

Columbia River Gorge Commission

Meeting Minutes
November 12, 2019

Skamania Lodge
1131 Skamania Lodge Way, Stevenson, Washington

MEMBERS IN ATTENDANCE

Bridget Bailey – Arrived 9:23 am
Bowen Blair
Lynn Burditt
Keith Chamberlain
Sondra Clark
Lorrie DeKay
Dan Ericksen
Robin Grimwade
Robert Liberty
Meninick Jerry
Carina Miller
Rodger Nichols
Janet Wainwright

MEMBERS ABSENT

None

STAFF PRESENT

Connie Acker, Administrative Assistant
Aiden Forsi, Land Use Planner
Bryce Guske, Land Use Planner
Joanna Kaiserman, Senior Land Use Planner
Jeff Litwak, Counsel
Katy O'Keefe
Mike Schrankel, GIS Specialist
Krystyna Wolniakowski, Executive Director

AUDIENCE PRESENT

Albrich, Elaine – Davis Wright Tremaine
Beck, Mike – Skamania County Planning
Brewer, Angie – Wasco County Planning
Brown, Keith
Cornelison, Peter – Friends of the Columbia Gorge
Courtney, Mike – Port of The Dalles
Gatz, Casey – U.S. Forest Service
Gorman, Kevin – Friends of the Columbia Gorge
Hoey, Amanda – Executive Director, Mid-Columbia Economic Development District
Klaas, Andrea – Port of The Dalles
Lang, Michael – Friends of the Columbia Gorge
Lee, Marcy
Lembrick, Andrew – Skamania County Planning
Lingley, Terra – Oregon Department of Transportation
Mays, Rich – City of The Dalles
McConville, Brigitte – Confederated Tribes of Warm Springs
McGrew, Molly – Confederated Tribes and Bands of the Yakama Nation

Olson, Sheryn
Peters, Alan – Skamania County Planning
Repar, Mary
Rittenhouse, Ryan – Friends of the Columbia Gorge
Robbins, Teresa
Salsgiver, Mike
Streeter, Sean
Waters, Kevin – Skamania Economic Development Council

Others were present during the day.

Call to Order and Roll (9:00 a.m.) Chair DeKay called the meeting to order and Connie Acker called roll.

Welcome (9:05 a.m.) Bob Hamlin, Skamania County Commissioner, welcomed the Commission.

Welcome new Commissioner (9:07 a.m.) Commission Chair Lorrie DeKay welcomed new Commissioner Jerry Meninick.

Approval of Minutes for October 8, 2019 Commission meeting (9:10 a.m.)

Commissioner Blair moved to adopt the October 8, 2019 meeting minutes. Commissioner Grimwade seconded the motion. The motion passed unanimously on a voice vote.

Opportunity for Public Comment (9:11 a.m.)

The following provided public comment to the Commission on items not listed on the agenda:

- Kevin Gorman, Executive Director, Friends of the Columbia Gorge – Welcomed Governor appointment of treaty tribal member Jerry Meninick to Columbia River Gorge Commission.
- Ryan Rittenhouse, Friends of the Columbia Gorge – Expressed desire that climate change be a priority in Management Plan review.
- Michael Lang, Friends of the Columbia Gorge – Purposes of the Scenic Act.
- Mary Repar – Voiced concerns about climate change and air quality issues. Requested that the Commission place a permanent burn ban in the NSA. Discussed de minimis and cumulative impact.
- Sean Streeter – Presented an email from Eileen Quiring, Clark County Council Chair to Jerry Nutter with the subject “Washougal Pit Ltr to Mitch Nickolds” dated Thursday, June 13, 2019. Attachment A

Opportunity for Treaty Tribe Nations to address Commission (9:25 a.m.)

As part of the Government to Government consultation process, the Commission welcomes input from treaty tribe members on any issue on the agenda and any other matters. Casey Barney, Confederated Tribes and Bands of Yakama Nation voiced concern about Yakima County allowing expansion despite tribal objection.

Information Item: (9:30 a.m.) Mike Salsgiver, Senator Mark O. Hatfield former staff member, presented “History of the National Scenic Act” on the 33rd anniversary of the National Scenic Act. Attachment B
Various Commissioners questioned Mike Salsgiver.

Information Item: (10:06 a.m.) An Annual Update on Economic Vitality in the National Scenic Area was presented by Amanda Hoey, Executive Director, Mid-Columbia Economic Development District and Kevin Waters, Director, Skamania Economic Development Council.

Break (10:43)

Work Session Item*: (11:00) a.m. Aiden Forsi, Planner, introduced the Urban Area Boundary Revision Policy. Attachment C

Opportunity for Public Comment on Urban Area Boundary

- Angie Brewer, Wasco County Planning – Reiterated past requests from Wasco County to pursue a facilitated consensus-based approach to the urban area boundary revision process policy. The process should include all stakeholders. Requested that if the 2020 Roadmap timeline listing urban area boundary decisions in April 2020, changes that there be some coordination with counties.
- Keith Brown – Commented on adjustment to urban area boundary revision and “minor revision” definition.
- Michael Lang, Friends of the Columbia Gorge – Presented a Memo entitled “Comments on Urban Area Boundary Revision Policy. [Attachment D](#)”
- Mary Repar – Commented on “minor revision” definition.

The Commission discussed Urban Area Boundary revision concepts.

The Commission discussed reaching consensus on some things that are definitely minor and some things that are definitely not minor to give some guidance to counties and urban areas. The Commission also discussed whether to consider individual urban area boundary amendments to determine whether they are minor without first defining the term “minor.”

The Commission reviewed its prior conversation and guidance that bridgehead communities consider regional land supply and need when planning urban area boundary revisions. The bridgehead communities identified previously may also need to consider land supply and need of other nearby urban areas.

Commissioner Nichols suggested that 43.5 acres is minor because the Commission adjusted that amount when approving the Cascade Locks urban area boundary revision in 1998.

Commissioner Wainwright stated that she would not agree that 43.5 acres is minor and that the Commission not try to define minor.

Counsel Jeff Litwak explained that the 43.5 acre difference in Cascade Locks was the result of a land trade—moving federal land out of the urban area and moving private land into the urban area, and that the overall size of Cascade Locks shrunk as a result, but that there is more buildable land in the urban area.

Commissioner Burditt: I want to add one piece to what Jeff just described. Another piece of what ended up happening on the Cascade Locks piece was the start of the 2009 legislation – there was a legislative land exchange identified between Cascade Locks and the Forest Service which was finalized about five years ago. It’s a fairly complex one and I would not think about it simply in terms of saying that that constituted minor.

Commissioners Nichols and Ericksen discussed their concerns with the regional planning guidance that the Commission—that planning differs in the two states, that urban areas will have difficulty finding land that satisfies the 4(f) criteria; that increasing growth in nearby urban areas will have traffic and other resource impacts; and that urban areas would use up their allocation of acres in a minor revision providing services to developed areas outside of the urban areas.

Commissioner Blair stated that public testimony from people on all sides of this issue have asked for a specific number, clarity, objective standards. If we just say there shall be no significant impact SNCRRs [scenic, natural, cultural and recreation resources] from boundary revisions, we’re just adding a new word to interpret, such as what is significant.

Commissioner Bailey stated that she hopes to have some consensus, that Hood River County would like some definition of when they would be eligible, such as certain densities so that if they had to go through the process, it would be affordable. It doesn’t need to be a certain number of acres if there could be some other types of eligibility frame.

Commissioner Liberty asked whether commissioners believed a revision that has no net loss of land area is minor, and that the revision would still need to satisfy the 4(f) criteria. Commissioners concurred that this

would be a minor revision; several commissioners stated that this should not be the only qualification for what constitutes a minor revision.

Commissioner Liberty asked whether commissioners believed a revision that is no more than 20 acres in size or 1%, whichever is less, of an urban area's acreage over time (i.e., not 20 acres now and 20 acres again and 20 acres again) is minor. Commissioners concurred that this would be a minor revision; several commissioners stated that this should not be the only qualification for what constitutes a minor revision. Commissioners Nichols and Chamberlain expressed concern that urban areas should be able to ask for more than one 20-acre revision.

Commissioner Liberty stated that the minutes should show that no one has agreed that would be the maximum allowable expansion and no one has committed that they approve anything beyond that.

Commissioner Chamberlain asked whether using the same scenario that Commissioner Liberty explained, a revision would be minor if it was no more than 25 acres instead of 20.

Commissioner Liberty explained that counties can apply for whatever revisions they want, but that the Commission is just determining now what could be a clear path to an approval of a revision.

Commissioners Nichols, Chamberlain and Clark discussed proposed the concept of moving some of the urban area from Dallesport to The Dalles as long as an equivalent amount was exchanged with no loss of SNCRRSs, or that one urban area can sell part of its 20-acres of expansion to another urban area.

Commissioner Meninick stated that if expansion were to occur, he would have to report back to his tribes and then they begin to consult all of these resource management agencies that are responsible for compliance with environmental codes and laws. There are cultural properties within any expansion area that would require a survey.

Commissioner Miller stated that she would say 20 acres is the maximum size that would qualify as a minor revision.

Commissioner Chamberlain modified his suggestion to ask whether 25 acres cumulative over time would be minor and that there would be no "or 1%" qualifier. Commissioners Nichols, Ericksen, and Clark agreed this would be minor. Commissioners Liberty and Wainwright stated they did not believe this would be minor. Commissioner Miller indicated that she was not comfortable with the direction the conversation was heading. Other commissioners were silent.

Commissioner Blair asked whether the Commission could agree on a procedural element—that counties making an application for a boundary area revision give the Commission a heads-up early on, a short proposal, for feedback, perhaps either up or down before they go and spend all the time and money to put that into a large formal application. Commissioners generally agreed. Commissioner Ericksen also stated that urban areas need to do a lot of work before they can provide the Commission a short proposal, especially with numbers. Because they need to do the work to figure out what is justifiable.

Commissioner Chamberlain agreed with Commissioner Ericksen and suggested that the Commission do that preliminary work. Commissioner Blair stated that the Commission needs to have the ability to do an independent investigation of a proposal. Commissioner Liberty expressed concern that the Commission does not have the staff to do the work for the counties or the financial resources to commission studies.

Commissioner Liberty suggested having application windows so the Commission can plan and have a cycle for urban area boundary revision applications. Oregon has a window because revisions have to be coupled with periodic review.

Lunch (12:26) p.m.

Work Session Item*: (1:05 p.m.) *“Gorge 2020”* Land Uses and Development Review Focus Topic: Joanna Kaiserman, Land Use Planner, Gorge Commission and Casey Gatz, Lands Manager, US Forest Service, presented results from the three public workshops and sought Commission guidance on next steps.
Attachment E

Using PRES model:

Topic 1: Residential Use of Accessory Structures

Questions: Should the Management Plan explicitly address ADUs? If the Commission wants to consider allowing them, should the staff invest time to develop resource protection measures for allowing accessory dwelling units in the National Scenic Area?

Commission Feedback:

- ADUs would be difficult to enforce. There are some allowances already, should not expand to allow more.
- Potential to double density of rural areas. No expansion of existing allowances.
- Attached ADUs would be ok. Would take away need for an additional building (detached ADU)
- No additional allowances. Need to understand population capacity first. Infrastructure capacity unknown.
- Allow ADUs to provide equitable housing opportunities. Communities need more options for low-income housing. ADUs is one way of doing this.
- Not best use of staff time
- Do not allow. Instead, allow duplexes through a re-zone. If more housing is needed, then look at zoning. Should piece-meal policy.
- Do not allow ADUs- it promotes development. But need more info on equity argument
- No ADUs. ADUs have their place, equity issues and otherwise, in the UAs. ADUs should be focused in urban areas
- If creating new industry, need housing for economic development. Allow ADUs to increase housing supply.

Topic 2: Short-Term Rentals

Questions: Should short-term rentals be allowed? If so, what are key considerations to guide staff in developing possible Management Plan language?

Commission Feedback:

- Would rather allow long-term rentals than Bed & Breakfast inns. B&Bs for permanent residents only. Allow STRs for 30+ days only.
- Short-term rentals should be allowed for supporting tourism.
- Allow STRs. There is limited access for those unrepresented. Need to allow STRs as one way of providing equitable access to affordable places to stay in the Gorge. Who are we giving access to for tourism?
- In SMA- Any use should not detract from Historic character or deteriorate resource
- Review BnB policies to make sure they're up to date. STRs take away from long-term rental market. Impacts neighbors.
- STRs outside UAs and Rural centers will promote development outside UAs. Concerned that they will compete with hotels and encourage growth outside of UAs. Wants to learn more about equitable access issue.
- Need to review existing policies
- Housing is limited. STRs take away from housing market. Open to considering if in fact are shown to benefit the housing supply.
- B&B and STRs- what is affect on market? Limited value to Purposes of the Act
- Existing regulations should be clarified

- Concerned about impacts to SNCRs
- Not sure if more STR makes accommodations more affordable.
- Against adding anything longer than 14 days (current BnB max). Could increase density in rural areas.
- Using existing residence for whatever is fine. Should not regulate use of private residence.
- Housing problems exist, but STRs are not the answer.
- Agree with everyone, adding more STRs would remove more housing from the area
- B&B policies are effective. Why STR when time should be spent on UABs

Topic 3: Commercial Facilities and Events

Questions: Should the Management Plan allow and regulate cideries and distilleries in a manner similar to wineries? What goals should the Management Plan be achieving related to commercial uses on agricultural lands and others in the National Scenic Area?

Commission Feedback:

- Allow same as wineries- only fair
- Appropriate if the current winery regs are adequate
- Uses can create negative impacts- proximity to neighboring uses
- Allow cideries and distilleries
- CC will affect crop production. Look at variety of uses and value-added products, “complementary uses”
- Yes, explicitly allow. Focus on climate-resilient, low-water intensity crops
- Yes, allow uses connected to on-site crops. Protect ag uses that might have conflicting impacts
- The farm itself is #1- be wary of loopholes
- Allow if it is minor or incidental. Allow cideries if impact is same as or less than wineries. Focus on cumulative impacts
- Yes, allow with same restrictions. Matter of scale- address impacts
- No- these are industrial uses. Processing plants are not for rural areas. Look at current regs for wineries and consider long-term impacts
- Ag is a commercial use. Is that what the land should be used for?
- Biggest fear: Privilege becomes an entitlement. Supersedes the regulations. Corporation takeover of Gorge ag resources. See Clinton task Force to domesticate commerce
- Don’t be so specific on allowable uses
- Cideries/distilleries/ag use shouldn’t be specific. Allow other on-site products
- Ag uses consistent with SNCRRs should match policies for wineries
- Protection of agriculture is critical. Commercial events need to be managed to protect ag
- Cideries/distilleries/wineries should be treated the same.
- Protect all ag lands, not just farming
- No loss of ag lands from commercial activity
- Protect ag, consider influence of climate change
- Allow complementary commercial events that don’t detract from Ag
- Consider ag impacts to SNCRRs
- Commercial events can affect adjacent ag lands
- Commercial should be secondary to primary ag use (incidental/minor)
- Clarify how to address cumulative impacts from commercial activities on ag
- Do not allow cideries/distilleries the same way wineries are. Distilleries are an industrial processing use. Wineries area loophole
- Ag is the commercial use. Not other activities. Commercial uses beyond the primary ag should be in UAs
- Tighten commercial regs so ag ownership stays here and is not controlled by corporations

Opportunity for Public Comment - "Gorge 2020" Land Uses and Development Review Focus Topic

- Michael Lang, Friends of the Columbia Gorge, presented a Memo entitled "Comments on the Land Use and Development Review Focus Topic in Plan Review. [Attachment F](#)
- Mary Repar
- Elaine Albrich, land use attorney w/Davis Wright Tremane on behalf of Oregon Wine Growers

Action Item: Bylaws Amendment: (2:57 p.m.) The Commission discussed and considered an amendment to its bylaws relating to voting procedure for officers. Commissioner Nichols moved to amend the Bylaws. The motion was seconded by Commissioner Blair. The motion passed unanimously on a voice vote. [Attachment G](#)

Election of New Chair and Vice-Chair (3:00 p.m.)

Commissioner Blair nominated Commissioner Liberty as Chair. The Commission voted as follows:

Bridget Bailey - Y
Bowen Blair - Y
Keith Chamberlain - N
Sondra Clark - Y
Lorrie DeKay - Y
Dan Ericksen - Y
Robin Grimwade - Y
Robert Liberty - Y
Jerry Meninick - Y
Carina Miller - Absent
Rodger Nichols - Y
Janet Wainwright - Y

The votes were 10 yes votes, 1 no vote, and Commissioner Miller was absent for the vote. Commissioner Liberty was voted in as Chair for the 2020 calendar year.

Commissioner Liberty nominated Commissioner Grimwade as Vice-Chair. Commissioner Chamberlain nominated Commissioner Nichols as Vice-Chair. The Commission voted as follows:

Bridget Bailey - Robin Grimwade
Bowen Blair - Robin Grimwade
Keith Chamberlain - Rodger Nichols
Sondra Clark - Rodger Nichols
Lorrie DeKay - Rodger Nichols
Dan Ericksen - Rodger Nichols
Robin Grimwade - Robin Grimwade
Robert Liberty - Robin Grimwade
Jerry Meninick - Rodger Nichols
Carina Miller - Rodger Nichols
Rodger Nichols - Rodger Nichols
Janet Wainwright - Rodger Nichols

The votes were 4 votes for Commissioner Grimwade and 8 votes for Commissioner Nichols. The vote was not valid because there was not a majority from each state for either candidate.

Commissioner Chamberlain moved for a revote and Commissioner Wainwright seconded the motion. The Commission voted as follows:

Bridget Bailey - Robin Grimwade
Bowen Blair - Rodger Nichols

Keith Chamberlain – Rodger Nichols
Sondra Clark – Rodger Nichols
Lorrie DeKay – Rodger Nichols
Dan Ericksen – Rodger Nichols
Robin Grimwade – Rodger Nichols
Robert Liberty – Rodger Nichols
Jerry Meninick – Rodger Nichols
Carina Miller – Rodger Nichols
Rodger Nichols – Rodger Nichols
Janet Wainwright – Rodger Nichols

The votes were 11 votes for Commissioner Nichols and 1 vote for Commissioner Grimwade. Commissioner Nichols was voted in as Vice-Chair for the 2020 calendar year.

Executive Director’s Report: (3:14 p.m.) Krystyna U. Wolniakowski provided updates on the status of other “Gorge2020” topics, the annual workplan and other topics.

U.S. Forest Service NSA Manager’s Report: (3:25 p.m.) Commissioner Burditt provided an update on Forest Service activities in the National Scenic Area.

- Herman Creek sale in Mt. Hood National Forest
- Dog Mountain shuttle fund approval
- Sign project/inventory
- State Route 14 congestion
- Historic Columbia River Highway
- Port of Cascade Locks trail system
- Eagle Creek Trail still closed
- Trail bridges
- Budget issues

Other Business (3:32 p.m.)

Gorge Night Out

- February 5, 2020 in Olympia
- February 19, 2020 in Salem

EXECUTIVE SESSION: (3:35 p.m.) Executive Session pursuant to Commission Rule 350-11-006(1)(g) to consult with counsel concerning the Commission’s legal rights and duties with regard to current litigation or litigation likely to be filed. The Commission did not make any decisions in executive session.

Adjourned (4:29 p.m.)

Approved 1/21/2020