

Columbia River Gorge Commission

Meeting Minutes

April 28, 2020

via Zoom Webinar

COMMISSION MEMBERS IN ATTENDANCE

Bridget Bailey (joined ~ 9:10 a.m.)
Bowen Blair
Lynn Burditt
Sondra Clark
Lorrie DeKay
Dan Ericksen (joined ~ 9:30 a.m.)
Robin Grimwade (joined ~ 9:10 a.m.)
Robert Liberty
Rodger Nichols
Janet Wainwright

COMMISSION MEMBERS ABSENT

Jerry Meninick
Carina Miller

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 U. Wolniakowski, Executive Director

AUDIENCE PRESENT

Albrich, Elaine – Davis Wright Tremaine LLP
Allen, Mandy
Bailey, Ken
Bechtel, Jeremy
Boesch, John
Brewer, Angie – Wasco County Planning
Chetham, North
Clark, Dan
Cleary, Edward
Cornelison, Peter – Friends of the Columbia Gorge
Cypher, Jean
Dooley, Sheila
Dietrich, Karol
Ferrer, Deborah
Fink, Peter
Fiene, Ilia
Gatz, Casey – US Forest Service
Helfen, Morai – US Forest Service
Johnson, Amber – WA Department of Fish and Wildlife
Keane, Sheila
Klaas, Andrea – Port of The Dalles
Kuhta, Scott – WA Department of Commerce
Lang, Michael – Friends of the Columbia Gorge

Lawless, Deb
Leon, Peter
Le Vee, Ilene
Lingley, Terra – OR Department of Transportation
McCoy, Steve – Friends of the Columbia Gorge
Moyer, Paul
Meier, Sherry
Nickolds, Mitch – Clark County Community Development Director
Omer, Kathy
Ordon-Bakalian, Keenan
Peters, Alan – Skamania County Community Development
Pipinich, Carrie
Reed, Emily
Richardson, Doug
Ringenson, Judy
Rittenhouse, Ryan – Friends of the Columbia Gorge
Sandmeyer, Stephanie
Shoal, Robin – US Forest Service
Stone, Natasha
Stone, Tyler – Wasco County
Thie, Krista
Todd, Judy
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.)

Approval of Minutes of April 14, 2020 Commission Meeting: Commissioner Blair moved to adopt the April 14, 2020 meeting minutes. The Commission voted to approve the April 14, 2020 meeting minutes on a unanimous voice vote. (9:02 a.m.)

Opportunity for Public Comment: The following provided public comment to the Commission on items not listed on the agenda (9:03 a.m.):

- Michael Lang, Friends of the Columbia Gorge, spoke to equity access of Commission meetings.

Commissioner Liberty commented about equity and better public access through Zoom meetings, as long as there is internet access and Commissioners Blair, Bailey and Nichols agreed. Commissioner Wainwright asked about Commissioner Meninick. Commissioner Burditt mentioned that Mr. Johnson Meninick, a relative of Commissioner Meninick, was Director of Cultural programs for the Yakama Nation and passed away a week ago. Mr. Johnson Meninick was a major participant in Gorge Commission programs. Commissioner Blair also commented about Mr. Johnson Meninick and Commissioner Wainwright requested that staff prepare a letter of condolences to the Meninick family.

Members of the public provided written comment:

- Dan Clark provided comment relating to issues in Skamania County. (Attachment A)
- Elaine Aldrich questioned Economic Ch 2 redline versions. (Attachment B)
- Friends of the Columbia Gorge provided a memo dated April 28, 2020 re Gorge 2020 Draft Scenic Resources Chapter Revisions. (Attachment C)
- Virginia Tarango provided comment relating to Zimmerly pit and enforcement. (Attachment D)
- Davis Wright Tremaine LLP provided a letter dated April 20, 2020 re Gorge 2020 Economic Development Chapter Revisions. (Attachment E)
- Friends of the Columbia Gorge provided a memo dated April 27, 2020 re Economic Development Draft Revisions. (Attachment F)
- Ilene Le Vee provided disagreed with incorporating “new/improved” term “scenery vs. scenic.” (Attachment G)

- Port of the Dalles provided a letter dated April 27, 2020 re Economic Development Chapter Revisions (April Version) (Attachment H)

Work Session* -- Gorge 2020 Scenic Resources Chapter Technical Edits (9:11 a.m.): Lynn Burditt, Area Manager, Forest Service discussed the relationship between the Commission and the Forest Service while updating the Management Plan. Morai Helfen, Landscape Architect, Casey Gatz, Land Management Planner, Forest Service, and Aiden Forsi, Land Use Planner, Gorge Commission, presented highlights of the technical edits (“red-lines”) to the Scenic Resources Chapter of the Management Plan. The purpose of the Work Session was to review the draft amendments to the Gorge Management Plan and for the Commission to either endorse the language as prepared by the staff or modify it to reflect its preferences. The Commission will then present the draft language which it has endorsed for public comment during the final public comment review period, June 1 – 30, 2020. (Attachment I(1) and I(2)) Audio is available for the details of the presentation.

The Commissioners provided comments and asked clarifying questions regarding technical edits to Scenic Resources Chapter (Attachment J):

- Commissioner Blair asked to hear more about the reasons for Visual Management System replaced by Scenery Management System changes, then (pdf)page 13 why language says maximum extent practicable, page 16 why mining “shall” be permitted and asked to change it to “may” be permitted, page 17-18 the reason for hierarchy, page 21 why setbacks were removed, and page 21 to explain variance based on unbuildable vs uneconomic—this standards misapplies the NSA standard. Staff responded that Visual Resources Management System is being utilized by National Forests because they were required to use it, but since then guidance requires the FS has to use new systems as plans are updated which includes more public input and natural and cultural resources as part of scenery—also now recognized across the world as a scientific process. The 100-foot setback was removed because it was duplicative with Natural Resources chapter.
- Commissioner Nichols asked about the definitions for pastoral on (pdf) page 4 pastoral landscapes and waterforms sentences about the natural vs manmade, and ponds to make sure definitions are clear--and page 12 language removed, page 13 major changes about the tests added, and page 19 questions about language removed about KVAs. He also voiced concern about the updated compatibility guidelines. Staff responded that in pastoral landscape settings that ponds, and manmade ponds probably need clarifications in next draft.
- Commissioner Wainwright asked whether the updated definition of *skyline* is a policy change, and how monitoring should be applied to vegetation and screening.
- Commissioner Bailey asked a question about page 16 point number 2 that needs clarification on development of mineral resource protections and concerned that we are not applying scenic resources to mineral resources and recommended using aerial and imaging technology for efficiently monitor development reviews. Staff responded that mineral resources have been consolidated to Part 2 Chapter 7 and all standards apply to mining activities. Policy 8 refers to new mineral development and is more restrictive with being fully screened. Final edits will provide more clarity. Also, staff uses the most updated aerial/imagery technology during development reviews.
- Chair Liberty asked about (pdf) pages 17-18 with conditions shall be proportionate to its visual impacts and intent of the new language or moved from somewhere else. Staff said that the language has existed but has been moved and should have its own guideline numbers, but it needed more clarification, so staff split into 2 guidelines to address each of two factors—determination of potential impact and extent of visual impact.
- Commissioner Ericksen asked about agricultural structures and comparison with other buildings and what that means, and that farm buildings must be as invisible as possible—but stated that they add to the scenic beauty to the farm landscape so should be considered part of the landscape.

Public Comment on Work Session: Gorge 2020 Scenic Resources Chapter Technical Edits (10:23 am):

- Michael Lang, Friends of the Columbia Gorge, commented on staff presentation and has submitted written comments. Requested that the Commission not endorse staff revision in order to more

fully consider all the public comments and allow for a more robust public process. Requested that the Commission consider some additional technical revisions to improve consistency with NSA.

- Steve McCoy, Friends of the Columbia Gorge, commented that they could not find definitions in materials. He also asked to what extent will changing the Visual Management System change outcomes.

Commission Discussion

After hearing public testimony, Commissioners had the following comments:

- Commissioner Blair asked about cumulative effects explicitly avoided or denied and asked if staff felt it was sufficiently explicit in the draft.
- Chair Liberty asked for staff response on definitional changes, mining and railroad consistency with court decisions, and consistency between GMA and SMA, and the hierarchy referred to in Section 4 page 17-18 and Section 5.
- Commissioner Wainwright asked about monitoring a development and screening vegetation, and if it was not sufficient to be visually subordinate, that there be a requirement for additional screening. She also asked again about the new skyline definition and if would have changed the outcome of Fowler decision. Commissioner Burditt reminded the Commission that these were technical changes and updates proposed to the Scenic Chapter, and that some of the comments are policy related. She also stated that the intent of the new skyline definition was to clarify the definition and would not have affected the outcome of the Commission's decision.
- Commissioner Nichols said some of the changes seem like policy changes such as page 12 GMA policy 2, doing something different page 13 specifically a new test to get 10 buildings for compatibility analysis.
- Commissioner Bailey suggested that some SMA policies would fit in the GMA area and asked if they could be consolidated and be listed together and not in different sections.
- Chair Liberty asked Commissioners to put their comments and additional questions in emails to staff who would then package with materials staff already presented and provide it for public comment in June. He asked that staff identify what is technical and what is not, and if it was acceptable?
- Commissioner Nichols objected to this approach, pointing out that there were areas where suggested, approved and proposed. If there are serious objections, how will they be dealt with? He wants to send email to the staff about his reasoning for areas of disagreement.
- Commissioners did not necessarily agree on the same changes.
- Commissioner Blair said if several Commissioners have different viewpoints on edits, how does staff handle that? Commissioner edits in the same documents—but several edits that need clarification vs edits that they can't agree with. I
- Chair Liberty asked to identify areas of agreement and disagreement and then staff could work through them in a methodical way
- Commissioner Bailey staff will summarize and methods to decide if the concerns or suggestions today will be included in the draft—summary to consider.
- Chair Liberty Areas of agreement and disagreement and how to work through them. Due to time limitations that could not be done today, but the Commission will not be meeting again until July about all the changes made. He stated that another option to review options would be to schedule another meeting in May and then final proposed changes would be folded into the draft going out for public comment in June.
- Commissioner DeKay requested that staff respond with a written memo addressing the issues/questions answered and identified for areas of agreement and disagreement.
- Commissioner Clark stated that farmers don't spend money on buildings unnecessarily and supports having farm buildings be part of the landscape and is part of the economy.
- Chair Liberty asked Commissioners to send in comments in writing to staff so they can respond directly to the questions and concerns.
- Director Wolniakowski asked that the Commissioners wait until end of April 29 meeting to determine next steps and to clarify the process of incorporating Commissioner and public comments given that there were still four more presentations, and then develop a comprehensive strategy to move forward for how staff can answer questions and concerns before June 1.

BREAK – 11:10 a.m.

Work Session* -- Gorge 2020 Economic Development Chapter Revisions (11:10 a.m.): Krystyna U. Wolniakowski, Executive Director, Joanna Kaiserman, Senior Land Use Planner, Gorge Commission, and Casey Gatz, Land Management Planner, Forest Service, provided an update on the draft edits (“red-lines”) to the Economic Development Chapter. The purpose of the Work Session was to review the draft amendments to the Gorge Management Plan and for the Commission to either endorse the language as prepared by the staff or modify it to reflect its preferences. The Commission will then present the draft language which it has endorsed for public comment during the final public comment review period, June 1–30, 2020. (Attachment K) Audio is available for the details of the presentation.

Director Wolniakowski clarified that the Commission has seen past drafts of edits to the chapter, most recently in December 2019, that represented the suggested edits with majority agreement by the Economic Vitality Work Group (EVWG). Given that Commissioners and public provided additional comments to the December 2019 draft, staff incorporated as many of those comments as possible. The Chapter 2 “red-line” edits presented for discussion used the original chapter language in black, and the combined EVWG and public comments and Commissioners’ requested edits in red.

The Commissioners asked clarifying questions regarding draft edits of the Economic Development Chapter 2 (Attachment L):

- Commissioner Blair asked about page 2 new section 3 about Economic Vitality Plan and the economic planning efforts in the region and tying those to being consistent with the National Scenic Area Act, but it appeared that the Economic Vitality Plan was not tied to the Plan and Act and asked if that was an oversight. He asked if using the word “shall support” the Economic Vitality Plan even if the Commission does not approve it is appropriate and suggested using “may” instead. Staff responded that the Commission does not approve the Economic Vitality Plan but that the Commission and Forest Service staff review it and provide language that protects the SNCRs. Commissioner Blair recommended the two sentences be combined as follows: *The Gorge Commission recognizes and supports the importance of the economic vitality efforts of regional and community organizations and the four treaty tribes including the states of Oregon and Washington Economic Vitality Plan to the extent such efforts are consistent with the purposes and standards of the Act and Management Plan.*
- Commissioner Bailey asked about page 3 sub E about wineries and farm produce stands, and if breweries and cideries were commercial uses. Staff responded that it is not the wineries but the sales and tasting rooms that are the commercial uses and it needed clarification. Farm produce stands are not a commercial use and are addressed in another section of the Plan.
- Commissioner Clark asked why wineries are separated out and are hayrides considered commercial uses? Staff responded that it will be addressed in the land uses discussions. Commercial events are allowed in all GMA except in Open Space, Agriculture Special, and Commercial Forest designations. The Commissioners agreed to discuss this item the next day during the land uses work session.
- Commissioner Wainwright suggested that changing the word “industries” to “uses” is better, and was concerned about taking out section 5 about growth to occur in the urban areas and wants it back in.

Public Comment on Work Session: Gorge 2020 Economic Development Chapter Revisions (11:43 a.m.):

- Michael Lang, Friends of the Columbia Gorge, submitted written comments and re-stated those points.
- Steve McCoy, Friends of the Columbia Gorge, commented that they were concerned about commercial events in overnight accommodations and requested that 5F be deleted.
- Elaine Albrich, Davis Wright Tremaine LLP and Port of The Dalles submitted written comments and repeated that the Commission should keep policies 5,8 and 9, and add high tech, manufacturing and processing, and health care in addition to tourism in the introduction. Ports have special authorities related to economic development and will she will submit additional comments responding to the role of the ports.

Commission Discussion:

- Commissioner Ericksen stated that the ports are significantly different than other economic development entities and asked for additional information.
- Commissioner Nichols made comments on the introductory language on page 1 and references to the *people* and wants to retain concept that people live in the Gorge and thirteen urban areas. The Commission unanimously approved the change.
- Commissioner Blair proposed a minor change to the language in Policy 3 about Economic Vitality Plans. *The Gorge Commission recognizes and supports the importance of the economic vitality efforts of regional and community organizations and the four treaty tribes including the states of Oregon and Washington Economic Vitality Plan to the extent such efforts are consistent with the purposes and standards of the Act and Management Plan.* The Commission unanimously approved the change.
- Commissioner Bailey also wanted to add that the Commission supports economic vitality that reduces climate change impacts
- Commissioner Clark objected to the word “economy of communities”, and rather it is the “economy of the whole Gorge.”
- Commissioner Ericksen said that it is understood that there are people in the urban areas and throughout the Gorge.
- Commissioner Bailey suggested to strike the language about tourism since she stated that tourism does not support or build the local economy. Several Commissioners stated that tourism should remain in since it does contribute to the economy of the Gorge and did not support taking it out.
- Chair Liberty and other Commissioners supported language changes on page 2 and page 3 substituting “uses” for the term “industries”.

Poll of support to retain old Policy 5 (not a formal vote):

- Commissioner Bailey – Y
- Commissioner Blair – Y
- Commissioner Clark – N
- Commissioner DeKay – Either way
- Commissioner Ericksen – Either way
- Commissioner Grimwade – Y
- Commissioner Wainwright – Y
- Commissioner Nichols – Y
- Chair Liberty – Y

Commissioner Clark wanted to remove the word *communities* from new policy 6 (old 8) and 7. Commissioners did not object and asked staff to correct.

Commissioner Ericksen supported retaining old policy 9 to keep the original language with the special role of the ports in the revised draft. Commissioner Blair did not have concerns about recognizing the ports and their role but did not support that they have priority with urban area boundaries or exempt from wetlands regulations. Commissioner Wainwright asked about the special role of ports and who objected to the existing port language. Staff responded that public and Commissioner comments requested that the Commission recognizes other important partners with roles in economic development and not just the ports.

Commissioner Blair offered that he could support leaving ports in with the existing language in the first sentence: *The Gorge Commission recognizes the special role of the ports in the National Scenic Area as providers of river transportation and recreation facilities in Urban Areas.* A vote was taken about supporting the reduced language.

Poll of support of this policy 9 reduced (not a formal vote):

- Commissioner Blair – Y reduced
- Commissioner Clark – Y reduced
- Commissioner DeKay – Y reduced
- Commissioner Ericksen – Y reduced

- Commissioner Grimwade – N eliminate
- Commissioner Nichols – Y reduced
- Commissioner Wainwright – Y reduced
- Commissioner Bailey – N eliminate
- Chair Liberty – N eliminate

New Paragraph 8 –No objections to the proposed language.

Commissioner Bailey requested additional language “The Gorge Commission supports economic vitality that reduces climate change impacts,” on page 1 or in section 7.

Poll of support of Commissioner Bailey’s suggestion (not a formal vote):

- Commissioner Clark – Y
- Commissioner DeKay – N keep language as staff proposed
- Commissioner Ericksen – Y
- Commissioner Grimwade – Y
- Commissioner Wainwright – N keep language as staff proposed
- Commissioner Bailey – Y
- Commissioner Blair – Y
- Commissioner Nichols – Y
- Chair Liberty – Y

Executive Director’s Report -- Krystyna U. Wolniakowski provided updates on the FY21-2023 budget process for Oregon and Washington. (12:41 p.m.)

U.S. Forest Service NSA Manager’s Report -- Lynn Burditt provided an update on Forest Service activities in the National Scenic Area. (12:51 p.m.)

1:00 p.m. Adjourn Day 1

Approved 5/12/2020