing wine made with grapes grown in the area? What is “local” enough?”