

**Columbia River Gorge Commission**

Meeting Minutes

April 14, 2020

via Zoom Webinar

***COMMISSION MEMBERS IN ATTENDANCE***

Bridget Bailey  
Bowen Blair  
Lynn Burditt  
Sondra Clark  
Lorrie DeKay  
Dan Ericksen  
Robin Grimwade  
Robert Liberty  
Carina Miller – joined at 11:04 a.m.  
Rodger Nichols  
Janet Wainwright

***COMMISSION MEMBERS ABSENT***

Jerry Meninick

***STAFF PRESENT***

Connie Acker, Administrative Assistant  
Aiden Forsi, Land Use Planner  
Bryce Guske, Land Use Planner  
Joanna Kaiserman, Senior Land Use Planner  
Jeff Litwak, Counsel  
Lisa Naas Cook, VSI Planner  
Jessica Olson, Senior Natural Resources Planner  
Mike Schrankel, GIS Planner  
Krystyna Wolniakowski, Executive Director

***AUDIENCE PRESENT***

Barber, Adam – Multnomah County Land Use Planning  
Barker, Jillian  
Baugher, John  
Beauclerk, Carole  
Bennett, Lee  
Borkowski, Lisa – WA Office of Financial Management  
Boven, Valdis  
Brewer, Angie – Wasco County Planning  
Carr, Geoff  
Case, Pat  
Clark, Dan  
Cleveland, Keith – Hood River County Community Development  
Coe, Guy  
Cook, Kevin – Multnomah County Land Use Planning  
Cornelison, Peter – Friends of the Columbia Gorge  
Cunningham, Lyndee  
Dooley, Sheila  
Edelman, Scott – OR Department of Land Conservation and Development  
Evans, Kate  
Farrington, Christine  
Frothingham, Peter  
Gatz, Casey – U.S. Forest Service  
Gertz, Donald

Grenz, Daryl  
Griffing, Dorothy  
Hege, Scott – Wasco County Commissioner  
Helfen, Morai – U.S. Forest Service  
Hess, Zora  
Hey, Christy  
Hooker, Roderick  
Jandial, Sue  
Johnson, Amber – WA Department of Fish and Wildlife  
Johnson, Carol – Multnomah County Land Use Planning Director  
Keane, Sheila  
Kirchhoff, Joana  
Klaas, Andrea – Port of The Dalles  
Knightley, Lee  
Kuhta, Scott – WA Department of Commerce  
Lang, Michael – Friends of the Columbia Gorge  
Leon, Peter  
Lingley, Terra – OR Department of Transportation  
Mahr, Dan – Office of U.S. Senator Jeff Merkley  
Marley, Pamela  
McCoy, Steve – Friends of the Columbia Gorge  
Nickolds, Mitch – Clark County Community Development Director  
Perron, Bradford  
Peters, Alan – Skamania County Community Development  
Platt, Lisa  
Reynolds, Julie  
Rittenhouse, Ryan – Friends of the Columbia Gorge  
Schmitt, Rick  
Shoal, Robin – U.S. Forest Service  
Sjogren, Kyla  
Staten, Heather – Thrive Hood River  
Stone, Tyler – Wasco County  
Todd, Judy  
Val, G  
Williams, David  
Wright, Kristen  
Wu, D.P. – OR Department of Environmental Quality  
Yoshida, Miyuki  
Zelada, Armando

Others were present during the meeting.

**Call to Order and Roll:** Chair Liberty called the meeting to order and Connie Acker called roll. (9:00 a.m.)  
Connie reviewed Zoom meeting guidelines and public comment procedures.

**Approval of Minutes of February 11, 2020 Commission Meeting:** Commissioner Blair moved to adopt the February 11, 2020 meeting minutes. Commissioner Erickson seconded the motion. The Commission voted to approve the February 11, 2020 meeting minutes on a unanimous voice vote. (9:09 a.m.)

**Opportunity for Treaty Tribe Nations to Address Commission:** As part of the Government-to-Government consultation process, the Commission welcomes input from treaty tribe members on any issue on the agenda and any other matters. The Treaty Tribe Nations did not offer testimony. (9:10 a.m.)

**Opportunity for Public Comment:** The following provided public comment to the Commission on items not listed on the agenda (9:12 a.m.):

- Michael Lang, Friends of the Columbia Gorge, thanked Commission staff for the transition to the Zoom meeting platform.
- Heather Staten, Executive Director of Thrive Hood River, started to comment on Short-Term Rental (STR) regulations, and Chair Liberty shared that she could provide these comments during the Work Session for Gorge 2020 Land Uses Focus Topic, since STRs are part of that discussion.
- Pamela Marley signed up to provide public comment, and the microphone was not working.
- Sue Jandial commented that she is joining the meeting to learn.
- Ryan Rittenhouse, Friends of the Columbia Gorge, read a letter from Rachel Grice, resident at 356th Avenue, the road leading to the Washougal Pit. The letter requests enforcement of the stop work order for the Zimmerly mining operation.
- D.P. Wu, air quality planner with the Oregon Department of Environmental Quality, commented that the agency's regional haze planning process is underway for 2021-2018, and they will be reaching out in the future to provide an update.

Members of the public provided written comment:

- Dan Clark provided comment relating to issues in Skamania County. (Attachment A)
- Rachel Grice provided a memo dated April 14, 2020, with the subject: Washougal Pit Comments from 356<sup>th</sup> resident, Rachel Grice. (Attachment B)
- Randall Marker provided a memo dated April 14, 2020, with the subject: wild animal policy and the state fish and game dept. (Attachment C)
- Various Friends' members provided comment with the subject: Strengthen Gorge Protections. (Attachment D)
- Debra Lutje provided a letter commenting on updated the Management Plan (Attachment E)

**Work Session\* - Gorge 2020 Land Uses Focus Topics:** Joanna Kaiserman, Land Use Planner, presented on issues of the Land Uses focus topics identified by the Commission as requiring more discussion before draft policy revisions are presented on May 12, 2020. Staff facilitated Commission discussion on the issues and requested Commission guidance in order to draft policy revisions. Presentations were made using the "screen share" function. (Attachment F) (9:21 a.m.)

Joanna Kaiserman provided a brief overview of the Gorge 2020 revision process and where the Land Uses focus topic fits within the Management Plan. (Attachment G) She described staff recommendations and highlighted specific questions to Commissioners for these topics: (1) overnight accommodations; (2) commercial facilities, events, and uses regulations; (3) renewable energy; (4) mining; (5) cluster developments; and (6) land use designation policies for public lands.

## **(1) Overnight Accommodations**

### **Discussion questions:**

- Would allowing Short-Term Rentals support the purposes of the Act of allowing economic development in a way that is consistent with resource protections?
- Is there a reason to continue allowing Bed & Breakfasts but not Short-Term Rentals?

### **Commission Discussion:**

- Commissioner Nichols suggests that STRs are equitable if treated the same way as Bed & Breakfasts.
- Commissioner Blair does not support allowing STRs outside of commercial, rural center, residential, and urban areas because of enforcement concerns and the potential to promote development in rural areas.
- Commissioner Erickson thinks that STRs in rural areas increase negative impacts to agriculture and forestry operations.
- Commissioner Bailey supports STRs for homeowners on a limited basis and including a grandfather clause for existing B&B permits similar to City of Hood River ordinances.
- Commissioner Wainwright is concerned about impacts to agriculture and forestry and supply of affordable housing.

- Commissioner s Wainwright and Clark do not think a “house swap” is the same thing as a rental and should not be subject to this policy.
- Commissioner Clark does not support current B&B permittees being affected by proposed changes and recommends conducting a survey of B&B owners to better understand existing use.
- Commissioner Erickson asked for legal clarification on whether a B&B permit is tied to the parcel or the owner.
- Commissioner Blair requested additional information on how the Commission would monitor STRs (e.g., online advertising monitoring similar to City of Hood River).
- Commissioner Burditt recommended that Commissioners not decide on which topics to have staff work on until they get through all meeting topics so priorities can be identified.

Chair Liberty offered a **policy guidance proposal** for consideration: Eliminate existing provision for Bed & Breakfasts and replace it with an authorization of Short-Term Rentals only in single family residential, commercial, and rural center zones; maintain the requirement that STRs be clearly incidental to primary use and that the owner be a resident; continue authorization of 90-day rental limit; clarify existing authorization for the continuation of use or have a policy recommendation to address concerns about 2-year permit period; and request whatever background information staff can provide on existing B&B use based on consideration of staff workload.

**Poll of support** for moving forward with proposal (not a formal vote):

- Commissioner Bailey: Comfortable and recommend aligning CRGC guidelines with those of Hood River County
- Commissioner Blair: Comfortable with reservation about how monitoring will be performed
- Commissioner Clark: Comfortable with reservations
- Commissioner DeKay: Comfortable with reservations
- Commissioner Erickson: Comfortable
- Commissioner Grimwade: Comfortable
- Commissioner Wainwright: Comfortable with reservations
- Commissioner Nichols: Comfortable with reservations
- Chair Liberty: Comfortable

## **(2) Commercial facilities, events, and uses regulations**

**Discussion questions:**

- Should the language in the Management Plan be changed to allow for cideries in a manner similar to wineries?
- What goal is achieved by allowing commercial uses such as value-added agriculture? And different commercial uses on rural lands

**Commission Discussion:**

- Commissioner Erickson does not support allowing cideries outside of urban areas and considers cideries an industrial use.
- Commissioner Nichols thinks that wineries and cideries are similar enough to compare for permitting purposes.
- Commissioner Blair’s primary concern is keeping commercial use as incidental and subordinate to primary use of the land and supports limiting number of events to regulate this. Blair thinks cideries are industrial use.
- Commissioner Clark is unsure of moving forward on changes.
- Commissioner DeKay shared that existing winery space and infrastructure function to limit scale of possible events.
- Commissioner Nichols asked whether Commission has received many complaints about winery events.

Commissioner Nichols offered a **policy guidance proposal**: Staff to develop draft language to treat cideries in a manner similar to wineries in the Management Plan.

**Poll of support** for moving forward with proposal (not a formal vote):

- Commissioner Bailey: No opinion at this time; would like more information on complaints about commercial use; if allowed, should be limited to non-resource zones
- Commissioner Blair: Uncomfortable; considers wineries an industrial use that should be limited to urban and commercial areas
- Commissioner Clark: Uncomfortable
- Commissioner DeKay: Uncomfortable; cideries should be limited to urban and commercial areas
- Commissioner Erickson: Uncomfortable
- Commissioner Grimwade: Comfortable with them in urban areas
- Commissioner Miller: Uncomfortable
- Commissioner Wainwright: Uncomfortable; interested in revisiting commercial uses associated with wineries in the future
- Commissioner Nichols: Offered the proposal and comfortable with reservations
- Chair Liberty: Uncomfortable; interested in revisiting commercial uses associated with wineries in the future

**(3) Renewable Energy**

**Discussion question:**

- Should the Management Plan include language that explicitly allows solar and wind energy generation for non-commercial use?

**Commission Discussion:**

- Commissioner Burditt supports the staff recommendation and suggested that Gorge 2020 topics that have general agreement should be the focus of staff time going forward.

After clarifying questions, Chair Liberty asked Commissioners to indicate support for the staff recommendation regarding renewable energy (pg. 5 of Attachment F).

**Poll of support** for moving forward with staff recommendation (not a formal vote):

- Commissioner Bailey: Support
- Commissioner Blair: Support; interested in language for non-reflective surfaces on solar panels
- Commissioner Clark: Support
- Commissioner DeKay: Support
- Commissioner Erickson: Support; important to address climate change
- Commissioner Grimwade: Support
- Commissioner Wainwright: Support
- Commissioner Nichols: Support
- Commissioner Miller: Support
- Chair Liberty: Support; request that staff develop objective standards to distinguish between commercial and noncommercial, rather than determining on case-by-case basis

**(4) Mining**

**Discussion questions:**

- Does section 6d(d)(9) require the Commission to permit mining in the National Scenic Area?

**Commission Discussion:**

- Commissioner Erickson thinks that it does require us to consider mining, but SNCR protection standards mean it will be very restrictive.
- Commissioner Blair thinks this definition does not preclude the Commission from permitting new mines.
- Commissioner Nichols would like this definition to include specifics on transport as well.
- Commissioner Wainwright wonders if Commission can adopt the SMA standard.

- Commissioner Clark feels that enforcement is important and does not oppose mining outright because there are some areas that are not visible from Key Viewing Areas.

**Poll** on question whether section 6d(d)(9) requires Commission to permit mining on NSA (not a formal vote):

- Commissioner Bailey: Does not require
- Commissioner Blair: Does not require
- Commissioner Clark: If plan mentions mining and does not say it is prohibited, then it is permitted
- Commissioner DeKay: Plan prohibits banning mining, so it can be permitted but subject to SNCR protections
- Commissioner Erickson: Plan prohibits banning mining, so it can be permitted but subject to SNCR protections
- Commissioner Grimwade: Does not require
- Commissioner Miller: No comment on this
- Commissioner Wainwright: Does not require
- Commissioner Nichols: Defer to other commissioners
- Chair Liberty: Does not require

**Discussion Questions:**

- Should the definition of what constitutes mining in the Management Plan more expressly include the transportation of materials offsite?
- Should other business activities, such as maintaining state permits, reporting, leasing, maintenance, etc. be added to the glossary definition?

**Commission Discussion:**

- Commissioner Clark seeks clarification on how the Commission's role would relate to Counties' current role if transportation were included.
- Chair Liberty suggests this change would allow the Commission to consider transportation of material as subject to review of SNCR impacts.
- Commissioner Blair supports including transportation because of resource impacts and does not support including reporting and leasing in the definition.
- Commissioner Erickson recommends that staff clarify the exact language to be used.

Commissioner Blair offered a **policy guidance proposal**: Include transportation in the definition of what constitutes mining in the Management Plan and do not include business activities such as reporting and leasing.

**Poll of support** for moving forward with proposal (not a formal vote):

- Commissioner Bailey: Support
- Commissioner Blair: Support
- Commissioner Clark: Undecided
- Commissioner DeKay: Support
- Commissioner Erickson: Support
- Commissioner Grimwade: Support
- Commissioner Miller: Support
- Commissioner Wainwright: Support
- Commissioner Nichols: Support
- Chair Liberty: Support

**Discussion Question:**

- Are there other changes the Commission wishes to make regarding the authorization and conditions of operation of surface mines?

**Commission Discussion:**

- Commissioner Wainwright recommends applying SMA mining standards to GMA lands.

- Commissioner DeKay thinks that the SMA guideline regarding rock and gravel being used for forest uses is too restrictive for GMA.
- Commissioners Wainwright and Blair support a more rigorous standard applied to GMA.
- Commissioner Blair supports limited expansion of use beyond forest roads, but these should be clearly identified.
- Commissioner Erickson believes the requirement to meet SNCR protections and limiting use to inside the Scenic Area boundary are adequate.
- Commissioner Bailey agrees with Commissioner Erickson's comment.
- Commissioner Blair is comfortable with restricting use of gravel to within the Scenic Area boundary, but outside of Urban Areas.
- Commissioner Nichols thinks local sources of gravel are important and seeks legal clarification of the Commission's authority to specify where a company transports and sells its gravel product.

Chair Liberty offered a **policy guidance proposal** based on this discussion: Limit mining in GMA to production of gravel and rock for use within the National Scenic Area including the Urban Areas.

**Poll of support** to move forward with proposal (not a formal vote):

- Commissioner Bailey: Comfortable
- Commissioner Blair: Comfortable
- Commissioner Clark: Uncomfortable
- Commissioner DeKay: Uncomfortable
- Commissioner Erickson: Uncomfortable
- Commissioner Grimwade: Comfortable
- Commissioner Miller: Comfortable
- Commissioner Wainwright: Comfortable
- Commissioner Nichols: Uncomfortable
- Chair Liberty: Comfortable

Staff to draft language and note questions from several Commissioners about authority to make this policy change.

## **(5) Cluster developments**

### **Discussion questions:**

- Should the provision for cluster developments be removed from the Plan?

Chair Liberty asked Commissioners to indicate support for the staff recommendation to remove the cluster development provision from the Management Plan.

**Poll of support** for moving forward with staff recommendation (not formal vote):

- Commissioner Bailey: Uncomfortable (unsure of final direction from Bailey because she was referring to item 6 in audio)
- Commissioner Blair: Comfortable
- Commissioner Clark: Uncomfortable
- Commissioner DeKay: Comfortable
- Commissioner Erickson: Comfortable
- Commissioner Grimwade: Comfortable
- Commissioner Miller: Comfortable
- Commissioner Wainwright: Comfortable
- Commissioner Nichols: Comfortable
- Chair Liberty: Comfortable

## **(6) Land use designation policies for public lands**

**Discussion question:**

- How would requiring this change in land use designation protect resources more than the current guidelines do?

**Commission Discussion:**

Referring to the idea proposed by a commenter noted on page 7 of the Staff Report, Commissioner Burditt replied that resource protection and enhancement is an allowed use in any land designation and is not limited to open space and recreation. Commissioner Burditt offered an example: If USFS acquired a one-acre parcel and changed it to open space for recreation in the middle of a small-scale agriculture area, it creates an “untenable” patchwork. USFS believes that resource protection can be achieved through any land use designation and would not include this change in SMA and likely not concur with it for GMA if Commission chooses to provide direction that any acquisition by a public agency must be switched to open space or recreation. Casey Gatz added that other public land management agencies in the NSA agree with USFS that the proposed change is unnecessary to meet resource protection objectives.

Commission did not direct staff to move forward with this change.

**Public Comment on Work Session: Gorge 2020 Land Uses Focus Topics:**

- Michael Lang, Friends of the Columbia Gorge, commented on the rationale for land use designation policy change; support for prohibiting mining, cideries, and short-term rentals in the Scenic Area; support for geohazards inventory; and need to address cumulative effects (e.g., coal trains) and climate change in the Management Plan. Friends provided a Memo to the Commission dated 4/14/2020 re: Gorge 2020 priorities regarding land use topics (Attachment H) and an email with attachments regarding Short Term Rentals (Attachment I).
- Heather Staten, Thrive Hood River, described the rationale for adoption of the Hood River County and City rules for Short-Term Rentals (STRs) and impacts of STRs throughout the Scenic Area. Supports Commission establishing guidelines that are consistent with existing Hood River County and City rules.
- Bradford Perron, resident of Hood River County, requested that the Gorge 2020 plan revision include Short-Term Rental guidelines to allow small homeowners to rent their homes on a limited basis.

**Work Session\*: Update on Compliance in the NSA (Part 4) and Klickitat County Compliance Study:**

Given time constraints, the Commission focused discussion on questions or concerns with the Klickitat County Compliance Study (Attachment J) from Krystyna U. Wolniakowski, Executive Director, and Aiden Forsi, Land Use Planner. (12:40 p.m.)

Chair Liberty asked whether Commissioners were comfortable with the study as written:

- Commissioner Bailey: Comfortable
- Commissioner Blair: Comfortable
- Commissioner Clark: Comfortable
- Commissioner DeKay: Comfortable
- Commissioner Erickson: Comfortable
- Commissioner Grimwade: Comfortable
- Commissioner Miller: Comfortable
- Commissioner Wainwright: Comfortable
- Commissioner Nichols: Comfortable
- Chair Liberty: Comfortable

**Word of the Day:** Commissioner Miller presented the Word of the Day, which was “N’chi Wana.” This is a word from the Warm Springs language meaning Columbia River. (12:45 a.m.)

**Executive Director’s Report:** Executive Director Wolniakowski provided an update on the CRGC budget and OR and WA budget request processes for 2021-2023. Funding was approved in WA for administration succession costs (\$20,000) and requires an Oregon match. The Commission received full funding for a full-time Klickitat County Planner and will no longer be under contract with Klickitat County. The Executive

Director is working on an Oregon funding request for the updated database (already approved in Washington) and noted that this will be a difficult ask, given state budget impacts of COVID-19. (12:50 p.m.)

The Executive Director also summarized the timeline for Gorge 2020 focus topics as outlined in the updated Road Map (Attachment K). Chair Liberty asked for clarification on the timeline for working on Urban Area Boundary Rule changes. The Executive Director replied that staff will be working on this after the Management Plan revision is finished in August.

The Commission decided to move forward with the Gorge 2020 Road Map timeline and set aside a meeting time in July as needed to review a draft of the draft Management Plan.

**Public Comment on Work Session: Klickitat County Compliance Study (1:00 p.m.)**

- Michael Lang, Friends of the Columbia Gorge, asked that the Commission to review written comments on this topic previously submitted by Friends of the Columbia Gorge. Friends provided a Memo to the Commission dated 4/14/2020 re: Mandatory Enforcement Role of the Executive Director (Attachment L).
- Judy Todd asked where to send her written comments on any agenda items covered today. Connie Acker replied that comments should be sent to [connie.acker@gorgecommission.org](mailto:connie.acker@gorgecommission.org).

**U.S. Forest Service NSA Manager's Report:** Commissioner Burditt provided an update on Forest Service activities in the National Scenic Area. (1:10 p.m.)

- Primary function right now is mitigating for COVID 19 spread and working on emergency preparedness in anticipation of fire season. USFS is partnering with Counties and WA and OR Governors on "stay home, stay healthy" effort.
- Committed to staying on August timeline for completing the Management Plan revision.
- Recreational facilities and trailheads are closed in the Gorge right now. USFS closed acreage as well to avoid resource and safety impacts. Seven miles of Historic Columbia River Highway are fully closed and another seven miles have daytime closures.
- Agency is exploring 30-, 60-, and 90-day plans based on possible state reopening strategies in response to COVID-19.
- Eagle Creek bridge and water line is now out for bid; working on bridge design for Wahclella Falls.
- Several federal highway grants are in process.
- Continuing work on final review for the Historic Columbia River Highway design process.
- Will begin work soon on bi-state project to inventory and update NSA signs.
- Continuing work on State Route 14 congestion, mitigation, and safety effort.

**Other Business**

Commissioner Blair thanked staff for role in coordinating this first Zoom Commission meeting.

**Adjourned (1:23 p.m.)**

Approved 4/28/2020