

DRAFT
Meeting Notes
Rules Committee
Commission Office
April 22, 2009
3:00 p.m.

Committee Members Present: Judy Davis, Joyce Reinig, Walt Loehrke, Sara Grigsby, Carl McNew

Staff present: Jill Arens, Jennifer Kaden, Brian Litt

Public present: Todd Cornett, Les Cochenour, Dan Durow, Gary Fish, Steven Andersen, Dave Berger, Cindy Walbridge, Matt & Mary Bowen, Michael Lang

Committee Chair Judy Davis began the meeting at 3:00 p.m. by asking for introductions. She reported that the Oregon Department of Land Conservation and Development and the Growth Management Program in Washington would be making a presentation at the May 12 Gorge Commission meeting.

The Committee approved the meeting notes from April 1, 2009.

Process

Judy Davis asked the Committee to consider whether to move forward with proposed rule changes or changes to the advisory UA Boundary Revisions Handbook in light of the limited time left for the Committee to complete its work and make a recommendation to the full Commission before the end of the fiscal year. Joyce Reinig explained the Executive Committee has asked the Rules Committee to wrap up its work as soon as possible given the likelihood of insufficient staff to continue work on urban area boundary revisions rules after June 30. Jennifer Kaden provided the Committee an estimated timeline of doing rule vs. revisions to the advisory handbook. She described the different amounts of time and staffing involved in each option. The other option would be to halt the work altogether. This option was not viewed favorably by the Committee. Several ideas and preferences were voiced: slowing the rulemaking and doing it as able; going ahead with changes to the advisory handbook and looking for opportunities to put it into rules later; putting this off until plan review. Joyce Reinig said she thought more than one hearing would be necessary for rulemaking. No consensus was reached and Judy Davis suggested moving on with the agenda and coming back to this item.

Minor Revision & Cumulative Impacts

Judy Davis started the Committee's discussion about minor revisions and cumulative impacts (of boundary revisions) with a discussion of the intent of the first purpose of the Act. The UA handbook interprets consistency with the first purpose of the Act as protection and enhancement of scenic, cultural, recreation, and natural resources. Brian Litt noted that the way the Management Plan protects the SNCRs is with guidelines that prevent adverse effects. The Handbook also interprets consistency with the standards of the Act as not adversely affecting scenic, cultural, recreation, and natural resources. Sara Grigsby prepared a paper of suggested administrative rules in which not adversely affecting resources would be accomplished with a "no net loss" standard. Sara Grigsby explained her suggested "no net loss" standard as an opportunity for trade offs. She suggested using the concept in terms of values, not acres. The Committee discussed how "no net loss" would be measured. Some Committee members thought it would result in a measurement of acreage for lack of a more practical method of measuring values. Members of the public made comments about existing ways of measuring the value of resources (e.g. scenic sensitivity maps); about opening the door to loss of Scenic Area lands; and "no net loss" for homeowners rebuilding homes destroyed by

disaster. Judy Davis asked the Committee whether it wanted to change the interpretation of "adversely affect" into "no net loss." Some Committee members feared using "no net loss" could be confusing and could have effects beyond the topic of boundary revisions. The Committee decided to keep the existing interpretation (Motion made by Walt Loehrke; seconded by Joyce Reinig; 4 -1 vote)

The discussion turned to cumulative impacts. Staff had prepared a handout of possible options for addressing cumulative impacts. Joyce Reinig suggested returning to the process question raised at the beginning of the meeting and made a motion to recommend revising the UA handbook instead of rulemaking. Walt Loehrke seconded the motion which passed 4-1.

The discussion returned to cumulative impacts. Sara Grigsby suggested adding language specifically addressing cumulative impacts in the UA handbook. Staff explained the handout of options for addressing cumulative impacts. One audience member raised a question about whether the interpretation in the UA handbook of addressing cumulative impacts as part of Criterion B is correct. Others asked whether it adds anything to address cumulative impacts in the interpretation of minor revision. Some said it may be redundant but wouldn't hurt. Of the options presented by staff, the Committee decided it liked including the concept of cumulative impacts in the interpretation of minor revision. To address cumulative impacts and to interpret minor revision, the Committee opted for revising the existing interpretation in the handbook as follows:

B.2. (Modified Handbook 2)

"Minor revisions" are those boundary changes which;

- do not have a significant effect on surrounding lands outside the Urban Area and beyond the immediate area subject to the boundary change;
- ~~or those boundary changes which~~ do not result in a substantial expansion of an Urban Area; and
- address cumulative impacts.

Policy statement

Judy Davis provided copies of a policy statement she drafted. When asked how it would be used, she suggested it could be added to the UA Handbook. Brian Litt suggested it could serve as guiding principles. Audience members suggested more time should be taken to review it and request comments. One member of the public pointed out that the interest of tribes is not included in the draft. The Committee decided to discuss the statement further at the next Committee meeting and to provide comments to Jennifer Kaden by May 5.

Next Meeting

Wednesday, May 13, 3 – 5 p.m. at the Commission office

The meeting adjourned at 4:55 p.m.