

Columbia River Gorge Commission

Meeting Minutes
April 29, 2020
via Zoom Webinar

COMMISSION MEMBERS IN ATTENDANCE

Bridget Bailey (joined ~ 9:10am)
Bowen Blair
Lynn Burditt
Sondra Clark
Lorrie DeKay
Dan Ericksen
Robin Grimwade
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 Wolniakowski, Executive Director

AUDIENCE PRESENT

Albrich, Elaine – Davis Wright Tremaine LLP
Andre, M.
Angell, Kristin
Angell, Richard
Bergh, Stefanie - WDFW
Brewer, Angie – Wasco County Planning Department
Burkhardt, Jeanette – Yakama Nation
Carson, Monica
Cleary, Edward
Cleveland, Keith – Hood River County
Cornelison, Peter - Friends of the Columbia Gorge
Edelman, Scott – OR Department of Land Conservation & Development
Fiene, Ilia
Fink, Peter
Gephart, Laura – Columbia River Inter-Tribal Fish Commission
Grigsby, Sara
Johnson, Amber
Keane, Sheila
Klaas, Andrea – Port of The Dalles
Kuhta, Scott – WA Department of Commerce
Lang, Michael - Friends of the Columbia Gorge
Lawless, Deb
Lingley, Terra - ODOT
McCoy, Steve - Friends of the Columbia Gorge

McDermott, Donald - Columbia Gorge Wine Growers Board Member
Meier, Sherry
Morus, Robert – Oregon Winegrowers Association Director
Moyer, Paul
Nickolds, Mitch – Clark County Code Administration Department
Omer, Kathy
Ordon-Bakalian, Keenan – Jordan Ramis PC
Parga, Beatriz – Bridal Veil Lodge
Pawlitz, Rachel – US Forest Service
Reed, Emily – Columbia Gorge Tourism Alliance
Rittenhouse, Ryan – Friends of the Columbia Gorge
Shoal, Commissioner Grimwade – US Forest Service
Staten, Heather – Thrive Hood River
Stetson, Denise – US Forest Service
Unveiled Events
Von Flotow, Friedrich

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.)

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

- Peter Fink, White Salmon WA, provided comment regarding reopening of public lands in the Gorge for recreation uses and concerns with spread of Covid-19, and options for limiting access to parking lots while allowing recreation use.
- Michael Lang, Friends of the Columbia Gorge, reiterated concerns from the previous comments, asked Commission to give more guidance on deadline for comments before Commission meetings and format of comments on the Commission website.

Members of the public provided written comment:

- Michael Lang, Friends of the Columbia Gorge, provided memo dated April 27, 2020 re Land Use Staff Report (Attachment A)
- Numerous members of the public provided public comment entitled “Act on Climate” (Attachment B)
- Robb Bell, Cathedral Ridge Winery (Attachment C)
- Unveiled Events (Attachment D)
- Fritz von Flotow (Attachment E)
- Karol Dietrich (Attachment F)
- Scott Gulstine and Julia Bailey (Attachment G)
- Michael Lang, Friends of the Columbia Gorge, provided memo dated April 28, 2020 re Draft Natural Resource Revisions and Climate (Attachment H)
- Northwest Cider Association provided letter dated April 27, 2020 re Land Use Chapter Edits (Attachment I)
- Robert Morus, Phelps Creek Vineyards & Oregon Winegrowers Association (Attachment J)

Work Session* -- Gorge 2020 Natural Resources Chapter Technical Update: Jessica Olson, Land Use Planner, Gorge Commission, and Casey Gatz, Land Management Planner, Forest Service, presented technical edits (“red-lines”) to the Natural Resources Chapter of the Management Plan. The Commission and public reviewed initial proposed edits in 2019 and Jessica presented additional draft edits that have incorporated Commission, agency and public input. 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. (9:10 a.m.) (Attachments K(1) , (2) and (3))

Commissioners asked clarifying questions on the following topics: stream buffer widths; areas where stream buffers go between SMA and GMA lands; conversion of forest land; EPA’s recommendations for cold water refugia; shared language between SMA and GMA guidelines; special purpose of SMA buffers; change from “sensitive” to “rare” plants; describing “better outcomes” for NR guidelines.

Commissioners identified the following topics for discussion following public comment: wildlife habitat and fences; definition of “expert” with regard to wetland delineation; weighting different factors in Public Interest Test and other “tests” in the plan; consolidating SMA and GMA language where appropriate. The Commission identified the following topics for discussion as part of the Climate Change agenda item later in the day: stream buffers; EPA standards; conversion of forest to agricultural land; maintaining forest lands in terms of canopy cover; no net loss of agricultural lands.

Public Comment on Work Session: Gorge 2020 Natural Resources Chapter Technical Update:

- Michael Lang, Friends of the Columbia Gorge, commented on staff’s presentation and shared some of their written comments on this chapter.
- Steve McCoy, Friends of the Columbia Gorge, expressed concern that climate change was not being considered as part of the Natural Resources Chapter.
- Sara Grigsby, Corbett resident, shared that stream protections also protect water as a community resource, not just as a “natural” resource. She also commented on compliance issues in Corbett.

Commission Discussion

- Staff had removed explanatory language from the approval criteria for fences, felt it was better suited for policy statements. Commissioners were polled on whether to retain the language or go with staff’s recommended changes:
 - o Commissioner Nichols: retain
 - o Commissioner Wainwright: C should be retained
 - o Commissioner Bailey: no objection, retain C
 - o Commissioner Blair: retain, may be easier if policy statements are in brackets
 - o Commissioner Clark: no objections
 - o Commissioner DeKay: no objections
 - o Commissioner Ericksen: retain, bracketed would be fine
 - o Commissioner Grimwade: not present for vote
 - o Chair Liberty: retain, staff can adapt as necessary.
- Regarding removing listed “experts” from the wetland delineation guideline, staff explained that the listed professions were not necessarily certified to conduct wetland delineation studies, and that the new language clarified the guideline.
- Regarding a hierarchy of rules in the public interest test, other tests in the Plan and weighting considerations, staff explained that when planners create a staff report that each factor is included in that analysis, and is currently not weighted towards any one rule.

Commissioners were polled to move forward on approval for this chapter to go to public review:

- Commissioner Wainwright: approve
- Commissioner Bailey: no issue with anything in the draft but don’t think it’s ready for public review
- Commissioner Blair: approve, with caveat that changes in CC discussion are reflected
- Commissioner Clark: approve
- Commissioner DeKay: approve
- Commissioner Ericksen: approve
- Commissioner Grimwade: approve
- Commissioner Nichols: approve
- Chair Liberty: approve

BREAK – 10:36 a.m.

Work Session* -- Gorge 2020 Land Uses Focus Topic: Joanna Kaiserman, Land Use Planner, Gorge Commission, and Casey Gatz, Land Management Planner, Forest Service, presented the draft edits (“red-lines”) on the Land Uses focus topic incorporating Commission guidance and public comment presented at the April 14, 2020 Commission meeting. 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 policy 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. (10:47 a.m.) (Attachments L(1) and (2))

Commissioners asked clarifying question on the following topics: purpose of adding transport to mining definition; difference in responsibility for GMA and SMA (Forest Service does SMA plan revisions); ensuring roof mounted solar panels were intended to be proposed as a new expedited use; difference between accessory structures and accessory buildings; incorporation of bed and breakfasts and short-term rentals into term “overnight accommodations;” Commission’s ability to regulate use of material mined in the GMA; definition of commercial event and currently allowable commercial events; continuation of use if they are made non-conforming by plan change; the origin of the term “home occupations” in the plan; commercial events at overnight accommodations; allowed rooms in overnight accommodations; current commercial event guidelines; land use designations where home occupations are allowed.

The Commissioners identified the following topics for discussion following public comment: adding language that broadly allows uses similar to those currently allowed; defining cumulative effects; changing reporting date for commercial events to January 31st; number of rooms allowed in overnight accommodations; commercial events in conjunction with overnight accommodations; mining authorities.

- Commissioner Clark: in Klickitat County, where they name several uses that are allowed outright, always end with “or uses similar and no more detrimental than” or something to that effect – should we add this language
- Commissioner Bailey: If we’re going to endorse or allow a use, then a time restriction is reasonable. Conversation on similar uses
- Commissioner Blair: cumulative effects definition
- Commissioner Clark: no comment
- Commissioner DeKay: nothing special
- Commissioner Ericksen: reporting date of Dec 31st for commercial events, maybe Jan 31st; fruit and produce stands, does not allow for any sale of produce not produced, believe it should be “primarily” produced otherwise the use is effectively not feasible
- Commissioner Grimwade: nothing specific
- Commissioner Nichols: nothing specific
- Commissioner Wainwright: clarification/change to rental of three or more rooms, think it’s too much – talk about overnight accommodations
- Chair Liberty: The policy question of whether allowing 3 or 1-3 bedrooms for overnight accommodations, connected with that, addressing the issue staff raised about whether commercial events should be authorized in connection with overnight accommodations; and then two items from staff report that do not accurately represent the policy guidance given by the Commission on mining: the statement about whether or not Commission has authority over mining, which is partly the legal question previously addressed; and the statement about the Commission not being “precluded” from permitting new mines. Does not wish this to be carried forward as representing the Commission’s views.

Public Comment on Work Session: Gorge 2020 Land Uses Focus Topic:

- Michael Lang, Friends of the Columbia Gorge, commented on the proposed revision concepts and reiterated points from their written comments on this focus topic.
- Heather Staten, Executive Director of Thrive Hood River, commented on the proposed short-term rental regulation and allowance for commercial uses in short term rentals.

- Mitch Nickolds, Code Administration Program Director Clark County, shared perspective that whatever regulation the Commission adopts needs to be implementable by county governments, and limit ambiguity so that regulations are easily enforceable.
- Steve McCoy, Friends of the Columbia Gorge, commented on commercial events at short term rentals, allowed sales at fruit and produce stands, and that employees would be allowed at home occupations.

Commission discussion

The Commission discussed and voted on several topics.

Commissioners first discussed home occupations, short-term rentals, and commercial events. Conversation touched on compliance, ease or difficulty in enforcing regulations; what's allowed now vs. what could be allowed with new guidelines. Commissioners were polled on the following topics:

- For new permits for overnight accommodations in GMA, is policy guidance that we not allow commercial events.
 - Commissioner Clark: agree
 - Commissioner DeKay: agree
 - Commissioner Ericksen: agree
 - Commissioner Grimwade: had to leave
 - Commissioner Nichols: agree
 - Commissioner Wainwright: agree
 - Commissioner Bailey: agree
 - Commissioner Blair: agree
 - Chair Liberty: agree
 - Commissioner Burditt: make sure this only applies to GMA
- Future short-term rentals should only be allowed in rural center, rural commercial, residential 5 and 10 acre zones – no short-term rentals should be allowed in agricultural or forest land use designations.
 - Commissioner DeKay: okay
 - Commissioner Ericksen: agree
 - Commissioner Nichols: agree
 - Commissioner Wainwright: agree
 - Commissioner Bailey: agree
 - Commissioner Blair: agree
 - Commissioner Clark: agree
 - Chair Liberty: agree
- Should additional employees be allowed for STRs? If yes, how many?
 - Commissioner Bailey: no restriction, difficult to enforce
 - Commissioner Blair: no employees
 - Commissioner Clark: no limit so long as provision that homeowner has to live there
 - Commissioner DeKay: should be allowed up to 3, how cottage industry was set up
 - Commissioner Ericksen: allow, but limit to 2 or 3
 - Commissioner Nichols: limiting number of rooms limits number of employees, so limit of up to three
 - Commissioner Wainwright: be allowed, maybe 2 or 3, on assumption that they're not all there at the same time
 - Chair Liberty: none, having employees looks more like a business operation rather than a use that is incidental to the residence
- What is the maximum number of bedrooms that should be allowed in a short-term rental?
 - Commissioner Wainwright: no more than 3 bedrooms
 - Commissioner Bailey: no limit with proposed restrictions
 - Commissioner Blair: 2 or 3
 - Commissioner Clark: abstain

- Commissioner DeKay: abstain
 - Commissioner Ericksen: 3 or 4 – too many possibilities and seems like we’re making arbitrary choices
 - Commissioner Nichols: agree with Commissioner Ericksen
 - Chair Liberty: 2 bedrooms
- As there was not clear consensus on the preceding poll, Chair Liberty suggested that the Commission instead have a 90 room-day limit on short-term rentals (no restriction on number of bedrooms, but each night that any bedroom is rented counts against 90-day limit)
 - Commissioner DeKay: agree
 - Commissioner Ericksen: agree
 - Commissioner Nichols: agree
 - Commissioner Wainwright: agree
 - Commissioner Bailey: agree
 - Commissioner Blair: agree
 - Commissioner Clark: agree
 - Chair Liberty: agree
- The Commission had a short conversation regarding the 14-day consecutive limit for rental but did not address anything in detail at this time.
- Should the Commission include transportation in the definition of mining?
 - Commissioner Nichols: yes
 - Commissioner Wainwright: yes
 - Commissioner Bailey: yes
 - Commissioner Blair: yes
 - Commissioner Clark: no
 - Commissioner DeKay: yes
 - Commissioner Ericksen: yes
 - Chair Liberty: yes
- Commissioners briefly discussed the concept of restricting the use of material mined in the National Scenic Area.
- Commissioners discussed concerts as commercial events. Chair Liberty asked Commissioners to answer: Should concerts be excluded from definition of commercial events?
 - Commissioner DeKay: agree
 - Commissioner Ericksen: agree
 - Commissioner Nichols: agree
 - Commissioner Wainwright: agree
 - Commissioner Bailey: agree
 - Commissioner Blair: agree
 - Commissioner Clark: agree, and asked if Commission needs a definition of outdoor concert
 - Chair Liberty: agree
- Commissioners briefly discussed the definition of cumulative effects. Conversation was tabled for now; Commissioner Blair wanted to have conversation in the future as part of this plan review.
- Commissioner Ericksen discussed fruit and produce stand operation and the importance of having some products from off-site available for sale. Proposed change from “all” to “primarily grown on property” regarding produce and products available.
 - No objection to change from Commissioners.
- Commissioner Ericksen proposed changing the reporting date for commercial events from Dec 31st to Jan 31st.

- o No objection from Commissioners

BREAK (1:37 p.m.)

Work Session* -- Gorge 2020 Gorge Commission Climate Change Vision and Roles.

Jessica Olson, Land Use Planner, Gorge Commission, and Casey Gatz, Land Management Planner, Forest Service, was scheduled to present draft language for a climate change vision statement. (1:44 p.m.)
 (Attachment M)

This conversation was started much later than scheduled on the Agenda. In interest of time, Chair Liberty listed the proposed policy discussion topics that had come up:

- Climate vision statement
- Stream buffers
- Fire safety
- Forest land conversion
- Greenhouse gas mitigation
- Chair Liberty asked other Commissioners to propose other topics, if they had ideas.
 - o Commissioner Blair: discussion on EPA recommendations
 - o Commissioner Clark: no other additions
 - o Commissioner DeKay: no other additions
 - o Commissioner Ericksen: nothing
 - o Commissioner Nichols: nothing, we all reserve right to bring up something that occurs to us
 - o Commissioner Wainwright: agree with Commissioner Nichols
 - o Commissioner Bailey: stream buffers, existing rules for applying pesticide that apply to agricultural use, guidelines that might need to be included in analysis, no net loss standard for agricultural lands, parking lots and climate change, "operative terms" throughout plan, building in forest areas
 - o Chair Liberty: nothing new, other than noting that we have no fossil fuel transport has come up, didn't now
 - Not considered as part of MP process (Commissioner Blair)

The Commission had a broad conversation about when to have the in-depth conversation about Climate Change, and other agenda items at future meetings. After discussion, Chair Liberty asked Commissioners to vote on adding 90 minutes to the start of the May 12th Commission Meeting to discuss Climate Change.

- Commissioner Clark: yes, with a lunch break as well
- Commissioner Ericksen: agree, front end would be good
- Commissioner Nichols: yes
- Commissioner Wainwright: yes, at beginning
- Commissioner Bailey: yes, and requesting a second meeting on the agenda
- Commissioner Blair: yes, at the beginning
- Chair Liberty: yes, at the beginning

The Commission discussed what would be part of this conversation. The Commissioners were polled on the course of action to discuss the climate vision statement for inclusion in the revised management plan and leave in larger action planning for after Gorge 2020 using policy direction established.

- o Commissioner Ericksen: agree with course
- o Commissioner Nichols: agree, as long as I understand, discussion of policy statements and those things we laid out were not going to be decided now but would be decided later
- o Commissioner Wainwright: yes
- o Commissioner Bailey: yes, but want follow-up date on calendar
- o Commissioner Blair: yes
- o Commissioner Clark: 90 minutes would put together better vision statement and put together list of what we're going to discuss after our work with Gorge 2020
- o Commissioner DeKay: yes
- o Chair Liberty: yes, what I described included some policy preferences, maybe not just talking points

2:34 p.m. Adjourn

Approved 5/12/2020