

Columbia River Gorge Commission

Meeting Minutes

May 26, 2020

via Zoom Webinar

COMMISSION MEMBERS IN ATTENDANCE

Bridget Bailey
Bowen Blair
Lynn Burditt
Sondra Clark
Lorrie DeKay
Robin Grimwade
Robert Liberty
Carina Miller (joined ~9:36 a.m.)
Rodger Nichols
Janet Wainwright

COMMISSION MEMBERS ABSENT

Dan Ericksen
Jerry Meninick

STAFF PRESENT

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

AUDIENCE PRESENT

Albrich, Elaine – Davis Wright Tremaine LLP
Brewer, Angie – Wasco County Planning
Burns, Arlene – City of Mosier
Bybee, Brent
Cleveland, Keith – Hood River County Planning
Cornelison, Peter – Friends of the Columbia Gorge
Dooley, Sheila
Dougherty, Daniel
Edelman, Scott
Gephart, Laura
Howsley, Jamie – Jordan Ramis PC
Glover, Kelly
Johnson, Amber
Johnson, Lisa
Klaas, Andrea – Port of The Dalles
Kuhta, Scott
Lang, Michael – Friends of the Columbia Gorge
Lindblad, Mo-chi – Klickitat County Planning Department

Lingley, Terra – ODOT
Mayer, John
McCoy, Steve – Friends of the Columbia Gorge
KPTV News
Nickolds, Mitch – Clark County Community Development
Ordon-Bakalian, Keenan – Jordan Ramis PC
Parga, Beatriz – Bridal Veil Lodge
Peters, Alan – Skamania County
Pipinich, Carrie
Rittenhouse, Ryan – Friends of the Columbia Gorge
Shoal, Robin – US Forest Service
Smith, Will
Stone, Tyler – Wasco County Planning
Toepke, Jennifer – Port of The Dalles
Von Flotow, Friedrich
Zelada, Armando

Others were present during the meeting.

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

Word of the Day: Commissioner Miller was unavailable to provide the Word of the Day (9:03 a.m.)

Approval of Minutes of May 12, 2020 Commission Meeting: Commissioner Blair requested clarification of the Commission poll and stated that on page 10 the minutes accurately reflect the vote of 5 (no) 3 (yes) 1 (abstain) against inter-urban area exchanges but summary says “result: no decision” and that is not accurate. It should say the decision was “Commission did not support exchanges between urban areas resulting in no net increase in acreage being defined as minor”.

The Commission voted to approve the May 12, 2020 minutes, with the proposed clarification, on a unanimous voice vote. (9:04 a.m.)

Opportunity for Treaty Tribe Nations to Address Commission: As part of the Government-to-Government consultation process, the Commission welcomes input from treaty tribe members on any issue on the agenda and any other matters. The Treaty Tribe Nations did not offer testimony.
(9:05 a.m.)

Opportunity for Public Comment: A public comment period was scheduled for items not on the agenda. No one offered oral public comment (9:05 a.m.)

Members of the public provided written comment prior to the meeting:

- City of Stevenson re UAB Revisions (Attachment A)
- Rich Mays, City of The Dalles Mayor re ownership of Dallesport WA property (Attachment B)
- Hood River County Community Development re UAB revisions (Attachment C)
- Wasco County Economic Development Commission re UAB Revision Policy Process (Attachment D)
- Joint letter re Joint Comments on Gorge 2020 Urban Area Boundary Revisions (Attachment E):
 - Rich Mays, City of The Dalles Mayor
 - Andrea Klaas, Executive Director of Port of The Dalles
 - Scott Hege, Chair of Wasco County Board of County Commissioners

- Angie Brewer, Wasco County Planning Director
- Jim Sizemore, Interim Chair of Klickitat County Board of County Commissioners
- Mo-chi Lindblad, Klickitat County Planning Director
- Bob Hamlin, Chair of Skamania County Board of County Commissioners
- Alan Peters, Skamania County Assistant Planning Director
- Colleen Coleman, City of Mosier City Manager
- Nick Kraemer, City of Mosier City Planner
- Jamie D. Howsley, Jordan Ramis PC re Land Use Revisions
- Jordan Ramis PC on behalf of Judith Zimmerly re Land Use Revisions (Attachment F)

Work Session -- Gorge 2020 Draft Climate Change Chapter: Jessica Olson, Sr Land Use Planner, Lisa Naas Cook, VSI Planner, Gorge Commission, and Casey Gatz, Land Management Planner, Forest Service, presented revised language for a Climate Change chapter for Commission discussion that will be included in the Draft Gorge 2020 Management Plan. Staff also presented a summary of Commissioners' comments on priorities for the Framework for a Climate Action Plan (Attachment G). The recommended draft language endorsed by the Commission will be available during the final public comment review period, June 1 – 30, 2020. (9:06 a.m.)

Chair Liberty asked about the Forest Service's (Climate Change) Vulnerability Assessment. Casey Gatz stated that the draft has been published, and it is going through peer-review with a completion date at the end of 2020. Chair Liberty asked about content and how it is the basis for action by the Forest Service. Casey stated that the assessment covers the National Scenic Area, Mt. Hood National Forest and Willamette National Forest. He presented this information at the Cascade Locks Commission meeting and stated it was originally developed for National Forest System lands, but it is possible to incorporate information for the National Scenic Area.

Chair Liberty asked for any clarifying questions from Commissioners.

Commissioner Wainwright referred to the Climate Chapter GMA policy #1 for riparian buffers and asked to include language that identifies cold water refugia for fish. Staff will add this.

Commissioner Blair asked if the Riparian Management Zone (RMZ) approach is the gold-plated approach? Jessica replied that it is based on protecting riparian function and was the best available science relevant to our local area. Most of the studies the RMZ approach is based on were looking at forest practices and not set up to account for the same type of pollutants and impacts from residential and agriculture development. Although it is the best recommendation to the Commission, it is also important to think about how they were developed and that the purposes were different than for the Commission.

Commissioner Blair asked how long will it take to implement in NSA? Jessica replied that they described the process in a previous staff report that to reach out to all the affected landowners, it will take time. The site-by-site approach would affect all landowners since every stream would be different. Data for best distance may not be available on the Oregon side like it is on the Washington side. WDFW created an interactive map tool to calculate the best RMZ on WA side, but not sure what it would entail to get this information on the Oregon side. She also mentioned that there is a need to involve the counties in the best policy approach since they would be the ones implementing.

Commissioner Blair asked that if Oregon was included, would it take several years to implement in the NSA? Jessica replied that the timeline would be determined by how long it would take Commissioners to reach consensus based on input from stakeholders.

Commissioner Blair asked if about 1300 tax lots would be involved? Jessica replied that there are 1000 tax lots that have 100 foot buffers in the GMA which would expand to 200 foot buffers plus a few hundred that do not currently have stream buffers now but would have them, so a total of about 1360 tax lots would be affected by a change to 200 ft buffer widths. Commissioner Blair stated that in the Management Plan, buffers cannot deprive a landowner from building a residence on the property, if a residence was otherwise permitted, so a buffer would not stop that. Jessica stated that this is accurate, it would not be retroactive, and any property already developed would maintain existing uses.

Chair Liberty asked about RMZ widths, if they are tied to stream temperature or some other biotic performance measure, or are they about habitat in the buffer zone itself?

Jessica replied that they are based on a number of different attributes of stream function such as sedimentation trapping, filtering nutrients and pollutants, microclimates that require the most width to maintain, stream shading, and stream temperature. Other values that determine the width of stream buffers vary based on flashiness and flooding of the streams which need to be considered as well. Each different component of stream buffers has a different range of distance supported by the primary literature but taken all together the RMZ incorporates all of those.

Chair Liberty asked about who administers the stream buffers suggested by the latest publications? Jessica replied that the data informs policies set by WA Ecology, WA Department of Natural Resources forest practices, and critical areas. Those are places where this information is being offered up by WDFW to make recommendations for setting up policies.

Chair Liberty asked who is responsible for maintaining stream buffers? Jessica replied that this is the compliance obligation of the planners.

Chair Liberty stated that wildfires are an issue of adaptation and mitigation since fires produce greenhouse gases and aerosols. He said staff have mentioned that focus on saving lives and property was different than protecting the lands from wildfire. Chair Liberty stated that a focus on ignition is very different than a focus on protecting lives and property and if we are focused on managing risks to SNCRs, then should be looking at sources of ignition. He asked what is known about sources of ignition other than lightening?

He also asked about the content and function of the vulnerability assessment and how will it differ from Owen Wozniak's climate change report? How much staff time and when will it be completed? Jessica replied that it will help further prioritize what is already known, identify real risks to resources, and help fine tune the work from Wozniak report.

Casey added that the assessments will help Forest Service with project level management and breakdown of the synthesis of best available science for the resources the Forest Service is managing. The Climate Action Plan would provide the framework for action moving forward and the FS vulnerability assessment will provide foundational components. Commissioner Burditt stated that it took multiple years to complete the vulnerability assessment with agency scientists and universities, and the most optimistic estimate is that it can be completed in a year. It will take at least 2 years to complete a high-quality assessment. Since this is not the first one, however, lessons can be learned from the other ones to fine tune it.

Commissioner Blair asked if Casey could answer the question about ignition sources? Casey replied that the majority of fires on National Forests are human-caused fires. Commissioner Burditt added

that there is no exact percentage, but human causes include automobile fires, train related fires, people burning on their own lands, but unattended campfires are largest source.

Commissioner Wainwright asked about Forest Resources Policy #1 language and use of the word “may” with “include siting development standards” instead of “will”.

Also, with wildfire, Commissioner Wainwright questioned the use of the phrase “may include siting” and suggested replacing “may” with “will” instead. She also mentioned that wildfires impact groundwater availability which should be assessed during development since wells are going dry. Jessica explained that groundwater availability is woven into existing fire protection policies in forest land use designations-- there must be a source of sufficient onsite water for those purposes.

Chair Liberty asked Jessica to describe the proposed changes in the Climate Change chapter. Jessica discussed key changes based on feedback from the Commissioners and where it was incorporated into the chapter, and how it was reorganized. She explained that the “vision” moved up in the chapter to become the statement of intention, and worked more on the “introduction” to demonstrate the urgency of addressing climate change issue, sharing what is being done at state and national level, but not in too much detail given that it is available in the Wozniak report. She also pointed out that page 3 is retitled to “Framework for Action” and moved language to clarify the roles of the Commission. For Policy #1, she said they made the most specific changes to reflect clear topics of importance to pursue policy changes for in the future, plan amendments and implementation guidance and other actions the Commission could consider. Staff included cold water refuge for fish and using “will” rather than “may” to be more proactive. For Policy #5, staff made changes to clarify Commission’s authority and responsibilities tied back to the purposes of the Act and to incorporate their feedback to prioritize staff capacity, where effort best spent, what issues we need to put our time into, enhanced forest carbon storage, limiting greenhouse gas emissions, within authorities and responsibilities.

Commissioner Wainwright complemented the staff on the chapter’s new format. She requested specific changes as follows: On page 2 again—change “may” to “will”. For GMA Policy #1, insert a target date for the climate action plan. For Policy #3, suggested “will use its authority” rather than “has the authority”. For Policy #4 at end of sentence, add specific target dates for implementation of the measures.

Lisa asked for clarifications on Commissioner Wainwright’s recommendations since changing “may” to “will” for the 3 action planning topics under Policy 1 includes looking at options for expanding stream buffers which will require a Commission decision to consider a range of actions that may include an RMZ approach. On page 2, sentence about changing conditions may require a change to the management plan. Clarification is also needed regarding setting a target date for completion, but not include a date in the Climate Change chapter language.

Commissioner Wainwright commented that for the section on GMA “Framework for Action”, the first sentence states that “the Gorge Commission has a unique responsibility”, suggested changing it to “the Gorge Commission must respond to urgent threats from climate change” to be more responsive to the public and Governor’s concerns.

Commissioner Clark asked legal counsel for clarification of using “may” vs “shall”. She stated that using “may” sounds less authoritative than “shall”. Will “may” accomplish the same thing? Jeff explained that a court says “may” is discretionary and “shall” is mandatory, but a court will look at the entire context of a specific provision and context of a broader piece of the plan before it decides if “may” is discretionary and “shall” is mandatory.

Commissioner Nichols expressed discomfort of using “will” vs “may”, since it seems too prescriptive and could be imposing new restrictions on existing landowners. He is not in favor of this change.

Commissioner Burditt commented that the idea of developing and adopting the Climate Action Plan was to facilitate time to allow which of these specific things were the appropriate measures to use. By saying that “this will include,” it is unclear if every one of the measures listed would be included as part of the analysis. Forest Service staff did a review of stream buffers using best available science so this type of material can be used to inform the Climate Action Plan. There is a question that by changing “may” to “will”, there is a decision on the three topics, and not just considering them. Staff are trying to frame up what the action plan process may look like and be more specific with topics that would be part of the framework. Jessica suggested that the three bullets are meant to explain the issues better and proposed to add “The Commission’s actions may include these things”... rather than using “this”. Lisa added that expansion of stream buffers may be one of one of many approaches the Commission uses in evaluation process. By using “will”, the Commission would be deciding to evaluate stream buffers for increased protection.

Jeff responded to the question from Commissioner Bailey about the process for amending the Management Plan. The Management Plan review process happens every five years to ten years as required by the Act and revisions may occur then if needed. Another way to revise the Management Plan is through plan amendments done between revisions, which requires a finding that conditions have changed, new information has emerged, or there is a change in circumstances. GMA Policy #3 prescribes in advance an amendment process based on future work on climate change. If the work done on climate change planning results in the Commission wanting to change policies in the plan, then Policy #3 is intended to say that any new information from climate change work, such as results from the vulnerability assessment, will constitute new information.

Commissioner Blair also stated that the Climate Change Chapter is very good and appreciates the work of the staff developing it in a short time. He supports Commissioner Wainwright’s changes. He suggested a modification to the introduction and expressed that the biggest danger as a result of climate change is through wildfires. The National Scenic Area is uniquely vulnerable to fires as seen with the Eagle Creek and Mosier fires because of increased temperatures and due to the winds. He suggested that the chapter address the relationship between trains and wildfires, as well as the other sources of ignition. The Forest Service has recently written that in the past 10 years, 61 fires started on or near railroad tracks. He requested that ignition sources that can lead to wildfires should be added in the introduction.

Commissioner Clark responded that Commissioner Burditt stated that many fires are started by recreationists and tourists, so pointing out only trains and railroads is not appropriate. Commissioner Blair clarified that all typical sources of ignition should be identified. Commissioner Clark does not support that change because this is an overall plan and should not need to provide all the sources of ignition. Commissioner DeKay recommended staying more general for the plan. Commissioner Bailey recommended a more detailed list of human-caused sources of ignition.

Commissioner Clark stated for GMA Policy #1 Framework for Action she suggested that staff add “best available science”.

Commissioner Nichols also complemented and thanked the staff for the good work in a short time.

Commissioner Grimwade commented that staff have done a really good job on a strategic framework as a high-level policy document. He suggested that the Climate Action Plan should be

reviewed once every two years based on updated information and changes in resources so there is a need to keep priorities constantly evolving. Commissioner Miller agreed with others' comments and stated the need for an adaptive leadership approach since new information needs to be reviewed and updated often as we are also learning how we can combat climate change in how we set policy.

Chair Liberty also complemented the staff for working very quickly to provide content. He is concerned about setting up the Commission for a much longer process when climate issues are urgent and need to be addressed sooner rather than later. He stated that there is an urgent need to take action and not just set up another plan. The Climate Action Plan is not actually an implementation plan. To address that, he proposed to add language to Policy #1 that "the Gorge Commission shall develop and adopt a Climate Action Plan that will address impacts through adaptation actions and mitigation approaches and that will be the basis for implementation actions to reduce impacts and mitigate greenhouse gas emissions."

Also, under first bullet of Policy #1, there is a need for interim protections. Climate is changing, getting hotter, less snow, more spring runoff, rising temperatures in streams, and salmon and other anadromous fish are being threatened by climate change right now. More tailored approach discussed had a lot of merit with a stronger basis but concerned that the actions proposed may take two or three years to determine what could happen with stream buffers. He suggested that if after one year, we have not developed the more tailored approach, then we apply the Forest Service SMA 200 foot default buffers to the cold-water streams. For Policy# 2, he stated that the Gorge Commission has a unique role as a bi-state commission and needs to take leadership in convening discussions on transit and transportation technology, including demand management to reduce automobile-generated greenhouse gases, reduce congestion and damage to resources.

Chair Liberty had a third suggestion referring to the actions that are in the intersection between adaptation to climate change and reducing greenhouse gases. As an example, "urban form" was identified as one of the strategies for reducing greenhouse gases. Need to include this in the discussion of urban area boundaries and evaluate impacts of climate risk that may result from urban area revisions and greenhouse gas emissions.

Staff asked for clarifications and Chair Liberty suggested adding language to Policy #5 to convene discussions on alternatives to automobile transit and connect them to adaptation, mitigation and resource protection.

Commissioner Clark does not support a change to policy #1 with a definite time frame because there are too many unknowns to set an absolute target date. With transportation leadership, Commissioner Clark commented that adding that language seems like overstepping the bounds of the Commission's role, with no clear way to implement.

Commissioner Liberty responded to Commissioner Clark and clarified that the purpose for the one-year deadline is for interim protection of buffers. With respect to transportation alternatives, Chair Liberty observed Tahoe Regional Planning Authority and their role in thinking about and convening discussions around transportation which would be a good example for the Commission and its bi-state role.

Commissioner Blair proposed an amendment for forest lands. He described that forest lands are critical for addressing climate change, and their loss releases greenhouse gases and they serve as carbon sinks. Also, houses in forest lands contribute to risk of wildfires. The largest change in land cover 2001-2011, according to the Buildable Lands Inventory, was 1600 acres of forest land. Commissioner Blair proposed a moratorium on residential development in forest land until climate

change policies are completed, and prohibit conversion of forest lands to any other uses other than agriculture, recreation and open space which the Act requires, and require full mitigation when forest lands are converted to agriculture or recreation uses. These proposals can be temporary until the Climate Action Plan is completed or a more permanent moratorium is implemented.

Commissioner Bailey proposed to add a bullet under Policy#1 to protect prime agricultural lands and first food sources.

Commissioner Nichols cautioned that as a land use agency with a restricted budget, there is a need to prioritize.

Commissioner Clark commented that she is against Commissioner Blair's proposal for a moratorium.

Commissioner Wainwright proposed that with streams and riparian areas, and wildfire, the approach needs to be more proactive using words such as "will" vs "may" so proposal is to strike "may". In the Introduction, "...changing conditions may require...", but use "changing conditions require" instead, without "may" or "will":

Commissioner DeKay: no
Commissioner Grimwade: yes
Commissioner Miller: abstain
Commissioner Nichols: yes
Commissioner Bailey: yes
Commissioner Wainwright: yes
Commissioner Blair: yes
Commissioner Clark: yes
Chair Liberty: yes

Outcome: 7 yes, 1 no, 1 abstain

Commissioner Wainwright also proposed dropping "may" and "will" regarding stream and riparian area: "may" vs "will" language—should be able to grammatically structure sentences to not have to use "may" or "will" and just use "...this includes...":

Commissioner Grimwade: yes
Commissioner Miller: abstain
Commissioner Nichols: yes
Commissioner Wainwright: yes
Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: yes
Commissioner DeKay: yes
Chair Liberty: yes

Outcome: 8 yes, 1 abstain

Chair Liberty proposed interim protection for a 1 year default for applying a 200 ft buffer: If after one year staff have not completed an evaluation for stream buffer requirements, then it will be automatic to extend the SMA 200 foot buffer to the GMA to the 8 streams on EPA's list of important Cold Water Refuges that are in the GMA

Commissioner Grimwade: no
Commissioner Miller: yes
Commissioner Nichols: no
Commissioner Wainwright: yes, as temporary fix
Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: no
Commissioner DeKay: no
Chair Liberty: yes

Outcome: 5 yes, 4 no

***Commissioner Wainwright proposed that the sentence should be modified to include “fish”:
Identifying cold water refuge for fish in GMA Policy #1:***

Commissioner Miller: yes
Commissioner Nichols: yes
Commissioner Wainwright: yes
Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: no
Commissioner DeKay: yes
Commissioner Grimwade: yes
Chair Liberty: yes

Outcome: 8 yes, 1 no

Commissioner Blair proposed to include language on forest resources to prohibit conversion of forest land to any uses other than agriculture, recreation and open space, and require full mitigation when conversions occur for agriculture and recreation:

Commissioner Miller: yes
Commissioner Nichols: no
Commissioner Wainwright: yes
Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: no belongs in land use
Commissioner DeKay: no belongs in land use
Commissioner Grimwade: no belongs in land use
Commissioner Liberty: yes

Outcome: 5 yes, 1 no, and 3 additional no since it should be addressed in the land use chapter

Commissioner Clark suggested removing all the “mays” in GMA Policy #1 and use “this includes” for all three bullets:

Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: yes
Commissioner DeKay: yes

Commissioner Miller: yes
Commissioner Nichols: yes
Commissioner Wainwright: yes
Chair Liberty: yes

Outcome: 8 yes

Commissioner Bailey proposed to add a bullet to GMA policies for protection of food production, lands that produce food or have potential to do so, to be identified and protected, and include lands needed for production of first foods:

Commissioner Wainwright: yes
Commissioner Bailey: yes
Commissioner Bowen: yes
Commissioner Clark: no
Commissioner DeKay: no, include in land use
Commissioner Grimwade: no, include in land use
Commissioner Miller: yes
Commissioner Nichols: no, include in land use
Chair Liberty: yes

Outcome: 5 yes, 1 no, and 3 additional no since it should be addressed in the land use chapter

Chair Liberty proposed discussion about the support for the Commission to serve in a convening role and provide leadership on transportation alternatives including transit, demand management and technology.

Commissioner Clark requested clarification of this concept related to the role of the Executive Director since she thought it might not be the ED's primary interest.

Chair Liberty stated that there is a limit to what the Commission can do to reduce GHG (greenhouse gases), since it is known that there are a series of problems, with congestion getting to recreation sites that is generating GHG, diminishing the experiences people have to enjoy the scenic, cultural and recreational resources, and it is leading to damages to those resources. He said that there is momentum around providing more transportation options using new technology, addressing demands such as reader boards and fees. There is a gap in the (transit) discussions that have been convened so far that the Commission can fill. Want to see an expression of interest and support to convene those discussions through our unique role addressing impacts to SNCRs and reducing GHG. He said there would need to be a commitment of staff resources and it would need to be established as a priority.

Chair Liberty proposed to add a bullet: To provide leadership and convening discussions, planning alternatives to automobiles to achieve multiple objectives under the Act and including the reduction of greenhouses gases.

Commissioner Clark stated that she is not against participating, but providing leadership is not where the Commission should be, given that others are the lead with transportation.

Chair Liberty said he attended meetings with MCEDD (Mid-Columbia Economic Development District) and there are various efforts by other transit agencies and evolution of transit alternatives in the Gorge, but there is a need to address congestion related to tourism that affects a lot of the

Commission's other responsibilities for protection of resources, risk from fire, GHG emissions. He believes there has been very generalized discussions about transit in the NSA, but not specifics that relate to the Commission's mission. He stated that the Tahoe Regional Planning (bi-state) Agency has been a leader in convening these types of discussions there, and he thinks there are opportunities, including funding and new technologies, that will help the Gorge and residents as well.

Chair Liberty proposes to add the following language: To provide leadership in convening discussion and planning alternatives to automobiles to achieve multiple objectives under the Act and including the reduction of GHGs.

Commissioner Blair: yes
Commissioner Clark: yes
Commissioner DeKay: yes
Commissioner Grimwade: yes
Commissioner Miller: yes
Commissioner Nichols: yes
Commissioner Wainwright: yes, with funding
Commissioner Bailey: yes
Chair Liberty: yes

Outcome: 9 yes

Commission supports the inclusion of the Climate Change chapter in the Gorge 2020 Management Plan

Commissioner DeKay: yes
Commissioner Grimwade: yes
Commissioner Miller: yes
Commissioner Nichols: yes
Commissioner Wainwright: yes
Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: yes
Chair Liberty: yes

Outcome: 9 yes

BREAK - 11:35 a.m.

Work Session -- Gorge 2020 Urban Area Boundary Chapter Edits: The purpose of this Work Session was to continue to review the revised language for the Draft Gorge 2020 Management Plan presented at the May 12, 2020 Commission meeting and for the Commission to either endorse the language as prepared by the staff or modify it to reflect its preferences. Staff presented a summary of proposed revisions related to the Gorge 2020 Land Uses and Development Reviews Focus Topic. **(Attachment H)**. The recommended draft language endorsed by the Commission will be available during the final public comment review period, June 1 – 30, 2020.

Jeff Litwak, Legal Counsel, provided background on the urban area boundary revision policy and discussed draft policy language and reminded the Commission that 2 years ago, he brought a 500-page of documents related to the history of urban area revision policy discussions to the

Commissioners to review. Briefly, in the late 80's right after the Gorge Commission first started, counties and cities came to the Gorge Commission within a few months wanting urban area boundary revisions, but Commission put those off until management plan was done in 1991. Then later in 1991 the Commission developed a handbook for guidance of urban area boundary revision policy that would be advisory and not mandatory. Subsequently, not a lot of urban areas rushed to the Commission for revisions, but in 1996-97 the Commission then had some additional policy work done, to discuss what kind of revisions might have been needed to correct mapping discrepancies between what Congress intended and what Congress actually drew for the National Scenic Area. After that, the Commission received two urban area revision applications, one for city of Cascade Locks and one for city of Stevenson. The Commission approved both. Several years later, some other communities were interested in urban area revisions. The Commission looked at handbook and decided it was "dated." In the mid 2000's, the Commission worked on the policy, but there was no consensus and it stalled followed by a reduction of staff from the recession in 2008. The Commission finally returned to the policy two years ago. Staff recommended that it could work with a group of interested persons and to bring a consensus document back to the Commission, and if could not come up with consensus, then bring together some of the thinking that was discussed with varying opinions.

Jeff and Aiden led seven workshops and made some progress to discuss creative ways to come up with something that could reach consensus. Late last year (2019), Commissioners took the approach of trying to come up with agreements and consensus statements by themselves. The Commissioners held policy discussions at three Commission meetings with public comment and came up with several consensus statements which staff then worked into the draft that staff presented to Commissioners at the last meeting.

Chair Liberty wanted to clarify that not all the changes in the draft policy represented consensus. The Commission has received additional comments and revisions to draft language and Chair Liberty stated that the Commission should focus on changes to the proposed language which appears in Chapter 1: Gorge Commission Role. He asked if Commissioners have suggestions for changes to the draft language.

Commissioner Nichols expressed concern about several policies. (Chapter 1: Gorge Commission Role)

For Policy #1, he stated that it is prescriptive rather than descriptive of the situation, suggested changing the tone. He also expressed concerns about Policy # 5 that would allow Commission to always delay due to lack of funding and wants to add language that an applicant can contribute funding to make the process happen. For Policy #10-B, he expressed concern that Dallesport needs to be filled up before The Dalles could expand, which precludes any expansion.

Commissioner Miller verified that consensus was 20 acres or 1% whichever is less, is presumed to be minor. She proposed a clarification that is needed for what is not considered minor and to add language to say that any urban area expansion that cumulatively over time exceeds 20 acres or 1% of an urban area whichever is smaller, is not considered minor.

Commissioner Blair stated that he believed the "case-by-case" language in Policy # 8 A and B should be eliminated, and that Policy #12 is too broad.

Jeff clarified that the intention for Policy 12 is that policies in the Management Plan are targeted at rural scale development, and if the Commission applies each of the management plan policies for those development review actions to an urban area boundary revision application, the Commission could not find that an urban area revision would meet the standards and purposes of the Act. The

Commission uses the guidance in the management plan to figure out how to protect resources, but it would be difficult to find that for example, urban scale development would be visually subordinate as seen from key viewing areas. Visual subordination may not be the relevant standard at that point so some of the policies in the management plan may not be applicable. Commissioner Blair asked if Policy #8-B was to be a “holding place”? Jeff clarified that in suggesting the language in Policy #8-B (“the Gorge Commission will consider revisions that differ from this general guidance on a case by case basis”) it was because the Commission had stated that when it was figuring out what would most likely be determined be minor as in #8 A-i and ii, that it was not necessarily excluding all other revisions, but the Commission would consider those on a case by case basis. That is what Policy #8-B was supposed to reflect. The language can be altered if needed.

Commissioner DeKay expressed that Policy #1 needs different wording. Jeff clarified that Policy #1 is already in the urban boundary policy rule, and is not a new policy or new statement, just a new location for the policy.

Chair Liberty had two proposed changes with wording suggestions:

- Using and equity lens: In addressing demonstrated need, the Commission should consider relative benefits and burdens of revision of moderate- and low-income communities and racial and ethnic minorities.
- Using a climate change lens: As part of its consideration of impacts of proposed revisions on the scenic, natural, cultural and recreation resources of the Gorge, the Commission should consider the consequences for climate change adaptations and generation of greenhouse gases.

Commissioner Nichols read the language that Chair Liberty suggested replacing Policy #1 with the following language: ***“Amendments to the management plan are made at the Commission’s discretion based on its continuing review of whether the two purposes of the Act are being fulfilled, the schedule of its work, and the availability of resources needed”.***

Commissioner DeKay: yes

Commissioner Grimwade: yes

Commissioner Miller: yes

Commissioner Nichols: yes

Commissioner Wainwright: yes

Commissioner Blair: yes

Commissioner Clark: yes

Chair Liberty: yes

Outcome: 8 Yes

Chair Liberty asked staff to review the ability of the Commission to receive fees. Jeff clarified that the Gorge Commission does not necessarily have authority to charge fees according to the Oregon and Washington Attorney Generals’ offices. The Commission can receive grants and other means of funding, so he suggested to leave language broad to make it permissible under the terms of the (Bi-State) Compact.

Chair Liberty then asked Commissioner Nichols about Policy #5 for funding including sources other than budget appropriation.

Krystyna reminded the Commission that if the Commission receives any additional funding, there must be authorization from the legislature to be able to accept and spend the funds.

Commissioner Nichols asked that if a city or county makes an application and it comes to the Commission but does not have the money to pay for it, but applicant wants to pay for a study, and the funds do not come through the Commission, but go to the group doing the study, would that be a problem? Commissioner Wainwright stated that it would not be right because it would not be an independent study if the applicant paid for it.

Jeff recommended that Commission may seek funds outside of general fund appropriation, and the language does not need to specify this in the policy because the authority already exists in the Compact, but there will need to be spending authority from the state legislature.

Chair Liberty asked if the Commission support the concept to allow for additional funds to cover costs?

Commissioner Grimwade: yes, but needs to see the language

Commissioner Miller: yes

Commissioner Nichols: yes

Commissioner Wainwright: needs to see the language

Commissioner Blair: yes, but needs to see the language

Commissioner Bailey: yes, needs to see the language

Commissioner Clark: no because does not want the county to pay fees to the Commission for doing this work

Commissioner DeKay: generally supportive but needs to see the language but same concerns as Commissioner Clark

Commissioner Liberty: no because it is awkward to have a county government pay for an analysis that they may find not to their liking and may cause tension about Commission's ability to be objective.

Outcome: 5 need to see language, 2 agree and 2 no

Commissioner DeKay requested to leave the language out at this time since there was no specific language to vote on.

Outcome: Chair Liberty asked Jeff to draft some language and state that there was a division of opinion by the Commissioners.

Commissioner Nichols wants to eliminate Policy #10-B that states the 6000-acre Dallesport urban area must be filled before The Dalles can apply for a revision, because it would shut down any possibility of any growth and would not allow development to happen in the cities in the Gorge. Commissioner Liberty clarified that when looking at demonstrated need, then need to consider whether the need can be met across bridgehead communities a few miles away. He commented that since land in Dallesport is jointly owned with The Dalles and Klickitat County, that needs to be considered when considering need for expansion.

Commissioner Nichols proposed to delete Policy 10-B which considers land supply need around bridgehead communities as part of the analysis:

Commissioner Grimwade: no

Commissioner Nichols: yes

Commissioner Wainwright: no

Commissioner Blair: no
Commissioner Clark: yes
Commissioner DeKay: no
Commissioner Liberty: no
Commissioner Bailey: yes

Outcome: 3 yes and 5 no

Commissioner Miller proposed that language be added to define what is not minor so that urban area expansion that cumulatively over time exceeds 20 acres or 1% is not minor:

Commissioner Grimwade: yes
Commissioner Nichols: no
Commissioner Miller: yes
Commissioner Wainwright: yes
Commissioner Blair: yes
Commissioner Bailey: yes
Commissioner Clark: no
Commissioner DeKay: no
Commissioner Liberty: yes

Outcome: 6 yes, 3 no

Commissioner Blair requested to eliminate Policy #8-B which allows for consideration of revisions that differ from the general guidance on a case-by-case basis:

Commissioner Miller: yes
Commissioner Nichols: no
Commissioner Wainwright: yes
Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner DeKay: yes
Commissioner Clark: no
Commissioner Grimwade: yes
Chair Liberty: yes

Outcome: 7 yes, 2 no

Commissioner Blair commented that Policy #12 was too broad, and the Commission needs to take into consideration the standards of the management plan that the Act requires. He understands that there is a disconnect in parts of the Act from the urban area boundary revision language. He is comfortable with language that is more narrow, but not with language that the Commission is not bound by the management plan procedures and guidelines. He suggested to remove the second and third sentences of Policy #12.

Jeff clarified that all the guidelines in the management plan may not be relevant in determining compliance with the standards and purposes of the Act. If we have to apply the guidelines as with a development review or a permitting decision, they don't seem relevant in deciding whether land is appropriate for urban scale development and moved into an urban area.

Chair Liberty suggested that Commissioner Blair’s proposed language be modified to add consistency with the “relevant” standards in the Act and then delete the second and third sentences.

Commissioner Nichols: yes
Commissioner Wainwright: yes
Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: no
Commissioner DeKay: yes
Commissioner Grimwade: yes
Commissioner Miller: yes
Chair Liberty: yes

Outcome: 8 yes, 1 no

Chair Liberty suggested language to insert in the needs section:

In addressing demonstrated need, the Commission shall consider the relative benefits and burdens of their proposed revision on moderate- and low-income communities and racial and ethnic minorities.

Commissioner Wainwright: yes
Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: no
Commissioner DeKay: yes
Commissioner Grim: yes
Commissioner Miller: yes
Commissioner Nichols: yes
Chair Liberty: yes

Outcome: 8 yes 1 no

Chair Liberty suggested language to insert:

As part of its consideration of the impacts of the proposed revision on the scenic, natural, cultural and recreation resources of the Gorge, the Commission will consider the consequences for climate change adaptation and generation of greenhouse gases.

Commissioner Bailey: yes
Commissioner Blair: yes
Commissioner Clark: no
Commissioner DeKay: no
Commissioner Grimwade: yes
Commissioner Miller: yes
Commissioner Nichols: no
Commissioner Wainwright: yes
Chair Liberty: yes

Outcome: 6 yes, 3 no

Executive Director's Report: Krystyna U. Wolniakowski provided agency updates and the next steps in the Draft Gorge 2020 Management Plan public comment process. (1:08 p.m.)

Krystyna Wolniakowski asked for clarification if the changes agreed on during the meeting still needs to be sent out to Commissioners prior to going out for public comment. Chair Liberty said that the language as voted on today should be incorporated and go out for public comment. She stated that a "public comment plan" was created as well as a dedicated email address: gorge2020@gorgecommission.org. Staff will post the red-lined draft plan on the website June 1, 2020. She also stated that there will be other proposed language changes in the draft plan that are for consistency, clarity and to improve readability. The public comment period will be June 1-30, 2020 with a June 11, 2020 webinar scheduled for presentations about the proposed changes. Another webinar will be scheduled as a listening session for oral public comment. Staff will compile and categorize the public comments received and send to the Commission by July 14, 2020. Staff will present a summary of key points at the July 21, 2020 Commission meeting for discussion with final approval of the management plan at the August 11, 2020 meeting.

Commissioner Nichols suggested an Executive Committee meeting on Thursday July 16, 2020 to do planning for the Commission meeting. Chair Liberty suggested that we need to plan for a long agenda for the July 21, 2020 meeting to review the red-line, and all the public comments, and for Commissioners to review all the materials to formulate their amendments. Commissioner Wainwright suggested that with all the work that Commissioners need to do, that adoption should be during the September meeting instead. However, most Commissioners voted to keep the August adoption date if possible.

For the June 11, 2020 session, Krystyna asked if Commissioners would be listening in, and if so, then it would need to be noticed as a Commission meeting.

U.S. Forest Service NSA Manager's Report -- Commissioner Lynn Burditt provided an update on Forest Service activities in the National Scenic Area. (1:15 p.m.)

She shared concerns about meetings during harvest time. She commented that they are slowly easing restrictions for recreation access at a variety of sites. The Forest Service is working with Columbia Gorge Tourist Alliance and the Ready Set Gorge website with interactive maps. Campgrounds and Visitors Centers are still delaying openings. It is still unclear when high use areas will be opening.

Commissioner Burditt provided an update on employee transitions in the NSA office. Rachel Pawlitz, Public Affairs and Community Engagement Officer received a promotion to be Fire Liaison Communications Officer for Region 6 and 10, and the Bureau of Land Management.

Other Business: Commissioner Nichols asked Commissioner Burditt to have announcements sent to staff and Commissioners. Krystyna also requested that Commissioner Burditt convey staff's gratitude to Rachel Pawlitz for working with the Commission and helping us with the important task of community communications.

Adjourned (1:17 pm)

Approved August 11, 2020