

**Columbia River Gorge Commission**

Meeting Minutes  
August 11, 2020  
via Zoom Webinar

***COMMISSION MEMBERS PRESENT***

Bowen Blair  
Lynn Burditt  
Sondra Clark  
Lorrie DeKay  
Dan Ericksen  
Robin Grimwade  
Tamara Kaufman  
Robert Liberty  
Carina Miller  
Michael Mills  
Rodger Nichols  
Janet Wainwright

***COMMISSIONER MEMBERS ABSENT***

Jerry Meninick

***STAFF PRESENT***

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

***AUDIENCE PRESENT***

Elaine Albrich – Davis Wright Tremaine LLP  
Mark Bailey  
Mike Beck – Skamania County Planning  
Angie Brewer – Wasco County Planning  
Keith Cleveland – Hood River County Planning  
Carson Coates  
Peter Cornelison – Friends of the Columbia Gorge  
Sheila Dooley  
Scott Edelman – DLCD  
Jeremy Felty  
Casey Gatz – US Forest Service  
Ben Hartman – USDA  
Roseann Johnson  
Larry Keister  
Andrea Klaas – Port of The Dalles  
Scott Kuhta – WA State Department of Commerce  
Michael Lang – Friends of the Columbia Gorge  
Deb Lawless  
  
Ilene Le Vee

Mo-chi Linblad – Klickitat County Planning  
Terra Lingley – ODOT  
Mary Catherine McAleer - Weyerhaeuser  
Steve Ogden – DNR  
Keenan Ordon-Bakalian – Jordan Ramis PC  
Susan Payseno  
Carrie Pipinich - MCEDD  
Emily Reed – Columbia Gorge Tourism Alliance  
Mary Repar  
Julie Reynolds  
Ryan Rittenhouse – Friends of the Columbia Gorge  
B Rogers  
Robin Shoal – US Forest Service  
Jackie Skakel  
Jocelyn Somers – USDA  
Heather Staten – Thrive Hood River  
Tyler Stone – Wasco County Planning  
Chuck Thompson – Columbia Insight  
Jennifer Toepke – Port of The Dalles  
Meghan Tuttle - Weyerhaeuser  
Yazmina Venegas - Weyerhaeuser  
Eric Walker – Hood River County Planning  
Max Yoklic – Stoel Rives LLP  
Armando Zelada

Others were present during the meeting.

**Call to Order and Roll (9:00 a.m.)**

Chair Liberty called the meeting to order and Connie Acker called roll.

**Approval of Minutes for May 26, 2020, June 11, 2020, and June 25, 2020 Commission meetings (9:05 a.m.)** Commissioner DeKay moved to adopt the May 26, 2020, June 11, 2020, and June 25, 2020 meeting minutes. The motion passed on a voice vote, with Commissioners Ericksen, Kaufman, and Mills abstaining.

**Welcome New Commissioners Kaufman and Mills (9:06 a.m.)** Chair Liberty welcomed new Commissioners Tamara Kaufman representing Skamania County and Michael Mills representing Hood River County and asked each to provide background information and their interest in joining the Commission.

**Work Session – Draft Gorge 2020 Management Plan (9:15 a.m.)** Chair Liberty outlined how the work session would be conducted and asked for agreement among Commissioners:

- The Commission will be using formal motions and votes today, not straw polls.
- Request that Commissioners limit themselves to six motions each during the two-day session.
- Will have one round of comments following a motion, with a two-minute time limit for each Commissioner to speak. May offer a friendly amendment or alternative amendment during this time.
- Following the first round of comments, the Chair may ask Commissioners if a second round is needed.
- Request that Commissioners limit clarifying questions to those necessary for decision-making.
- Chair will be grouping similar amendments together for deliberation.

The Commission will be deliberating and deciding on final language to be incorporated into the revised Gorge 2020 Management Plan after presenting and voting on amendments.

Topics were discussed in the order below:

## Climate Change

Commissioners submitted a total of 12 proposed amendments for the Climate Change Chapter. One related to stream buffers is included under the Natural Resources amendments which brings the overall total to 13. Please note that some of the amendments addressing forest land provisions may be discussed in the work session on the Land Uses Chapter. Six of the amendments address stream buffer policy. Four amendments address forest land carbon storage. Chair Liberty suggested beginning with stream buffers and following with forest land retention provisions, and Commissioners supported this approach.

The Chair summarized the current proposed stream buffer language on page 380 of the Gorge 2020 Draft Management Plan and noted that staff provided additional, clarifying information on stream buffers in a memo sent to Commissioners on August 6, 2020.

Commissioners began with deliberation on the amendment to delete this provision from the Climate Change Chapter (submitted by Commissioners Kaufman, Mills, and Nichols):

If the Gorge Commission has not completed its evaluation of appropriate stream buffer protections by one year after adoption of revisions to the Management Plan, the Gorge Commission will implement the following interim stream buffer protection standard: Apply the existing SMA buffer width (200 feet) to cold water refuge streams within the GMA: Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, Fifteenmile Creek, and the Deschutes River. (submitted by Kaufman, Mills, and Nichols)

Chair Liberty asked if there was a motion from one of the three who proposed this amendment. Commissioner Clark commented that her recollection of the Climate Change Chapter discussion in May was that stream buffers were going to be addressed outside of plan review because more information on the topic was still needed. Executive Director Wolniakowski responded that Commissioners discussed several options in May, and the staff memo sent out on August 6<sup>th</sup> sought to clarify these and the purpose of the one-year default buffer that is currently part of the draft language. These options include (1) adopt the 200' buffer for CWR streams in the GMA now as part of the revised Gorge 2020 Management Plan, (2) implement the 200' default buffer for CWR streams that would go into effect one year after the Gorge 2020 Management Plan is adopted if the Commission has not completed its analysis, or (3) do not include any change to buffer policy in the revised Gorge 2020 Management Plan and instead incorporate as part of the Climate Change Action Plan.

Commissioner Mills commented that, after reviewing the August 6<sup>th</sup> staff report, a one-year default buffer is not good policy and offered the motion below. Commissioner Wainwright seconded this motion:

**Motion – Commissioner Mills:** (200 Foot Buffer for Cold Water Refuge Streams in GMA) *Apply the existing SMA buffer width (200 ft) to these EPA priority cold water refuge streams within the GMA: Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, and Deschutes River.*

Commissioner Wainwright seconded the motion.

### **Commissioner Comments:**

**Mills:** Based on information in staff report, support adoption of the 200' buffer on seven CWR streams now and eliminate the one-year default timeline. Requested that Commissioner Blair be permitted to share his friendly amendment.

Chair Liberty suggested that they continue through their comment rotation, and Commissioner Blair could offer his friendly amendment during his allotted time.

**Blair:** Requested a friendly amendment to this motion to read (his change in bold): *Apply the existing SMA buffer width (200 ft) to these EPA priority cold water refuge streams, **and to any streams that flow into these cold water refuge streams**, within the GMA...* Commented that WA Department of Ecology recommended that if we had a 200' buffer for CWR streams, we should apply it throughout the stream networks that harbor cold water refuges. Stated that salmon are under significant stress, and comments from Ecology, WDFD, and

EPA support the policy. He commented that this buffer increase would not be retroactive, would not prohibit arrestments that could not be located elsewhere on a property, and would not affect forestry.

**Burditt:** Mentioned the difference between a buffer and a Riparian Management Zone like WDFW uses and that this buffer policy does not apply to forest practices. Stated that she had a comment to share if Commissioner Mills accepted Commissioner Blair's friendly amendment.

Commissioner Mills accepted the friendly amendment. Commissioner Burditt asked if Commissioner Blair meant "fish-bearing streams," rather than "streams," in his amendment, and Blair replied that "fish-bearing" was his intent and added this to his amendment.

**Clark:** Commented that the WDFW approach is based on the soil, height of the trees, and other factors. An automatic 200' buffer is taking away the rights of landowners without current and explicit science.

**DeKay:** Like this better than previous language. Concerned about how this change would affect landowners, but based on information from staff report, now feel better about this. As long as the policy is limited to CWR streams, can support this.

**Erickson:** Can live with Commissioner Mills' amendment. Adding other streams to these CWR invalidates all of the information that staff provided us about affected lands. Tributaries to these streams could increase the impact multiple times. This increases the amount of affected land significantly. There is a huge difference between SMA lands which are public and GMA lands which are private and would impact a lot of people. It is irresponsible to take on additional streams and acreages at this time without information about impacts. Adding streams that feed into the CWR streams could be investigated at a later time.

**Grimwade:** Fully support motion as written.

**Kaufman:** Agree with Commissioner Erickson that it is irresponsible to include the additional fish-bearing streams. Gorge Commission needs to go through a process with affected landowners, and they need to be individually notified before the Commission should proceed with any proposed language.

**Miller:** Support motion as written.

**Mills:** Passed on comment.

**Nichols:** Have serious concerns about this and a procedural question: Does the amendment to the motion need a vote before the amendment is voted on?

Commissioner Miller clarified that if there is an amendment to the motion it only has to be accepted by the motion-maker and the seconder to be voted on. Commissioner Wainwright accepted the friendly amendment.

Commissioner Nichols proceeded to share his concern about changing this language now without time for public comment. Should notify landowners before a decision is made. Firmly opposed to this and will be introducing an amendment about notification requirements later.

**Wainwright:** Completely support this motion. Tribes would be a wonderful partner for Commission when consulting with landowners. Tribes can make a compelling case for this 200' buffer. Tribes have stewarded this land for thousands of years, and this is the least we can do. Tribes' livelihoods depend on it.

**Liberty:** Support this motion. Thinking about the Treaties of 1855, we promised native people that they would have a right to get fish. If we do not maintain stream buffers in the face of climate change, that right is negated. This is also a property right worth considering.

**Mills closing comment:** Asked staff for any information they could share about the impacts of expanding this policy to all the tributaries feeding into the seven CWR streams. GIS Coordinator Mike Schrankel described a quick analysis he completed during this conversation: adding in all the tributaries more than triples the amount of tax lots affected by the 200' buffer on the seven CWR streams in the GMA. Chair Liberty wondered if staff could estimate the amount of acreage affected under this additional tributaries proposal, similar to what Mike provided for the previous proposal described in the staff report, while noting that there would not be time for this before the vote. Commissioner Mills asked whether it was procedurally possible to vote on this motion without the tributaries now, gather more information on impacts, and decide on adding tributaries at the next meeting? Chair Liberty responded that it depends on whether Commission would consider substantive amendments in September which is also the date to vote on Plan adoption.

Commissioner Blair withdrew his friendly amendment, and Commissioner Mills accepted this withdrawal.

**Roll Call for Vote on Motion:** *Apply the existing SMA buffer width (200 ft) to these EPA priority cold water refuge streams within the GMA: Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, and Deschutes River.*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>		x	
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>	x		
<b>Kaufman</b>		x	
<b>Meninick</b>			
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>		x	
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>8</b>	<b>3</b>	<b>0</b>

**Motion – Commissioner Ericksen:** (Modification to Forest Resources in Climate Change Chapter - pg. 381) Reword the first two sentences of the “forest resources” language on page 381 in the Draft Climate Change Chapter as follows: *Forest resources – protecting forested lands for timber production which provide for carbon storage. This includes siting and development standards, land conversion policies, and other approaches.* Commissioner Nichols seconded the motion.

**Commissioner Comments:**

**Ericksen:** On private timber land that is designated for timber production, we should recognize this use and that we are going to encourage management for timber production, not preserving this land, which is the implication of the original wording.

**Burditt:** Forest Practices policies are preserved in the Savings Provision. Recommend that Commissioners consider Commissioner Ericksen’s proposal.

**Clark:** Agree with Commissioner Burditt. Need to be specific that Forest Practices policies supersede anything Commission does.

**DeKay:** Agree with motion. This topic is appropriate for more discussion in the Climate Change Action Plan.

**Grimwade:** Pass.

**Kaufman:** Agree with motion. Feels that removing “forest practices” in this proposed language preserves the intent of the Act regarding the rights and responsibilities of non-federal timberland owners.

**Miller:** Agree with motion.

**Mills:** Agree with motion.

**Nichols:** Agree with motion.

**Wainwright:** Agree with motion.

**Blair:** Oppose this motion. Proposed language is more vague than original language and specifically equates timber production with carbon storage. In many cases, this is true, but a clearcut does not provide for carbon storage. Support existing language, not this amendment.

**Liberty:** Oppose. Agree with Commissioner Blair.

**Ericksen** closing comment: Protecting land for timber production is intended to increase the number of trees produced and protect the land from outside forces that might reduce it. Private timber land is protected for this use, and to imply that the Commission is going to prohibit timber harvest is contrary to the Act. This proposed language allows for maximizing the trees grown to maximize carbon storage, while protecting rights of private timber owners.

**Roll Call for Vote on Motion:** *Forest resources – protecting forested lands for timber production which provide for carbon storage. This includes siting and development standards, land conversion policies, and other approaches.*

	Yes	No	Abstain
<b>Blair</b>		x	
<b>Clark</b>		x	
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>		x	
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>			x
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>		x	
<b>Total</b>	<b>6</b>	<b>4</b>	<b>1</b>

Chair Liberty asked if there were any other motions related to the forest land retention topic.

**Motion – Commissioner Blair:** Remove polices 6-8 on page 224, and substitute a new policy 6 (in italics): ~~Page 224, FOREST LAND, Land Use Policy 6: Dwellings shall be allowed in conjunction with agriculture on lands designated Commercial Forest Land.~~

~~Page 224, FOREST LAND, Land Use Policy 7: New residences shall be allowed on lands designated Large Woodland if they are shown to contribute substantially to effective and efficient growing, propagation, and harvesting of forest tree species.~~

~~Page 224, FOREST LAND, Land Use Policy 6: Single-family dwellings shall be allowed in areas designated Small Woodland when: A. A dwelling is shown to be in conjunction with the growing, propagation, and harvesting of forest tree species, or B. A dwelling is on a parcel shown not to be eligible for enrollment in the subject state's forest assessment program.~~

*Page 224, FOREST LAND, Land Use Policy 6: New dwellings are prohibited on lands designated Commercial Forest Land and Large Woodland. Single family dwellings may be allowed in areas designated Small Woodland if the dwelling is shown to be in conjunction with the growing, propagation, and harvesting of forest tree species, and it is located on a parcel shown not to be eligible for enrollment in the subject state's forest assessment program.*

ED Wolniakowski asked whether this subject could be addressed outside of the Climate Change Chapter. Commissioner Blair agreed that it should go in Land Use and raised the issue here because it addresses forest land retention which is currently the topic of discussion. Commissioners Clark and DeKay commented that this topic should be raised under the Land Use work session. Chair Liberty asked Commissioner Blair if he had any objection to including this motion under Land Use, and Blair agreed to discuss it during that work session on 8/12/20.

VSI Planner Lisa Naas Cook asked whether Commissioner Ericksen's previous motion retains these two sentences from the "forest resources" section on page 381:

"The Gorge Commission shall prohibit conversion of forest lands to any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation."

Chair Liberty asked Commissioner Ericksen if his motion addressed the above sentences. Commissioner Ericksen replied that, while he does not support the "require full mitigation" language based on lack of any discussion of what this means, his motion did not include any edits to the two sentences above.

Commissioner Clark asked staff to clarify the meaning of the first sentence above, i.e., it is confusing that the first part of the sentence prohibits conversion and the second part explains where conversion is allowed. Counsel Jeff Litwak, explained that the standards in the National Scenic Area Act for the Management Plan require that the Commission's policies in the Management Plan allow conversion of forest land for agriculture, recreation, and open space, but it does not require conversions to other uses. This sentence notes a prohibition of other uses, while still allowing the uses that are required by the Act.

Commissioner Wainwright asked where her proposed Firewise amendment would be addressed and agreed to raise it under Land Use.

Commissioner DeKay pointed out that Commissioners Kaufman and Ericksen submitted amendments on the "prohibit conversion of forest lands" language, and she asked if Commissioner Kaufman wanted to offer an amendment at this time. Kaufman replied that she did not wish to make a motion for an amendment to this language.

BREAK (10:28 a.m.)

### **Urban Area Boundaries**

Chair Liberty introduced the topic Urban Area Boundaries and the number of proposed amendments. (10:35 a.m.)

**Motion – Commissioner Nichols:** (Remove UAB Revision Section) *Remove the UAB revision section from the June 2020 plan being considered by the Commission and direct staff to convene a workgroup with stakeholders including DLCD, the Counties, Cities, the Ports and Friends of the Columbia Gorge to continue refining the UAB policies and present to the Commission a progress report in Spring of 2021.*  
Commissioner Ericksen seconded the motion.

#### **Commissioner Comments:**

**Nichols:** Testified regarding rights and responsibilities of other agencies in planning in the NSA. Commission has not found the right balance. Staff did work but did not give extra consideration to comments from these agencies. Comments often in opposition from these agencies. Removing UAB revisions allows us to focus on implementation

**Clark:** No comment.

**DeKay:** Regret that we did not allow working group to finish its work. Believe that we would not be discussing this if we allowed them to follow through. If we cannot do it correctly now, we should do it later and do it right.

**Ericksen:** If the Commission chooses to move forward with proposed revisions to draft, would propose significant changes, but current draft does not accomplish what the Act requires, and does not meet our goals. OAR 660-038 should be sufficient.

**Grimwade:** Unable to respond due to technical difficulties.

**Kaufman:** In alignment with previous comments. With the quantity of proposals that have reached the desk today, this group is not aligning 100% with urban area revision. Put this back into the hands of planners to come up with something comprehensive.

**Miller:** Need to acknowledge as a commission that we are prioritizing wealthy developers and economic development, failing to be inclusive and failing to include equity considerations, need to be making decisions and taking the hits as leaders.

**Mills:** Agree with Commissioner Miller's equity comments. Sensitive to the work that has taken place already, hate to see us kick the can down the road, need to make decisions today.

**Wainwright:** Weary of this, cannot believe the time we have spent on this issue. Agree with Miller. We did not talk about climate change as much as we have about UABs. Should move forward with this section.

**Blair:** Agree with Commissioner Miller. Do not know why we would consider throwing out all of the proposed changes. Most policies are consensus items, only a few are contentious and they are the obvious ones. Need to move forward. Naïve to expect that there will be consensus among working group when there is no consensus among Commissioners.

**Burditt:** Forest Service is not expressing opinion. Interest is where urban area boundary aligns with Federal lands or SMAs.

**Grimwade:** Unable to respond due to technical difficulties.

There was a significant pause to allow Commissioner Grimwade to solve technical difficulties he was having with his internet connection.

During the pause, Commissioner Burditt gave an update on the soft reopening of Multnomah Falls and the HRCH.

**Grimwade:** Some concerns with process that we went through, that said, amendments move us in a positive direction and we should hear them. Do not think we should throw everything out, cannot tell us the specific areas because I am without visibility to documents at the moment.

**Liberty:** Adding another eight months to a 30-year debate will not get us to a different outcome. Many policies are consensus items. Working group could not get to consensus, and we as Commission need to make that consensus happen.

**Nichols** closing comment: Not sure how imprisoning Gorge communities helps equity. To Chair Liberty, we did vote on some key things, on moderate majorities without full Commission present. This process was supposed to make the process clearer.

**Roll Call for Vote on Motion:** *Remove the UAB revision section from the June 2020 plan being considered by the Commission and direct staff to convene a workgroup with stakeholders including DLCD, the Counties, Cities, the Ports and Friends of the Columbia Gorge to continue refining the UAB policies and present to the Commission a progress report in Spring of 2021.*

	Yes	No	Abstain
<b>Blair</b>		x	
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>		x	
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>		x	
<b>Mills</b>		x	
<b>Nichols</b>	x		
<b>Wainwright</b>		x	
<b>Liberty</b>		x	
<b>Total</b>	<b>5</b>	<b>6</b>	<b>0</b>

Chair Liberty asked whether Commissioners agreed to add an additional 10-15 minutes to this agenda item. Seeing no dissent, the additional time was added to this item.

**Motion – Commissioner Kaufman:** (Retain language of the opening paragraph) *Congress designated 13 cities and communities as "Urban Areas": Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington. Urban Areas are exempt from regulation under the Management Plan.*  
Commissioner Nichols seconded the motion.

**Commissioner Comments:**

**Kaufman:** Very important to retain the language so that users of the Management Plan understand clearly what the urban area boundaries are by designation.

**Ericksen:** No Comment

**Grimwade:** No comment

**Miller:** No comment

**Mills:** No comment  
**Nichols:** No comment  
**Wainwright:** No comment  
**Blair:** No comment  
**Burditt:** No comment  
**Clark:** No comment  
**DeKay:** No comment  
**Liberty:** No comment

**Roll Call for Vote on Motion:** *Congress designated 13 cities and communities as "Urban Areas": Cascade Locks, Hood River, Mosier, and The Dalles, Oregon; and Bingen, Carson, Dallesport, Home Valley, Lyle, North Bonneville, Stevenson, White Salmon, and Wishram, Washington. Urban Areas are exempt from regulation under the Management Plan.*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>			x
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>10</b>	<b>0</b>	<b>1</b>

**Motion – Commissioner Ericksen:** (Development without sprawl) *In doing so, the Act provides protection for the scenic, natural, cultural, and recreation resources by providing adequate land in urban areas for development to occur to avoid sprawling into the GMA. Expansion into agricultural lands, forest lands, and open spaces may be permitted as long as the result does not create a significant reduction of these protected areas.* Commissioner Nichols seconded the motion.

**Commissioner Comments:**

**Ericksen:** The way it is stated now, leads the discussion for UAB revision to one of protection, not of providing adequate space for economic development. Rewording emphasizes that protections are there, emphasizing that there is need for expansion in order to limit development that happens within the GMA, limits sprawl.

**Grimwade:** No understanding of what Commissioner Ericksen is intending or implying.

**Kaufman:** Torn – proposal is understood but think the current language is sufficient.

**Miller:** Intent of language.

**Mills:** No comment.

**Nichols:** Agree with Commissioner Ericksen, subtle change but sets the tone.

**Wainwright:** Do not understand how restricting sprawl will cause sprawl. Do not agree with it.

**Blair:** Do not fully understand the amendment, but do not think this amendment achieves what it intends.

**Burditt:** Development outside UAs is managed by the rest of the Plan.

**Clark:** Appreciate Commissioner Ericksen’s example. Under a lot of circumstances people will move out into the GMA if they cannot utilize something more practical in the urban area. Think a lot of it has to do with quality of property that UAB revision goes into. Understand what Commissioner Ericksen is saying but if it is not clear then we need to clear it up.

**DeKay:** Appreciate the intent for tone setting, but if there is a way to make it clearer, let’s do it, if not okay either way.

**Liberty:** Concerned that it is inconsistent with the Act. If growth happens in GMA, then that implies that the Plan is not working, not the UAB policies. Do not think the argument that sprawl will happen without urban area expansion fits.

**Ericksen** closing comment: The special interests happen to be our partners. The cities and counties implement the rules that we adopted. Oregon land use rules are highly restrictive. Commission rules are highly restrictive. None of the communities are within years of doing an urban growth boundary expansion. Not talking about leapfrogging and growing, right now we are setting the rules for 30, 40 or 50 years from now. Something needs to be in place that communities can comply with and look forward to. Oregon passed their land use rules in 1973 to avoid sprawl.

**Roll Call for Vote on Motion:** *In doing so, the Act provides protection for the scenic, natural, cultural, and recreation resources by providing adequate land in urban areas for development to occur to avoid sprawling into the GMA. Expansion into agricultural lands, forest lands, and open spaces may be permitted as long as the result does not create a significant reduction of these protected areas.*

	Yes	No	Abstain
<b>Blair</b>		x	
<b>Clark</b>		x	
<b>DeKay</b>		x	
<b>Ericksen</b>	x		
<b>Grimwade</b>		x	
<b>Kaufman</b>		x	
<b>Meninick</b>			
<b>Miller</b>	x		
<b>Mills</b>		x	
<b>Nichols</b>	x		
<b>Wainwright</b>		x	
<b>Liberty</b>		x	
<b>Total</b>	<b>3</b>	<b>8</b>	<b>0</b>

**Motion – Commissioner Blair:** *(Urban Area Application Fees) If the Gorge Commission does not receive sufficient funding from a state to fully pay for its costs to review an urban area revision application, the Commission may proceed to review the application if the county agrees to pay any costs incurred by the Commission in its review that are not paid by the state. Whether provided by the state or county, the Commission shall only review the application if all of its review costs, including the reasonable costs of hiring a qualified, independent expert to review the projections, trends, land availability, and other data contained in the application, will be paid or reimbursed by the county and/or state.*  
Commissioner Miller seconded the motion.

ED Wolniakowski clarified funding from outside sources is allowed but accepting fees is not allowed according to state attorneys general. There are ways of receiving additional funding if the Commission can obtain expenditure authority from the legislature to do so, either through state appropriations or through some other grant program. Counsel Litwak stated that the compact allows the Commission to accept funding from various sources.

**Commissioner Comments:**

**Blair:** This is a compromise that allows the Commission to take applications when we have not received sufficient state funding. The Gorge Commission has wanted to have an expert to review applications independently as we do not have the expertise in-house to review for consistency/accuracy of technical review.

**Kaufman:** No comment

**Miller:** No comment

**Mills:** No comment

**Nichols:** No comment

**Wainwright:** Fully support - think it is vital.

**Burditt:** No comment

**Clark:** In favor of original policy 5.

**DeKay:** No comment

**Ericksen:** Communities will need to do their own review, and review of other communities under regional analysis rule, and they will need to pay for it twice. The wording is concerning. Prefer the original wording.

**Grimwade:** Supportive. Funding is extremely difficult and likely to be increasingly more difficult.

**Liberty:** Firm believer that we need resources, but awkward that we get resources from applicant. Would rather reprioritize our work when the application comes or consider other things.

**Blair closing comment:** This is the fallback position – hope states comes up with funding, but the Commission is left with the problem if we do not get funding. At least one county proposed a fee of some kind on its own. Need to have expertise to review complicated applications, and if we do not, then we should not be reviewing them which is a mistake on its own.

**Roll Call for Vote on Motion:** *If the Gorge Commission does not receive sufficient funding from a state to fully pay for its costs to review an urban area revision application, the Commission may proceed to review the application if the county agrees to pay any costs incurred by the Commission in its review that are not paid by the state. Whether provided by the state or county, the Commission shall only review the application if all of its review costs, including the reasonable costs of hiring a qualified, independent expert to review the projections, trends, land availability, and other data contained in the application, will be paid or reimbursed by the county and/or state.*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>		x	
<b>DeKay</b>	x		
<b>Ericksen</b>		x	
<b>Grimwade</b>	x		
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>		x	
<b>Wainwright</b>	x		
<b>Liberty</b>		x	
<b>Total</b>	<b>7</b>	<b>4</b>	<b>0</b>

BREAK (11:56 a.m. – 12:26 p.m.)

**Motion – Commissioner Ericksen:** (UAB Policy 6 – Coordination with States) *The Gorge Commission will only consider applications to revise urban area boundaries in coordination with a similar request being applied for with the respective state land use authority.*

Commissioner DeKay seconded the motion

**Commissioner Comments:**

**Ericksen:** No additional comment

**Mills:** Concur

**Nichols:** Concur

**Wainwright:** Yes

**Blair:** No comment

**Burditt:** No comment

**Clark:** No comment

**DeKay:** No comment

**Grimwade:** No comment

**Kaufman:** No comment

**Miller:** No comment

**Liberty:** Concur - want to call attention to reliance later on regarding aligning with OAR and that may come into play.

**Ericksen:** Pass on extra time

**Roll Call for Vote on Motion:** *The Gorge Commission will only consider applications to revise urban area boundaries in coordination with a similar request being applied for with the respective state land use authority.*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>	x		
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>11</b>	<b>0</b>	<b>0</b>

**Motion – Commissioner Nichols:** (UAB Policy 8) *Delete 8B and the word “or” sub Aii.*

Commissioner DeKay seconded the motion.

**Commissioner Comments:**

**Nichols:** This was passed with not all Commissioners present, and limits expansion forever. Hardcap means forever.

**Wainwright:** Voted for this cap and vote today will be dictated by previous vote.

**Blair:** Hear Commissioner Nichols but concerned about things said. Do not think that we are binding the hands of future Commissioners, disagree in removing 8b. Do not think there is much opposition to this policy. Opposition from The Dalles is focused on a 35-year disagreement with the Act, and not with this set of policies specifically.

**Burditt:** Not giving perspective in other than where involves SMA.

**Clark:** No comment

**DeKay:** Really feel like the criteria we have in place for any UA to request expansion – they are already really restrictive. By keeping B in, we are exacerbating the perception of UA leadership and people who live here. Do not think there is going to be a rush to expand UAB. Considering tone of all of the changes, think it would be helpful to remove it.

**Ericksen:** Agree that it needs to be removed. Oregon land use laws are extremely restrictive. We are not going to expand like Portland metro area. 20 acres in relation to the scenic area or 1%, but 20 acres is .00007% of acreage in NSA – that is not minor.

**Grimwade:** Understand the views of both sides. Wondering whether we could take the arbitrary standard and link it to the long-term planning horizon so that when towns and counties doing long-term planning, 20 acres is there for them for that long-term period. It is not 20 acres once and for all – it is 20 acres per long-term planning horizon. Agree there will not be great amount of urban development in the area because physically the infrastructure is not there and would not be there with the populations that could be foreseeable in those areas.

**Kaufman:** More groups have stated that the limit does not work, including Skamania County. Using the word cumulative as cap forever and always does not meet the intent of the Act.

**Miller:** Upset with this. This keeps making it on to the table, even though no growth is coming in the short term. This is inequitable because people are allowed to keep pushing for something even though we already have decided on the outcome.

**Mills:** Opinion is divided in Hood River and other communities. Propose upping to 50 acres, which Commissioner Nichols rejects. Friendly amendment to 50 acres. If not accepted, will make own motion later.

**Nichols:** Rejected Mills' friendly amendment.

**Liberty:** Places do not need to expand to grow.

**Nichols** closing comment: Seven major partners, including DLCD commented negatively on this cap. Perpetuated inequitable outcomes when UABs were established.

**Blair:** Requested a second round of discussion to clarify comments.

Commissioners decided with thumbs up/down not to continue with second round of discussion.

**Roll Call for Vote on Motion:** *Delete 8B and the word "or" sub Aii.*

	Yes	No	Abstain
<b>Blair</b>		x	
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>		x	
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>		x	
<b>Mills</b>		x	
<b>Nichols</b>	x		
<b>Wainwright</b>		x	
<b>Liberty</b>		x	
<b>Total</b>	<b>5</b>	<b>6</b>	<b>0</b>

**Motion – Commissioner Mills:** (UAB Cumulative Maximum 50 acres or 2%) *Amend 8B to read: An urban area boundary revision that cumulatively, over time, expands the size of an urban area by more than 50 acres or 2%, whichever is less, is not minor.*

Commissioner Miller seconded the motion.

**Commissioner Comments:**

**Mills:** As a newcomer, sometimes a fresh set of eyes is good – sometimes bad. Spoke with number of individuals, particularly within Hood River County but also heard comments from elsewhere. Believe that based on acreage involved and what 1% is involved with each of the urban areas, think that allowing the Commission the flexibility to go up to 50 acres or 2% as a minor amendment does not jeopardize the intent of the Scenic Area Act. It gives the Commission a little more flexibility over a long planning period. It does not meet everything that some of the areas within the Gorge want and it is more than other representatives would like. Workable solution that gives a little more flexibility in decision making down the road.

**Blair:** Holding comment

**Burditt:** Same comment regarding SMA lands.

**Clark:** Feeling that we have not had one UAB request. The Management Plan is supposed to be reviewed in another 10 years. Prone to leave it.

**DeKay:** 50 acres is more flexible if we have to have a cap.

**Ericksen:** Cap does not give ability to expand based on other restrictive rules, but we have a cap, so go for increase.

**Grimwade:** No comment

**Kaufman:** Agree with Commissioners DeKay and Ericksen – disappointed that there is a hard cap. Understand the logic and rationale for wanting to keep it. Increase is better but since 8Aii does not allow more than 20 acres at one time, makes issues.

**Miller:** Frustrated. Boundaries and limits have been for planners to know what the limits are for long-term planning. We need to put this to bed – it is privilege to keep bringing this to the table.

**Nichols:** Support as a compromise.

**Wainwright:** If every urban area did this and it was capped at 50 acres, it would be 650 acres. Not every urban is going to do this, but into the future, it frightens me that the potential is there.

Counsel Litwak clarified that there are a number of urban areas that would get less than the 50 acres. There are not many that would get the full 50 acres. Suggested reviewing Commission Rule 350-10 as the legal descriptions have acreage size for each urban area.

Planner Aiden Forsi stated that it would be about 400 acres total. Communities that would get capped at a 50-acre expansion would be Dallesport, North Bonneville, Stevenson, The Dalles and White Salmon/Bingen.

**Blair:** Not my preference but fair compromise.

**Liberty:** Not my favorite but hard not to favor a compromise especially when Commissioner Miller opposed a higher cap but was willing to do this. With reluctance but hope that it gets a pretty good majority, I will vote yes.

After a short discussion regarding a second round of discussion, Commissioners decided with thumbs up/down not to continue with second round of discussion.

**Roll Call for Vote on Motion:** Amend 8B to read: An urban area boundary revision that cumulatively, over time, expands the size of an urban area by more than 50 acres or 2%, whichever is less, is not minor.

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>	x		
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>11</b>	<b>0</b>	<b>0</b>

After discussion regarding continuing or adjourning, the Commission decided to adjourn and begin again on August 12, 2020.

**Adjourn (1:37 p.m.)**

**Meeting Attachments:**

- Gorge Commissioners' Proposed Amendments for the Draft Management Plan (Attachment A)
- Land Use Designations Clarification Staff Report (Attachment B)
- Gorge 2020 Public Comments Staff Report (Attachment C)
- Attachment A to Gorge 2020 Public Comments Staff Report (Attachment D)
- Attachment B to Gorge 2020 Public Comments Staff Report (Attachment E)
- 200 ft Stream Buffer Clarifications with Maps Staff Report (Attachment F)

Approved 10/13/2020

## **Columbia River Gorge Commission**

Meeting Minutes  
August 12, 2020  
via Zoom Webinar

### ***COMMISSION MEMBERS PRESENT***

Bowen Blair  
Lynn Burditt  
Sondra Clark  
Lorrie DeKay  
Dan Ericksen  
Robin Grimwade  
Tamara Kaufman  
Robert Liberty  
Jerry Meninick ~ 10:30 a.m.  
Carina Miller  
Michael Mills  
Rodger Nichols  
Janet Wainwright

### ***COMMISSIONER MEMBERS ABSENT***

### ***STAFF PRESENT***

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

### ***AUDIENCE PRESENT***

Elaine Albrich – Davis Wright Tremaine LLP  
Mark Bailey – Bicoastal Media  
Mike Beck – Skamania County Planning  
Angie Brewer – Wasco County Planning  
Keith Cleveland – Hood River County Planning  
Peter Cornelison – Friends of the Columbia Gorge  
Sheila Dooley  
Scott Edelman – DLCD  
Jeremy Felty  
Casey Gatz – US Forest Service  
Kevin Gorman – Friends of the Columbia Gorge  
Ben Hartman – USDA  
Roseann Johnson  
Lizzie Keenan  
Larry Keister  
Andrea Klaas – Port of The Dalles  
Scott Kuhta – WA State Department of Commerce  
Michael Lang – Friends of the Columbia Gorge

Skyler Lanning – Wild Wood Tours  
Deb Lawless  
Ilene Le Vee  
Terra Lingley – ODOT  
Mary Catherine McAleer - Weyerhaeuser  
Steve Ogden – DNR  
Keenan Ordon-Bakalian – Jordan Ramis PC  
Susan Payseno  
Carrie Pipinich - MCEDD  
Emily Reed – Columbia Gorge Tourism Alliance  
Mary Repar  
Ryan Rittenhouse – Friends of the Columbia Gorge  
B Rogers  
Robin Shoal – US Forest Service  
Jackie Skakel  
Jocelyn Somers – USDA  
Heather Staten – Thrive Hood River  
Tyler Stone – Wasco County Planning  
Chuck Thompson – Columbia Insight  
Jennifer Toepke – Port of The Dalles  
Meghan Tuttle - Weyerhaeuser  
Yazmina Venegas - Weyerhaeuser  
Eric Walker – Hood River County Planning  
Philip Watness – Skamania County Pioneer  
Max Yoklic – Stoel Rives LLP  
Armando Zelada

Others were present during the meeting.

**Call to Order and Roll (9:00 a.m.)**

Chair Liberty called the meeting to order and Connie Acker called roll.

Chair Liberty began with a discussion about the possibility of an additional work session and the meeting schedule for September. Commissioner Kaufman proposed selecting a date for an additional work session to use if needed based on progress made during this meeting.

**Commissioner Comments:**

**Kaufman:** Pace has not accommodated all comments and requests submitted to Executive Committee. Also has not provided the Commission any time to look at the comments that were asked for from the Executive Director in the review of the final report after the public comment period. Propose extra work session time and if unable to get through items scheduled for the day.

**Nichols:** Could support this.

**Blair:** Opposed to another work session.

**DeKay:** Open to adding time if needed, but optimistic can get work done today.

**Mills:** Agree with Commissioner DeKay.

**Ericksen:** Agree with Commissioner Blair.

**Clark:** Neutral on the issue. Inappropriate to rush through three years of work, but most has already been discussed.

**Wainwright:** Weary of scheduling another meeting and appreciate Commissioner Kaufman's interest.

**Burditt:** Concerned about scheduling that works for all Commissioners to be able to be effective during an additional session.

**Grimwade:** Cannot participate in another meeting until the end of September. Management Plan is a living document and can be modified in the future as needed. Need to get on with implementation and showing progress.

**Miller:** Feels that the Commission should be moving on to implementation and other important work.

**Liberty:** Assuming the Commission finishes today, is September 8<sup>th</sup> possible so that the Commission can stick to the original date?

**Wolniakowski:** Two things – What is most important for us is that the next commission meeting where you adopt the approved version is when everyone can attend. September 8<sup>th</sup> is on everyone’s calendars. That gives us about six or seven working days after today to compile all of the information and put it into the final Plan. We will respect whatever deadline the Commission gives us.

**Liberty:** There are items that staff believes are noncontroversial clarifications or corrections. Some Commission amendments may fall into that category. I propose that we send out a noncontroversial clarifications/corrections in advance of the meeting so Commissioners can review and see if they agree that they are either noncontroversial or just a correction/clarification. If you think it does not fall in that category, but actually some change or significant, then we have to call that out. Hoping that that will be a tiny subset and decide to deal with that. The Executive Committee can figure out how to deal with that.

**Wolniakowski:** Working back from September 8<sup>th</sup>, we would want to have the final ready-to-be-approved Plan completed two weeks in advance. That puts us on August 25<sup>th</sup>, which is a little less than two weeks from today. Not sure whether there is an intermediate step. Uncertain staff could get anything organized in terms of all edits from the Commissioners’ amendments and the noncontroversial edits to the Commission any sooner. Do you anticipate that there is an intermediate step?

**Liberty:** No – Suggest a spreadsheet of noncontroversial items with the Plan so that the Commission can see if there is agreement. If not in agreement, have to decide either by having staff speak with Commissioners to resolve questions or figure out a quick way to dealing with that in September.

**Wolniakowski:** Would that timeline be between August 25<sup>th</sup> and September 8<sup>th</sup>. In terms of noncontroversial, technical, or clarifying edits, there are hundreds of those. Not sure that putting them in a spreadsheet is going to be possible. They will all be identified in the Plan. The Commission will see the original language, public comment language and language that incorporates the Commissioners’ amendments in different colors. I will talk with staff and make determination as how best to communicate those clarifying edits to the Commission.

**Clark:** Think the Commission is not trusting staff and Executive Director to make simple decisions as to whether something is controversial or noncontroversial.

**Blair:** Not an issue of trust. Reasonable people can disagree about the meaning of innocuous language.

**Liberty:** Suggested focusing today’s work session on areas of compromise and high level of agreement. Decide at 1:00 p.m. whether an additional meeting is required.

**Ericksen:** Meeting is going astray.

**Nichols:** Concerned about rushing.

**Motion – Commissioner Grimwade:** (Move on to Agenda in lieu of more discussion) *Move on with the Agenda.* The issue of governance of the organization be left for the future after September, after the plan has been adopted. Clearly there is a governance issue and it needs to be discussed in the future, not at today’s meeting.  
Commissioner Wainwright seconded the motion.

**Roll Call for Vote on Motion:** *Move on with the Agenda.*

	Yes	No	Abstain
<b>Blair</b>	X		
<b>Clark</b>	X		
<b>DeKay</b>	X		
<b>Ericksen</b>	X		
<b>Grimwade</b>	X		
<b>Kaufman</b>	X		
<b>Meninick</b>			
<b>Miller</b>	X		
<b>Mills</b>	X		

<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>11</b>	<b>0</b>	<b>0</b>

**Scenic**

**Motion – Commissioner DeKay:** (Skyline Definition) *The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing, densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.*  
 Commissioner Ericksen seconded the motion.

**Commissioner Comments:**

**DeKay:** Proposing slight update from what was in the spreadsheet released to the Commission. Giving remaining time to Commissioner Burditt.

**Burditt:** Listened to counties and stakeholders to have a common definition between GMA and SMA. Slightly revised from what was published in the spreadsheet released to Commission. Listened to the public comments and adapted the definition to clarify implementation.

**Blair:** Concerns - third/fourth definition seen in the last month. Support the definition in the draft, as first amended by staff. Defines the skyline as where the earth meets the sky. Current proposal presents more ambiguity and Commission will find itself in litigation to determine what constitutes thick/unbroken tree cover. This does not consider trees on other landowners’ properties. Will encourage additional lawsuits. Keep the definition as it currently is in the draft.

**Clark:** Like the compromise. Helps landowners use their land. Other guidelines protect white oak.

**Ericksen:** Support

**Grimwade:** No comment

**Kauffman:** Support, this is reasonable. Allows landowners to ensure trees are grown before putting in a permit.

**Miller:** No comment

**Mills:** Support this

**Nichols:** Support. You do not see the skyline in the western gorge where the earth meets the sky, you see it where the trees meet the sky. This is a good compromise

**Wainwright:** Pass

**Liberty:** Suggest adding “where the forested tree cover is under the control of the person proposing the development.” Otherwise relying on other peoples’ vegetation to meet the guideline. With that addition, would support it.

**DeKay** closing comment: Just vote

**Roll Call for Vote on Motion:** *The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, and is topographically visible as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). The skyline is formed where the surface of the earth meets the sky except in existing, densely forested landscapes with thick, unbroken coniferous tree cover characteristic to its setting, the skyline may be formed by the top of the vegetative canopy.*

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Blair</b>		x	
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>		x	
<b>Kaufman</b>	x		

<b>Meninick</b>			
<b>Miller</b>		x	
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>		x	
<b>Liberty</b>		x	
<b>Total</b>	<b>6</b>	<b>5</b>	<b>0</b>

Chair Liberty handed the Commission gavel to Vice Chair Nichols so that he could make a motion. Nichols accepted.

**Motion – Commissioner Liberty:** (Visual Subordinance Condition Priorities) *The extent and type of conditions applied to various proposed developments to ensure visual subordinance to its landscape setting shall be proportionate to its potential visual impacts as seen from key viewing areas. Conditions may include and shall be applied using the following priorities: (A) Screening by topography, (B) Siting (location of development on the subject property, building orientation, and other elements), (C) Retention of existing vegetation on the applicant's property, (D) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements), (E) New landscaping on the applicant's property, (F) New berms or other recontouring on the applicant's property, if they are consistent with other GMA provisions.*

Commissioner Blair seconded the motion.

**Commissioner Comments:**

**Liberty:** The goal is to try to clarify priority order of screening. Prioritize earth form and it falls on the landowner to meet the requirements for screening on their property. Tries to clarify for implementers.

**Clark:** No comment

**DeKay:** No comment

**Ericksen:** Agree

**Grimwade:** No comment

**Kaufman:** Agree

**Miller:** No comment

**Mills:** Concur

**Nichols:** Model of clarity

**Wainwright:** Like it

**Blair:** Friendly amendment to move new berms up to higher in priority

**Burditt:** Have a few suggestions. We have reviewed the proposed language and suggest the following revisions to better clarify and meet the intention of the proposal:

- Siting incorporates screening by topography, so by limiting A to screening by topography you are limiting the ability to incorporate the other siting tools. This would remove those other siting tools.
- Grading and berms should be a last resort and should not come before vegetation. By putting it above new landscaping, it creates confusion with the guidelines that limit new grading GMA Overall Scenic Guideline 1 limiting grading.
- Suggest retaining the word siting

**Nichols:** Would you accept that as a friendly amendment?

**Liberty:** Make screening by topography as A and retain siting as B. May be slightly redundant but makes priority clear.

**Burditt:** OK with the amendment

**Blair:** Does D still come up before C?

**Burditt:** Maybe misunderstand clarification of berms. Those should be the last resort and not move up.

**Litwak:** New berms will require staff to consider other elements of the Plan, such as the guidelines that require the minimizing of grading. This would create inconsistencies in the Plan.

**Clark:** Appreciate Commissioner Burditt's input. Make new berms/grading as the last option.

**Blair:** Does the Forest Service think berms should be last or second to last?

**Burditt:** We believe berms should be last to be consistent with the remainder of the Plan

**Nichols:** Added screening by topography as (A), siting as (B). Move grading/berms as the last consideration.

**Roll Call for Vote on Motion:** *The extent and type of conditions applied to various proposed developments to ensure visual subordination to its landscape setting shall be proportionate to its potential visual impacts as seen from key viewing areas. Conditions may include and shall be applied using the following priorities: (A) Screening by topography, (B) Siting (location of development on the subject property, building orientation, and other elements), (C) Retention of existing vegetation on the applicant's property, (D) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements), (E) New landscaping on the applicant's property, (F) New berms or other recontouring on the applicant's property, if they are consistent with other GMA provisions.*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>	x		
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>11</b>	<b>0</b>	<b>0</b>

**Motion – Commissioner Kaufman:** (Exterior Building Materials) *The exterior of buildings seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features [Add back pre-draft language in this sentence.]*

Commissioner Ericksen seconded the motion.

**Commissioner Comments:**

**Kauffman:** This would make it clear that buildings not seen from KVAs do not need to meet these guidelines

**DeKay:** No comment

**Erickson:** Agree – this emphasizes visibility issues in trying to maintain the scenic vistas of the Gorge.

**Grimwade:** No comment

**Miller:** No comment

**Mills:** Concur

**Nichols:** Concur

**Wainwright:** My cabin in the gorge cannot be seen from a KVA, but I did adhere to the non-reflective materials. This is good to meet even if you are not seen from a KVA. Not sure about this.

**Blair:** Do not support this. The Act requires scenic resources be protected, not just those seen from KVAs. Certain views from the Gorge are not KVAs but are still important. Setting up strange dichotomy of different standards for different owners.

**Burditt:** We are comfortable with this. This is duplicative since it falls under areas that are visible from KVAs.

**Clark:** OK with this

**Liberty:** Unsure because of Commissioner Blair and Burditt’s comments. Eventually, Commission should set up some field trips to see this.

**Kauffman** closing comment: Thanks for the comments and clarification - ready to vote

**Roll Call for Vote on Motion:** *The exterior of buildings seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features [Add back pre-draft language in this sentence.]*

	Yes	No	Abstain
<b>Blair</b>		x	
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>		x	
<b>Kaufman</b>	x		
<b>Meninick</b>			
<b>Miller</b>			x
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>		x	
<b>Liberty</b>		x	
<b>Total</b>	<b>6</b>	<b>4</b>	<b>1</b>

**Urban Area Boundaries**

Chair Liberty asked Commission members to provide number and content of potential motions:

**Blair:** Motion relating to regional issue

**Clark:** No comment

**DeKay:** No comment

**Ericksen:** Motion relating to rule making which would save time discussing variations of wording.

**Grimwade:** No comment

**Kaufman:** Motion relating to Policy 10B

**Miller:** No comment

**Mills:** No comment

**Nichols:** No comment

**Wainwright:** No comment

**Liberty:** Motion relating to modification of language regarding conditions of approval to ensure consistency with demonstrated need.

The Commission discussed agreement to proceed with proposed Commissioner motions.

Chair Liberty handed the Commission gavel to Vice Chair Nichols so that he could make a motion. Nichols accepted.

**Motion – Commissioner Liberty:** (Conditions for UAB Approval) *The Gorge Commission may require the local government to adopt enforceable provisions of approval to ensure land added to the urban area is used only to satisfy the demonstrated need that was the basis for the adjustment. REPLACEMENT: In deciding whether or not to approve an adjustment to the urban area boundary, the Commission shall consider whether (a) the implementing measures by the local government that will govern the expanded urban area; and (b) the Commission's conditions of approval, as agreed to by the governing local government, are sufficient to guarantee that the expansion area will be used to satisfy the demonstrable need under 16 USC Section 544.b.(f)(2) which was the basis for the application. If they are not sufficient, the Commission shall deny the application as failing to meet the requirements of Section 544.b.(f)(2).*

Commissioner Wainwright seconded the motion.

**Commissioner Comments:**

**Nichols:** Proposed friendly amendment to change “shall determine” to “may determine.”  
**Liberty:** Said no but folks can say if they would support with the change.  
**Nichols:** Withdrew friendly amendment proposal.  
**Liberty:** Amendments give the policy more detail.  
**Ericksen:** Policy is fine, is duplicative with OAR 660-038, but provides consistency between two.  
**Grimwade:** Support motion with the word shall.  
**Miller:** No comment  
**Mills:** Concur  
**Nichols:** No comment  
**Wainwright:** Great clarification.  
**Blair:** If urban area says they need land we should hold them to it, which this does not do, but an improvement.  
**Burditt:** No comment  
**Clark:** Last sentence is redundant, think old one was fine.  
**DeKay:** No comment  
**Liberty** closing comment: No follow-up

**Roll Call for Vote on Motion:** *The Gorge Commission may require the local government to adopt enforceable provisions of approval to ensure land added to the urban area is used only to satisfy the demonstrated need that was the basis for the adjustment. REPLACEMENT: In deciding whether or not to approve an adjustment to the urban area boundary, the Commission shall consider whether (a) the implementing measures by the local government that will govern the expanded urban area; and (b) the Commission's conditions of approval, as agreed to by the governing local government, are sufficient to guarantee that the expansion area will be used to satisfy the demonstrable need under 16 USC Section 544.b.(f)(2) which was the basis for the application. If they are not sufficient, the Commission shall deny the application as failing to meet the requirements of Section 544.b.(f)(2).*

	Yes	No	Abstain
<b>Blair</b>	X		
<b>Clark</b>	X		
<b>DeKay</b>	X		
<b>Ericksen</b>	X		
<b>Grimwade</b>	X		
<b>Kaufman</b>	X		
<b>Meninick</b>			
<b>Miller</b>	X		
<b>Mills</b>	X		
<b>Nichols</b>	X		
<b>Wainwright</b>	X		
<b>Liberty</b>	X		
<b>Total</b>	<b>11</b>	<b>0</b>	<b>0</b>

**Motion – Commissioner Kaufman:** (Regional Economic Development) *As part of the Annual Workflow of the CRGC staff, investigate how the CRGC can support regional economic development with regional partners. The Gorge Commission shall participate in regional partnerships that encourage regional planning efforts in Urban Areas to assist in minimizing requests for Urban Area Boundary.*  
 Commissioner Nichols seconded the motion.

**Commissioner Comments:**

**Kaufman:** Agree that we should be thinking in totality, but previous words are not clear as to what needs to be done, and that we will consider land supply - no direction on what that means. Better choice, to direct staff

to become part of regional area economic development planning process, help participate and connect 13 UAs and direct thoughts and ideas and processes on how they might be able to work together to minimize these requests. Changes how Gorge Commission thinks about it, how we might become a part of the process. Think proposed language is more successful in meeting the goal.

**Blair:** Think language is fine, concerned that eliminating earlier language means we do not require the regional approach, but that we participate. Act was established to meet a regional need and we need to maintain that regional focus. Friendly amendment: Not strike first sentence but keep Commissioner Kaufman’s second sentence.

**Kaufman:** Friendly amendment, not accepted

**Clark:** No comment

**DeKay:** No comment - want to hear what others say.

**Ericksen:** Think we are all thinking about this differently which is a bad way to do policy. Communities are doing regional planning out of necessity. No need to force it, example of Dallesport airport, like new wording.

**Grimwade:** Like language but Gorge should apply regional planning approach. Gorge should have to actively participate.

**Miller:** No comment

**Mills:** Support additional language but would like to see prior language.

**Nichols:** Fully support change.

**Wainwright:** Like this language but wish we could add something about considering land supply, leaving it out is a mistake.

**Liberty:** Would support the language if it kept the language about regional planning that was existing, example of The Dalles comp plan from 2011 re: regional center and the proximity of UAs to one another.

**Kaufman** closing comment: Would like it to go to vote as is, can go to vote again to add it to existing policy if that vote fails.

**Roll Call for Vote on Motion:** *As part of the Annual Workflow of the CRGC staff, investigate how the CRGC can support regional economic development with regional partners. The Gorge Commission shall participate in regional partnerships that encourage regional planning efforts in Urban Areas to assist in minimizing requests for Urban Area Boundary.*

	Yes	No	Abstain
<b>Blair</b>		x	
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>		x	
<b>Kaufman</b>	x		
<b>Meninick</b>		x	
<b>Miller</b>	x		
<b>Mills</b>		x	
<b>Nichols</b>	x		
<b>Wainwright</b>		x	
<b>Liberty</b>		x	
<b>Total</b>	<b>6</b>	<b>6</b>	<b>0</b>

**Motion – Commissioner Kaufman:** (Regional Approach to UAB Revision) *As part of the Annual Workflow of the CRGC staff, investigate how the CRGC can support regional economic development with regional partners. The Gorge Commission shall participate in regional partnerships that encourage regional planning efforts in Urban Areas to assist in minimizing requests for Urban Area Boundary revisions. Urban areas that adjoin or are near to one of the three Columbia River Bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other Urban Areas that adjoin or are near that bridge or other nearby Urban Areas.* Commissioner Nichols seconded the motion.

**Commissioner Comments:** No discussion

**Roll Call for Vote on Motion:** *As part of the Annual Workflow of the CRGC staff, investigate how the CRGC can support regional economic development with regional partners. The Gorge Commission shall participate in regional partnerships that encourage regional planning efforts in Urban Areas to assist in minimizing requests for Urban Area Boundary revisions. Urban areas that adjoin or are near to one of the three Columbia River Bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other Urban Areas that adjoin or are near that bridge or other nearby Urban Areas.*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>		x	
<b>DeKay</b>	x		
<b>Ericksen</b>		x	
<b>Grimwade</b>	x		
<b>Kaufman</b>	x		
<b>Meninick</b>		x	
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>		x	
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>8</b>	<b>4</b>	<b>0</b>

BREAK – (10:55 a.m. to 11:10 a.m.)

### **Land Uses**

**Motion – Commissioner Nichols:** (Replacement Language for “Wine” or Wineries” throughout Plan)  
*Wherever the words "wine" or "wineries" appear in the Management Plan, the following phrase be added: "and all other manufacturers of beverages from products harvested on their farm or orchard, or from within Oregon or Washington, including cideries, breweries, distilleries, meaderies and the producers of perry."*  
Commissioner Mills seconded the motion.

### **Commissioner Comments:**

**Mills:** Requested a friendly amendment to add that 75% of the products must be grown within the NSA.

**DeKay:** Be careful about limiting it to our geographical region.

**Mills:** Agreed to “Northwest region” meaning OR and WA.

**Liberty:** Concerned we are running into the issue of this allowing “Industrial Uses” on agricultural land.

**Grimwade:** No comment.

**Kaufman:** Expand to other farm products.

**Miller:** No comment

**Meninick:** No comment

**Wainwright:** These are industrial uses, do not support.

**Blair:** These are industrial uses, but the Commission made an exception for wineries, so it is a fairness issue. Inclined to support the motion, critical that whatever the use, it happen on a family farm and scaled appropriately.

**Clark:** No comment.

**DeKay:** Commissioner Blair summed up well.

**Erickson:** Favor this, but rulemaking needs to confine to a family farm size.

**Liberty:** Unlimited scale, therefore it violates the Act's prohibition of industrial use. In favor of cideries, in fairness with wineries, but this motion goes far beyond.

**Nichols** closing comment: Breweries are allowed in farmland.

**Roll Call for Vote on Motion:** *Wherever the words "wine" or "wineries" appear in the Management Plan, the following phrase be added: "and all other manufacturers of beverages from products harvested on their farm or orchard, or from within Oregon or Washington, including cideries, breweries, distilleries, meaderies and the producers of perry."*

	Yes	No	Abstain
<b>Blair</b>		x	
<b>Clark</b>		x	
<b>DeKay</b>		x	
<b>Ericksen</b>	x		
<b>Grimwade</b>		x	
<b>Kaufman</b>		x	
<b>Meninick</b>		x	
<b>Miller</b>			
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>		x	
<b>Liberty</b>		x	
<b>Total</b>	<b>3</b>	<b>8</b>	<b>0</b>

**Next steps:** Staff will adjust the wording to the amendment and present new draft language at the September Commission meeting

**Motion – Commissioner Blair:** (Change to Income for Large-Scale & Small-Scale Agriculture) *Large-Scale and Small-Scale Agriculture, Review Uses, 1H(3)(d): Income capability. The farm or ranch, and all its constituent parcels, must produce at least \$80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula: (CRGC Staff & USFS will investigate CPI for Commission)*

Commissioner Nichols seconded the motion.

**Commissioner Comments:**

**Blair:** This is just indexing for inflation just as the value as agricultural products rose with inflation. The intention is to keep farms as farms. Not to encourage large residences, mansions that are not going to be doing any farming out in these farming areas where they will conflict with farming use and drive up prices making it harder for farmers to stay on the farm.

**Kaufman:** No comment

**Meninick:** No comment

**Miller:** No comment

**Mills:** Concur

**Nichols:** No comment

**Wainwright:** No comment

**Burditt:** Same guideline is SMA and ideally, we would make these match. If we move forward, authority for staff from both entities to coordinate on assessing this. Not necessarily opposed to this approach, however, I understand that family farms have a hard time achieving income. Would not want this be a situation that actually works against the family farmers.

**Clark:** Great reservations about small family farms able to gross \$80,000 annually. Think that we are going to be driving small family farms out.

**DeKay:** No adjustment in this since 1991 but concerned about how many landowners this would impact if this change is made right now with no other information. Hesitant.

**Ericksen:** Any parcel that is applying for a farm dwelling based on production is not building the home to support the farm operation. That is not enough revenue to justify the farm. There needs to be a minimum of agricultural income to really justify a farm. These kinds of things are going to put small farmers out of business. There are regulations and restrictions from government entities that they have to meet. Without a certain threshold of income, it is not a farm. If it is not a farm, then we should not be building farm dwellings that just become rural residential. Strongly support this as a farmer.

**Grimwade:** No comment

**Liberty:** Agree entirely with Commissioner Ericksen. This is not to block family farmers; it is to save farmland.

**Blair:** Nothing additional

**Roll Call for Vote on Motion:** *Large-Scale and Small-Scale Agriculture, Review Uses, 1H(3)(d): Income capability. The farm or ranch, and all its constituent parcels, must produce at least \$80,000 in gross annual income in 2020 dollars. This gross annual income amount shall be indexed for inflation on an annual basis using Consumer Price Index data from the US Bureau of Labor Statistics, and the new adjusted amount for each calendar year (calculated from 2020 dollars) will be posted on the Gorge Commission website by January 15 of each year. This determination can be made using the following formula: (CRGC Staff & USFS will investigate CPI for Commission)*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>	x		
<b>Kaufman</b>	x		
<b>Meninick</b>	x		
<b>Miller</b>			
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>11</b>	<b>0</b>	<b>0</b>

**Motion – Commissioner Wainwright:** (Firewise – Residential and Agriculture LUDs) *Residential and agricultural landowners are required to familiarize themselves with their respective state FIREWISE standards and adapt accordingly while complying with all Management Plan requirements.*

Commissioner Nichols seconded the motion.

**Commissioner Comments:**

**Ericksen:** How do firewise standards mesh with fire protection standards that are required by development under current Commission rules?

**Wainwright:** Do not know that. Firewise standards are currently recommended by the Gorge Commission but not aware of any actual requirement.

**Burditt:** Fire protection standards in place in the Plan are to protect forest land. Valuable for people to familiarize themselves with firewise. Some concerns about actually incorporating that into the Plan. What is the purpose of firewise? A framework for neighbors to get organized, find direction and take action to increase the ignition resistance of their homes and communities. If not cautious about how we frame firewise,

we could be inferring that firewise supersedes the standards of the Plan. Also, nothing in the Plan allows the Commission to monitor and enforce whether landowners are doing those principles.

**Wainwright:** WA DNR and ODF have very robust firewise programs. This is a public safety issue as well as natural resource issue. Commission recommends but does not require landowners to familiarize themselves with those programs. After reading WA and OR firewise standards, it made me want to adhere to those standards and that is why I am proposing this revision.

**Meninick:** No comment

**Miller:** Not available

**Mills:** No comment

**Nichols:** No comment

**Blair:** No comment

**Burditt:** Totally endorse was Commissioner Wainwright has shared as the principles, thought, and importance of landowners. I also share with Commissioners that it is my perspective based on some of the applications that have occurred, that some landowners have interpreted firewise principles as a rationale for not meeting scenic, natural, cultural, and recreation protections in the past.

**Clark:** In agreement with Commissioner Burditt.

**DeKay:** Agree with Commissioner Burditt. If it can be made to fit that does not cause other problems, then okay. Just not sure about it being in this section.

**Ericksen:** Appreciate what Commissioner Wainwright has done but agree with Commissioner DeKay.

**Grimwade:** No comment

**Kaufman:** Concerned with requirement and enforcement.

**Liberty:** Appreciate Commissioner Wainwright's effort and review of the literature. Sense that depending on what happens with motion, we may be treating this as we did one of the prior subjects if that is agreeable with her.

**Wainwright closing comment:** Think it is important that we call this out in the Plan, both from a land use perspective and a climate change perspective. It is not forcing anyone to comply, it is requiring the landowner to familiarize themselves with firewise programs. Yes, enforcement would be a problem but I think most people would do that if they were required.

**Roll Call for Vote on Motion:** *Residential and agricultural landowners are required to familiarize themselves with their respective state FIREWISE standards and adapt accordingly while complying with all Management Plan requirements.*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>		x	
<b>DeKay</b>		x	
<b>Ericksen</b>		x	
<b>Grimwade</b>	x		
<b>Kaufman</b>		x	
<b>Meninick</b>		x	
<b>Miller</b>			
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>6</b>	<b>5</b>	<b>0</b>

**Motion – Commissioner Blair:** (Prohibit New Dwellings on Commercial Forest Land and Large Woodland) *Remove Policies 6-7 on Page 224 of draft Management Plan and substitute new Policy 6 - New dwellings are prohibited on lands designated Commercial Forest Land and Large Woodland.*

Commissioner Wainwright seconded the motion.

**Commissioner Comments:**

**Blair:** The policy shift is new residences are currently allowed under some circumstances on Commercial Forest Land and Large Woodland. Apparently, this does not happen very much but they are allowed. My amendment would prohibit them from being on those forest classifications.

**Litwak:** These are the designation policies. What staff will have to do is actually go through and conform any of the guidelines to these policies. You are voting on the policies but you are not voting on what will end up being the final language through the Plan.

**Blair:** This amendment prohibits residences from being built on lands that are in the most intense forest classifications (Commercial Forest Land and Large Woodland). These are lands that are the most productive for forestry, including industrial forestry and located on lots larger than 160 and 80 acres, respectively.

**Meninick:** Lot of work to be done by staff but I support it. The reason the Management Plan determinations are separated is because they are very specific land uses. SMA and Forest Land are unique to this area. We have a closed section of our reservation where there are trees that are 400 years old. You cannot grow those overnight. These types of stands need to be protected from other influences.

**Miller:** Not available

**Mills:** Supportive but note that single family dwellings are still allowed with conditions in Small Woodland Lands.

**Nichols:** Conflicted – want to hear more.

**Wainwright:** Support this. These lands should be used for forests.

**Burditt:** Likely be evaluating whether any change to the SMA. Current relative guideline states, “New dwellings shall only be allowed if shown to be necessary for and accessory to forest use with an approved forest management plan or necessary for an accessory to agricultural use as specified.”

**Clark:** Knowing what the SMA regulations are now, I question doing this without finding out from Large Commercial Woodland owners why they might want or need an accessory building home. Although idea is appreciated, need more information.

**DeKay:** If this doesn’t happen very much and it sounds like there are lots of restrictions for when it can happen and making this change now will cause a lot of work for staff, I need to hear more.

**Ericksen:** Reservations. In general, not much demand for this. Concept is good, so in favor of this with reservation.

**Grimwade:** Supportive of it but would like to see consistency between SMA and GMA.

**Kaufman:** Reservations. Would like more information on who it impacts.

**Liberty:** Trees are not like hops, grapes, or wheat. House is not needed next to them to make sure they are growing. As a statistical matter, they introduce fires. Definitely voting yes.

**Blair closing comment:** Emphasize that regulations are almost 30 years old. Not much was known about climate change then. Wildfires are increasing, particularly in the National Scenic Area. Humans are the primary cause of fire in the National Scenic Area. We should not be allowing houses out in the middle of productive, important forest lands.

**Roll Call for Vote on Motion:** Remove Policies 6-7 on Page 224 of draft Management Plan and substitute new Policy 6 - New dwellings are prohibited on lands designated Commercial Forest Land and Large Woodland.

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>		x	
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>	x		
<b>Kaufman</b>		x	
<b>Meninick</b>	x		
<b>Miller</b>			
<b>Mills</b>	x		
<b>Nichols</b>		x	

<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>8</b>	<b>3</b>	<b>0</b>

**Motion – Commissioner DeKay:** (Retain BnBs Language) *Page 348 of Management Plan - Add back B&B Inn language (This necessitates retaining the guideline under "Home Occupations" about BnBs and also retains allowance for commercial events at BnBs)*

Commissioner Kaufman seconded the motion.

**Commissioner Comments:**

**DeKay:** The bed and breakfast inns have been allowed in the Management Plan since the beginning. The change to the overnight accommodations term to be inclusive of other overnight accommodations like AirBNB and vacation rentals. The bed and breakfast inns need to be treated separately as they have always been.

**Nichols:** Support adding this back. Something we have always allowed and now all of the sudden you want to restrict it.

**Wainwright:** No comment

**Blair:** Concerned about expanding uses, adding overnight accommodations and additional commercial events.

**Burditt:** No comment

**Clark:** While it has been 30 years and there are several areas that some Commissioners want to move forward because times have changed, this does not seem to be one of them. Times have changed. I do not feel well informed on why we have put limitations on certain things. I would like to address this another time when we can actually hear from owners of bed and breakfasts and other types of accommodations. Support the old language.

**Ericksen:** Support of this change.

**Grimwade:** No comment

**Kaufman:** Supportive of the change.

**Meninick:** No comment

**Miller:** No comment

**Mills:** Is this adding concerts to BnBs? If that is the case, I would not support it.

**DeKay:** Not about adding concerts to BnBs.

**Liberty:** Supportive based on the understanding that the authorization of commercial events excludes outdoor concerts and limit it to indoor concerts.

**DeKay:** We changed commercial events to include indoor concerts.

**Roll Call for Vote on Motion:** *Page 348 of Management Plan - Add back BnB Inn language (This necessitates retaining the guideline under "Home Occupations" about BnBs and also retains allowance for commercial events at BnBs)*

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Blair</b>		x	
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>	x		
<b>Grimwade</b>	x		
<b>Kaufman</b>	x		
<b>Meninick</b>	x		
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		

<b>Liberty</b>	x		
<b>Total</b>	<b>11</b>	<b>1</b>	<b>0</b>

**Motion – Commissioner Miller:** (Equity) *Include a Diversity, Equity, and Inclusion (DEI) statement in the introduction section of the Management Plan and incorporate DEI into the Gorge Commission workplan. (Send Commissioner suggestions to Commissioner Miller on or before 8/20/2020).*  
 Commissioner Mills seconded the motion.

**Commissioner Comments:**

**Grimwade:** Need to put some short policy statement into the introduction of the Plan. Although we do not have the words today, it should go in the Plan. Like we did with climate change, we were going to develop a framework document afterwards. If we leave it out of the Management Plan, we have lost an opportunity. The Management Plan should set the framework for us moving forward.

**Wainwright:** Very concerned about this issue.

**Blair:** Essential work.

**Burditt:** Recognizing the workplan - how much time will the Commissioners need to commit to self-education and retreat outside on this? Commission needs to invest the time.

**Nichols:** Compliment Commissioner Miller. Work together to make it really strong.

**Liberty:** Request for Commissioner Miller to draft language for the Plan and present at September Commission meeting.

**Next steps:** *The motion was withdrawn. Commissioner Miller requested that Commissioners provide her with comments on this topic by August 20<sup>th</sup>. Commissioner Miller will then craft a proposal to present at the September Commission meeting.*

**Motion – Commissioner Kaufman:** (ADUs) *ACCESSORY DWELLING UNITS - GMA Policies (1) Accessory dwelling units (ADU) may be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources. GMA Guidelines (1) Accessory dwelling units may be established on a property with a legal single-family dwelling, as an addition to the dwelling or in a legal accessory structure, in the GMA Rural Center, Rural Commercial, and Residential land use designations, consistent with the following conditions: (A) Only one ADU may be established per legal parcel, (B) The property owner must occupy either the principal dwelling or the ADU as their permanent residence, (C) The ADU is incidental and subordinate to the principal dwelling in terms of size, use and appearance, (D) An ADU shall not have more than two bedrooms and shall not be larger than 800 sq ft in size, (E) the combined footprints of all accessory buildings, including accessory dwelling units, on a single parcel shall not exceed 1500 sq ft in area, (F) The ADU must use the same driveway, sewer system (including septic tank), and drain field as the primary dwelling, (G) Home occupations shall be allowed, in either the ADU or principal unit, but not both, (H) ADUs may be used as long-term rentals. DRAFT PROPOSED GLOSSARY DEFINITION: An Accessory Dwelling Unit (ADU) is a separate dwelling unit, having its own living, kitchen, sleeping and bathroom facilities, that is subordinate to a principal dwelling unit. An ADU may be attached or detached but is clearly subordinate to the principal dwelling in terms of size, use and appearance. A camping or recreational vehicle is not and cannot be used as an ADU.*

Commissioner Nichols seconded the motion.

**Commissioner Comments:**

**Wainwright:** Concerned that this could double density in rural areas.

**Miller:** This is an equity issue. Multi-generational dwellings are important to some cultures. Can be a way to address affordable housing shortage.

**Blair:** ADUs could double density of rural lands. Change could extensively impact SNCRs resources.

**Burditt:** Goal is to avoid or mitigate any adverse effects. Would need to change draft language to address this.

**DeKay:** Supportive, but do not think there is enough information to move forward with this. Need to have more discussion.

**Erickson:** This is reversing the philosophy on ADU policy. If we were doing anything to address affordable housing, need to address UABs.

**Grimwade:** Needs to go through process, add to workplan post-Gorge2020.

**Meninick:** What is the alternative? Need more information.

**Mills:** Conditions make it not much different than an addition.

**Nichols:** Agree, need to look at through equity lens.

**Liberty:** Important to increase housing supply. Concern is for these to be used for short term rentals.

**Kaufman:** Withdrew motion.

**Next Steps:** *The motion was withdrawn. Commissioner Kaufman requested that this be immediately added to the workplan for the staff and paired with the equity conversation.*

BREAK – Resume at 2:00 p.m.

Chair Liberty asked Commission members to provide number and content of potential motions:

**Blair:** Wetland (no loss)

**Clark:** None

**DeKay:** None

**Ericksen:** Scenic resources amendment

**Kaufman:** Approval criteria for other review uses in water resources

**Meninick:** None

**Miller:** None

**Mills:** Expedited review for certain uses allowed outright – *(this was tabled until more information is available)*

**Nichols:** Notification of property owners

**Wainwright:** None

**Liberty:** None

**Motion – Commissioner Kaufman:** (Approval Criteria for Other Review Uses in Water Resources) *Page 112, Approval Criteria for Other Review Uses in Water Resources* **AMENDMENT: revert back to original:** *(1) The uses identified in Guideline 2 under "Review Uses," above, may be allowed only if they meet all of the following criteria: **Note:** A change to Guideline 1 from the original Guideline 2 now subjects modifications to existing serviceable structures and minor water-related or water-dependent structures to the more stringent requirements for all other uses. The edit also suggests that those other uses are not subject to this section. In addition to requiring a costly mitigation plan, this would also require that these uses satisfy a public interest test. As proposed, even a modest home addition would need to demonstrate a public need in order to be considered. (Staff will review and address in final language provided to Commissioners by August 26)*

#### **Commissioner Comments:**

**Kaufman:** Commented that this change had been brought to her attention by Skamania County Planning and asked if it was appropriate to discuss this now as an amendment or have staff include as a clarifying edit.

**Liberty:** Invited Commissioner Kaufman to share her explanation, and then ask staff if this is a clarifying edit.

**Kaufman:** A change to Guideline 1 from the original Guideline 2 now subjects modifications to existing serviceable structures and minor water-related or water-dependent structures to the more stringent requirements for all other uses. The edit also suggests that those other uses are not subject to this section. In addition to requiring a costly mitigation plan, this would also require that these uses satisfy a public interest test. As proposed, even a modest home addition would need to demonstrate a public need in order to be considered.

**CRGNSA Planner Casey Gatz:** He was not sure of the purpose of this edit, and Commissioner Kaufman suggested she talk with staff outside of the meeting as part of the clarifying edit process. Commissioners agreed that staff will review and incorporate in final language provided to Commissioners in late August.

**Motion – Commissioner Ericksen:** (Exemption for Compatibility Analysis for Buildings under 2,500 sq ft) *Page 36, Guideline 2(D): Allow an exemption for compatibility analysis for buildings under 2,500 sq ft.* Commissioner DeKay seconded the motion.

**Commissioner Comments:**

**Ericksen:** The modifications to the building compatibility requirement proposed as part of Guideline 2 on page 36 provides some needed clarity which is important to ensure greater consistency in how applications are processed. However, the new criteria should be modified to allow for exemptions for certain minor buildings. The new proposed criteria require the evaluation of the overall scale of at least ten other buildings considering a list of various factors regardless of building size. Although the additional standards seem appropriate for buildings over a certain size, applying them to small accessory buildings or minor additions to an existing modest-sized building, is unnecessary. It is recommended that the language be changed to exempt any building under 2,500 sq ft. Without an exemption, the guideline is forcing a process that is unnecessary for certain sized buildings and that most would agree are compatible regardless of the setting in which they are located. Recommendation from counties' planning.

**Blair:** Struggling with 2,500 sq ft. Half of the houses built in the US according to 2017 figures were larger than 2,500 sq ft. This does not seem like a minor building if half the houses built in the US are at that. Is Hood River really saying that a 2,500 sq ft house is minor?

**Ericksen:** I do not think it's saying it's minor. Hood River County presented the number, I didn't. According to their analysis, this would be a building that generally would comply in any setting. I have looked through dozens of county recommendations and not many of them made it into our Plan. One of the issues the county planning departments raised at the very beginning of this process was facilitating review and providing for expedited things that are going to be approved anyway. It costs time and money for both the counties and the applicants to go through unnecessary reviews. They are trying to make it more efficient for all parties. This is to facilitate a need that has been expressed by planning departments.

**Burditt:** Reviewed this with Morai Helfin and she had no concerns with this proposal. Any proposal as this would still have to meet all of the guidelines that apply. It only reduces the need for the compatibility analysis.

**Blair:** Concerns with this proposal. Support current draft Management Plan language. 2,500 sq ft is not a small structure, or as Hood River called it, "a minor building."

**Clark:** Agree with this proposal. Not just talking about homes; talking about other types of buildings.

**DeKay:** If the planners are telling us that this is extra work for buildings under 2,500 sq ft and this will reduce a lot of burden of that kind of analysis and there are no other objections to it, I have no problem with it.

**Kaufman:** Concur. I have heard this from our planner as well. I believe it is a reasonable request.

**Menick:** No comment

**Miller:** No comment

**Mills:** If this is only removing the compatibility analysis, can staff answer the question what that actually translates to? Do they see a problem in eliminating that from a normal review process?

**Sr. Planner Kaiserman:** Our way of making sure that there are no outlier developments. Making sure that everything is kept in the general scale of existing development in the area. We all use it and this was a way to try to increase the consistency of the application of this guideline. We got together as planners and came up with these steps for determining compatibility.

**Liberty:** Ms. Kaiserman are you saying that this proposal is useful or the compatibility review standards are useful?

**Sr. Planner Kaiserman:** I would like to know why the 2,500 sq ft is the number proposed.

**Liberty:** For Commissioner Mills' benefit, this is to deal with the scale. There are other requirements for visual subordination, but this is to address whether it fits the scale of other buildings. Is that accurate?

**Executive Director Wolniakowski:** Yes, that is accurate.

**Sr Planner Kaiserman:** It assumes that the average size is 2,500 sq ft.

**Counsel Litwak:** The reason for the compatibility analysis, is to make sure that the development is generally similar within an area of the Gorge. What we have typically done is that we will stand at a few KVAs, figure

out what is a viewshed for an area where the proposal is, and we will consider the buildings that are in that vicinity. Some areas have quite large buildings. In that case, compatibility would allow a larger building. Typically, what we have done is say you can build up to the size of the largest building, so long as it is not an outlier building. If you have buildings that are in the 2,500 sq ft range and then there is one that is 4,800 sq ft, we kick that one out and consider buildings at 2,500 sq ft to be compatible. Just having a number would eliminate that ability to potential right-size a new building if the buildings in the vicinity are much smaller than 2,500 sq ft. There may be another factor that you want to consider.

**Blair:** If there is an area of the Gorge with average 1,500 sq ft houses, if this was passed and the proposed house is 1,000 sq ft bigger, it's exempted from this analysis?

**Counsel Litwak:** I think that is the intent of the standard. The one thing I would "correct" you on is we have not typically looked at the average size of buildings in a vicinity. We have looked at the range. We have allowed people to build up to the top end of the range, again unless there was a real outlier.

**Nichols:** Concerned that we sometimes overload our partners. I am inclined to listen to what they have to say. I understand the complexities of it but I think this is one we should pass.

**Wainwright:** Appreciate Counsel Litwak's explanation. I cannot imagine that a 2,500 sq ft home not being subject to the compatibility study.

**Liberty:** My house (above basement) is 1,200 sq ft. With regard to the compatibility standard, this is less than half the size of what would be exempted from compatibility review. I will be voting no.

**Ericksen closing comment:** The standard that they use is generally up to the largest, it's not average. Average-size houses have been larger in the Gorge than what you would find as the average size house in the US. Even if the compatibility study showed that the largest house was 2,300 or 2,400 sq ft, a 2,500 sq ft building would not constitute a significant outlier. One more comment from Hood River: "The draft policies currently proposed dismiss many of the concerns raised by Gorge community members who are looking for greater flexibility to consider the unique aspects and needs of the communities involved. Instead, the draft language overwhelmingly reflects a no growth policy agenda and undermines much of the input provided by Gorge area stakeholders. The process was neither transparent nor achieved the level of public involvement in the policy." We have not paid much attention to any of their suggestions to try to make this process faster and more efficient and accomplish the intent of the NSA.

**Roll Call for Vote on Motion:** *Page 36, Guideline 2(D): Allow an exemption for compatibility analysis for buildings under 2,500 sq ft.*

	Yes	No	Abstain
<b>Blair</b>		x	
<b>Clark</b>	x		
<b>DeKay</b>		x	
<b>Ericksen</b>	x		
<b>Grimwade</b>			
<b>Kaufman</b>	x		
<b>Meninick</b>		x	
<b>Miller</b>		x	
<b>Mills</b>		x	
<b>Nichols</b>	x		
<b>Wainwright</b>		x	
<b>Liberty</b>		x	
<b>Total</b>	<b>4</b>	<b>7</b>	<b>0</b>

**Motion – Commissioner Blair:** (No loss of wetlands) *Page 107, WATER RESOURCES, Goal 1: Achieve no loss of wetlands acreage and functions.*

Commissioner Wainwright seconded the motion.

**Commissioner Comments:**

**Liberty:** Asked Commissioner Blair to explain his understanding of the difference between no net loss and no overall loss for the benefit of Commission discussion. Chair Liberty then asked if there were clarifying questions. None were offered. The Chair invited Commissioner Burditt to offer comments on consistency with SMA. Casey Gatz shared that Commissioner Burditt was unavailable to comment.

Chair Liberty asked Commissioner Blair if he were willing to combine the comment period with a vote. Commissioner Blair agreed and began with his explanation for the motion.

**Blair:** The Act requires the Commission to protect and enhance natural resources, and the no net loss standard for wetlands does not enhance. At best, it keeps us at a steady-state position, but wetlands in the NSA are not in a steady-state position. Wetlands have been under increased stress since this goal was adopted 30 years ago. The climate change report we commissioned stated that it is likely that warmer air temperatures and diminished seasonal stream flows may stress and add natural pressures that could degrade or reduce the extent of wetlands. The original standard of no overall net loss depends on mitigation and offsets which are notoriously problematic when it comes to recreating wetlands. Success depends on a robust monitoring program which I feel we do not have.

**Combined Commissioner Comments and Roll Call for Vote:**

**Blair:** Vote: Yes

**Clark:** Appreciate this motion and believe in mitigation, especially with what we are facing with climate change. There might be some positive effects from mitigating wetland areas. Vote: No

**DeKay:** Appreciate the goal of keeping as many wetlands as possible and enhancing them, but reality is in the GMA there are infrastructure projects, roads, and bridges that need repair. There are times when something must be done that will involve a wetland. Keep language as is for now. Vote: No

**Ericksen:** This proposal takes away all flexibility, regardless of the case, and it continues a stretch of decisions we have been making that have tried to thwart any growth. Vote: No

**Kaufman:** Agree with Commissioners Clark, DeKay, and Ericksen that we need to keep flexibility because there will be times when mitigation is needed. Understand and appreciate Commissioner Blair’s perspective. Vote: No

**Meninick:** Vote: Yes

**Miller:** Vote: Yes

**Mills:** May be uninformed as to the unintended consequences, but I think this is important. Vote: Yes

**Nichols:** Vote: No

**Wainwright:** Vote: Yes

**Liberty:** Reminded of research that was done on the status of mitigation projects including stormwater mitigation and that there is a serious problem with maintenance. Think our wetlands are disappearing. Vote: Yes

**Roll Call for Vote on Motion:** *Page 107, WATER RESOURCES, Goal 1: Achieve no loss of wetlands acreage and functions.*

	Yes	No	Abstain
<b>Blair</b>	x		
<b>Clark</b>		x	
<b>DeKay</b>		x	
<b>Ericksen</b>		x	
<b>Grimwade</b>			
<b>Kaufman</b>		x	
<b>Meninick</b>	x		
<b>Miller</b>	x		

<b>Mills</b>	x		
<b>Nichols</b>		x	
<b>Wainwright</b>	x		
<b>Liberty</b>	x		
<b>Total</b>	<b>6</b>	<b>5</b>	<b>0</b>

*Next steps: Counsel Litwak commented that with this vote, staff will need to do some additional work in the Natural Resources section and potentially in other parts of the Plan to conform to this change. When the final draft language goes out to Commission, there will be changes in multiple places.*

**Motion – Commissioner Kaufman:** (Exemption for Compatibility Analysis for Buildings under 1,500 sq ft) *Page 36, Guideline 2(D): Allow an exemption for compatibility analysis for buildings under 1,500 sq ft.* Commissioner Blair seconded the motion.

**Commissioner Comments:**

None

**Roll Call for Vote on Motion:** *Page 36, Guideline 2(D): Allow an exemption for compatibility analysis for buildings under 1,500 sq ft*

	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Blair</b>	x		
<b>Clark</b>	x		
<b>DeKay</b>	x		
<b>Ericksen</b>		x	
<b>Grimwade</b>			
<b>Kaufman</b>	x		
<b>Meninick</b>		x	
<b>Miller</b>	x		
<b>Mills</b>	x		
<b>Nichols</b>	x		
<b>Wainwright</b>	x		
<b>Liberty</b>		x	
<b>Total</b>	<b>8</b>	<b>3</b>	<b>0</b>

**Wolniakowski:** To expedite the process and try to figure out the next steps, I am looking at a few different tasks we need to do ASAP. Next steps are to incorporate all of the amendments that were passed today and then follow it through the entire Plan to make sure that those amendments and language related to those amendments are consistent throughout the Plan. We are trying to get the next version of the Plan finished and posted by August 25<sup>th</sup> or 26<sup>th</sup>, and will be working closely with the Forest Service to complete. Several items were left on the table to come back to in September such as the equity language. I assume from the discussion that staff will be going through and making corrections/clarifications that need made. If there are any last-minute changes, the Commission will make them in September.

**Liberty:** The three or four items where there was agreement but not wording, those should go into the Management Plan but also called out so they can be looked at separately. Regarding the significant number of changes that are either clarifications/noncontroversial, is there a way to highlight those so that we could review them and make sure they all make sense as noncontroversial/clarifications?

**Wolniakowski:** We have talked about this at the staff level. We have some technical limitations with the way we edit the documents so that we can track/show all of the changes made. One of the things that I would like to turn over to Counsel Litwak is the way we have to have the Plan edited in order for it to pass legal review.

**Litwak:** No real concerns. I just want to make sure that we show all of the changes and make sure that you understand all of the revisions that are being made. Our intent is to show the changes that are in the current draft and then the changes that are being made subsequent to the current draft.

**Liberty:** Everybody comfortable with that?

No comments by Commissioners.

**Liberty:** Anything additional?

**Wolniakowski:** Reminded Commissioners to send equity language suggestions to Commissioner Miller and staff will incorporate draft language (into the August 26<sup>th</sup> draft Management Plan). Thanked staff for all the work in getting prepared for the last two days.

Adjourn (3:05 p.m.)

Approved 10/13/2020