JOINT COMMISSION MEETING

HOOD RIVER COUNTY

JOINT COMMISSION MEETING MINUTES

DATE: 7/7/2025

TIME: 5:30 P.M.

LOCATION: 601 STATE ST., HOOD RIVER, OR 97031

1. Call to Order

Time meeting called to order: 5:30 pm.

2. Roll Call:

Commissioners Present: Chad Munzer, Jamie Loomis, Arthur Babitz, Jon Kelter Gehrig, Erick von Lubken, Kira Guisto, Jay Lyman, Jennifer Euwer, Josh Kitts

Commissioner Absent: Ryland Moore, Leti Moretti, and Ed Weathers

Staff Present: Eric Walker, Micaela Keller, Allison Williams, and Maria Diaz

County Legal Counsel: Chris Crean

Guests/Attendees: None

3. Directors Report:

Planning Director, Eric Walker began the meeting with an introduction to the proposed draft amendments to **Article 44** of the Hood River County Zoning Ordinance, which pertains to floodplain regulations. He noted the primary purposes of the meeting were to review these changes, ensure alignment with federal requirements, and prepare for the upcoming public hearing scheduled for **August 13**. A significant focus of the discussion was on FEMA's "**Pre-Implementation Compliance Measures" (PICMs)**, which are part of the Federal effort to bring local jurisdictions into compliance with updated floodplain management standards.

Planning Director Eric Walker introduced the Commission to a presentation by Consultant Alice Cannon, explaining that FEMA issued a mandate in 2023 requiring Oregon jurisdictions, including Hood River County, to update their local floodplain regulations. This mandate impacts jurisdictions participating in the **National Flood Insurance Program (NFIP)**. He noted the County's revisions to Article 44 had been previously delayed ensuring full compliance not only with **federal law** but also with **Oregon's state-level requirements**, particularly the mandate that housing-related land use regulations be clear and objective. The draft ordinance now reflects input from County Legal Counsel and designed to conform with FEMA's model floodplain management code, while ensuring legal defensibility under both state and federal standards

4. Presentation:

Consultant Alice Cannon

Consultant Alice Cannon provided an overview of the reasons behind the proposed updates to Hood River County's floodplain regulations. She noted that the existing ordinance, last updated in **1987**, must be revised to align with FEMA's current model ordinance, to ensure continued participation in the NFIP, and to comply with legal mandates stemming from environmental litigation, including actions brought by the **Bird Alliance of Oregon**.

Cannon noted that the update aims to protect key floodplain functions such as **floodwater storage**, **water quality**, and **riparian vegetation**. A major objective of the revised ordinance is to ensure there is no net loss of undeveloped floodplain space. To achieve this, the responsibility for proving compliance has shifted to the applicant. Any individual or entity proposing development within the floodplain must retain a **qualified professional**—such as a **hydrologist**, **wildlife biologist**, or **environmental engineer—to prepare a mitigation and habitat assessment**. The applicant must also submit a signed statement confirming that their proposed project meets **the no-net-loss standards**.

Cannon outlined key **exemptions** from these requirements, including routine maintenance, infrastructure repair, standard agriculture and silviculture, tree/weed removal, septic repair, and habitat restoration. She also noted clarifications from the state that **non-residential accessory structures under 200 sq. ft.** may be exempt from floodproofing and elevation requirements. New **floodway maps** for Hood River County are expected within **12–24 months**, and the ordinance is structured to anticipate those updates.

Legal Explanation – Chris Crean, County Counsel

County Legal Counsel Chris Crean elaborated on the legal rationale for shifting the burden of compliance onto applicants. He explained that the original FEMA model code required local jurisdictions to verify whether a development met the "no net loss" standard for floodplain function. However, Oregon law mandates that land use regulations related to housing must be clear and objective. Because FEMA's model code included **discretionary or subjective criteria**, it was legally incompatible with state requirements.

To address this, the County revised its approach by placing responsibility on applicants to demonstrate compliance. Applicants must hire a qualified professional to evaluate site conditions and propose mitigation, submitting a report that clearly outlines how the project will achieve the no net loss standard. This process mirrors how traffic or environmental impact studies are typically handled in land use applications. The County will not independently analyze the mitigation plans but will ensure that **submitted development plans match the mitigation proposal**. Conditions of approval will be used as the enforcement mechanism, for example, requiring that trees or riparian vegetation be planted as described in the applicant's materials.

Crean acknowledged that while the County lacks the capacity to perform technical assessments, it does retain authority to enforce conditions of approval and verify that promised improvements are completed. He also noted that these current updates represent "pre-implementation compliance measures," adopted as an interim step while FEMA continues the formal federal rulemaking process. Future amendments may be required once federal regulations are finalized, but adopting this ordinance now helps ensure ongoing compliance and program participation.

5. Commission Discussion

The commissioners engaged in an extensive discussion regarding the implications of the proposed ordinance, particularly its potential costs and burdens on property owners and developers. Commissioner von Lubken expressed concern that requiring applicants to hire qualified professionals might create a substantial barrier to development, particularly for affordable housing projects. He highlighted the tension between ensuring environmental compliance and maintaining realistic development opportunities.

Commissioner Babitz acknowledged the concern but framed the ordinance as a pragmatic solution—stating that the burden of demonstrating compliance must fall on either the County or the applicant, and that placing it on the applicant is the only viable option given the County's limited resources and staffing. He also noted that this regulatory structure is consistent with practices across the state and aligns with the County's enforcement capacity.

Director Eric Walker responded by providing context that on average, the County receives only about two floodplain development permit applications per year and many of these are not residential projects but rather involve public or conservation-related activities. He emphasized that the proposed ordinance is unlikely to impact a large number of properties, especially since much of the floodplain is not zoned for residential development.

Commissioner Kitts asked whether applicants would be provided with clear instructions or templates to guide them through the new requirements. Cannon responded that a detailed technical manual exists, and it is expected that consulting firms in the region will be familiar with the procedures.

Commissioner Guisto raised a concern about definitions in the ordinance, specifically pointing out that while "silviculture" was defined, "standard agricultural practices"—a more relevant term for the local community—was not. Cannon agreed this was an important observation and committed to addressing it in the next draft.

The discussion concluded with the acknowledgment that while the requirements could create added hurdles for applicants, they reflect a necessary response to both legal obligations and environmental stewardship. Commissioners agreed that the proposed approach struck a balance between regulatory compliance and administrative feasibility.

Director Walker concluded the meeting by outlining the next steps in the ordinance adoption process. He noted that on June 25, the County mailed a Measure 56 notice to approximately 620 property owners whose land lies within the designated floodplain. This notice is a legal requirement to inform affected individuals about upcoming regulatory changes that may have an effect on their property rights. He noted that the first evidentiary public hearing on the draft amendments is scheduled for **August 13**, before the **Hood River County Planning Commission**. At that meeting, the County will formally present the proposed ordinance, take public testimony, and begin the legislative review process. If the Planning Commission recommends approval of the draft ordinance, it will then be forwarded to the **Board of Commissioners** for final adoption by **October or November**.

Walker emphasized that this timeline reflects a proactive effort to comply with FEMA and state requirements before stricter federal rules are finalized. Commissioners acknowledged the importance of this effort and expressed appreciation for staff and consultants' work on the ordinance.

6. Adjourn

Time of adjournment: 6:08 pm