



PLANNING DEPARTMENT

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Pioneering pathways to prosperity.

June 30, 2020

Columbia River Gorge Commissioners and Staff
Columbia River Gorge Commission
PO Box 730

White Salmon, WA 98672

(Sent by email to Gorge2020@gorgecommission.org, connie.acker@gorgecommission.org, and krystyna.wolniakowski@gorgecommission.org)

Subject: Gorge 2020 Draft Management Plan Comments

Greetings Commissioners,

Thank you for the opportunity to provide feedback on the final draft revisions of the Management Plan for the National Scenic Area. Wasco County leadership and staff have been very involved throughout this process attending meetings, participating as stakeholders in advisory teams, and contributing feedback along the way where appropriate.

Our 2017 letter provided to assist in project scoping by identifying County needs and goals and more recent memo to DLCD expressing concerns regarding inherent conflicts and inconsistencies between the proposed revisions and Oregon Statewide Land Use Planning Goals are attached. Many of our other comments provided throughout the duration of the Gorge 2020 process are also attached. The needs and concerns expressed in these letters provide the lens in which this letter was prepared.

The Wasco County Planning Department has consistently requested clarity, efficiency, and public engagement. Although we appreciate the efforts of your staff and the time that has been dedicated to this work, we are concerned with the lack of landowner engagement, removal of references to residents, and the added barriers for future development inside and outside of designated urban areas.

It is the mixture of private and public lands spanning multiple jurisdictions that makes the regulations Scenic Area unique, necessitating a regional approach recognized by Congress and the states of Oregon and Washington. It is assumed by resulting statute however, that the Commission's unique approach will also achieve the intent of the statewide programs; ORS 196.107(3) states:

... If the Land Conservation and Development Commission receives a petition from the director [of DLCD], the Land Conservation and Development Commission shall decertify the management plan within 120 days, if it determines that any part of the management plan does not achieve on balance the purposes of the statewide planning goals adopted pursuant to ORS 197.230 ...

Oregon Statewide Planning Goals 1 and 2 are Citizen Involvement and Land Use Planning. We wholeheartedly agree that resource protection is important and must be maintained, but the Gorge Commission cannot be “the DLCD of the Gorge” for resource protection and at the same time shirk their responsibilities and obligations to meaningfully engage the residents of the Gorge.

The remainder of this letter includes overarching observations and proposed revisions to specific language included in the June 1, 2020 draft. I appreciate your earnest review of our suggestions and attempt to address them prior to adoption of any revisions.

Sincerely,



Angie Brewer, AICP
Planning Director

Attachments:

- (1) June 30, 2020 letter from Port of The Dalles to Gorge Commission
- (2) June 25, 2020 oral comments by Angie Brewer to Gorge Commission
- (3) June 24, 2020 memo from Wasco County to DLCD
- (4) March 8, 2017 letter from Wasco County to Gorge Commission
- (5) October 12, 2017 memo and presentation to the Gorge Commission
- (6) May 7, 2018 memo from Wasco County to Gorge Commission
- (7) September 10, 2019 letter from Wasco County to Gorge Commission
- (8) January 2, 2020 letter from Wasco County to Gorge Commission
- (9) May 12, 2020 letter from Wasco County to Gorge Commission
- (10) May 21, 2020 letter to Governor Kate Brown
- (11) May 22, 2020 Joint letter to Gorge Commission

CC (by email):

Rodger Nichols, Wasco County Appointed Gorge Commissioner
Scott Hege, Chair Wasco County Board of Commissioners
Tyler Stone, Wasco County Chief Administrative Officer
Rich Mays, Mayor of The Dalles
Julie Krueger, The Dalles City Manager
Steve Harris, The Dalles Community Development Director
Arlene Burns, Mayor of Mosier
Colleen Coleman, Mosier City Manager
Nick Kraemer, Mosier City Planner

Summarized Observations:

Outdated population metric references of 55,000 should be updated rather than removed. We appreciate the limitations of Census data for the geographic area specific to the Gorge, but there are other ways to provide an updated number that more accurately reflects our regional community. For example the 2016 Columbia Gorge Regional Community Health Assessment¹, tabulated the population of their Columbia Gorge Region as 84,234. Their report identifies a seven county region. However, if you exclude Goldendale (~3,500), Sherman County (~ 1,700), Wheeler County (~1,370), and Gilliam County (~1,900) from their counts, that still leaves the Gorge at approximately 75,764, not including portions Washougal (~16,000) in Clark county or the community of Corbett (~3,000) in Multnomah county populations. This informal calculation of change from 55,000 to 75,000 residents indicates an approximately 36% increase in population since 1991. Most regions do not experience growth of this scale and impacts to resources and communities are evident. More accurate numbers can and should be calculated; please work with Portland State University's Population Forecast Program to update this number to ensure the Gorge Commission and implementing agencies have accurate context with which to develop and implement their plans. Assuming stagnant population numbers is not factual and prevents fact based decision making in the land use planning process.

Formatting inconsistencies throughout the draft made it exceptionally difficult to verify proposed changes. There are several locations in which text has been removed and are not shown as "strikes", and new text has been added that are not shown as "underlines". Examples are noted throughout this letter. These oversights undermine transparency and opportunities for stakeholders to provide informed comments.

It is evident that multiple authors have worked on the draft without doing a final review to ensure effective connections between chapters. For example, revisions to terminology used to describe protected scenic, natural, and cultural resources have not been adjusted in lesser used chapters like the emergency response provisions. Conflicts between chapters also exist. One example is the Scenic Resources revisions recognizing the scenic value of the agrarian landscape with a nod to changes in scenery as trends in agriculture continue to evolve. The introduction of the Agriculture Designation chapter contradicts that statement, implying that agriculture can be detrimental to scenic resources. Consistency and clarity of intent are key for future implementation, particularly as counties adopt subsequent revisions to their Scenic Area ordinances.

Revised methodologies for assessing scenic and natural resource impacts make sense but add complexity in local reviews and possibly less predictable outcomes for residents. It is likely that the Commission and Forest Service will need to develop training manuals and/or provide additional technical assistance to county reviews to ensure consistent implementation.

Revisions to recreation chapters to address impacts to private lands, agriculture and forest operations, and local emergency service providers are appreciated.

¹ <http://cghealthcouncil.org/wp-content/uploads/2017/06/Columbia-Gorge-Community-Health-Assessment-Full-Documents-June-2017.pdf>

Terminology used to reference treaty tribes, tribal populations, and treaty rights are inconsistent throughout. We recommend requesting feedback from the tribes directly to address this.

Inconsistent language exists throughout the document regarding adverse effects to SNCRs and the protection of Treaty Rights. Some chapters use the phrase “avoid adverse effects” others use “prohibit adverse effects”. Similarly, references to the protection of Treaty Rights vary between “will not modify”, “will not impact”, and “consistent with”. Inconsistencies increase litigation risks and administrative burdens on implementing jurisdictions.

Although the Plan lacks definitions for Home Occupations and Cottage Industries, these uses have traditionally distinguished between business that provides an offsite service that is managed from the residence (e.g. landscaping companies) and businesses that produce a product to be sold commercially offsite. Past examples of cottage industries approved in the NSA include small scale denture production and small scale gelato production. By removing the “industry” element of this use, makers will be out of compliance; artists who sell their work could be captured in this category. Please add it back in and revise to more clearly arrive at the intended outcome.

The newly added definition of Home Occupation does not imply that small scale production typical of cottage industries could occur in residential structures, and adds some confusing language about how to calculate the 25% of the living spaced used for the home occupation (exempting spaces only accessed by the resident). This could exempt the use from review if there are no outside employees.

Language added on page 347 to allow overnight accommodations (also known as short-term rentals) in GMA 5-acre and 10-acre Residential land use designations is inconsistent with the Residential Designation Goal 1: Maintain the character of existing residential areas. In particular, this is because the language is a bit confusing, allowing rentals every weekend of the year, requiring the owner to occupy the residence during its rental, and employing up to three employees other than the residents.

Wine sales and tasting rooms were not amended to include similar beverage production of cider and distilled alcohol. We believe that all three of these uses are similar in nature and should be treated equally, subject to a conditional use permitting process to ensure impacts are addressed fully. Restricting this use to grapes and wine is arbitrary and inequitable for farmers throughout the Gorge.

Agriculture setback buffers (page 207) have been modified to require a larger buffer than what the property line vegetation requires by instead pointing to the vegetation of the vicinity instead of the property line. The “vicinity” of a large parcel is ambiguous language especially when the rule is used specifically to calculate a setback to the property line. Suggested edits are attached.

Natural resource buffers are described as “highly protective” (page 15) and although not noted in the Natural Chapter, the new Climate Change Action Plan identifies a safe harbor requirement of applying a 200 foot buffer to specified rivers providing cold water refuge (page 380). Buffers are important tools for resource protection; buffers have significant implications for development of private properties. They should be the size necessary to protect the resource and should be based on best available science provided by agencies with expertise. Buffers beyond that need should be encouraged, not required.

Resource enhancement projects on private or public lands by federal, state or local agencies charged with natural resource protection should have an expedited path to allow streamlined permitting. Oregon Department of Forestry, NRCS and SWCD recently hosted a meeting that included Gorge Commission, Forest Service and county planning staff to discuss this need, and it has not been addressed by proposed changes. Champions and funds to mitigate climate change and natural hazard risks are being turned away in a manner that seems inconsistent with the goals of the Act.

The Commission's intent with regards to maps and changes to maps is not clear from this process. Specifically, if the "clarified" Urban Area boundaries are to be acknowledged through this process, they should be shared with affected landowners for review and comment prior to adoption. Our GIS indicates approximately 100 affected properties whose zoning may be affected by the clarification. As well, there are revisions proposed to the designation policies of several zones. If those changes have implications for the current maps, those maps should be made available for review and comment prior to adoption.

We appreciate the revisions to page 419 (plan updates) and page 382 (climate change strategies) ensuring public engagement and stakeholder inclusion in decision making processes. We hope to be included in those future efforts and not dismissed as "counties [that] cannot be trusted to implement natural resource protections" (quote from October 2017 Gorge Commission meeting following a presentation by Gorge Planning Directors offering partnership and assistance in this effort).

Suggested Text Edits

Gorge Commission proposed language:

~~Page 10 and 11: "It is the location of some of the most wondrous scenic vistas in North America as well as the home of over 44,000 people. The hundreds of millions of dollars worth of commercial activity which occurs there has contributed to the area's attractive livability." (Congressional Record, Senator Hatfield)~~

Please retain; deleting this passage removes the only reference in the Introduction to the fact that people live in the Gorge.

Gorge Commission proposed language:

~~Page 11. Congress designated 13 cities and towns as Urban Areas~~ The 13 urban areas are cities and towns throughout the National Scenic Area: North Bonneville, Stevenson, Carson, Home Valley, White Salmon, Bingen, Lyle, Dallesport, and Wishram on the in Washington side of the river and Cascade Locks, Hood River, Mosier, and The Dalles on the in Oregon side. The Urban Areas are exempt from the Management Plan, but are eligible to receive federal funds authorized to implement it. The Act requires that the Urban Areas will be are the primary focus for future growth and economic development.

Wasco County proposed language:

~~Congress designated 13 cities and towns as Urban Areas~~ Congressionally designated Urban Areas ~~comprise approximately 10% of the National Scenic Area.~~ The 13 urban areas are cities and towns throughout the National Scenic Area: North Bonneville, Stevenson, Carson, Home Valley, White Salmon, Bingen, Lyle, Dallesport, and Wishram ~~on the in Washington side of the river~~ and Cascade Locks, Hood River, Mosier, and The Dalles ~~on the in Oregon side~~. The Urban Areas are exempt from the Management Plan, but are eligible to receive federal funds authorized to implement it. The Act requires that the Urban Areas will be are the primary focus for future growth and economic development.

The SMA is described as approximately 40% and the GMA is described as approximately 50%, including the Columbia River. It makes sense to confirm the Urban Areas are the remaining 10% of the National Scenic Area, acknowledging the balance and bigger picture.

Gorge Commission proposed language:

Page 13 The reconciliation lies in Congress's different treatment of Urban Areas and SMAs from the rest of the National Scenic Area. The vision calls for prosperous cities and towns in the Gorge, large SMAs with little development, and carefully planned development in the GMA. ~~Significant commercial, residential, and industrial development is encouraged in Urban Areas.~~

Wasco County proposed language:

The reconciliation lies in Congress's different treatment of Urban Areas and SMAs from the rest of the National Scenic Area. The vision calls for prosperous cities and towns in the Gorge, large SMAs with little physical development, and carefully planned development in the GMA. ~~Significant commercial, residential, and industrial development is encouraged in Urban Areas.~~

The SMA contains significant public land holdings, many of which are used as informal and formal recreation sites by local and visiting recreationists. Formal sites are careful planned for resource protection requirements but overuse and lack of funds for maintenance has been a longstanding concern for the public land managers, the Gorge Commission, other state and local partners, law enforcement agencies and residents. The SMA hosts millions of visitors every year; the GMA contains dispersed rural residential development. To assert the SMA contains little development is misleading. In reality the SMA contains little "physical" development, and in many instances, a much more intense land use than that of the GMA. An easy example would be a trailhead sized for ten cars that's being used for more than 100 and a single family dwelling on 160 acres that includes the use of two cars.

Gorge Commission proposed language:

Page 13 Urban Areas are eligible for federal funds under the National Scenic Area Act. ~~They may expand over time, even at some cost to scenic, cultural, natural, or recreation resources.~~ Act allows revisions to urban area boundaries consistent with careful urban planning and resource protection. ~~However, they~~

Urban Areas must grow efficiently to minimize costs of growth and to function as providers of services. In short, the vision tips the balance toward development in the Urban Areas.

Wasco County proposed language:

Urban Areas are eligible for federal funds under the National Scenic Area Act. The Act allows revisions to Urban Area boundaries consistent with careful urban planning and resource protection requirements provide by Section 4(f). ~~They may expand over time, even at some cost to scenic, cultural, natural, or recreation resources. However, they~~ Urban Areas must grow efficiently to minimize costs of growth and to function as providers of services. In short, the vision tips the balance toward development in the Urban Areas.

Proposed removal of this passage removes intent and understanding broadly accepted by the original Gorge Commission and authors of the Management Plan whose charge it was to implement the newly formed National Scenic Area. To change their intent because of new opinions or personal bias of current commissioners is inappropriate and changes the terms of the agreement made by the Governors of each state. As such, this should be vetted by the Governor's staff.

Gorge Commission proposed language:

Page 14 ~~Development is welcome, but it must not adversely affect these resources or interfere with the prosperity of the Urban Areas. In short, outside~~ Outside the Urban Areas, the vision tips the balance toward protection and enhancement of Gorge resources. This vision paints a picture far from devoid of human enterprise outside of Urban Areas. It embraces agriculture and forestry and accords a special role to recreation. The forests, pastures, and rolling cropland of the western Gorge; the woodlands, orchards, and vineyards of the middle Gorge; and the expansive grazing and wheat lands of the eastern Gorge are protected from residential and commercial sprawl. Agricultural and managed forest lands are not only part of the cultural landscape of the Gorge; they also make a significant contribution to the Gorge economy.

Wasco County proposed language:

~~Development is welcome, but it must not adversely affect these resources or interfere with the prosperity of the Urban Areas. In short, outside~~ Outside the Urban Areas, the vision tips the balance toward protection and enhancement of Gorge resources. This vision paints a picture far from devoid of human existence and enterprise outside of Urban Areas. It embraces agriculture, forestry, rural residences and accords a special role to recreation. The forests, pastures, and rolling cropland of the western Gorge; the woodlands, orchards, and vineyards of the middle Gorge; and the expansive grazing and wheat lands of the eastern Gorge are protected from residential and commercial sprawl. Agricultural and managed forest lands are not only part of the cultural landscape of the Gorge; they also make a significant contribution to the Gorge economy.

The vision should include more than enterprise, it should include support for residents as specifically allowed to simply exist. Many land use designations allow for new non-farm dwellings and many currently exist. They are not non-conforming uses and new development may be added so long as it does not result in adverse effects to protected resources. As noted by the 1988 Gorge Commission on page 12, "human presence" has always been a critical element of the vision.

Gorge Commission proposed language:

Page 14 Enhancement programs based upon incentives for property owners and managers and requirements to bring Pre-Act development into compliance with National Scenic Area standards will, over time, sustain essential values and remove unnecessary discordant features from the landscape.

Wasco County proposed language:

Enhancement programs based upon incentives for property owners and managers and requirements to bring Pre-Act development into compliance with National Scenic Area standards will, over time, sustain essential values and remove unnecessary discordant features from the landscape.

Incentives are supported however requiring pre-Act development to achieve compliance conflicts with other elements of the Plan that protect the right to continue the use and repair and maintain existing lawfully established development. Adding this text was not discussed with county planning departments and promises to be problematic. The result will force an immediate financial hardship for many Scenic Area residents and a large compliance effort will be required of local jurisdictions.

Gorge Commission proposed language:

Page 24 The Scenic resources of the Gorge are its natural, cultural, and recreational resources.

Wasco County proposed language:

The natural, cultural, and recreational resources are the scenic resources of the Gorge.

We think this is what you meant to say. As drafted, the statement is not factual and is misleading. There are many natural, cultural and recreational resources worthy of protection that have no relationship with the landscape level protected scenic resources of the Gorge. The scenery certainly contributes in a significant way, but is not universal for all protected resources.

Gorge Commission proposed language:

Page 24 These pressures result from a number of factors, including substantial growth of the Portland/Vancouver metropolitan area and the rapid development of the Gorge as the leading windsurfing/windsports area in North America, if not the world.

Wasco County proposed language:

These pressures result from a number of factors, including substantial growth of the Portland/Vancouver metropolitan area and the rapid development of outdoor recreation in the Gorge, an international tourism destination. ~~as the leading windsurfing/windsports area in North America, if not the world.~~

Windsports are one of many recreation uses prized by Gorge recreationists.

Gorge Commission proposed language:

Page 29 Grassland...The dominant land use is cattle ranching, with widely scattered residences, accessory buildings, and related structures associated with ranching.

Wasco County proposed language:

Grassland...The dominant land uses ~~is~~ are cattle ranching, haying and alfalfa, and wheat farms, with widely scattered residences, accessory buildings, and related structures ~~associated with ranching.~~

Most of the landscapes designated as "Grassland" are located in Klickitat and Wasco counties. Although ranching is still strong in Klickitat County, there only a handful of cattle ranches in the Scenic Area portions of Wasco County and this language is no longer accurate. Wasco County's Grasslands are dominated by wheat farms, hay crops, rural residential development and open spaces left in their natural state.

Gorge Commission proposed language:

Page 41 4. The extent and type of conditions applied to ~~various elements of a~~ proposed developments to ensure they are visually subordinate ~~achieve~~ visual subordination to their ~~its~~ landscape setting shall be proportionate to its potential visual impacts as seen from key viewing areas. Conditions may include, and shall be prioritized, including but not limited to in order of condition to utilize:

- A. Siting (location of development on the subject property, building orientation, and other elements).
- B. Retention of existing vegetation.
- C. Design (color, reflectivity, size, shape, height, architectural and design details and other elements).
- D. New landscaping. ~~New development shall be sited to achieve visual subordination from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, development shall comply with this guideline to the maximum extent practicable~~

Wasco County proposed language:

~~4. The extent and type of conditions applied to various elements of a proposed developments to ensure they are visually subordinate~~ achieve visual subordnance to their landscape setting shall be proportionate to its potential visual impacts as seen from key viewing areas. Conditions may include, and shall be prioritized, including but not limited to in order of condition to utilize:

A. Siting (location of development on the subject property, building orientation, and other elements).

~~B. Retention of existing vegetation.~~ Design (color, reflectivity, size, shape, height, architectural and design details and other elements).

~~C. Design (color, reflectivity, size, shape, height, architectural and design details and other elements).~~ Retention of existing vegetation.

~~D. New landscaping. New development shall be sited to achieve visual subordnance from key viewing areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, or sensitive wildlife sites or would conflict with guidelines to protect cultural resources. In such situations, development shall comply with this guideline to the maximum extent practical~~

Wildfire is a very real risk for rural residents, nearly all of whom are served by volunteer fire services or do not have the luxury of any structural fire protection. As well, the high winds, steep slopes and poor soils often complicate the ability of new landscaping to provide effective screening. To minimize safety risks to residents and ensure development can meet the required visual standard, siting and design should be prioritized over retention of vegetation and new landscaping.

Gorge Commission proposed language:

Page 42 Removed "10" without showing it as struck language.

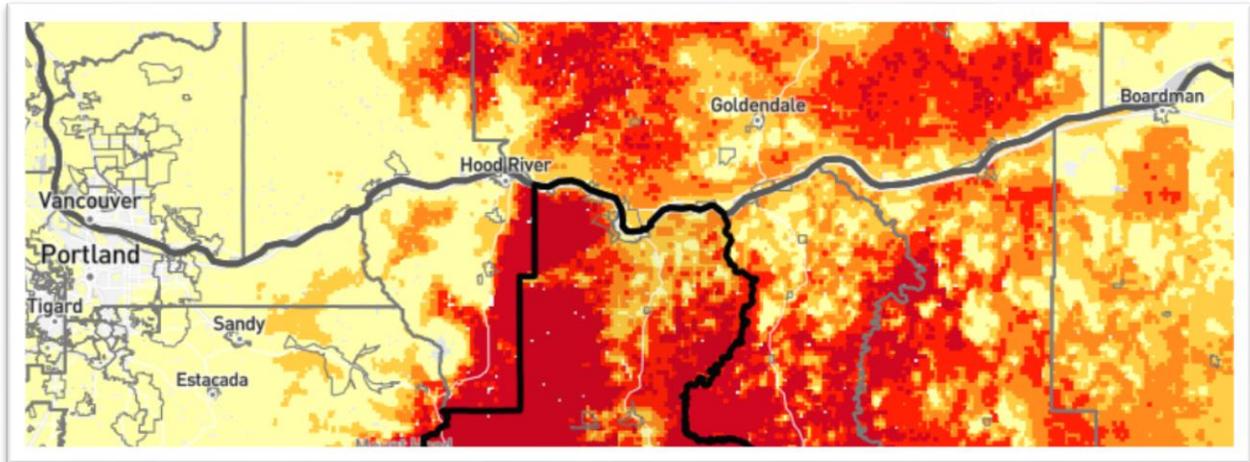
Wasco County proposed language:

10. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

E. All required screening vegetation may be maintained for forest health and fire safety. This means trees may be thinned according to the spacing recommendations provided in the Scenic Resources Implementation Handbook, branches may limbed up to 8 feet off the ground and ground cover may be kept free of debris within 50 feet of residential structures.

It is not clear why this language is missing without being shown as "strikes". We suggest retaining this original language, with a much needed clarification regarding wildfire mitigation on private properties in the National Scenic Area. There is a common misperception amongst Gorge residents that the National

Scenic Area rules cause a high fire risk because residents are not allowed to thin their forests as traditional forest managers would for forest health and risk reduction. Please note that catastrophic fires are not limited to forest zones. As shown below in a map obtained from www.wildfirerisk.org - an interactive map of wildfire risks to communities provided by a partnership with the USDA Forest Service – the Gorge’s most at risk landscapes for fire mitigation needs are not limited the forest zones. The following image identifies risk to homes, yellow being low, red being high:



Gorge Commission proposed language:

Page 42 and 72 10. The exterior of buildings on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features. Continuous surfaces of glass shall be limited to ensure visual subordination. The Scenic Resources Implementation Handbook ~~will~~ includeincludes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets recommended thresholds in the “Visibility and Reflectivity Matrices” in the Implementation Handbook (once they are created). Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the Implementation Handbook. screening methods.

Wasco County proposed language:

10. The exterior of buildings on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features. Continuous surfaces of glass shall be limited to ensure visual subordination. The Scenic Resources Implementation Handbook ~~will~~ includeincludes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets recommended thresholds in the “Visibility and Reflectivity Matrices” in the Implementation Handbook (once they are

created). Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces will be provided for guidance in the ~~Implementation Handbook~~. screening methods.

Topographically screened development poses no risk to scenic resources. As such, there is no nexus for this requirement and requiring it may cause an unnecessary financial hardship for residents and litigation risk for counties. Not all residents have the financial means to construct a new stick built home; many prefabricated homes, products and mobile homes are not non/low-reflective.

Gorge Commission proposed language:

Page 60 Developed Settings and Visual Subordination Policies...4. Murray's Addition subdivision, The Dalles (Residential)

Wasco County proposed language:

Developed Settings and Visual Subordination Policies...4. Murray's Addition subdivision, Foley Lakes, and lands located inside the Urban Growth Boundary of the city of The Dalles west of Chenowith Loop Road.
The Dalles (Residential)

These lands contain some of the most dense development in The Dalles and currently serve the city. Requiring visual subordination is impracticable and unrealistic. As well, they are topographically screened from nearly all KVAs outside of Urban Areas.

Gorge Commission proposed language:

Page 117 There are significant changes made to the Natural Resources chapter that are not consistently identified as existing or proposed and struck language is missing altogether. The Practicable Alternative Test has been removed and is not shown with strikes. The language is an important regulatory tool in minimizing impacts of new development on protected resources. We suggest keeping it.

Page 119 is an example of changes that have not been accurately displayed in strikes and underlines.

Gorge Commission proposed language:

Page 157 Additionally, the Act has supported Dam removal efforts to protect and enhance natural resources, which has provided additional recreational opportunities in the Scenic Area.

Where exactly in the Act does it say that and what dam are you specifically referring to? The removal of Condit Dam dose not equate to universal support of all dam removal. This statement is misleading and we request removal.

Gorge Commission proposed language:

Page 160 The goals, objectives, policies, guidelines and all other provisions of this plan shall not affect ~~legally existing uses~~ recreation maintenance and operations activities at recreation sites that existed as of the date the Gorge Commission adopted ~~this~~ the original plan (October 15, 1991)

Wasco County proposed language:

The goals, objectives, policies, guidelines and all other provisions of this ~~plan~~ chapter shall not affect the use, repair and regular maintenance of legally lawfully established existing uses and structures ~~recreation maintenance and operations activities~~ at recreation sites that existed as of the date the Gorge Commission adopted ~~this~~ the original plan (October 15, 1991).

Our proposed language would be consistent with the language in Part II of the Management Plan, which currently protects the rights of lawfully established development, and its use, repair and maintenance. If the goal of this new language is to allow for public recreation managers to implement their master plans without NSA permits or conduct enhancement projects for protected resources, it should say exactly that to ensure consistent rule implementation in each of the six counties and reduce barriers for positive projects initiated by government recreation managers also charged with resource protection requirements.

Gorge Commission proposed language:

Page 161 2. ~~Designate those portions of~~ Promote uses along the following roads in the Scenic Area as scenic travel corridors and ~~promote uses~~ that improve their functions as recreational and scenic travel routes: Historic Columbia River Highway (all segments); Washington State Routes 14, 141, and 142; Oregon Highway 35; and Interstate 84.

Wasco County proposed language:

2. ~~Designate those portions of~~ Where safety concerns have been adequately addressed in coordination with local emergency service providers, and conflicts with commercial agriculture and forestry operations have been minimized, pPromote uses along the following roads in the Scenic Area as scenic travel corridors and ~~promote uses~~ that improve their functions as recreational and scenic travel routes: Historic Columbia River Highway (all segments); Washington State Routes 14, 141, and 142; Oregon Highway 35; and Interstate 84.

Assuming highways constructed specifically for the movement of people and freight by vehicle through topographically complex landscapes are equipped to also safely accommodate cyclists and pedestrians is a dangerous assumption. Uses should not be promoted unless their safety implications have been addressed by local emergency service providers.

Gorge Commission proposed language:

Page 165 For proposed new riverfront recreation facilities ~~above Bonneville Dam~~, the applicant shall assess the potential effects of the recreation proposal on tribal treaty fishing activities rights, and shall ~~prepare a management plan demonstrate that addresses any potential effects that are determined to exist. The requirements of such plans are specified in the recreation intensity class guidelines. Project approval shall be contingent upon demonstration that any effects to new facility is consistent with and does not affect or modify tribal treaty rights.~~ fishing activities have been removed through redesign and/or application of mitigation measures. Tribal consultation on such plans shall be required.

Wasco County proposed language:

For proposed new riverfront recreation facilities ~~above Bonneville Dam~~ proposed on public lands, or located in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish, the applicant shall assess the potential effects of the recreation proposal on tribal treaty fishing activities rights, and shall prepare a management plan ~~demonstrate~~ that addresses any potential effects that are determined to exist. ~~The requirements of such plans are specified in the recreation intensity class guidelines. Project approval shall be contingent upon demonstration that any effects to of the new facility is consistent with and does not affect the ability of any treaty tribe or treaty tribal member from exercising their or modify tribal treaty rights.~~ fishing activities have been removed through redesign and/or application of mitigation measures. Tribal consultation on such plans shall be required.

This language would be more consistent with the guidelines provided on page IV-3-2, Chapter 3 – Indian Tribal Treaty Rights and Consultation. The applicant cannot modify treaty rights and cannot demonstrate the proposed development will not have an impact without consulting with tribal councils directly. The applicant should provide an assessment of affect and mitigation plan as part of a complete application for the implementing agency to provide in their government to government consultation as required by Part IV Chapter 3 of the existing Management Plan.

Gorge Commission proposed language:

Page 174 GMA Policy 7 identifies recreation suitability of a number of zones, except Open Space. We suggest adding a statement for Open Space, particularly because it contains sensitive resources and should be protected more specifically.

Gorge Commission proposed language:

Page 199 6. The following commercial uses shall be allowed in areas designated Large-Scale or Small-Scale Agriculture:

A. Home occupations.

B. Wine sales and tasting rooms in conjunction with a lawful winery.

7. Commercial events shall be allowed in areas designated Large-Scale or Small-Scale Agriculture in conjunction with a lawful wine sales or tasting room, commercial use, or dwelling listed in the National Register of Historic Places.

Wasco County proposed language:

6. The following commercial uses shall be allowed in areas designated Large-Scale or Small-Scale Agriculture:

A. Home occupations

B. ~~Wine Sales~~ and tasting rooms in conjunction with a lawful winery, cidery or distillery.

C. Farm stands

D. Cottage Industries

7. ~~When compatible with adjacent land uses, Commercial events may be allowed in areas designated Large-Scale or Small-Scale Agriculture in conjunction with a lawfully established lawful wine sales or tasting room,~~ commercial use, or dwelling listed in the National Register of Historic Places.

Reasons for this change are discussed below.

Gorge Commission proposed language:

Page 200: New cultivation, subject to compliance with guidelines for the protection of cultural resources (Part I, Chapter 2: Cultural Resources) and natural resources (Part I, Chapter 4: Natural Resources), and upon demonstration that the landowner has sufficient water to support the use.

Albeit, a topic of concern for many communities in the region, Savings Policy 3 on page II-7-2 of the existing Management Plan implies that this may be an overreach of authority. It states: "Rights to surface or ground water shall be exempt from regulation under the Management Plan or land use ordinances adopted by counties or the Gorge Commission pursuant to the Scenic Area Act."

Gorge Commission proposed language:

Page 205 and 229 D. Wineries, 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.

E. Wine sales and /tasting rooms, in conjunction with an on-site winery.

Wasco County proposed language:

D. Wineries, cideries and distilleries in conjunction with onsite viticulture, orchards, or grain production, upon a showing that processing of wine product is from grapes crops grown on the subject farm or in the local region.

E. Wine Sales and /tasting rooms, in conjunction with an on-site winery, cidery, or distillery.

Reasons for this change are discussed earlier in this letter.

Commission proposed language:

Page 207 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. If more than one type of agriculture is dominant, the setback shall be the larger width.

Wasco County proposed language:

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 located along the property line from which the setback applies. If more than one type of agriculture is dominant, the setback shall be the larger width.

Reasons for this change are discussed earlier in this letter.

Existing Language:

Page 212: Uses Prohibited on Lands Designated Agriculture Special:

G. Utility facilities, public use facilities, and roads.

No changes are proposed, however we note that “public use facilities” may be an error as it is defined as recreation development, which is allowed in this zone under H. on page II-1-18, subject to compliance with the RICs. We suggest revising to add clarity.

Gorge Commission proposed language:

Page 224 6. Dwellings shall be allowed in conjunction with agriculture on lands designated Commercial Forest Land.

Wasco County proposed language:

6. Dwellings shall be allowed in conjunction with agriculture on lands designated Commercial Forest Land, Large Woodland, and Small Woodland.

There does not seem to be any reason why a farm dwelling could not be approved in all three zones, but it is not implicit. Suggest adding the proposed text to add clarity.

Gorge Commission proposed language:

Page 272 *This page does not accurately reflect the proposed removal of half a page of text.*

Wasco County proposed addition:

Page 321, Expedited Review Uses, X. Natural resource enhancement projects implemented by federal, state or local resource protection agencies on private or public lands. Examples of appropriate projects include but are not limited to noxious weed treatments, fish screens on agriculture irrigation features, hazard fuel reduction in high risk timber stands to reduce wildfire risks, recasing of existing wells, etc.

Reasons for this change are discussed earlier in this letter.

Existing Language:

Pages 329 - 338, Post-Emergency/Disaster Response Development Review:

The resource protection language of this section has not been updated to reflect the new terms proposed in the resource chapters. Please reconcile for clarity.

Wasco County proposed language:

Page 341: D. The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes...

(3) Allow for a public entity to acquire land for the purpose of improving or adding critical infrastructure or providing public safety facilities.

Examples of this need include roadway improvements that require additional lands, new community wells or communications towers that cannot be accommodated via easement, fiber connections to improve equity in access, rural fire stations, etc.

Gorge Commission proposed language:

Page 380 If the Gorge Commission has not completed its evaluation of appropriate stream buffer protections by one year after adoption of revisions to the Management Plan, the Gorge Commission will implement the following interim stream buffer protection standard: apply the existing SMA buffer width (200 feet) to cold water refuge streams within the GMA. Streams affected by this policy change include the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, Fifteenmile Creek, and Deschutes River.

Wasco County proposed language:

If the Gorge Commission has not completed its evaluation of appropriate stream buffer protections by one year after adoption of revisions to the Management Plan, the Gorge Commission will implement the

following an interim stream buffer protection standard: apply the existing SMA buffer width (of 200 feet) to cold water refuge streams within the GMA. Streams affected by this policy change include to the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, Fifteenmile Creek, and Deschutes River.

Depending on the natural vegetative buffer of the river, a bigger buffer is not always more beneficial for water temperatures. It is important that the buffer be sized appropriately to achieve the goal. We are opposed to a blanket expansion without vegetation analysis of the features. If the Commission chooses to retain this measure then it should be clarified. As drafted, it implies the expanded buffer would apply to all streams, and then specifically identifies rivers. We propose revisions to add clarity.

Gorge Commission proposed language:

Page 381 Forest resources – protecting forested lands for carbon storage. This includes siting and development standards, forest practices policies, land conversion policies, and other approaches.

The Gorge Commission shall prohibit conversion of forest lands to any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation.

Science also supports agriculture as an effective carbon storage tool. The final sentence of this language is not clear. If conversion to agriculture or recreation is permitted, why would mitigation be required and what would mitigation look like?

Gorge Commission proposed language:

Page 410 The Gorge Commission may amend the Management Plan, upon application by any person or upon its own initiative. 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.

This language is unreasonably dismissive and does not provide an alternative means for local jurisdictions to address needs and concerns regarding a change of conditions or mistake warranting plan revision.

Gorge Commission proposed language:

Page 414 Revision of Urban Area Boundaries

With respect to Urban Area Boundaries, we formally support the suggested revisions and comments provided by Elaine Albrich on behalf of the Port of The Dalles on June 30, 2020 (attached).

Gorge Commission proposed language:

Page 419 Public Involvement...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.

These revisions are helpful. It is unfortunate the Gorge 2020 process did not include landowner notification and was so dismissive of feedback provided by county boards, city councils, and other local state and federal agencies.

Gorge Commission proposed language:

Page 475 Fruit and produce stand: A venue on a property selling agricultural products primarily grown on the subject parcel. Fruit and produce stands are not a commercial use.

It is not clear why a fruit and produce stand is not commercial in nature and this has potential to conflict with Oregon state laws that protect agriculture uses.

June 30, 2020

VIA EMAIL

Columbia River Gorge Commission
c/o connie.acker@gorgecommission.org

Re: Port of The Dalles – Comments on the Proposed Revisions to the Columbia River Gorge Management Plan (Redline Draft dated June 1, 2020)

Dear Chair Liberty and Commissioners:

On behalf of the Port of The Dalles (“Port”), we are providing comments on the proposed revision to the Management Plan for the Columbia River Gorge National Scenic Area (“Management Plan”) presented for formal public comment on June 1, 2020 in redline and posted to the Columbia River Gorge Commission’s website (“June Redline”). This letter provides the Port’s comments on the June Redline and incorporates by reference the Port’s comments previously provided into the record of the Gorge 2020 proceeding along with the joint comments letters filed by the Port, City of The Dalles (“City”), Wasco County (“County”), the Mid-Columbia Economic Development District (“MCEDD”), and others.

The Important Role of Ports in the Gorge and Part III, Chapter [3] Economic Development

The Port was established in 1933. It has operated over 87 years, creating jobs and recruiting businesses through land development and sales, property acquisition, and project development. ORS 777.065 has declared development and improvement of port facilities suitable for use in world maritime trade at the Port of The Dalles (along with Umatilla, Morrow, Arlington, Hood River, and Cascade Locks) as a state economic goal of high priority. The legislature further directed all agencies to “assist in promptly achieving the creation of such facilities by processing applications for necessary permits in an expeditious manner and by assisting the ports involved with available financial assistance or services when necessary.” The Port has broad powers to promote the commercial interests of the Port including acquiring and developing land for industrial or research and development park, including the development for the provision of water, sewage, drainage, roads, transportation, power, communication and other facilities which are incidental to the development of the site. ORS 777.258; 777.250(2). Ports, like the Port of The Dalles, is a unique municipal corporations serving a large role in a region’s economic development given a port’s broad authorities to carryout development activities, borrow money issue bonds, and levy taxes. ORS 777.410; 777.430.

DWT.COM

On April 28, 2020, the Port provided comments on an earlier redline of the Economic Development Chapter in the form of a letter and recommended redline revisions. The June Redline does not go far enough to address the Port's earlier comments. The Port proposes the following revisions to the Chapter 3 of the June Redline:

Introduction:

The Act does not require that economic activities, particularly in the urban areas, be “harmonized” with protection of the SNCRs. There is no evidence in the record documenting direct and indirect effects from climate change on the Gorge’s economic sectors therefore the Port suggests the revised language.

Bold = Port’s proposed language; Bold Strikeout = deleted language

Gorge are interdependent. The goals and policies in this chapter support the vision of a thriving economy within the Gorge supporting diverse business opportunities that operates in harmony with the National Scenic Area’s qualities, values, and resources, especially with the Gorge’s principal ~~the Gorge’s principal~~ economic sectors, such as agriculture, forestry, high tech, health care, manufacturing and processing, and tourism. ~~while allowing new commercial uses on lands designated Rural Center, Commercial, and Commercial Recreation.~~ Climate change directly and indirectly affects many of the region’s current economic sectors. Addressing climate change will improve the viability of those economies into the future. The Gorge Commission recognizes that climate change may affect many of the region’s current economic sectors and supports economic development that contributes to reducing climate change impacts.

Policy 9

The Port requests that the Commission add back the two bullets deleted from the Policy 9 language. The bullets recognized the important role of ports in the Gorge and are needed to be carry out the legislative directive contained in ORS 777.065.

9. The Gorge Commission ~~shall~~ recognizes the special role of the five ports in the National Scenic Area as providers of river transportation and recreation facilities in Urban Areas and supports their efforts to stimulate urban waterfront economic development. ~~by:~~

- ~~— Assigning priority for revisions to Urban Area boundaries to those requests involving port properties or projects.~~
- ~~— Relying upon existing state and federal wetlands regulations on the Columbia River and exempting urban waterfronts from wetland and riparian area guidelines in the Management Plan.~~

Policy 6

The Port oppose the proposed revisions to the Land Use Designations that eliminate rights landowners otherwise enjoy under state law as the proposed changes are inconsistent with the Act and exceed the Commission’s authority. Commercial activities on rural resource lands can be carried out consistently with the SNRCs. An all-out ban on such activities is overreaching. The Act requires that commercial and residential development outside urban areas take place without adversely affecting the SNRCs. See Act, § 544d(d)(7) and (8). Such activities are permissible under the Act as long as conducted in a manner that does not result in adverse impacts to SNRCs.

Introduction

The revisions in the Introduction of the June Redline attempt to remove any recognition of the economic purpose of the Act along with the Congressional intent acknowledging the importance of the economic purpose of the Act and the need to balance the dual purposes of the Act.

Before making its suggested revisions to the Introduction, the Port points commissioners to Mike Salsgiver’s presentation entitled “History of the National Scenic Area” that he delivered at the November 12, 2019 Commission meeting (Attachment 1). This presentation highlights the recognition by the Act’s drafters that the National Scenic Area (“NSA”) was intended to be something different, unlike a wilderness area, national park, a wild and scenic river segment, a national recreation area, or other similar designation. There was a recognition that the Gorge was home to people for centuries and Senator Hatfield resisted efforts the NSA to be managed

like a wilderness area or a park and pushed for the NSA to be managed by the U.S. Forest Service given its role in managing natural resources with “multiple yet integrated uses and interests in mind.” The creation of the NSA was not to be a “lock-up of the Gorge.” See Attachment 1, p 2-3. The Commission’s proposed revisions lean towards managing the NSA for the recreational user and natural resource conservation. That was not the intended purpose of the NSA otherwise Congress would have been designated it a park or wilderness area. The Port encourages the Commission to keep this in mind when reviewing comments and working to balance the dual purposes of the Act.

With this framework, the Port provides the following recommended revisions:

- Do not delete Senator Hatfield’s quote on p 10-11.
- The redline language in column 2, paragraph 2 of page 11 interprets the Act and makes a conclusive statement about the Act’s intent to treat the two state, six-county as a “single” region. The plan should rely on what Congress did, not how the Commission interprets the Act. Keep original language, delete redline.

~~To achieve the purposes of the Scenic Area Act, Congress called for preparation of The Act requires a Management Plan that would treat~~ the two-state, six-county area as a single region. Congress established a two-tiered management approach for preparing the Management Plan. It divided responsibility between the U.S. Department of Agriculture Forest Service and the Columbia River Gorge Commission, a regional bi-state commission representing local, state, and national interests. The six Gorge counties were authorized to implement the Management Plan through ~~their~~ land use ordinances that are consistent with the Management Plan.

- The redline language in column 2, paragraph 4 on page 11 eliminates the statement about Congress and how it designated the 13 urban areas. The Port maintains that it is important to acknowledge that Congress designated the urban areas, not the Commission. Keep the original language, delete redline.

~~Congress designated 13 cities and towns as Urban Areas~~
The 13 urban areas are cities and towns throughout the National Scenic Area: North Bonneville, Stevenson, Carson, Home Valley, White Salmon, Bingen, Lyle, Dallesport, and Wishram ~~on the~~ in Washington ~~side of the river~~ and Cascade Locks, Hood River, Mosier, and The Dalles ~~on the in~~ Oregon ~~side~~. The Urban Areas are exempt from the Management Plan, but are eligible to receive federal funds authorized to implement it. The Act requires that the Urban Areas will bear the primary focus for future growth and economic

- The redline language in column 1, paragraph 1 on page 12 interprets the Act and states that the Act requires that the urban areas are the primary focus for future growth and economic development. This revision is inconsistent with the plain language of §544a(2) which says “encouraging growth to occur.” Keep the original language, delete redline.

Management Plan, but are eligible to receive federal funds authorized to

implement it. The Act requires that the Urban Areas will bear the primary focus for future growth and economic development.

- The redline language in column 1, paragraph 3 on page 12 again interprets the Act and states that the Act “specifies stringent standards” for the SMA. The Act does not specify specific standards for the SMA as implied by the language. Keep original language, delete redline except keep “resources” at the end of the sentence.

~~In some instances, the~~ Act specifies stringent standards for the ~~directs that the SMA lands be managed more stringently than those in the GMA. For instance, including prohibiting land divisions are prohibited, and new homes are not allowed on parcels less than 40 acres in size, and~~ Forest practices are also regulated for to avoid adverse effects to scenic, cultural, natural, and recreation concerns resources.

- The redline language in columns 1-2, paragraph 4 of page 12 characterizes the nine standards in §544(d) of the Act that must be included in the Management Plan and land use ordinances adopted pursuant to the Act. The standards are clear and directive to the Commission. The Port recommends revised language (bold/strikeout) to accurately reflect the language in §544(d) and Congress' directive to the Commission.

Bold = Port's proposed language; Bold Strikeout = deleted language

About half of the National Scenic Area ~~makes up is comprised of~~ the GMA, including the Columbia River. The Gorge Commission is authorized to plan for the GMA. These lands ~~blanket most of the eastern Gorge and are scattered in the central and west end of the Gorge. They~~ are predominantly devoted to agricultural and forestry uses, but also contain scattered areas of existing residential development. The Act specifies nine broadly worded standards that the Commission must include in the Management Plan and land use ordinances adopted pursuant to the Act for the GMA and the Gorge Commission has discretion to determine how to meet those standards.

- The redline language in column 1, paragraph 1 on page 13 eliminates the reference to Congress' vision for the NSA and replaces it with the Commission's vision. This change is reflective of the Commission's repeated attempts to expressly declare its authority and

dominate role under the Act, minimizing the role of counties and cities over private land management. The Commission’s proposed revisions undermine the collective nature that the Act intended for land management. Keep the original language, delete redline keep “Tribal” for “Indian tribal.”

The Management Plan for the National Scenic Area is based upon a vision created by Congress's direction, the Gorge Commission's vision and experience with managing private land, the U.S. Forest Service's expertise with managing large landscapes, county and city governments local knowledge, state and federal agencies, ~~Indian tribal Tribal~~ governments, concerned citizens, and interest groups. This collectivee vision provides a sense about the future of the Gorge 20, 50, or 100 years from now. It supplies the adhesive that binds the plan.

- The redline language in column 1, paragraph 3 and 4 on page 13 inserts “SMA” when describing how Congress intended to treat the Urban Areas differently and eliminate reference to commercial, residential, and industrial development within Urban Areas. Paragraph 3, with Paragraph 2 above it, address the balancing of the purposes that the Act requires. The Commission’s redline reflect the Commission’s repeated attempts to remove language supporting the economic purpose of the Act. Keep original language, delete redline.

The reconciliation lies in Congress's different treatment of Urban Areas and SMAs from the rest of the National Scenic Area. The vision calls for prosperous cities and towns in the Gorge, large SMAs with little development, and carefully planned development in the GMA. Significant commercial, residential, and industrial development is encouraged in Urban Areas.

Urban Areas are eligible for federal funds under the [National Scenic Area Act](#). ~~They may expand over time, even at some cost to scenic, cultural, natural, or recreation resources.~~ [Act allows revisions to urban area boundaries consistent with careful urban planning and resource protection.](#) ~~However, they~~

- The redline language in column 2, paragraph 2-3 on page 13 and column 1, paragraph 1 on page 14 eliminates language acknowledging development is allowed and welcome but must not adversely affect the SNCRS. The revised language reads to prohibit such activities. Keep original language, delete redline.

The Management Plan reinforces this vision for the Urban Areas. It encourages urban development to occur in the Urban Areas ~~and by limiting urban scale development and urban land uses such uses~~ outside Urban Areas. ~~The Act authorizes partial funding for two centers, one on each side of the Columbia River. The Gorge Commission chose an Urban Area for a conference center (Skamania Lodge Center in Stevenson, Washington) and a location near an Urban Area for an interpretive center (The Gorge Discovery Center in The Dalles, Oregon). The Gorge Commission and the Forest Service may direct some federally appropriated recreation funds to the Urban Areas. Outside Urban Areas, new commercial development is limited to those areas where commercial development is already occurring, and other areas uniquely suited to commercial use in conjunction with resource-based recreation, and historic buildings where the commercial use must support rehabilitation and preservation of the building.~~

Outside Urban Areas, the vision calls for protection of the grandeur of one of America's great landscapes. Standards in the [National Scenic Area Act](#) require protection and enhancement of scenic, cultural, natural, and recreation resources.

~~Development is welcome, but it must not adversely affect these resources or interfere with the prosperity of the Urban Areas. In short, outside~~ Outside the Urban Areas, the vision tips the balance toward protection and enhancement of Gorge resources. This vision paints a

Part I, Chapter 3 Natural Resource

There is new language and reorganized sections of the Natural Resources chapter that are not reflected in the June Redline. The redline chapter should be corrected and re-noticed for public comment with the corrected language highlighted for the public. “Water resources” is a new term used throughout Chapter 3 and it is not defined in the Glossary. A definition should be added in the version recirculated for public comment.

Part III, Chapter 1 Climate Change

This is a new chapter that was not identified in the June Redline as a revision to the current Management Plan (not shown in redline). While staff may have noted that the Climate Change chapter was new in its materials, that does not correct the procedural error of releasing a redline draft that fails to identify all new or revised language in redline. The chapter should be redlined and re-noticed for public comment with the new language highlighted for the public.

The Port proposes revisions to the Climate Change chapter included as Attachment 2. It is appropriate for the Commission to adopt policies and priority statements but the Commission should defer adopting specific language until after the Commission has developed the Climate Change Action Plan. Many of the statements made in the draft chapter are grandizing the Commission’s role in climate change and simply reiterating the Commission’s view of its self-importance. These types of statements are unnecessary and do nothing to further the Commission’s policies.

The Climate Change Action Plan should be approved and incorporated into the next periodic review of the Management Plan.

Part IV, Chapter 1 Gorge Commission Role, Revisions to Urban Area Boundaries

The Port proposed redline language in its May 12 letter to the Commission, which the City of The Dalles, Wasco County, Klickitat County, and Skamania supported in a joint letter to the Commission on May 22, 2020. The Oregon Department of Land Conservation and Development (“DLCD”) provided recommended changes to the draft urban area boundary policies in its June 26, 2020 letter to the Commission (“DLCD Letter”). The DLCD Letter echoes and acknowledges the concerns raised by the Port and other municipalities.

Blue bold = proposed language; red strikeout = deleted language; redline = original language.

Introduction

The Port proposes language based on current policy language contained in the Management Plan and consistent with the expressed vision.

~~The National Scenic Area Act authorizes the Gorge Commission to make minor revisions to the boundaries of any **of the 13 cities and towns identified as “urban areas” in the Act.** Urban Area, subject to the criteria and procedural requirements in section 4(f) of the Act. In doing so, the Act **calls for enables the Gorge Commission to recognize human presence and the desire for prosperous cities and towns in the Gorge amidst a spectacular landscape with remarkable resources. It is the Commission’s obligation to strike the delicate balance of resource protection and sustainable growth of urban areas, consistent with both purposes of the Act.** to protect and enhance for the scenic, natural, cultural, and recreation resources; agricultural land, forest land, and open space of the Columbia River Gorge, while supporting and serving the needs of the thirteen Urban Areas. The following policies describe principles for how the Commission interprets and will apply the criteria in section 4(f) of the Act.~~

Proposed Policy 1

The Port proposes to delete proposed policy 1 and replace with the following to (a) address the concern that the Commission is attempting to use procedural hurdles to block applications and (b) correct any potential due process issues.

~~1. — The National Scenic Area Act does not require the Gorge Commission to consider requests to revise Urban Area boundaries. The Act does not entitle a county or any person or entity to have the Gorge Commission consider a request to revise an Urban Area boundary.~~

1. **A county may apply to the Gorge Commission for a minor urban area boundary revision upon providing the Gorge Commission at least six months’ notice of its intent to file an application. The county shall include in the notice a proposed timeline for Commission review of the application and a summary of the boundary revision including approximate geographic location, acreage, and future uses within the revised area.**

Proposed Policy 2

The Port proposes to include language referencing Appendix C (containing the urban area legal boundaries) and noting that the rule may be amended from time to time (e.g., upon approval of an urban area boundary revision the rule would need to be amended to reflect the amended boundary).

2. ~~The legal **boundary** descriptions in **Appendix C of Commission Rule 350-10 (as amended through December 31, 2018 and may be amended from time to time)** are the ~~Urban Area~~ boundaries and acreage calculations that counties must use in applications to revise Urban Area boundaries.~~

Proposed Policy 3

The language should track the authorization in 544 (c) of the Act governing revisions to SMA boundaries.

3. The Gorge Commission has authority to ~~can only approve applications to revise a boundary of an Urban Area adjacent to the General Management Area. Revisions to a boundary between an Urban Area and a Special Management Area are subject to review and approval by the Secretary in consultation with the Commission. require Forest Service coordination, consultation and approval under section 4(c) of the Act in addition to Gorge Commission approval under section 4(f)(2)(A)-(D).~~

Proposed Policy 4 and Policy 5

The Port proposes consolidating the language in proposed policies 4 and 5 as follows to (a) address the concern that the Commission is attempting to use procedural hurdles block applications, and (b) correct any potential due process issues.

4. The Gorge Commission shall seek funding in its biennial budget to support any Urban Area boundary revision application after receiving a county's intent to submit an application. If funding is not available either because of a budget shortage or because it was not included in the biennial budget given the budget cycle, the Gorge Commission shall enter into a cost reimbursement agreement with the applicant to cover the costs of processing an application until the funding is obtained through the biennial budget process. ~~Counties shall inform the Gorge Commission of their intent to seek an Urban Area boundary revision in time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.~~
5. ~~At the beginning of each biennial budget, the Gorge Commission will determine whether its funding is sufficient to allow it to analyze one or more Urban Area boundary adjustment applications during that biennium and communicate its determination to the counties.~~

Proposed Policy 6

The Port requests that the Commission delete this policy and allow an applicant to decide the timeline for filing an application with the Commission. Depending on agency consultation and other considerations, an applicant may seek to file an application with the Commission prior to filing with the state, concurrent, or subsequent to obtaining state approval.

6. An applicant for an urban area boundary revision may elect when to file an application with the Gorge Commission. An application to the Commission may precede an application to the state, be concurrent with an application to the state, or be subsequent to an application with the state for corresponding state approval of the urban boundary revision. The Commission shall condition the effectiveness of the Commission's approval for any urban area boundary revision on the applicant receiving the corresponding state approval. The Gorge Commission will only consider applications to revise Urban Area boundaries in conjunction with state-required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area.

Proposed Policy 7

The Port requests that the Commission address this coordination issue before adopting any amendments to the urban area boundary policies. As proposed, proposed policy 7 improperly defers a policy choice that the Commission must make for how to coordinate with state law. DLCD has offered to participate in such discussions and the Commission should defer acting on the urban area boundary policy changes until such consultation has occurred.

Proposed Policy 8

The Commission's proposed definition of "minor" is arbitrary and inconsistent with the Act. Dallesport, Hood River, North Bonneville, Stevenson, The Dalles, and White Salmon/Bingen would be limited to 20 acres total, forever. Cascade Locks, Home Valley, Lyle, Mosier, and Wishram would be limited to even less, forever. The 20 acres amounts to a 0.36 percent increase for The Dalles (5,436 acres), a 0.6 percent increase for White Salmon/Bingen and Stevenson (at 3,325 and 3153 respectively), and a 0.83 percent for Hood River (at 2,422). These are ridiculously low numbers. And are absolute limits on growth. These numbers do not ensure that an application is "minor" but rather that it is di minimis. The Commission's definition cannot be what Congress meant when it used the word "minor" when granting the Commission authority to approve boundary revisions that complied with the §4(f)(2) approval criteria.

The Act states that the Commission "may make minor revisions to the boundaries of any urban area." The Act then goes on to provide that the "Commission may revise the boundaries of an urban area only if [it meets the (A)-(D) approval criteria]." Read together, the plain language of the Act specifies that the type of revision the Commission may make under 4(f)(1) is one that meets the four criteria in 4(f)(2). The Act does not say that the Commission cannot accept an application that is not minor, only that it may not approve a revision that is not minor. For example, a county may file an application for 150 acres, but the Commission may find that only 75 acres meets the §4(f)(2) criteria and therefore, only a 75-acre revision is allowed under §4(f)(1). On this basis, the Port proposes the following definition:

- ~~8. The Gorge Commission will determine whether a A proposed Urban Area boundary revision is minor pursuant to section 4(f)(1) of the National Scenic Area Act if it can satisfy the 4(f)(2) approval criteria on a case-by-case basis.~~

Alternatively, the Port proposes a definition of “minor” that looks to strike a compromise between using a numeric threshold and a discretionary standard.

8. A proposed Urban Area boundary revision is minor pursuant to section 4(f)(1) of the National Scenic Act (a) if it involves 10 percent or less of an urban area’s total acreage as defined in Policy 2, or (b) if the revision exceeds 10 percent, the applicant can demonstrate, in addition to meeting the 4(f)(2) approval criteria, that the revision would not result in a substantial expansion of an Urban Area and would not have a significant effect on surrounding lands outside of the Urban Area.

Proposed Policy 9

No comments.

Proposed Policy 10

The Port and other stakeholders have serious concerns about the Commission’s ability to require one urban area to consider the buildable lands of another, particularly if the analysis requires consideration of land in a different state. While the Port agrees with the Commission’s direction in Proposed Policy 10, recognizing that the demonstration of need in §544b(f)(2)(A) is founded in Oregon’s growth policies, the proposed language is not policy-focused. Instead, the draft is more appropriate for rulemaking. Therefore, the Port proposes something simpler and policy-focused.

- ~~10. Compliance with section 4(f)(2)(A), demonstrating need to accommodate for long-range urban population growth requirements or economic needs may be satisfied using either Oregon or Washington’s requirements for determining need for state-level applications to expand an applicant’s urban area boundary. The consistent with the management plan within an Urban Area, will be determined case-by-case.~~

~~A. Oregon’s and Washington’s processes for determining need require similar analyses of residential and economic land need based on population growth and employment forecasts, identification of development opportunities and constraints, and provisions to evaluate need for public lands to support residential and economic uses. For all Urban Areas, in both Oregon and Washington, the Gorge Commission will generally follow the processes and ranges specified in Oregon Administrative Rule 660-038, which may be refined in rule. By rule, the Gorge Commission may revise specific Oregon factors and add specific National Scenic Area factors.~~

~~B. Urban Areas that adjoin or are near to one of the three Columbia River bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other Urban Areas that adjoin or are near to that bridge and other nearby Urban Areas.~~

~~C. For all applications, the analysis used and the Commission's review must incorporate the proposed service and labor market areas.~~

Proposed Policy 11

No comments.

Proposed Policy 12

As drafted, proposed policy 12 simply defers policy choices to a later rulemaking or application review process. To correct this, the Port proposes the following revisions:

~~12. Compliance with section 4(f)(2)(B), consistency with the standards and purposes in the Act may be satisfied by direct findings demonstrating that the proposed revision is consistent with the standards and purposes when considered collectively. Findings of compliance with each standard are not required to demonstrate compliance with section 4(f)(2)(B). used to develop the Management Plan and the purposes of the Act, will be determined on a case-by-case basis. The Commission recognizes that the application of the standards and purposes of the Act in the Management Plan may not be appropriate for determining compliance with section 4(f)(2)(B). The Commission may use the procedures and requirements in the Management Plan for guidance but is not bound to the procedures and requirements in the Management Plan for Urban Area boundary applications. By rule, the Commission may specify requirements to comply with section 4(f)(2)(B).~~

12. Compliance with section 4(f)(2)(B), consistency with the standards and purposes in the Act may be satisfied by direct findings demonstrating that the proposed revision is consistent with the standards and purposes when considered collectively. Findings of compliance with each standard are not required to demonstrate compliance with section 4(f)(2)(B).

Proposed Policy 13

Like proposed policy 12, proposed policy 13 defers policy choices that the Commission should be making now. To correct this, the Port proposes the following:

~~13. Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas, may be satisfied by providing information on the proposed zoning requirements for the expanded area like minimum parcel size, lot coverage, minimum density, floor area ratios, and other development standards along~~

13. Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas, may be satisfied by providing information on the proposed zoning requirements for the expanded area like minimum parcel size, lot coverage, minimum density, floor area ratios, and other development standards along

with draft plans for transportation and public utility service to be finalized and implemented upon the Commission's approval of the urban area boundary revision. ~~will be determined on a case-by-case basis. The Gorge Commission may require a local government to adopt enforceable conditions of approval to ensure land added to an Urban Area satisfies section 4(f)(2)(C). By rule, the Commission may establish factors to evaluate whether proposed revisions to the boundary of an Urban Area result in the maximum efficiency of land uses.~~

Proposed Policy 14

Again, like proposed policy 12 and 13, proposed policy 14 defers policy choices the Commission should be making now. The Act itself, in §544d(f)(2)(D), recognizes that there may be some reduction in agricultural, forest, and open spaces but such reduction cannot be "significant." The Commission's current language directly conflicts with the plain language of the Act. To correct this, the Port proposes the following:

14. ~~To achieve e~~ Compliance with section 4(f)(2)(D), demonstrating that applications to revise the revisions to boundaries of an Urban Area shall not result in the significant reduction of agricultural lands, forest lands, or open spaces may be satisfied by demonstrating that the agricultural, forest or open space removed from the General Management Area has low resource value, is underutilized, lacks resources protected by 544a(1), or has qualities or characteristics that are better suited for urban area uses. ~~shall prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and open space. The Commission by rule may establish a priority of lands to be considered for revising into Urban Areas.~~

Conclusion

In closing, the Port appreciates the difficult task before the Commission. However, the Commission is obligated to make hard choices and make them in a public forum following meaningful public input, interagency and interstate coordination, and transparent deliberation. In revising the Management Plan, the Commission must make ultimate policy choices that drive future rulemaking.

The Port remains concerned that, without further revisions, the proposed policy changes in the June Redline raise significant procedural and substantive challenges under the Act. The Port, and others, have proposed numerous suggestions for how to address these concerns in order to reach resolution on what will be long-lasting policies for the Gorge. We encourage the Commission to take the time to address these issues proactively, even if it means extending the

Columbia River Gorge Commission
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review schedule. We would also request that the Commission remove the Urban Area Boundary Revisions section from consideration and reconvene the Gorge Planners group with DLCD to pick up discussions that stopped in December on this subject.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink that reads "Elaine R. Albrich". The signature is written in a cursive, flowing style.

Elaine R. Albrich

cc: Port of The Dalles

Read onto the record or the Gorge Commission's June 25, 2020 Hearing:

For the record, my name is Angie Brewer, Planning Director for Wasco County. Prior to working for the county, I spent nearly a decade working for the Gorge Commission. I appreciate the difficult task this is and the admirable efforts of your staff.

I strongly encourage a revision to your rules to require formal notification of affected landowners for all future updates. And I formally request that the Commission consider leaving the written comment period open until at least July 15 to allow for additional comments. Thirty days for 500 pages is a big ask that not many individuals or organizations can accommodate.

The success of the Scenic Area lies in partnership with your colleagues in government and non-government organizations, the inclusion of your stakeholders and in maintaining transparency with your residents.

I'd like to remind you that the Management Plan update process is the only process in which gorge residents can participate in a meaningful manner for changes that may impact their land and communities. As one of the planning directors who will be required to implement the changes you are making - I am deeply concerned that the Gorge 2020 project offered an inadequate public participation process, and that in a five year project, the Commission chose not seek funding from the states or counties to ensure your ability to send a formal notice to affected landowners and residents by mail.

Stakeholder engagement was not consistent and county planning director participation in preliminary technical teams has been inappropriately characterized as support for the final draft document. After years of discussion, the draft does not adequately address county requests for added clarity, expanded lists of expedited review uses, or streamline the path for government agencies who are conducting resource enhancement projects in partnership with our rural residents specifically to reduce wildfire risks, conserve water and improve habitat.

The draft includes statements identifying the Gorge Commission as the regional planning body with experience in managing private land. Planning is a profession that strives for a balance of development and resource protection - providing for resilient communities that afford a high quality of life for the people who live there and the things they care about, in compliance with all applicable protections and regulations. Clearly, we all care about the Scenic, Natural, Cultural, Recreational resources and Treaty Rights. They are the reason many of us are here, and the counties spend significant resources in ensuring their protection.

With a few exceptions, the draft Plan suggests the Commission is seeking not to balance, but to conserve without change. References to residents have been removed, county roles have been diminished, new programs have been added to reduce development rights, and urban areas have been capped forever in the name of defining the word "minor". This does not feel like balance.

I will submit suggested text revisions by June 30th, accompanied by our letters to DLCD and Governor Kate Browns' office, as well as the nearly dozen documents we've provided to the Gorge Commission since 2016, voicing concerns about process and engagement.

Thank you for the opportunity, this concludes my comments for this evening.



MEMORANDUM

SUBJECT: Oregon Statewide Land Use Planning Goals and Conflicts with Proposed Amendments to the National Scenic Area Management Plan

TO: DLCD

FROM: KELLY HOWSLEY-GLOVER, LONG RANGE PLANNER

DATE: 6/24/2020

Following review of the proposed amendments to the National Scenic Area Management Plan, staff has identified the following, potential conflicts with Oregon Statewide Land Use Planning Goals.

Goal 1 (Citizen Involvement)

- The Columbia River Gorge Commission (CRGC) has completed no direct public outreach to inform citizens of the potential impacts to their properties. Citizens in Oregon are used to, and expect, mailed notice consistent with ORS 215.503.
- Written comments have not been addressed or acknowledged in public hearings by the Commission or staff.
- There was significant gatekeeping by Columbia River Gorge Commissioners, who on several occasions went on record at expressing distrust, doubt over credentials, or rejecting out of hand the input of partners, stakeholders and the public.
- The proposed new language for public involvement (beginning on page 419 of the draft Management Plan) is inconsistent with Goal 1 which states “Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by cities and counties.” This is nowhere addressed in the revised language and Wasco County was not consulted about its citizen involvement program.

Goal 2 (Land Use Planning)

- New proposed language (Introduction, page 13) suggests the Management Plan is based on, in part, the Gorge Commission’s “vision and experience with managing private land.” According to ORS 196.160, Commissioner’s serve at the pleasure of the Governor, and according to ORS 195.150 are responsible to the compact and the federal Columbia River Gorge National Scenic Area Act. Essentially, the new language contradicts the express intent of bi-state compact for Commissioners to be representative of their communities and be beholden to the Governor. The new language seems to suggest individual Commissioners are able to pursue agendas of their own making/experience.

- On page 379, new language states “The Gorge Commission has a high profile, managing the largest and most complex jurisdiction of its kind, on the doorstep of one of the region’s largest metropolitan areas.” According to the Act, the CRGC manages the scenic area non-Federal lands which is a geographic area with a designation via Act, not a jurisdiction. It, perhaps, is more accurate to call it a regional government body.
- New proposed language (Introduction, page 13) diminishes County government’s role as the implementing body of the Management plan by reducing our contribution to “local knowledge.”
- In the GMA Objectives (page 35), the word “Encourage” has been replaced by “Support” for efforts for a NSA public land conservancy or nonprofit land trust. This would have County government be required to support nonprofit organizations above private properties, creating an inherent conflict with Goal 1 and Goal 2’s requirements that our land use plans assure for “an adequate factual base.” Requiring County governments to automatically support a land trusts fundamentally undermines our impartiality in making land use decisions.
- On page 83, the phrase “required by...law” is used without clarifying which laws are being referenced. This can be problematic for implementation because it doesn’t provide clear nexus to regulation.
- In the section on monitoring implementation of the Management Plan, on page 412, proposed language replaces the word *whether* with *how*, significantly changing the intent of this sentence. Will Congress, State, and the public no longer be entitled to know if the Management Plan is effective in achieving its goals and intent?
- On page 414, proposed revisions remove the consultation with local government and other partners as a requirement prior to adopting enforcement related rules. This essentially means implementing bodies would not be consulted prior to passing new rules that have significant implications for their programs and capacities.

Goal 3 (Agricultural Lands)

- (Page 199) Proposed language limits, by omission, the allowance of other critical commercial in conjunction with farming uses/activities including: agri-tourism, cideries, breweries, farm stands, cattle auctions, processing facilities (drying, freezing, canning, etc.) and a variety of other commercial activities associated with farm use. This conflicts with Goal 3. Fruit and produce stands are listed as permitted elsewhere, but the definition is limited and would exclude certain items produced on a farm.

Goal 4 (Forest Lands)

- It appears the proposed language for restricting forest practices did not make it into the redlined version of the Management Plan. In the Climate Change Chapter (381) there is language that suggests they have deferred drafting language until there is public comment. Suggested edits from the Commission have included limited some forest practices, which would be in direct conflict with the Oregon Forest Practices Act.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces)

- Revisions to language on page 78 are: “Cultural resources can be destroyed by human activities, directly by new development that disturbs the ground, and indirectly through

climate change and neglect.” The proposed amendments do not elaborate on how climate change and neglect destroy cultural resources, which are important to provide benchmarks for implementation.

- Another amendment on page 78 is: “State laws in Oregon and Washington offer limited protection to cultural resources. The laws do not become effective until the presence of a cultural resource site is known. Yet, they do not require cultural resource surveys to be conducted before development begins.” This is an oversimplification of Oregon’s cultural, archaeological, and historical protections.
- Proposed revisions on page 76 add the words “and associations” to the following sentence: “Cultural resources are the evidence and associations of past human activity that are important in the history, archaeology, architecture, or culture of a community or region” It is not clear the meaning of this word in context or the purpose of the revision.
- Proposed revisions on page 104 point to development as sole source of overuse, rather than some recreation. This conflicts with testimony that has been provided by partners, including the US Forest Service.
- In the wetland section, on page 107, the proposed language reads: “Work with land trusts to secure fee interest, conservation easements, and other interests in properties where regulation, incentives, and other strategies cannot accomplish necessary and enhancement.” This potentially violates § 544d Sec. 6. Scenic Area Management Plan (d)(1) & (2) of the National Scenic Area Act which, consistent with Goals 3 & 4, require the protection and enhancement of farm and forest lands. The Act specifically states farm and forest lands shall not be required to convert to other uses.

Goal 9 (Economic Development)

- The new commercial GMA objectives listed on page 273 restrict uses allowed to pre-existing development, essential services, and commercial uses that “support protection of” SNCRs, leaving out other critical aspects of our economy including commercial uses in conjunction with agriculture.
- New language on page 389 suggests that CRGC will only support Oregon economic development efforts “as long as these efforts are consistent with the National Scenic Area Act and the Management Plan.” Since the Act is supposed to be consistent with Goal 9, theoretically this would always be the case. However, we are concerned the new language could potentially set up a conflict between the Management Plan and Goal 9.
- A new policy on page 390 recommends “allowing commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use” but the actual implementation portions of the Management Plan are inconsistent (see first bullet under Goal 9).

Goal 14 (Urbanization)

- Language in the Introduction (page 13) states: “The act allows revisions to urban area boundaries consistent with careful urban planning and resource protection.” This is not adequately explained, and “careful urban planning and resource protection” is a value statement that is not clear and objective. Nowhere does it list the benchmarks or who is the deciding authority of “careful” planning. The implication seems to be that it is the

CRGC, but given that local jurisdictions are the implementing body this sentiment is inaccurate.

This is not an exhaustive list of all the potential conflicts with proposed revisions to the National Scenic Area Management Plan and the Statewide Land Use Planning Goals. Instead, these represent critical errors in drafting amendments where counties were not consulted or comments submitted to the record were not taken under advisement.

Wasco County is concerned that these conflicts create a problem for implementation and undermine the fundamental intent and nature of the bi-state compact as codified in the Oregon Revised Statutes. We encourage the Department of Land Conservation and Development to review the proposed Management Plan draft and support Wasco County in safeguarding the Statewide Land Use Planning Program.



PLANNING DEPARTMENT

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Pioneering pathways to prosperity.

March 8, 2017

Bowen Blair, Chair
Columbia River Gorge Commission
PO Box 730
White Salmon, WA 98672

Krystyna Wolniakowski, Executive Director
Columbia River Gorge Commission
PO Box 730
White Salmon, WA 98672

(Also provided by email to krystyna.wolniakowski@gorgecommission.org and bowen.blair@gorgecommission.org)

Subject: Comments for the Gorge 2020 Management Plan Review and Update Process

Greetings Columbia River Gorge Commissioners and Staff,

Thank you for the opportunity to provide formal comments on the Gorge 2020 Management Plan review and update process. To date, Wasco County staff has attended two of the three Gorge 2020 listening sessions, provided feedback at the February 2017 Gorge Commission meeting, and has now met with Gorge Commission staff to discuss several of the comments listed below.

The Columbia River Gorge is world renowned for being a beautiful place to live, work, and play. Its scenic landscapes, public recreation opportunities, abundant natural and cultural resources, working farms, and diverse collection of communities are worthy of our efforts to protect and enhance for current residents and visitors as well as future generations. Wasco County feels strongly that this must be done in a manner that allows our residents a successful existence and every opportunity to prosper - while ensuring the landscape is sustainably managed to endure the influx of visitors.

An update to the Management Plan is welcome and much needed. We applaud your efforts to get this underway. As you know, we have voiced concerns regarding the need for additional community outreach to ensure the process is well informed by those most affected. That said we remain committed to assist the Gorge Commission in their efforts to achieve timeline goals and a successful update. Examples of our efforts to assist and collect local feedback include sending our staff to meet with yours on several occasions to discuss process suggestions and regional and historical context; outreach to our affected urban area leadership, economic development agency, port districts, transportation partners, fire departments and forestry/fire agencies; and a recently mailed public notice to all affected landowners in Wasco County pointing them to Gorge Commission resources and staff for additional information. We will be hosting a public meeting on April 11, 2017 that will include a brief overview of

Gorge 2020 and how to get involved. We will collect and share any additional feedback received at this meeting.

This comprehensive update effort is a rare opportunity to evaluate the successes and short comings of the current plan, including its impacts to our residents. We have categorized our comments below into policy level needs, formatting suggestions and specific changes to existing rules for your consideration.

Policy Level Needs:

- Incorporate the local vision with the national vision, based on feedback from each community.
- Clarify roles and responsibilities, and empower partner agencies and organizations that have specifically developed plans to achieve goals supported by the National Scenic Area Act. Examples include: MCEDD, ODOT, WSDOT, ODF, WA DNR, and other local public entities determined to be appropriate (please take the time to identify and understand those plans).
- Provide policy direction necessary to guide the urban area expansion process (define “minor”).
- Revise the treaty rights consultation process to ensure local governments are not in a position of liability and to ensure the consultation process is occurring as effectively as possible.
- Provide implementation guidance and technical assistance to ensure consistency and continuity of regulatory implementation from staff to staff.
- In coordination with each community, prepare a buildable lands survey that addresses the supply of land available for housing, commercial and industrial uses in each community.
- Evaluate current zoning and make changes where appropriate based on land use trends and available resources.
- Address trends in recreation and agriculture related tourism and identify how it will be balanced to ensure a sustainable economic impact, sensitive to natural and cultural resources, and will not negatively impact the livability of our residential communities.
 - Address community costs of recreation and agri-tourism, as well as the benefits, to provide a holistic source of information that can be used to set policy.
 - Overcrowding and overuse of natural sites, unmanaged uses, traffic congestion and parking issues, impacts of transit, treaty rights conflicts, degradation of resources, etc.
 - Address the impacts of recreation and tourism on emergency service providers. In some cases, demands on our local EMS services have exceeded local resource capacity. EMS services are assumed to be sufficient without coordination. We are unable to ensure a safe experience on our landscapes. These increases in demand also remove services from our local communities to serve visitors.
 - Need to assess the quality of protected resources that are being “loved to death”, and either (1) rezone and remap to allow resource managers to meet current vision and resource protection requirements or (2) mitigate to meet current rules.
- Address community needs that in some cases may only be met outside of urban areas.
- Address the demand for short term rentals and accessory dwelling units in the Gorge.
- Address regional energy planning issues and needs.
- Address climate change through reference to each county’s natural hazard mitigation plan already prepared to comply with FEMA requirements.
- Identify emerging issues that will affect our residents, visitors, emergency services, industries and agriculture operators over the next twenty years.

Formatting Suggestions:

- Pull out and reference implementation strategies to allow for more frequent updates.
- Insert a user's guide upfront to help readers use the document(s) more easily.
- Make the document is word searchable and linked for important cross-references.

Specific Changes:

- Set the expectation for each land use designation by referencing the landscape settings and identifying for the reader that most landscapes are protected as "working landscapes" not simply for "natural" appearances with limited development.
- Allow for a list of "Type 1" review uses (uses with no or low impact that qualify for an over-the-counter review and do not require public notice).
- Expand the economic development chapter to incorporate existing economic development plans to allow the Management Plan to act as a more living document and reflect changing economies in the Gorge. Add a transportation chapter to incorporate existing transportation plans, for the same reason.
- 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.
- Prepare a recreation master plan to identify the recreation "build-out" of the NSA. This will allow for the goals of the NSA Act to be met, provide certainty for communities who are relying on recreation development for tourism plans, set a threshold for resource impacts brought on by recreation, identify current and future management needs, and cap the number of properties taken out of private ownership (and off the local tax base) for recreation purposes.
- Clarify whether running, bicycle and other races and events occurring on private and public lands are commercial events that require review and resource impact analysis.
- Remove the scenic compatibility analysis as a means to determine the size of new development as it can unfairly impact new development occurring in landscapes that have no development or limited development.
- Exempt or refine resource protection language for critical infrastructure projects that must be in the immediate vicinity of protected resources.
- Allow roof mounted solar panels that are black with black frames, and not encased in glass, to be allowed without a Scenic Area permit.
- Provide mechanisms to allow agriculture labor housing clusters that meet a community need as opposed to being limited an individual farm's need.
- Exempt wildfire emergency responses from the requirements of the emergency response provisions or any other Scenic Area review process.
- Incorporate by reference and require new development to comply with the NFPA and Firewise Communities program (updates defensible space, water and access requirements, materials and landscaping requirements for wildfire prevention).
- Work with State and Federal forestry programs to allow for proactive forest health management on private and public lands to reduce fire risk and invasive species (e.g. beetle damage).
- Allow for ballfields and other community park amenities necessary for Gorge youth.
- Support local schools and fire departments with flexibility in rule language to add, replace and improve facilities to support the existing communities.
- Address long-term utility needs that need to be met outside of Urban Areas (e.g. communications towers, water towers and other collection facilities, waste water treatment for dense rural residential areas, etc.)

Wasco County Gorge 2020 Comments
March 8, 2017

- Allow for transfer of development rights to enable creative development that also protects resources.
- Add in ORS language that would allow for the legalization of illegal parcels that would have qualified at the time of creation (ORS 92.176)

Since the adoption of our local NSA Ordinance in 1994, we have reviewed hundreds of development requests. Our staff is well versed in Scenic Area rules, regulations and regional policies and is very familiar with the concerns of our affected residents. In order to be successful, the revised plan must work for our residents and must be possible to implement with existing resources. **We request that you strongly consider our comments, and continue to seek our feedback moving forward.**

Thanks again for allowing us the opportunity to provide formal comments. Please contact me directly with any questions or concerns.

Sincerely,



Angie Brewer, AICP
Planning Director

Cc: Tyler Stone, Wasco County Administrative Officer and the Wasco County Board of Commissioners

Memo

To: Columbia River Gorge Commissioners
Columbia River Gorge Commission Staff
U.S. Forest Service Columbia River Gorge National Scenic Area Staff

From: Angie Brewer, Planning Director for Wasco County
John Roberts, Community Development Director for Hood River County
Michael Cerbone, Planning Director for Multnomah County
Alan Peters, Assistant Planning Director for Skamania County
Mo-chi Lindblad, Planning Director for Klickitat County

Date: October 9, 2017 for the October 12, 2017 Gorge Commission Meeting

Subject: The Management Plan and Acknowledgement of Local Visions

Thank you for providing time on your agenda for the Scenic Area county planning departments to share what the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan) means to us, how it affects our communities, and how including us in your process is not only specified in the existing Management Plan, but will ensure the outcome is successful for our residents, resources, and visitors. The Commission staff has been working hard, but is limited in capacity and still has a heavy lift ahead. We are a necessary partner for you this important process and are here to ask that you support Commission staff's plan to include the counties more directly in their ongoing work.

Achieving success

We fully recognize the opportunities and unique privileges afforded by the Act and bi-state compact. We also recognize that the National Scenic Area is protected largely for the national and international community to enjoy. However, in order for this national plan to successfully protect resources for visitors on any scale, it must first work for the residents who live, work and play here. To develop rules not feasible for implementation breeds an environment of non-compliance and failure to protect. To develop rules that don't support local residents' vision for vibrant communities, results in stagnant and suffering communities that cannot accommodate visitors' needs or worse, deter visitors entirely. In order to prioritize national protection, you must also prioritize local needs.

What the rules mean to us

The National Scenic Area rules and regulations have affected our residents, resources, staff and politics since the latter half of the 1980's. They have been a part of our regulatory role and responsibilities since the early 1990's. As you'll recall, these rules were extremely contentious to adopt; they continue to be contentious (and expensive) to implement. Our programs are the front line for development and resource protection in the National Scenic Area. *Our local resources are expended implementing the national plan.* Scenic Area grants from our respective states do not cover the costs associated with implementation. Local implementation brings opportunity and risk. For the success of this plan, not only for our residents but also for our resources and visitors – the local governments need to be co-authors of any significant changes. The original authors of the Act and existing Management Plan understood this and set that expectation with us as their partners. The Management Plan states:

“A Vision of the Columbia Gorge...To achieve this vision the Columbia River Gorge Commission will provide: Stewardship of this legacy and trust, Leadership for implementation of the National Scenic Area Act and the Management Plan, Partnership with communities, tribal governments, and agencies, and A (sic) vision of the Gorge as a region and the river as a bond...” (MP Introduction, Page 3)

“The Management Plan for the Scenic Area is based upon a vision created by Congress, the Gorge Commission, the U.S. Forest Service, county and city governments, state and federal agencies, Indian tribal governments, concerned citizens, and interest groups. The vision provides a sense about the future of the Gorge 20, 50, or 100 years from now. It supplies the adhesive that binds the plan.” (MP Introduction, Page 3)

How it affects our communities

We recognize the Columbia River Gorge Commission is the regional planning body for the National Scenic Area and the value of that role. As professional planners we are duty bound to ensure any plans we implement are fair and functional. The American Planning Association¹ provides a response to the question, “what is planning?” It states:

“Planning Provides a Vision for the Community Today — and What We Want Our Community to Be in the Future. The goal of planning is to maximize the health, safety, and economic well-being for all residents. This involves thinking about how we can move around our community, the businesses and attractions in our community, where we want to live, and opportunities for recreation. Most of all, planning helps create communities of lasting value.”

Where they apply, the Scenic Area rules replace or modify local plans. To highlight just a few impacts, it affects where our schools, fire halls, and parks are built; it affects how we plan for agriculture and recreation related tourism; and it affects how we farm and forest. Right now, our communities are struggling to address the needs of their emergency services and improvements to school properties outside of the urban areas. We struggle to support agriculture related tourism because the rules do not allow us to. We have no tools to encourage new farm uses, and the forestry rules remain to be clarified. There is great opportunity to make changes that will benefit everyone.

To address the local planning needs captured by the quote above, the local concerns need to be considered. By law, we are your only partners for implementation of the rules on private and non-federal public lands. We want to create a regional community of lasting value for our residents, resources and visitors; no one knows our communities better than us. Our 30 years of lessons learned implementing the existing rules are in direct response to balancing resource protection with the support of vibrant and sustainable communities, including our rural residents outside of the urban areas. We are your ally in this planning process and are here to help you develop a successful regional plan.

In 2009, *National Geographic Traveler Magazine* identified the Columbia River Gorge National Scenic Area as the sixth best travel destination in the world. The article notes how well the communities and resources have handled the pressures of tourism and development. The assessment focused on authenticity and stewardship, evaluating the qualities that make a destination unique and measuring its

¹ Source: <https://www.planning.org/aboutplanning/>

integrity of place. National Geographic used six criteria weighted according to importance: environmental and ecological quality; social and cultural integrity; condition of historic building and archaeological sites; aesthetic appeal; quality of tourism management; and outlook for the future². National Geographic's recognition of the Gorge was in part due to the protection of resources afforded by the Act, but it was also recognition of the integrity of our communities and our local visions for the future.

Including the counties is anticipated by the Management Plan

We would like to call your attention to language included in the existing Management Plan regarding local visions and inclusion of local communities. This information is included in an easily overlooked, but critically important, introductory chapter of the Management Plan. Statements from the existing plan illustrate the intent of the Act and how the rules were to be developed and implemented in partnership. These statements include the following:

"A Vision of the Columbia Gorge...To achieve this vision the Columbia River Gorge Commission will provide: Stewardship of this legacy and trust, Leadership for implementation of the National Scenic Area Act and the Management Plan, Partnership with communities, tribal governments, and agencies, and A (sic) vision of the Gorge as a region and the river as a bond..." (MP Introduction, Page 3)

"The Management Plan for the Scenic Area is based upon a vision created by Congress, the Gorge Commission, the U.S. Forest Service, county and city governments, state and federal agencies, Indian tribal governments, concerned citizens, and interest groups. The vision provides a sense about the future of the Gorge 20, 50, or 100 years from now. It supplies the adhesive that binds the plan." (MP Introduction, Page 3)

"The Scenic Area Act recognizes the human presence amidst a spectacular landscape with remarkable natural resources and presents a model for reconciliation between them." (MP Introduction, Page 4)

"The vision calls for prosperous cities and towns in the Gorge...." (MP Introduction, Page 4)

"Urban Areas are eligible for federal funds under the Scenic Area Act. They may expand over time, even at some cost to scenic, cultural, natural, or recreation resources. However, they must grow efficiently to minimize costs of growth and to function as providers of services." (MP Introduction, Page 4)

"Outside Urban Areas, new commercial development is limited to those areas where commercial development is already occurring and other areas uniquely suited to commercial use in conjunction with resource-based recreation." (MP Introduction, Page 4)

"Standards in the Scenic Area Act require protection and enhancement of scenic, cultural, natural, and recreation resources. Development is welcome, but it must not adversely affect these resources or interfere with the prosperity of the Urban Areas... This vision paints a picture far from devoid of human enterprise outside of Urban Areas. It embraces agriculture and forestry and accords a special role to recreation." (MP Introduction, Page 4)

² Source: Page 19 of the Columbia River Gorge National Scenic Area Interagency Recreation Strategy Report, 2014.

“New vistas, small-scale travelers' accommodations, campgrounds, river access points, trails and other forms of resource-based recreation, both publicly owned and privately owned, will be created in rural areas throughout the Scenic Area...New facilities will not locate on the Gorge's most valuable agricultural land. Recreation growth will respond to demand within resource constraints and will be carefully planned so it does not overwhelm the Gorge and the ability of Gorge communities to support it.” (MP Introduction, Page 5)

“As the number of tourists and recreationists grows and generates adequate demand, alternative modes of transportation-- boat, rail and bus--will become a form of recreation. A network of connected and coordinated trails will develop, including riverfront trails and trails linked to Urban Areas. New recreation facilities, such as The Gorge Discovery Center, will entice visitors to the east end of the Gorge. This will help spread the economic benefits of tourism and relieve some of the pressure on recreation sites in the west end of the Gorge.” (MP Introduction, Page 5)

“Recreation planning will reach new levels of coordination among landowners, recreation purveyors, and providers of emergency, public safety, and other kinds of services. Agencies will develop a system of recreation user fees to support services.” (MP Introduction, Page 5)

“The main responsibility for economic development is reserved for the two states and is largely set forth in other documents.” (MP Introduction, Page 6)

“...Issues and goals were identified in two rounds of meetings in each county with what came to be called "key community contacts" made up of volunteer citizens and community leaders. The first round focused on issues and goals, and the second round on policy alternatives and on standards for carrying out policies. Each round of meetings was followed by wide circulation of newsheet mailers and by open houses to reach residents at large. In addition, a series of workshops to gather public input on recreation issues was held. Finally, two different drafts of the Management Plan were broadly circulated, culminating in three public hearings for each draft. As drafts of the Management Plan were discussed, special attention was given to informing residents how their property was affected by land use designations and guidelines...” (MP Introduction, Page 6)

Our request

We are requesting that you allow your staff to bring us to the table to help you work through the necessary changes. What does “bringing us to the table” look like? It looks like monthly staff-to-staff meetings to discuss changes and review draft language before it presented publically for review and feedback. Quarterly meetings to obtain our feedback on what has already been determined does not meet this request.

Including us expand what information is available for Commission’s consideration. The information managed by our programs is the best predictor of future development and resource impacts, including illegal and unpermitted uses. We have 20+ years of data on land use activity, resource protection and a working knowledge of our community goals. We have professional planning staff well versed in Scenic Area context, and in some cases data analysts, available to assist in this work.

Ultimately, whatever revisions you decide to make will directly impact our communities. We desire nothing but success for this rare opportunity to evaluate and improve Scenic Area regulations. Please let us help you arrive at a successful outcome for our residents, resources, and visitors.

The Management Plan & Acknowledgement of Local Visions

The National Scenic Area County
Experience and Perspective

October 12, 2017

Introduction

God shaped these great mountains round about us, and lifted up the
He fashioned the Gorge of the Columbia, fixed the course of the
caused the crystal streams both small and great, to leap down from
their never ending songs of joy.

The Columbia River Gorge
treasure. It contains an un-
combination of scenery, ge-
wildlife, and multicultural
November 1986, Congress
the world-class signifi-
Gorge when it passed the
River Gorge National Sc-
The proceedings and de-
99th Congress capture

"The Columbia River G-
spectacular canyon of
River cuts through the
Mountains and divide
Oregon and Washing-
abundant natural res-
dramatic waterfalls
formations." (Cong-
Senator Gorton)

"The Gorge, in its
important geologi-
Columbia River G-
Cascade Range
mile long, almost
sharply raising
3,000 feet above
from 1/4 to 1-1/2
Cascade Rang-
and fauna in
varies consid-
Gorge to the
the Gorge ha-

INTRODUCTION

to have an important position in
economy of the entire Pacific
Northwest." (Congressional Re-
Senator Gorton)

"It is the location of some of the
wondrous scenic vistas in North-
as well as the home of over 44,
people. The hundreds of million
dollars worth of commercial act-
which occurs there has contribu-
the area's attractive livability."
(Congressional Record, Senato
Hatfield)

"This grand old river's importan-
economy of the Northwest can
overemphasized. . . . The tow-
waterfalls, spectacular vistas ar-
unsurpassed recreation oppor-
the Gorge bring millions of visit-
area every year." (Congressio
Record, Representative Weave

OVERVIEW OF THE SCENIC AREA ACT

The Scenic Area Act identifies t
purposes:

1. To establish a national scer
to protect and provide for th
enhancement of the scenic,
recreational, and natural rei
of the Columbia River Gorg
2. To protect and support the
of the Columbia River Gorg
by encouraging growth to o
existing urban areas and by
future economic developm
manner that is consistent w
paragraph 1.

implement it. The Urban Areas will be
the primary focus for future growth and
economic development.

The SMA includes approximately 40
percent of the region's most sensitive
lands, concentrated primarily in the
western half of the Scenic Area. The
U.S. Forest Service prepares land use
designations and guidelines for the
SMA. It has the authority to purchase
lands, or interests in lands, in the SMA,
and the opportunity to exchange federal
lands elsewhere for privately held forest
lands within SMA boundaries.

In some instances, the Act directs that
the SMA lands be managed more
stringently than those in the GMA. For
instance, land divisions are prohibited,
new homes are not allowed on parcels
less than 40 acres in size, and forest
practices are regulated for scenic,
cultural, natural, and recreation
concerns.

About half of the Scenic Area makes up
the GMA, including the Columbia River.
The Gorge Commission is authorized to
plan for the GMA. These lands blanket
most of the eastern Gorge and are
scattered in the central and west end of
the Gorge. They are predominantly
devoted to agricultural and forestry
uses, but also contain scattered areas of
existing residential development.

A VISION OF THE COLUMBIA GORGE

Taking its cue from the Scenic Area Act
and Congress's emphasis of the
qualities of the Scenic Area, the Gorge
Commission developed a vision
statement. This statement, which

INTRODUCTION

follows, provided a framework for
developing the Management Plan and
continues to guide the Gorge
Commission's actions.

*The Columbia River Gorge is an area of
worldwide importance,*

*Where scenic qualities and diverse
landscapes, together with their natural
and cultural components, are
paramount,*

*Where development and recreation are
carefully placed in a manner that
protects resources,*

*Where the human presence is lightly
demonstrated, and where lessons from
the past are a constant guide and
inspiration for the future.*

*To achieve this vision the Columbia
River Gorge Commission will provide:*

Stewardship of this legacy and trust,

*Leadership for implementation of the
National Scenic Area Act and the
Management Plan,*

*Partnership with communities, tribal
governments, and agencies, and*

*A vision of the Gorge as a region and
the river as a bond.*

**Columbia River Gorge Commission
1988**

The Management Plan for the Scenic
Area is based upon a vision created by
Congress, the Gorge Commission, the
U.S. Forest Service, county and city
governments, state and federal
agencies, Indian tribal governments,

INTRODUCTION

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incentives for property owners and
managers will, over time, sustain
essential values and remove
unnecessary discordant features from
the landscape.

n and

near an Urban Area for an
center (The Gorge
Center in The Dalles,
The Gorge Commission and
Service may direct some
appropriated recreation funds
in Areas. Outside Urban
commercial development is
lose areas where commercial
nt is already occurring and
uniquely suited to
use in conjunction with
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great landscapes. Standards
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affect these resources or
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hort, outside the Urban
vision tips the balance toward
and enhancement of Gorge
This vision paints a picture
void of human enterprise
Urban Areas. It embraces
and forestry and accords a
to recreation. The forests,
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rge; the woodlands,
nd vineyards of the middle
the expansive grazing and
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sprawl. Agricultural and
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The Management
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The Existing Management Plan

- Intent for including local partners and plans is captured in the introductory chapter.
- This is easy to miss, but critical for success.
- Takes years of implementation to truly understand the method to the madness.
We have that.

Existing Intent of the Plan

“A Vision of the Columbia Gorge...To achieve this vision the Columbia River Gorge Commission will provide: Stewardship of this legacy and trust, Leadership for implementation of the National Scenic Area Act and the Management Plan, Partnership with communities, tribal governments, and agencies, and A (sic) vision of the Gorge as a region and the river as a bond...”

“The Management Plan for the Scenic Area is based upon a vision created by Congress, the Gorge Commission, the U.S. Forest Service, county and city governments, state and federal agencies, Indian tribal governments, concerned citizens, and interest groups. The vision provides a sense about the future of the Gorge 20, 50, or 100 years from now. It supplies the adhesive that binds the plan.”

(Source: MP Introduction, Page 3)

More Than a Stakeholder...

- We implement these rules
- We use local resources to implement
- We are responsible for the outcomes
- Our residents have needs that are not met
- We have data you don't have
- We have decades of experience
- We have staff that can help
- We know what needs fixing

...We Are Your Partners

Recognition that people live here...

“The Scenic Area Act recognizes the human presence amidst a spectacular landscape with remarkable natural resources and presents a model for reconciliation between them.”

“The vision calls for prosperous cities and towns in the Gorge....”

“Urban Areas are eligible for federal funds under the Scenic Area Act. They may expand over time, even at some cost to scenic, cultural, natural, or recreation resources. However, they must grow efficiently to minimize costs of growth and to function as providers of services.”

(Source: MP Introduction, Page 4)

*“Outside Urban Areas, new commercial development is limited to those areas where commercial development is already occurring and other **areas uniquely suited to commercial use in conjunction with resource-based recreation.**”*

*“Standards in the Scenic Area Act require protection and enhancement of scenic, cultural, natural, and recreation resources. Development is welcome, but it must not adversely affect these resources or interfere with the prosperity of the Urban Areas... **This vision paints a picture far from devoid of human enterprise outside of Urban Areas. It embraces agriculture and forestry and accords a special role to recreation.**”*

(Source: MP Introduction, Page 4)

*“New vistas, small-scale travelers' accommodations, campgrounds, river access points, trails and other forms of resource-based recreation, both publicly owned and privately owned, will be created in rural areas throughout the Scenic Area...New facilities will not locate on the Gorge's most valuable agricultural land. **Recreation growth will respond to demand within resource constraints and will be carefully planned so it does not overwhelm the Gorge and the ability of Gorge communities to support it.**”*

*“As the number of tourists and recreationists grows and generates adequate demand, alternative modes of transportation-- boat, rail and bus--will become a form of recreation. A network of connected and coordinated trails will develop, including riverfront trails and trails linked to Urban Areas. New recreation facilities, such as The Gorge Discovery Center, will entice visitors to the east end of the Gorge. **This will help spread the economic benefits of tourism and relieve some of the pressure on recreation sites in the west end of the Gorge.**”*

*“Recreation planning will reach new levels of coordination among landowners, recreation purveyors, and providers of emergency, public safety, and other kinds of services. **Agencies will develop a system of recreation user fees to support services.**”*

(Source: MP Introduction, Page 5)

Expectations set by existing plan:

“...Issues and goals were identified in two rounds of meetings in each county with what came to be called "key community contacts" made up of volunteer citizens and community leaders. The first round focused on issues and goals, and the second round on policy alternatives and on standards for carrying out policies. Each round of meetings was followed by wide circulation of newssheet mailers and by open houses to reach residents at large. In addition, a series of workshops to gather public input on recreation issues was held. Finally, two different drafts of the Management Plan were broadly circulated, culminating in three public hearings for each draft. As drafts of the Management Plan were discussed, special attention was given to informing residents how their property was affected by land use designations and guidelines...”

(Source: MP Introduction, Page 6)

The Existing Management Plan

- Has served us well in many ways; a lot of room for improvement.
- We have learned a lot through 30+ years of direct implementation
- Impacts our residents, our resources, and our visitors.

Request

- Monthly staff-to-staff meetings
- Use our data and our staff as the resource they are
- Pursue our concerns where possible
- Include us in your decision making process
- Specify why not if you won't

Thank You,

Angie Brewer, Planning Director for Wasco County

John Roberts, Community Development Director for Hood River County

Michael Cerbone, Planning Director for Multnomah County

Alan Peters, Assistant Planning Director for Skamania County

Mo-chi Lindblad, Planning Director for Klickitat County



Memo

To: The Columbia River Gorge Commission

From: Angie Brewer, Wasco County Planning Director

Date: May 7, 2018 for the May 8, 2018 Commission Meeting

Subject: County Response to Foundational Questions for Urban Area Boundary Revision Policy

Greetings Commissioners,

Please accept our responses to the foundational questions posed in your memorandum released last Thursday entitled: **“Action Item: Gorge2020 – Urban Area Boundary Revision Focus Topic Foundational Questions for Urban Area Boundary Revision Policy”**. Our responses are shown in italics following your questions:

1. Would you prefer to review urban area boundary revision applications using a formal process that resembles your process for handling appeals of county development review decisions, or using a less formal process that resembles a public hearing?

The Commission should evaluate the unintended consequences of their current process, and formulate a process based on that feedback that can also satisfy the basic process requirements of the redundant state level process.

2. Would you prefer urban area policy to use clear and objective standards versus flexibly applied standards.

Flexibility offered for extenuating circumstances, similar to the Oregon State goal exception process, would be helpful. However, within that process, there should be clear and objective standards to reduce litigation risks and provide certainty to the cities and counties who are making a financial investment in the process and outcome. If nothing else, the process could be simplified by aligning to the revised Oregon Goal 14.

3. Are urban area boundaries principally a tool for managing growth in the National Scenic Area or principally a tool for preserving GMA and SMA land within the National Scenic Area?

Neither really. It is our opinion that the boundaries were created simply to recognize existing resources, reasonably foreseeable ownership patterns, and plan for anticipated uses. If congress had not intended for the boundaries and acreages to change when deemed appropriate, Sections 4(f) (urban area expansions) and

8(o) (public acquisition of SMA lands and conversion to GMA where not acquired) would not have been included in the Act. To assert that congress had the intent to manage the acreage of GMA and SMA as a set number for eternity is simply not accurate. The acreage has changed many times through the Section 8(o) process and there has been no special mention made of the new total acreages.

It is worth noting that in addition to the location of sensitive resources, lands were seemingly designated SMA or GMA based on the assumption of eventual ownership and level of desired public access or use. There are many properties still privately owned in the SMA that were at one time prioritized for public acquisition through the Section 8(o) process. Acquisition funds were exhausted and many unintended consequences remain. Please see Commission staff's past work related to a legislative plan amendment request to rezone privately owned properties zoned SMA Public Recreation (i.e. the mouth of the Wind River). The request was not pursued due to the number of properties affected and the lack of staff capacity to manage the process.



September 10, 2019

Columbia River Gorge Commission
PO Box 730
White Salmon, WA 98672

Subject: Urban Area Boundary Policy Public Workshops

Greetings Commissioners,

Thank you for the opportunity to provide feedback on the status of the Urban Area Boundary Policy Public Workshops and draft product. Wasco County has been an active participant in all aspects of the Gorge 2020 Management Plan update process and appreciates the efforts made by the Gorge Commission staff to include local implementing agencies and affected communities in the review process.

We formally support the Staff memo suggested next step of pursuing a professional facilitator to provide a neutral, consensus based approach of identifying key concepts and goals before additional policy is drafted or considered for adoption by the Commission. **Wasco County is prepared to assist financially with this effort to ensure it occurs, and appreciate that consensus does not presume any particular outcome.**

For the following reasons, we believe this step to be critically important for this unavoidably complex and impactful policy making process:

Urban Area boundary policy will guide the future growth patterns of all gorge communities – and as a result, the way needs and goals of residents and visitors are planned for and met. This directly impacts foundational aspects of our communities like tax base, transportation and transit, emergency services, schools and related facilities, housing, commercial and industrial development, recreation and more.

Draft policies reviewed at Workshop # 5 and Workshop # 6 are dramatically different from one another and with very little explanation for the change. We are particularly concerned there are only two options currently being discussed, neither of which provide due process for a request to amend one urban area for long-term growth needs. Instead, there is a limited duration land trade option of 20 acres or less and a much larger regional approach that requires a multi-state, multi-county, and multi-city process. As well, the two drafted options are inconsistent in their levels of Gorge Commission oversight, and leave many questions as to how a local community is expected to navigate either process successfully.

Specific Concerns

Land trade concept:

- Limited to 20 acres and requires a trade that results in no net expansion to the urban area.
- Assumes there is land to trade.
- 20 acres is not likely to accommodate 20 years of growth and is therefore only relevant to infrastructure or other limited scope efforts.
- One year to use it or it reverts back to the GMA; If approval expires, there is a net loss to urban area acreage.
- Development agreements must be signed with the Commission for 30 year timelines.
- Gorge Commission creates new compliance authority inside the new urban areas, stripping the local jurisdictions of their land use related police powers and creating a third layer of zoning authorities and process.

Regional approach:

- The draft language appears to be incomplete and awaiting guidance from the Gorge Commission; we look forward to being part of the discussion as this draft is further refined.
- The draft language identifies requirements that will likely take several years to complete.
- The draft indicates an outcome that is limited to the development of strategies and performance metrics, not an actual revision or expansion.

Bigger picture concerns:

- The draft options expand four criteria into more than nine (incomplete) pages of new requirements. The draft creates new obligations, requires costly studies, and assumes all communities in the same region have enough commonalities to develop a shared city.
- Although not specifically stated, the discussions to date assume the only need is housing. Housing is only one aspect of planning for the viability of our communities and resources. For example, schools are in particular need of new sites for new campuses, athletic facilities and other community facilities appropriate for communities of our size. Similarly, light commercial uses are also important to support residential development – ensuring communities remain walkable and minimize vehicular commute for necessary services. This kind of forethought reduces overall carbon footprint of new residential development and ensures families have the amenities needed to thrive in the Gorge. An inability to support families results in a struggling community and a failure of public service to our residents.
- Asserting Gorge Commission authorities into new Urban Area lands and zones is a significant policy shift from the last 30+ years of Scenic Area Act implementation and regional coordination. Doing so adds a third layer of zoning and enforcement, creates an administrative burden on already constrained programs, asserts local jurisdictions will pay for Gorge Commission enforcement, and removes land use related police powers from cities and counties.
- The Commission is attempting to find a one-size fits all approach for communities that are very diverse socioeconomically, have different needs and vastly different resources

to pay for the new procedural requirements. The Gorge Commission may want to consider developing a technical assistance grant program similar to the state of Oregon to ensure all communities have an equal opportunity to address the needs of their population and resources.

Thank you for the opportunity to comment. We look forward to continued participation in this effort.

Sincerely,



Angie Brewer
Planning Director



Tyler Stone
Chief Administrative Officer



PLANNING DEPARTMENT

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

Pioneering pathways to prosperity.

January 2, 2020

Commissioners & Director Wolniakowski
Columbia River Gorge Commission
PO Box 730
White Salmon, WA 98672

(Sent to: krystyna.wolniakowski@gorgecommission.org & connie.acker@gorgecommission.org)

Subject: Response to Gorge Commission request regarding urban area boundary revision needs

Greetings Commissioners and Director Wolniakowski,

Thank you for soliciting formal feedback regarding anticipated needs for Scenic Area urban area boundary (UAB) expansion in Wasco County. As you know, Wasco County contains two designated Scenic Area Urban Areas: Mosier and The Dalles (approximately 485 residents and 14,700 residents respectively).

This letter serves as the County's response to the four questions conveyed to gorge county planning directors to be discussed at your January meeting. Director Wolniakowski's request explained that the information received would be non-binding on the reporting jurisdictions and would be used to inform budget requests related to Commission staff workloads.

To inform this response, staff has coordinated with the cities of Mosier and The Dalles; the Port of The Dalles; Mid-Columbia Economic Development District; and Mid-Columbia Housing Authority. The Wasco County Board of Commissioners discussed the questions and staff's research at their November 6, 2019 meeting.

Mosier does not anticipate requesting a modification to their UAB within the next three years, but may look to pursue one after that - depending on development activities. They have also indicated there is at least one area of the existing UAB that appears to be an error and a change may be requested to the Commission as a correction.

The Dalles is currently gathering information necessary to inform the City Council's decision on whether to pursue future modifications of the current UGB and UAB. Steve Harris, Community Development Director for the City of The Dalles, provided the following responses:

1. *Is an UAB revision being discussed in your community and perhaps proposed by June 30, 2023? If maybe or yes, then go to next questions.*

"Yes, an UAB revision is currently being discussed, which may result in the submission of an application by June 30, 2023."

2. *What would be the purpose of the application? More commercial development? More housing, and if so, what type—single or multiple family dwellings? Public facilities? Schools? Other? Is there be adequate public infrastructure to accommodate growth?*

“Housing related studies (including a Residential Buildable Lands Inventory) completed by the City in 2016 and 2017, found that based on projected population growth rates the City has adequate “vacant” or “partially vacant” existing residentially zoned lands within the current UGB to accommodate the city’s projected 20 year growth rate.

The City recently completed (September 2019) Phase 1 of an EOA [Economic Opportunity Analysis] which examined employment and industry trends, and developed three commercial/industrial lands demand growth scenarios. Phase 2 of the EOA will include a commercial/industrial lands supply analysis to determine if there exists a 20 year supply of developable commercial/industrial lands within the current UGB. It is anticipated that this study will be completed in Q2 2020. It is unknown at this time if there is adequate public infrastructure to accommodate projected growth.”

3. *Is there a justification or demonstrable need that can be documented for the proposal to be considered (rising population trends, etc.)?*

“Phase 2 of the EOA will address this question, re commercial/industrial lands.”

4. *What is the acreage that would be requested, possible locations, and timelines for preparing the request?*

“Phase 1 of the EOA forecasts that approximately 1.6 to 2.0 million square feet of new commercial/industrial development would be needed between 2018-2038, equating to between 163 and 217 gross acres. Phase 2 of the EOA will analyze the existing supply of commercial/industrial lands to determine if the projected need can be met within current UGB. This work will be supplemented by the future Westside Area Study (scheduled to begin mid 2020). This study will examine current land use development patterns in the westerly portion of the community, as well as existing urban areas that are outside the current UGB/UAB (e.g., Murray’s Addition and Foley Lakes) and undeveloped areas that may lend themselves to future urbanization.”

Once available, the City’s studies will further inform whether Wasco County anticipates submission of an UAB expansion request before June 30, 2023.

Sincerely,



Angie Brewer, AICP
Planning Director



May 12, 2020

Gorge Commissioners
Columbia River Gorge Commission
P.O. Box 730
White Salmon, WA 9862
(Sent by email to Connie.Acker@gorgecommission.org)

Subject: Gorge 2020 Urban Area Boundary Chapter Edits Work Session

Commissioners,

Thank you for the opportunity to provide comment on the Urban Area Boundary Chapter Edits prepared for consideration at the May 12 Gorge Commission meeting. Wasco County has been a participant in the Gorge 2020 process since it began nearly four years ago and would like to share the following feedback:

Proposed Policy 1 States:

The National Scenic Area Act does not require the Gorge Commission to consider requests to revise Urban Area boundaries. The Act does not entitle a county or any person or entity to have the Gorge Commission consider a request to revise an Urban Area boundary.

This language removes due process obligations from the Commission, making the review of any needed boundary revision an optional consideration. Urban area boundary revisions are not simple requests, require extensive analysis and consideration. They have implications for infrastructure, tax payers, and future development patterns. If a city and county were willing to invest in a formal application, the expectation would be that it would be reviewed for consistency and a decision would be issued.

Proposed Policy 4 states:

Counties shall inform the Gorge Commission of their intent to seek an Urban Area boundary revision in time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.

Gorge Commission meetings in 2019 and 2020 have included Gorge Commission discussion and staff clarifications that the current requirement is that counties would inform the Gorge Commission during the development of their biennial work plan and budget making process. The proposed language does not specify and could become an arbitrary timeline that is not possible to meet.

Proposed Policy 5 states:

At the beginning of each biennial budget, the Gorge Commission will determine whether its funding is sufficient to allow it to analyze one or more Urban Area boundary adjustment applications during that biennium and communicate its determination to the counties.

The Gorge Commission's budget is historically insufficient to accomplish even core requirements of the Act and Management Plan. If a city's proposal is contingent upon Commission funding, it may never be processed. Boundary revision applications require years of research and analysis. If a city or county were to spend several years and hundreds of thousands of dollars on studies only to be turned away because of Commission staff capacity constraints, it would be a careless use of taxpayer dollars.

Proposed Policy 6 states:

The Gorge Commission will only consider applications to revise Urban Area boundaries in conjunction with state-required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area PART IV-Administration IV-1-10 boundaries.

The need for this requirement is not clear, particularly because the studies required by the Gorge Commission are proposed to be separate, regional studies, not required by the state.

Proposed Policy 7 states:

The Gorge Commission will consult with Oregon's Department of Land Conservation and Development and Washington's Department of Commerce Growth Management Services to determine an appropriate process to meet the Gorge Commission's standards as well as state standards.

Wasco County is concerned with the lack of consistent outreach to DLCDC staff. The Gorge Commission may not need to seek formal acknowledgement following plan review, but the state still needs to find that the Management Plan "achieves on balance the purposes of the statewide planning goals". This necessitates a formal review. And, if it finds that it does not satisfy this achievement, LCDC can decertify the Management Plan. Please see ORS 196.107 for more information.

Proposed Policy 8

The Gorge Commission will determine whether a proposed Urban Area boundary revision is minor pursuant to section 4(f) of the National Scenic Area Act on a case-by-case basis.

- A. *Generally, a revision to an Urban Area boundary may be considered minor if:*
 - i. *the revision involves no net change in the total area of the Urban Area, or*
 - ii. *if the revision is cumulatively 20 acres or 1% of the total area of the Urban Area, whichever is less, or*
 - iii. *[if the revision involves transferring Urban Area acreage between two Urban Areas, provided that the transfer results in no net loss of the total National Scenic Area-wide acreage in the General Management Area.] THE COMMISSION DID NOT COMPLETE ITS DISCUSSION WHETHER TO INCLUDE THIS CONCEPT OF "MINOR."*
- B. *The Gorge Commission will consider revisions that differ from this general guidance on a case-by-case basis.*

The proposed language is not any clearer than current policy language and adds limiting factors that have not been agreed upon by the full Commission. Adding arbitrary limitations and increasing ambiguity is not helpful, and is not progress.

Proposed Policy 10(B) states:

Urban Areas that adjoin or are near to one of the three Columbia River bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other Urban Areas that adjoin or are near to that bridge and other nearby Urban Areas.

All Gorge communities are unique and vary significantly in needs and goals. Obligating assets and resources of one community for the needs of another is simply not a feasible expectation. The Gorge Commission cannot assume this requirement would be reasonable or even possible, particularly for cities in different states.

Proposed Policy 11 states:

The Gorge Commission may require the local government to adopt enforceable conditions of approval to ensure land added to an Urban Area is used only to satisfy the demonstrated needs that were the basis for adjustment.

Proposed Policy 13 states:

Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas, will be determined on a case-by-case basis. The Gorge Commission may require a local government to adopt enforceable conditions of

approval to ensure land added to an Urban Area satisfies section 4(f)(2)(C). By rule, the Commission may establish factors to evaluate whether proposed revisions to the boundary of an Urban Area result in the maximum efficiency of land uses.

It is our interpretation that proposed Policies 11 and 13 are in conflict with Oregon Revised Statute 196.109, which states:

“If the urban area boundaries of the Columbia River Gorge National Scenic Area are revised to include land that was once within the general management area or the special management area, the management plan no longer applies to that land and the applicable provisions of ORS chapters 92, 195, 197, 215 and 227 and the rules, plans and ordinances adopted thereunder apply. [1993 c.317 §4]”

This statute implies that DLCD and the city would have jurisdictional authority in any new urban area lands, and would not be required or even authorized to apply National Scenic Area laws. We formally request LCDC and DLCD be contacted to provide formal comment on this proposed policy language.

Proposed Policy 14 states:

To achieve compliance with section 4(f)(2)(D), applications to revise the boundaries of an Urban Area shall prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and open space. The Commission by rule may establish a priority of lands to be considered for revising into Urban Areas.

This policy contains two parts: (1) requires applications (from counties) to prioritize revisions in areas where there would be no reduction of land use, suitable or designated for agriculture, forest, and open space, and (2) allows the Commission to establish (by rule) an inventory lands deemed appropriate for potential expansion. In regards to part 1, most urban areas are adjacent to lands used or suitable for agriculture, forest and open space. Before this policy is decided upon, Commissioners should evaluate an inventory of lands adjacent to exiting urban areas and determine how limiting this criterion could be. Part 2 allows for the Commission to obligate communities to evaluate properties they do not need and are not requesting. We agree that any requested modification should address alternatives, public interest and practicability, but only those properties that are viable options for consideration.

In conclusion, we strongly encourage you to give this topic the time and public conversation it needs to become effective policy. The plan update process has been an outstanding task for many years and is currently adhering to an arbitrary, self-imposed deadline. A rushed product will not come without cost to the residents of the Columbia River Gorge.

Thank you for this opportunity to provide comment.

Sincerely,



Scott Hege, Chair
Wasco County Board of County Commissioners

May 21, 2020

VIA EMAIL

Governor Kate Brown
Office of the Governor
900 Court Street NE, Suite 254
Salem, OR 97301-4047

Re: Columbia River Gorge Commission Proposes Management Policies that Eliminate Opportunities for Future Growth in Gorge Urban Areas

Dear Governor Brown:

We write to raise to you our collective concerns over the Columbia River Gorge Commission's proposed amendments to the *Management Plan for the Columbia River Gorge National Scenic Area* ("Management Plan"), amendments that would significantly diminish economic development opportunities for all urban areas in the Gorge. Not only are we concerned about the substance of the proposed amendments, but also the process the Columbia River Gorge Commission ("Commission") is using to push through significant policy changes, policy changes that will have permanent ramifications on our Gorge communities. The process lacks transparency, fails to give adequate, and meaningful, opportunity for public and stakeholder engagement, and raises questions about compliance with state public meeting laws.

The two equal purposes of the Columbia River Gorge National Scenic Area Act ("Act") are:

- " * * * [t]o protect and provide enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge," and
- "[t]o protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with [the Act's resource protections]."

The later purpose is getting lost in the Commission's current work to amend the Management Plan. The Commission, for the past years, has dismissed the importance of urban areas in the Gorge and the role urban areas play in the Gorge's economy. Now, the Commission proposed revisions to the Management Plan's economic development chapter and the chapter addressing the Commission's role in urban area boundary revisions that reflect together what appears to be a new "no growth" policy agenda. This is not consistent with the Act.

Currently, the Commission is proposing language that would effectively prevent urban areas on both sides of the river from expanding their respective urban boundaries to accommodate growth even if such expansions would be permissible under each state's respective rules. The drafters appear to be intentionally structuring the review requirements to make it virtually impossible for any urban area boundary expansion to receive approval. That coupled with the revisions to the economic development chapter, undermining the role of ports and urban areas in the Gorge's economy further reflect the Commission's intention to pursue an agenda that is inconsistent with the original intent of the Act.

Each signatory to this letter believes in responsible, sustainable economic development and growth. Growth does not mean sprawl, which we all agree is unwanted. We strongly believe, however, that urban areas should continue to have the opportunity to grow, should there be a demonstrated need and if such growth can be done consistent with the resource protection purpose of the Act. What the Commission proposes to do is preclude such an opportunity.

We respectfully request that the Governor support us in requesting that the Commission pause its work on the amendments to urban area boundary policies to allow for more meaningful public and stakeholder input. We also believe that additional time is needed to conduct outreach to state agencies on both sides of the river to refine the coordination efforts described in the proposed amendments. The Commission is proposing to adopt new policies that will have significant and permanent ramifications on the future of the Gorge and the ability of urban areas to accommodate future economic growth opportunities. The proposed policies could also prevent Oregon Gorge communities like the City of The Dalles from meeting its 20-year land supply for housing, employment, and industry under Oregon’s own comprehensive land use planning rules.

Each signatory below has been an active participant in the Commission’s amendment process. We recognize the importance of the plan updates, but caution that rushing significant policy changes on urban area boundary revisions will have permanent and significant ramifications on Gorge communities. The Commission is already late on conducting its 10-year review of the Management Plan. Removing the Urban Area Boundary Revisions from the Commission’s current plan amendment process (and take it up later) would allow the Commission to move forward with the majority of the plan amendments without jeopardizing our communities’ ability to consider future sustainable growth opportunities like all other Oregon communities outside of the Gorge.

Thank you for your consideration.

Very truly yours,

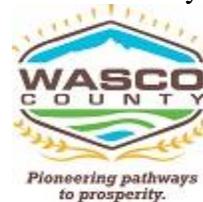
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Executive Director
Port of The Dalles



May 22, 2020

VIA EMAIL

Columbia River Gorge Commission
c/o connie.acker@gorgecommission.org

Re: Joint Comments on Gorge 2020 Urban Area Boundary Revisions

Dear Chair Liberty and Commissioners:

The signatories to this letter provide these joint comments on the draft Gorge 2020 Urban Area Boundary Revisions presented to the Columbia River Gorge Commission (“Commission”) for its work session on May 12, 2020. We each have commented or participated in some capacity in the May 12, 2020 work session, and in anticipation of the upcoming CRGC work session on May 26, 2020, we wish to provide the Commission with these additional, collective comments and suggestions.

Defer any amendment to the Urban Area Boundary Revision policies.

We all believe the Commission should stop work on the proposed amendments to the urban area boundary revisions language in the Columbia Gorge Management Plan (“Plan”) and defer that boundary revision language until after the Commission finalizes and implements the updated Plan. The redline language as presented to the Commission at the May 12 work session may touch on the policy topics that the Commission has discussed over the course of Gorge 2020 review cycle, but the proposed language would effectively punt key policy decisions to rulemaking and *ad hoc*, case-by-case considerations. This approach has raised significant concerns among a range of stakeholders, from Friends of the Gorge to each of the signatories of this letter (as expressed during the May 12 work session or in written comments).

The Commission seems to be operating on its own agenda, now pushing forward incomplete urban area policy on what appears to be an artificial timeline based on commissioner terms and the U.S. Forest Service deadlines when the Commission is already years late on its periodic review. Taking more time for policy making on urban area boundaries is the responsible path, as the Commission’s work will have permanent ramifications on the future of the Gorge’s human communities and natural environments. In the end, not all stakeholders may agree on the adopted language -- but at a minimum, any amendment should give stakeholders and the public clear policy direction and definitive guidance for future growth of Gorge communities. The Commission needs to coordinate with state agencies now, rather than defer these key conversations until down the road, as is currently contemplated by draft policy 7.

It has been expressed many times through the Gorge 2020 process, that there is a shared objective of any amendment to the urban area boundary section of the Plan was to provide greater clarity for future applications. Unfortunately, the May 12 work session redline does not meet this shared objective. Instead, we feel that the May 12 redline would worsen the situation. We recognize and appreciate the considerable amount of work and thought has already gone into the May 12 redline, but we respectfully request that the Commission table this provision for now as it continues the remainder of the Gorge 2020 work.

Revise the May 12 redline to reflect clear policy direction and definitive positions on future growth of the Gorge’s urban areas.

If the Commission opts to proceed on amending the urban area boundary policies, we request that the Commission revise the May 12 work session redline before sending it out for formal public comment in June. In its May 12, 2020 comment letter to the Commission, the Port of The Dalles (“Port”) proposed specific redline revisions. We support these proposed redlines, and in this letter we wish to further illustrate why the Port’s proposed language reflects clear policy direction that would reduce uncertainty for our respective communities and public agencies.

Generally, the language in the May 12 redline gave the impression that the Commission was asserting its authority and foreshadowing that it may opt to not process any request for an urban boundary revision. For example, draft policy 1 indicated that the Commission could opt not to accept any request because “it doesn’t have to” under the Act. Draft policy 5 then implies that the Commission could block a request because “it doesn’t have any money” within its budget. The Commission cannot impose procedural hurdles to render the language of the Act meaningless. The Act contemplates growth in urban areas and reflects specific congressional intent to protect the economy of the Gorge’s urban areas. It imposed high hurdles in the form of the 4(f) criteria to ensure that such growth was not done to the detriment of the SNCRs. The Commission does not need to impose procedural hurdles when robust substantive hurdles already exist in the form of the 4(f) criteria.

With this framework in mind, we propose revised language.

Blue bold = proposed language and red strikeout = deleted language.

Introduction

We propose revisions based on policy language currently contained in the Introduction of the Management Plan and consistent with the expressed vision.

~~The National Scenic Area Act authorizes the Gorge Commission to make minor revisions to the boundaries of any **of the 13 cities and towns identified as “urban areas” in the Act.** Urban Area, subject to the criteria and procedural requirements in section 4(f) of the Act. In doing so, the Act **calls for** ~~enables~~ **the Gorge Commission to recognize human presence and the desire for prosperous cities and towns in the Gorge amidst a spectacular landscape with remarkable resources. It is the Commission’s obligation to strike the delicate balance of resource protection and sustainable growth of urban areas, consistent with both purposes of the Act.** ~~to protect and enhance for the scenic, natural, cultural, and recreation resources; agricultural land, forest land, and open space of the Columbia River Gorge, while supporting and serving the needs of the thirteen Urban Areas. The following policies describe principles for how the Commission interprets and will apply the criteria in section 4(f) of the Act.~~~~

Proposed Policy 1

As drafted, policy 1 extrapolates one interpretation of the Act into an unnecessary and unsupported statement about the Commission’s supposed authority to ignore requests from its stakeholders and communities. To avoid this unnecessarily combative stance, we simply suggest language that reframes how a county may submit a request to the Commission for consideration.

~~1. The National Scenic Area Act does not require the Gorge Commission to consider requests to revise Urban Area boundaries. The Act does not entitle a county or any person or entity to have the Gorge Commission consider a request to revise an Urban Area boundary.~~

- 1. A county may apply to the Gorge Commission for a minor urban area boundary revision upon providing the Gorge Commission at least six months’ notice of its intent to file an application. The county shall include in the notice a proposed timeline for Commission review of the application and a summary of the boundary revision including approximate geographic location, acreage, and future uses within the revised area.**

Proposed Policy 2

The proposed revision to policy 2 would include language referencing Appendix C (containing the urban area legal boundaries) and noting that the rule may be amended from time to time (e.g., upon approval of an urban area boundary revision the rule would need to be amended to reflect the amended boundary).

- ~~2. The legal boundary descriptions in **Appendix C of Commission Rule 350-10 (as amended through December 31, 2018 and may be amended from time to time)** are the ~~Urban Area~~ boundaries and acreage calculations that counties must use in applications to revise Urban Area boundaries.~~

Proposed Policy 3

The language should track the authorization in 544(c) of the Act governing revisions to SMA boundaries, rather than setting forth a new interpretation of federal law.

3. ~~The Gorge Commission can only approve applications to revise a boundary of an Urban Area adjacent to the General Management Area. Revisions to a boundary between an Urban Area and a Special Management Area require Forest Service coordination, consultation and approval under section 4(c) of the Act in addition to Gorge Commission approval under section 4(f)(2)(A)-(D).~~ **The Gorge Commission has authority to review and approve applications to revise a boundary of an Urban Area adjacent to the General Management Area. Revisions to a boundary between an Urban Area and a Special Management Area are subject to review and approval by the Secretary in consultation with the Commission.**

Proposed Policy 4 and Policy 5

As drafted, policy 4 and 5 present procedural hurdles that could bar applications. To avoid unnecessary debate about what the Commission can and cannot do, we suggest revised language that addresses the Commission's concerns about money and funding.

4. ~~The Gorge Commission shall seek funding in its biennial budget to support any Urban Area boundary revision application after receiving a county's intent to submit an application. If funding is not available either because of a budget shortage or because it was not included in the biennial budget given the budget cycle, the Gorge Commission shall enter into a cost reimbursement agreement with the applicant to cover the costs of processing an application until the funding is obtained through the biennial budget process. Counties shall inform the Gorge Commission of their intent to seek an Urban Area boundary revision in time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.~~ **The Gorge Commission shall seek funding in its biennial budget to support any Urban Area boundary revision application after receiving a county's intent to submit an application. If funding is not available either because of a budget shortage or because it was not included in the biennial budget given the budget cycle, the Gorge Commission shall enter into a cost reimbursement agreement with the applicant to cover the costs of processing an application until the funding is obtained through the biennial budget process.**
5. ~~At the beginning of each biennial budget, the Gorge Commission will determine whether its funding is sufficient to allow it to analyze one or more Urban Area boundary adjustment applications during that biennium and communicate its determination to the counties.~~

Proposed Policy 6

Again, proposed policy 6 presents a procedural hurdle that could potentially bar applications to the Commission from its constituent communities. Rather than arguing about what the Commission may require, we suggest letting an applicant decide the timing of an application,

subject to the requirements in policy 1 (notice) and policy 4 (budget). Depending on agency consultation and other considerations, an applicant may seek to file an application with the Commission prior to filing with the state, concurrent, or subsequent to obtaining state approval.

- 6. An applicant for an urban area boundary revision may elect when to file an application with the Gorge Commission. An application to the Commission may precede an application to the state, be concurrent with an application to the state, or be subsequent to an application with the state for corresponding state approval of the urban boundary revision. The Commission shall condition the effectiveness of the Commission's approval for any urban area boundary revision on the applicant receiving the corresponding state approval. ~~The Gorge Commission will only consider applications to revise Urban Area boundaries in conjunction with state-required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area.~~**

Proposed Policy 7

We request that the Commission address this coordination issue before adopting any amendments to the urban area boundary policies. In the most recent draft, proposed policy 7 improperly defers a policy choice about how the Commission will coordinate with state law. The Commission must make this choice, not kick the can.

Proposed Policy 8

As the Commissioners know, the meaning of “minor” in the Act has been a decades old debate. However, if Congress had intended ‘minor’ to amount to some acreage threshold, then that intent would be shown in the language of the statute or in the legislative record. Instead, the Commission is empowered to appropriately limit urban expansion through the Act through the substantive criteria set forth by Congress in 4(f). We support the idea of having a safe harbor – an acreage or size threshold that the Commission will always consider minor. However, an acreage threshold cannot be the only pathway for qualifying as ‘minor.’ We know the Commissioners would not intend to commodify the remarkable lands under its jurisdiction. Unfortunately, this proposed one-size-fits-all acreage threshold effectively treats every acre as the same and interchangeable, contradicting both the commissioners’ stated goals and the purposes of the Act as a whole. We maintain that the Act can be read, based on a plain language, that “minor” in (f)(1) is met if the applicant demonstrates compliance with 4(f)(2) criteria. Nevertheless, given what is an apparent, ongoing controversy over such a reading, we encourage the Commission to look to its existing guidance for providing an alternative to the safe harbor.

Please note that the below-proposed use of “shall” versus “may” is intentional, with the effect of providing two possible pathways for demonstrating “minor” – a safe-harbor pathway and a discretionary pathway.

~~8. The Gorge Commission will determine whether a proposed Urban Area boundary revision is minor pursuant to section 4(f) of the National Scenic Area Act on a case-by-case basis.~~

~~A. Generally, a~~ **A revision to an Urban Area boundary shall may be considered minor if (a) the revision involves an expansion of 20 acres or 1 percent of the total area within the Urban Area, whichever is less, (b)**

~~i. the revision involves no net change in the total area of the Urban Area, or (c), or~~

~~ii. if the revision is cumulatively 20 acres or 1% of the total area of the Urban Area, whichever is less, or~~

~~iii. if the revision involves transferring Urban Area acreage between two Urban Areas, provided that the transfer results in no net loss of the total National Scenic Area-wide acreage in the General Management Area.] THE COMMISSION DID NOT COMPLETE ITS DISCUSSION WHETHER TO INCLUDE THIS CONCEPT OF “MINOR.”~~

In addition, the Commission may consider a revision to an Urban Area boundary minor if the revision does not result in a substantial expansion of an Urban Area or have a significant effect on surrounding lands outside of the Urban Area.

~~B. The Gorge Commission will consider revisions that differ from this general guidance on a case-by-case basis.~~

Proposed Policy 9

We have no comments

Proposed Policy 10

We have serious concerns about the Commission’s ability to require one urban area to consider the buildable lands of another, particularly if the analysis requires consideration of land in a different state. This raises considerable legal questions. We encourage the Commission to take a different direction on proposed policy 10, as suggested below leaving the specifics of a “needs” determination to a later day in rulemaking.

~~10. Compliance with section 4(f)(2)(A), demonstrating need to accommodate for long-range urban population growth requirements or economic needs may be satisfied using either Oregon or Washington’s requirements for determining need for state-level applications to expand an applicant’s urban area boundary. The consistent with the management plan within an Urban Area, will be determined case-by-case.~~

~~A. Oregon’s and Washington’s processes for determining need require similar analyses of residential and economic land need based on population growth and employment forecasts, identification of development opportunities and constraints, and provisions to evaluate need for public lands to support residential and economic uses. For all Urban Areas, in both Oregon and Washington, the~~

~~Gorge Commission will generally follow the processes and ranges specified in Oregon Administrative Rule 660-038, which may be refined by rule. By rule, the Gorge Commission may revise specific Oregon factors and add specific National Scenic Area factors.~~

~~B. Urban Areas that adjoin or are near to one of the three Columbia River bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other Urban Areas that adjoin or are near to that bridge and other nearby Urban Areas.~~

~~C. For all applications, the analysis used and the Commission’s review must incorporate the proposed service and labor market areas.~~

Proposed Policy 12

As drafted, proposed policy 12 simply defers policy choices to a later rulemaking or application review process. To correct this, we proposes the following revisions:

~~12. Compliance with section 4(f)(2)(B), consistency with the standards and purposes in the Act may be satisfied by direct findings demonstrating that the proposed revision~~

is consistent with the standards and purposes when considered collectively. Findings of compliance with each standard are not required to demonstrate compliance with section 4(f)(2)(B). ~~used to develop the Management Plan and the purposes of the Act, will be determined on a case-by-case basis. The Commission recognizes that the application of the standards and purposes of the Act in the Management Plan may not be appropriate for determining compliance with section 4(f)(2)(B). The Commission may use the procedures and requirements in the Management Plan for guidance but is not bound to the procedures and requirements in the Management Plan for Urban Area boundary applications. By rule, the Commission may specify requirements to comply with section 4(f)(2)(B).~~

Proposed Policy 13

Like proposed policy 12, proposed policy 13 defers policy choices that the Commission should be making now. To correct this, the language should provide specific considerations for satisfying (4)(f)(2)(C):

13. Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas, may be satisfied by providing information on the proposed zoning requirements for the expanded area like minimum parcel size, lot coverage, minimum density, floor area ratios, and other development standards along with draft plans for transportation and public utility service to be finalized and implemented upon the Commission's approval of the urban area boundary revision. ~~will be determined on a case-by-case basis. The Gorge Commission may require a local government to adopt enforceable conditions of approval to ensure land added to an Urban Area satisfies section 4(f)(2)(C). By rule, the Commission may establish factors to evaluate whether proposed revisions to the boundary of an Urban Area result in the maximum efficiency of land uses.~~

Proposed Policy 14

Again, like proposed policy 12 and 13, proposed policy 14 defers policy choices the Commission should be making now. To correct this, the language should provide specific considerations for satisfying 4(f)(2)(D):

14. ~~To achieve e~~Compliance with section 4(f)(2)(D), demonstrating that applications to revise the revisions to boundaries of an Urban Area shall not result in the significant reduction of agricultural lands, forest lands, or open spaces may be satisfied by demonstrating that the agricultural, forest or open space removed

from the General Management Area has low resource value, is underutilized, lacks resources protected by 544a(1), or has qualities or characteristics that are better suited for urban area uses. shall prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and open space. The Commission by rule may establish a priority of lands to be considered for revising into Urban Areas.

We realize the Commission has a difficult task before it. Making policy is challenging, and completely satisfying all interested parties is never possible. However, by sharing this letter with you, we wish to express our earnest belief that with further consideration, the draft language could become more workable for many more interested constituents, stakeholders and communities at large. We maintain that the Commission can reach a balanced approach on urban area policy, protecting our region's resources and its economy, just as contemplated in Congress' adoption of the Act and our states' adoptions of the Compact.

Thank you for your consideration.

Very truly yours,

Mayor Rich Mays
City of The Dalles



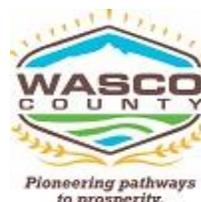
Andrea Klaas
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Board of County Commissioners
Wasco County



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