

# HOUSE BILL REPORT

## HB 1453

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**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to eliminating the backlog of land use applications in the Columbia River Gorge commission for the purpose of protecting and enhancing the natural scenery and regional economic development of the Columbia River Gorge national scenic area.

**Brief Description:** Eliminating the backlog of land use applications in the Columbia River Gorge commission for the purpose of protecting and enhancing the natural scenery and regional economic development of the Columbia River Gorge national scenic area.

**Sponsors:** Representatives Pike, Wylie, Takko and Vick.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 2/10/15, 2/19/15 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Columbia River Gorge Commission (Commission) to eliminate the Commission's backlog of complete and unprocessed land use applications by July 1, 2017, improve the Commission's land use permit application approval process, and submit two reports each year to the Legislature describing the Commission's progress on eliminating its backlog of complete and unprocessed land use applications and the improvements made to the land use application process.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Dunshee, Orcutt, Pettigrew, Stanford and Van De Wege.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Chandler, Kretz and Schmick.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Peter Clodfelter (786-7127).

**Background:**

In 1986 the federal National Scenic Area Act (Act) became law. The Act's purpose is to protect and enhance the scenic, cultural, recreational, and natural resources of the Columbia River Gorge while protecting and supporting the Columbia River Gorge National Scenic Area's (Scenic Area) economy by encouraging growth in existing urban areas and allowing for future economic development. The Scenic Area is about 83 miles long and consists of 292,500 total acres located in Washington and Oregon. In Washington, the Scenic Area includes parts of Skamania County, Klickitat County, and Clark County.

Pursuant to federal authority granted in the Act, in 1987 Washington and Oregon ratified an interstate compact that formed the Columbia River Gorge Commission (Commission), a regional planning agency. The Commission consists of 12 voting members, who are appointed by the governors of Washington and Oregon, and the governing bodies of the six counties within the national Scenic Area. Additionally, the United States Secretary of Agriculture appoints one nonvoting member.

All new development and land uses in the National Scenic Area must be consistent with the Act and the local ordinances that implement the Act. Implementing ordinances must be consistent with the Scenic Area Management Plan—which was created pursuant to the Act—and may be disapproved by the Commission. The Commission may also adopt an ordinance for a county that sets standards for using nonfederal land in a county within the Scenic Area if the county fails to do so. The Commission reviews all proposals for major development in each county in the Scenic Area, except urban areas, and may disapprove development if the development is inconsistent with the purpose of the Act. Washington and Oregon fund the Commission separately through their own legislation.

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**Summary of Substitute Bill:**

The Columbia River Gorge Commission (Commission) is required to eliminate its backlog of complete and unprocessed land use application by July 1, 2017. In addition, the Commission is required to plan and implement certain improvements to the Commission's land use application review process. Specifically, the Commission must reinstate processing timelines for land use applications, provide technical assistance to Clark County, Klickitat County, and Skamania County's land use application programs, and review proposed amendments to the Scenic Area Management Plan.

Moreover, the Commission is required to submit two reports each year to the appropriate committees of the Legislature. The reports are required to contain information about the number of new staff the Commission hires for the purpose of processing land use applications and the number of land use applications processed, including the date the applicant submitted each application, the type of land use approval sought in each application, the date the Commission processed each application, and the number of applications that remain unprocessed. The reports must document the Commission's progress

on improving the land use application process to prevent future backlogs of unprocessed applications.

The Commission's reports must be submitted to the Legislature every six months, beginning January 1, 2016, and ending July 1, 2017.

**Substitute Bill Compared to Original Bill:**

It is clarified that the Legislature intends to provide the Columbia River Gorge Commission with one-half of one full-time equivalent employee beginning January 1, 2017, who has experience and demonstrated expertise related to land use planning in Washington and Oregon and who is appointed by the Governor, rather than with the two full-time equivalent employees during the 2015-2017 biennium.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill would help the Columbia River Gorge Commission (Commission). The Columbia River Gorge National Scenic Area is currently experiencing much growth, particularly related to the unmanned aerial vehicle industry. However, because of budget cuts, both the Washington and Oregon legislatures reduced the Commission's funding around 2008. The Commission's budget has not been increased since then. Currently, one employee is responsible for reviewing land use applications at the Commission; further, each application requires about 50 hours of staff time. Accordingly, there is a backlog of unprocessed land use applications. The Legislature intends to fund two full-time equivalent employees for the Commission over the next two years to get rid of the backlog. The bill requires the Commission to give the Legislature feedback about the Commission's progress in eliminating the backlog of applications and to improve the land use application review process. The additional employees could also allow the Commission to update its comprehensive plan, which has not been updated in over 10 years.

(Opposed) None.

**Persons Testifying:** Representative Pike, prime sponsor; and Don Bonker, Columbia Gorge Commission.

**Persons Signed In To Testify But Not Testifying:** None.