



## AGENDA: SPECIAL SESSION

WEDNESDAY, JUNE 24, 2020

WASCO COUNTY BOARD OF COMMISSIONERS

<https://meet.google.com/joo-mudn-vpm?hs=122> OR 1-502-382-4610 PIN: 321 403 268#

**PUBLIC COMMENT:** Individuals wishing to address the Commission on items not already listed on the Agenda may do so during the first half-hour and at other times throughout the meeting; please wait for the current speaker to conclude and raise your hand to be recognized by the Chair for direction. Speakers are required to give their name and address. Please limit comments from three to five minutes, unless extended by the Chair.

**DEPARTMENTS:** Are encouraged to have their issue added to the Agenda in advance. When that is not possible the Commission will attempt to make time to fit you in during the first half-hour or between listed Agenda items.

**NOTE:** With the exception of Public Hearings, the Agenda is subject to last minute changes; times are approximate – please arrive early. Meetings are ADA accessible. For special accommodations please contact the Commission Office in advance, (541) 506-2520. TDD 1-800-735-2900. If you require and interpreter, please contact the Commission Office at least 7 days in advance.

*Las reuniones son ADA accesibles. Por tipo de alojamiento especiales, por favor póngase en contacto con la Oficina de la Comisión de antemano, (541) 506-2520. TDD 1-800-735-2900. Si necesita un intérprete por favor, póngase en contacto con la Oficina de la Comisión por lo menos siete días de antelación.*

*In light of the current COVID-19 crisis, the Board will be meeting electronically. You can join the meeting at <https://meet.google.com/joo-mudn-vpm?hs=122> or call in to [1-502-382-4610](tel:1-502-382-4610) PIN: 321 403 268#*

*We appreciate your patience as we continue to try to serve the public during this time. Please use the chat function to submit real-time questions or comments. You can also submit comments/questions to the Board anytime on our webpage: [Your County, Your Voice](#)*

9:00 a.m.	<b>CALL TO ORDER</b> Items without a designated appointment may be rearranged to make the best use of time. Other matters may be discussed as deemed appropriate by the Board. <b>Corrections or Additions to the Agenda</b>
9:00 a.m.	<a href="#">COVID-19 in Wasco County</a>
9:30 a.m.	<a href="#">Policy Direction/CRGC Resolution</a> – Tyler Stone/Angie Brewer
	<b>ADJOURN</b>

If necessary, an Executive Session may be held in accordance with: ORS 192.660(2)(a) – Employment of Public Officers, Employees & Agents, ORS 192.660(2)(b) – Discipline of Public Officers & Employees, ORS 192.660(2)(d) – Labor Negotiator Consultations, ORS 192.660(2)(e) – Real Property Transactions, ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(g) – Trade Negotiations, ORS 192.660(2)(h) - Conferring with Legal Counsel regarding litigation, ORS 192.660(2)(i) – Performance Evaluations of Public Officers & Employees, ORS 192.660(2)(j) – Public Investments, ORS 192.660(2)(m) –Security Programs, ORS 192.660(2)(n) – Labor Negotiations



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This meeting was held on Google Hangout Meet  
Meeting ID: <https://meet.google.com/joo-mudn-vpm?hs=122>  
or call in to [1-502-382-4610](tel:1-502-382-4610) PIN: 321 403 268#

**PRESENT:** Scott Hege, Chair  
Kathy Schwartz, Vice-Chair  
Steve Kramer, County Commissioner

**STAFF:** Kathy Clark, Executive Assistant  
Tyler Stone, Administrative Officer

**Agenda Item – COVID-19 in Wasco County**

Chair Hege opened the session at 9:03 a.m.

Public Health Officer Dr. Mimi McDonell reported that Hood River County has had 89 cases of COVID-19, Wasco has had 56, Sherman County has had 1 and Gilliam County has had no cases. Washington State will be requiring face coverings in public starting June 26<sup>th</sup>. Hood River, along with 6 other Oregon counties, will be mandated as of today to wear face coverings in public when social distancing is not possible. Over the last two weeks, Wasco County has seen an increase in cases. Public Health is still doing contact tracing and trying to secure isolation and quarantine space for those who need it. She explained that contacting people who do not live here permanently is challenging. Public Health is trying to provide thoughtful, culturally specific information. A lot of people who come here to work are not familiar with our local organizations and are uneasy about being contacted by people they perceive as working for the government which creates additional challenges in trying to serve that population.

North Central Public Health Director Teri Thalhoffer said that a lot of their work now is around isolation, quarantine, contact tracing and monitoring. They are also working with Oregon Health Authority regarding how enforcement of the Governor's orders will be managed. Currently OSHA is the handling enforcement but has become overwhelmed and has asked to push some of the work back to Public Health. North Central Public Health District has agreed to manage enforcement for those businesses licensed by Public Health – restaurants, pools and lodging. Grocery stores will fall to the Department of Agriculture for enforcement. Businesses not licensed by a government agency will be managed by OHA – right

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now enforcement is a letter.

Ms. Thalhoffer went on to say that they already work closely with the businesses they license in educating them and building relationships. NCPHD will not be the “mask police.” She pointed out that for some it may seem as though the emergency is over but it is not; Public Health continues to work at the same levels as they have since this began in March. Right now, they are working on school reopening and will be responsible for reviewing their plans – those are huge documents. It is not clear whether they will be submitted by school or by district which will make a lot of difference in the number of plans to be reviewed. Guidance for schools is significant and will require an in-depth review; Public Health is not receiving funding for that work.

Dr. McDonnell referred to documents included in the packet around the county-specific mask/face covering guidance. It lists 7 counties that require businesses to mandate masks for employees and customers. The order allows counties to opt into the guidance. If a county makes that request, they can be added and have it mandated. Recent data (attached) from Germany and the National Academy of Sciences, as well as others, support the conclusion that wearing face coverings corresponds to the most effective means to prevent transmission of the virus. People have been working hard to promote the use of masks but those efforts have not resulted in a significant increase in compliance. Anecdotally, we have not seen even a 50% compliance rate. If we are to be realistic about reducing transmission and trying to mitigate the spread to those who will experience severe effects and to keep businesses open, her recommendation is that Wasco County opt into the mandated guidance. She said that she understands that hers is a public health perspective and there is controversy around that decision. She said that it is the recommendation of Public Health to opt into the guidance; there is data to back up that recommendation. Other states in the region are already doing this. She said she understands the difficult position this puts the Commissioners in; but based on the data of what has happened around the world – the places where masks are mandated, there has been a reduction in cases.

Vice-Chair Schwartz asked Public Health to address the issues heard at the recent Eastern Oregon Modernization Collaborative meeting with other Public Health Directors who have experienced major outbreaks. She said that one thing we hear is that the help being provided by OHA in the way of 600 contact tracers has not been that helpful for a variety of reasons. She asked that Dr. McDonnell also speak about what is happening in Yakima.

Ms. Thalhoffer said that the Collaborative started about 13 years ago; NCPHD is their fiscal agent. The Collaborative provides rural Public Health Districts more capacity to meet needs and builds relationships so we are not as isolated. One of the things they heard at a recent meeting is that the OHA contact tracers are not that helpful. She explained that there are 3 roles for COVID-19 case management – the investigator, the contact tracer and the monitor. The state is not helping with the

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investigation or monitoring. While NCPHD staff is able to contact about 8 people in 90 minutes, the State tracers are considered to have a full case-load at 8 per day. She said that she looks to our partners in Union County – she has not heard from their Public Health Director for 2 weeks because they are so overwhelmed.

Chair Hege asked if they are providing that feedback to the State. Ms. Thalhofer replied that they are and she believes the State is listening; but they are in a difficult situation – this has become so politicized that it is made more difficult. That is happening nationally as well. OHA is working with us where they can and is stepping in to help with school preparations.

Dr. McDonell said that as of last Saturday, Yakima County has the same case count as the entire state of Oregon. The hospitalization rate is 8 times per capita as that of King County – the most populous county in Washington State. Last week, 26% percent of their tests had positive results. She said that from what she has read it is felt that most of the outbreaks are happening in areas where work is considered essential, where it is difficult to maintain distancing and where they do not have access to enough the personal protective equipment. It is devastating to them. They have had to transport patients to hospitals outside of their county. It is a cautionary tale for what can happen.

Ms. Thalhofer added that in Yakima County the equity issues are apparent – it is a poorer county with ethnic groups that traditionally have poorer outcomes. It is sad and stunning. You hear from the health-care workers that they had a handle on it but now are running out of capacity. It is devastating. She pointed out that we are not in a second wave . . . this is still the first wave of the virus.

Chair Hege asked if there is an understanding of how it is being transmitted there. Dr. McDonell replied that it is face to face transmission. That is why masks are so important. If there is a low prevalence in your community, it may not seem devastating; but when that begins to spike and you have group settings, it can be a dramatic shift with a significant acceleration of new cases.

Chair Hege asked if it is primarily work environments. Dr. McDonell responded that it appears that the majority seem to be centered around work places but she has not done enough research to be definite.

Ms. Thalhofer pointed out that the Union County outbreak is around church activity. People need that fellowship but we need to find a way to do that safely. Some of our local churches are saying that you do not have to wear masks in the sanctuary but there is no reason not to do so. There is very little you cannot do with a mask on. You can wear it all day – nurses do. It is uncomfortable in the beginning but better than being hospitalized or losing a loved one. We can do better than we are doing now.

Vice-Chair Schwartz said that it is important to recognize that we are on our own if we get more cases. That is a sobering thought. She said she thinks we would want to

do everything we can to keep our rate low so we are not in that situation.

Chair Hege asked how many we have in quarantine and what is the status of locating places for them to stay. Ms. Thalhoffer replied that we have a tenuous resolution. We have had no more than 3 at a time and have an agreement with a local hotel. Transportation is difficult but yesterday they worked with Chief Deputy Williams to adjust a Durango already equipped with Plexiglas for use as a transport vehicle. That will allow us to transport patients to quarantine. Wrap around services are needed for those individuals and NCPHD is working with providers as that is the role of the doctors. NCPHD has been working on this for 13-14 weeks; this is the most solid plan we have had and she is hopeful that it will be maintained. This is a long-term issue not related specifically to harvest.

Chair Hege noted that lots of other counties are facing this issue; the legislature may be considering a bill to address this. We don't want to have to force it.

Ms. Thalhoffer said that Public Health administrators have struggled with this and are not getting the assistance hoped for. It is already law and the hotels cannot refuse service based on a medical condition and we should not have to share medical information. We have tried to work with the local businesses with little success.

Chair Hege asked that in terms of the seasonal work force, is it too early to know what the results are in that population. Dr. McDonnell replied that in general you can say that an increase in population size is likely to create an increase in cases but it is difficult to tease out how much of our increase is related to that and how much is related to the change in people's behavior over the last month or two. It is really too soon to say and it is likely a combination of factors. Orchardists are working hard with their employees to educate and keep everyone safe.

Chair Hege asked when it is appropriate to wear masks. Dr. McDonnell replied that cloth masks prevent the spread of the virus to others. If you are not in close proximity, it is not necessary. If you are going to be in public, you need to wear a mask.

Chair Hege said that this issue will be on the next agenda. He asked if our governor will be making it a statewide mandate and what the simple differences would be between where we are now and where we would be with a mandate.

Dr. McDonnell said it is hard to say whether or not the Governor will go to a statewide mandate. From the health officers' standpoint, that group wants it to go statewide. That is what we believe would be the most effective measure and would take that difficult decision off the local governments. The difference would be that it would be required. There would be no face-covering police and we understand that there are people who cannot wear masks. The difference between optional and mandated is that we make the health choice, the easy choice – people will make the choice to comply once – not every time they go out their front door.

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Ms. Thalhofer said that she has not heard about a state mandate being considered. Public Health Districts around the state are asking for that. On the basis of our tobacco work, most people will follow the rule if you make the rule. She said that she believes it is the direction we should go.

Commissioner Kramer asked of the 7 Oregon counties under mandate, how many opted in voluntarily. Chair Hege said that he believes 1 of the 7 opted in. Ms. Thalhofer stated she believes that Union County opted in as it was paired with their ability to move into Phase 2.

Commissioner Kramer said he finds it odd to mandate some and not all. He thanked Dr. McDonell and Ms. Thalhofer for their very helpful reports.

Vice-Chair Schwartz said that she looks forward to seeing the studies. She said that she read that Union County went back to Phase 1 voluntarily. She said that it is important to our local economy and constituents that we do not get into that situation.

Chair Hege opened the floor to public questions.

Kate Wilson asked if there is any way to do population testing to gauge our infection rate – perhaps wastewater testing can help track where it is concentrated. She added that it would be helpful to have information on the website tracking the numbers as they increase rather than just reporting the current total number. She added that putting that same information on Facebook would reach more people.

Dr. McDonell agreed that it would be helpful and she would talk to staff about adding that feature. In terms of mass testing; there is nothing currently in the works as the focus is on containment and contact tracing. OHSU is conducting studies statewide and in all counties. She said that the wastewater idea is fascinating and she will reach out to partners to explore that further.

Ms. Thalhofer said that this would be her last report as she will retire before the next Board session. She announced that Shellie Campbell will be serving as the Interim Director and will be joining next week's session.

The Board thanked Ms. Thalhofer for her many years of service. Vice-Chair Schwartz noted that Ms. Thalhofer has always advocated for support for Public Health for just these circumstances. Ms. Thalhofer noted that her retirement was planned and noticed prior to the pandemic and is not a result of the pandemic. She will continue to help where she can.

Forest Service Area Manager Lynn Burditt said that the only change from last week is that Ainsworth opened this week. The group is working on new messaging with four stages: 1) The Gorge is closed 2) the Gorge is in transition 3) How to safely visit the Gorge 4) A fallback scenario.

Agenda Item – Policy Direction/CRGC Resolution

Planning Director Angie Brewer read the following into the record:

*Good morning Commissioners, thank you for having me back to continue the discussion regarding the proposed resolution to oppose the Gorge Commission's 2020 amendments that fail to protect and support the economic vitality of the Gorge, and proposed revisions to urban area boundary policies that are inconsistent with the Act and preclude future growth opportunities for the Gorge's urban areas.*

*I am having connectivity issues this morning, so I apologize for having to participate by phone. And - I don't typically like to read from a script, but this resolution has been heard and passed by the Port of the Dalles and the City of The Dalles – and to ensure you are provided the same context and information, I plan to read talking points prepared for this resolution by the collaborative effort of the county, port and city.*

- *The Columbia River Gorge Commission (CRGC) has released 500+ pages of redline revisions to the Management Plan. The proposed policy changes are wide-sweeping and significant.*
- *The CRGC has been discussing policy changes and concepts over the past two years but this is the first time the public has seen this version of the proposed redline revisions to the Management Plan.*
- *There are policy changes in almost every chapter of the plan, a whole new Climate Change chapter, and complete rewrites of several plan sections, including the section governing urban area boundary revisions.*
- *The proposed revisions were released to the public on June 1, 2020 and formal public comments are due on June 30, 2020. Staff will present a summary of the public comments to the Commission on July 21, 2020 and the Commission will deliberate and provide staff feedback. The final, revised Management Plan will be presented to Commission for approval at the August 2020 meeting.*
- *A 30-day formal public comment on 500+ pages of new redline language is inadequate time for meaningful public review and participation, particularly considering the breadth of the policy changes and the permanent impacts of such changes on our Gorge communities. It seems unrealistic, or at best, unauthentic, that staff could review and compile 1000+ comments within 21 days and be ready to meaningfully engage the Commission during a one-day Commission hearing on July 21, 2020. The proposed schedule is simply a pretense for meaningful participation but in reality, is a contrived public process.*
- *Multiple stakeholders have expressed concerns about the CRGC's approach to Plan revisions, in particular issues with version control of proposed language, the treatment of public comments and stakeholder input in its process, and what appears to be emailing and communication outside of the public purview. For*

*example, there was concerns in April about the version of the Economic Development chapter – it did not reflect the language that was previously discussed by the stakeholders group during December 2019 – in fact, it presented an entirely different version. In the 500+ pages out for public comment now, the new chapter, Climate Change, is not even identified as new language – it is shown as existing language. Public transparency in policy making is lacking.*

- *With respect to the substantive policy changes, there are many shifts in policy that reflect the Commission’s no growth policy. The revisions are not consistent with the Act in that the proposed changes ignore the second, but equal purpose of the Act – “to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner consistent” with the first purpose of the Act.*
  - *Changes to the land use designations eliminate a rural property owners rights to use for certain purposes and restrict currently allowed uses – e.g., bed and breakfasts, agritourism activities, and commercial events tied to agricultural operations. These changes are contrary to Oregon law and take away current rights. Many stakeholders have expressed opposition to these changes.*
  - *Changes to the urban boundary area revision language effectively prohibits any change in urban area boundary revisions except for the smallest of changes. 20 acres or 1 percent – whichever is less, one time change. There is collective concern about this absolute approach. It is not consistent with the stated purpose of the Act which expressly gives urban communities the ability to grow.*
  - *Urban communities will be unable to accommodate future growth or provide for new employment or industrial lands – worker housing will remain a shortage.*
  - *There is a new Climate Change chapter and many other changes to how the Commission will manage for SNCRs in General Management Areas that will impact rural landowners.*
- *The proposed changes to the urban area boundary revisions policies defer policy making to “case by case” decision making. The CRGC needs to make the policy choices now, during the Plan revision process and demonstrate that those policy choices are consistent with the Act. It cannot defer this choice because it cannot agree on what policy to adopt.*

She said that staff is concerned about the process and short timeline. Any changes that are approved by the Gorge Commission will eventually be federal law and we will be required to implement those laws. This is the time – the only time – to get our comments on the record.

Commissioner Kramer thanked Ms. Brewer for her report. He noted that there has

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been a lot of work and many hours put into this.

Chair Hege opened the floor to public comment.

Sheila Dooley read the following into the record:

*Since the adoption of the Management Plan in 1991 (which was 29 years ago), no need to expand the urban growth boundary has been shown.*

*In 2018 The Dalles did a buildable land inventory and determined there were 480 acres of buildable land with an estimated 232 acres needed in the next 20 years for housing (less than half).*

*For example in The Dalles there is a surplus of buildable land: There are empty buildings and buildable lots both downtown and on the west end of town.*

*Nonindustrial uses have been allowed in the port area over the years which may have contributed to empty space elsewhere. (example of this: offices)*

*At some point if Google decides to relocate the result will be empty space in the industrial area. (You don't know what the future holds.)*

*If the economy takes a downturn, there will be even less growth and demand for buildable land in the foreseeable future.*

*Higher density in the urban area would be a better solution vs. expansion of UG boundary.*

*To prevent urban sprawl into the Scenic Area any urban boundary revisions need to be truly minor in scale. The plan is supposed to be reviewed every 10 years (so whatever the Gorge Commission decides now will be reviewed again later).*

*Once you expand the UG boundary you can't go back and contract it later if you decide it was a bad idea.*

*Thank you for this opportunity to comment.*

Kathleen Cantrell said that it is not clear to her in the resolution that there are actual protections for private property owners in the scenic area. She said that she has read an extensive portion of the Gorge Commission plan and there are 7 areas where it addresses that but there is nothing in the resolution. She said that there are real concerns such as the additional feet added as buffer to creeks that will significantly impact the private property owners.

Ms. Brewer replied that the resolution represents the County, City of The Dalles and Port of The Dalles and so its focus is narrowed to their common interest. The County is working on comments that will be submitted to address the other issues.

Mr. Nichols stated that he has been working on this for 11 years as the County's representative on the Gorge Commission Board. He said that in all that time, they

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have been looking at trying to make a clear path for the original act which says that the cities will be expected to grow. There has been a faction that is trying to lock us in for the future of the universe to prohibit any growth. Doing that will increase our carbon footprint as people will not be able to afford to live here and will have to commute to work. He said he appreciates the work the County is doing.

Kate Wilson stated that she is torn and needs to learn more. She said that some of her concerns are industry taking up the entire river at the cost of residential interests and looking at a balance so that it is not being sold to the highest bidder. All too often, our beauty is given away. She said that she would encourage planners to look at using the existing space first but we do want to grow. The Gorge Commission needs to go back to the drawing board.

Marolyn Wilkes said that she would encourage creative development within existing boundaries. Europe does this and we can as well. We can have a healthy economy within our boundaries.

Vice-Chair Schwartz said she wants to bring us back to the resolution itself. She said that as she listens to the comments, the decision is at the Gorge Commission level. She said she has had more time to read the draft and talk to citizens. She stated that she doesn't disagree that several of the proposed changes are unfair, unrealistic and arbitrary. She said that there are enough that it causes her serious pause and concern. She hopes that the Gorge Commission will go back to the drawing board to look at better solutions. Elaine Albrich has some interesting suggestions that are more doable. She said she doesn't think that the authors of the act envisioned that we would never grow. She stated that she agrees with some of the policies that would enforce the protection of the cultural and natural resources and that we also want to preserve that for our future. She thanked everyone for their comments and discussion.

Commissioner Kramer said our partners have passed this resolution and this Board unanimously agreed to fund this work – it was a good use of taxpayer money.

Chair Hege stated that anyone who knows him knows that economic development is his passion – it is the opportunity for constituents to have jobs and opportunities for themselves, kids and grandkids. He said he has been doing this work since 1991, starting on a committee for the original management plan. Everybody did not agree but at that time there was no one saying 20 acres or 1% would be the limit for growth. We wanted to protect the Gorge. He said he does not like the idea that others think they know what is best for us and they are going to tell us how to live. Ms. Brewer is a Planning Director - smartest planner out there - and spent years on the Gorge Commission. She holds our feet to the fire; she understands the scenic area and protects it. What we are really talking about is opportunity for our citizens. Just because we have that option, doesn't mean that it will ever happen. The Dalles UGB was set prior to the scenic act - in the early 80s - and has not changed at all since that time. The idea that people are giving us a token 20 acres – it is offensive

that they do not trust us to grow our area responsibly. We need a pathway to growth. He said he doesn't disagree that we can use our existing spaces, but he doesn't want to so severely restrict opportunity. It is stunning that they would limit it to 20 acres. People living outside the gorge want to limit our opportunities and do not trust us to be good stewards.

**{{{Commissioner Kramer moved to approve Resolution 20-008 opposing Proposed Revisions to the Columbia River Gorge Management Plan Policies for Urban Area Boundary Revisions. Vice-Chair Schwartz seconded the motion which passed unanimously.}}}**

Chair Hege adjourned the meeting at 10:38 p.m.

Summary of Actions

**MOTIONS**

- **To approve Resolution 20-008 opposing Proposed Revisions to the Columbia River Gorge Management Plan Policies for Urban Area Boundary Revisions.**

Wasco County  
Board of Commissioners



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Scott C. Hege, Board Chair



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Kathleen B. Schwartz, Vice-Chair



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Steven D. Kramer, County Commissioner



## AGENDA ITEM

### NCPHD COVID-19 Updates

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[NEW GUIDANCE FOR BUSINESSES REGARDING FACE COVERINGS](#)

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[SIGNAGE REQUIRING FACE COVERINGS](#)

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June 22, 2020

## County Specific Mask, Face Shield, Face Covering Guidance

**Applicability:** This guidance applies to:

- All businesses, as defined below, and to the general public when visiting these businesses, in **Clackamas, Hood River, Lincoln, Marion, Multnomah, Polk and Washington** counties.

**Effective date:** June 24, 2020

**Opting In:** A county not listed above that wishes to have this guidance applied in that county, can request that the Governor add that county to the list above.

**Requirements for other businesses and sectors:** There may be mask, face shield, and face covering requirements and recommendations that apply to other businesses not listed in this guidance. For a business that is not in one of the counties listed above, or is not listed as a business in this guidance, the business should review other applicable [sector guidance](#) for mask, face shield, face covering requirements and recommendations.

**For purposes of this guidance the following definitions apply:**

- “Business” means:
  - Grocery stores
  - Fitness-related organizations
  - Pharmacies
  - Public transit agencies and providers
  - Personal services providers
  - Restaurants, bars, breweries, brewpubs, wineries, tasting room and distilleries
  - Retail stores, shopping centers and malls
  - Ride sharing services
  - Phase Two counties only:
    - Indoor licensed swimming pool, licensed spa pool and sports court operators
    - Indoor entertainment facility operators
    - Indoor recreational sports operators for specified sports
    - Indoor venue operators

- “Face covering” means a cloth, paper, or disposable face covering that covers the nose and the mouth.
- “Face shield” means a clear plastic shield that covers the forehead, extends below the chin, and wraps around the sides of the face.
- “Fitness-related organizations” includes but is not limited to gyms, fitness centers, personal training, dance studios, and martial arts centers.
- “Mask” means a medical grade mask.
- “Personal services providers” means barber shops, hair salons, esthetician practices, medical spas, facial spas and day spas, non-medical massage therapy services, nail salons, tanning salons, and tattoo/piercing parlors.

## Businesses

### A business is required to:

- Require employees, contractors, volunteers, customers and visitors to wear a mask, face shield, or face covering, unless an accommodation or exemption is required by law or one of the following exemptions applies.
  - Employees, contractors and volunteers: Masks, face coverings or face shields are not required when eating/drinking or when at or in a location where the employee, contractor or volunteer is not interacting with the public and six (6) or more feet of distance can be maintained between other people.
  - Customers and visitors:
    - Masks, face shields or face coverings are not required in restaurants, bars, breweries, brewpubs, wineries, tasting room and distilleries while eating or drinking.
    - Masks, face shields or face coverings are not required when at a business and engaged in an activity that makes wearing a mask, face shield or face covering not feasible, such as strenuous physical exercise, singing or playing an instrument if at least six (6) feet of distance is maintained from others.
- Provide masks, face shields, or face coverings for employees.
- Provide for accommodations and exemptions from the mask, face shield, or face covering requirement for employees, contractors, customers and visitors if such accommodations or exemptions are required by:
  - State and federal disabilities laws if applicable, including the Americans with Disabilities Act (ADA) which protects people with disabilities from discrimination in employment and requires employers to engage in the interactive process for accommodations.
  - State or federal labor laws.
  - State and federal public accommodations laws that provide all persons with full and equal access to services, transportation, and facilities open to the public.
  - OHA public health guidance if applicable.
- Post clear [signs](#) about the mask, face shield, or face covering requirements.

### **A business should, but is not required to:**

- Provide, at no cost, at least disposable face coverings for customers and visitors who do not have one.
- Post signs about the mask, face shield, or face coverings requirement in languages that are commonly spoken by customers and visitors.
- Educate employees:
  - On how to safely work and communicate with people who cannot wear masks, face shield, or face coverings.
  - That they may need to remove a mask or face covering while communicating with an individual who needs to read lips or see facial expressions to communicate.

## **The Public**

### **Customers and visitors of businesses are required to:**

- Wear a mask, face shield, or face covering when at a business unless the individual:
  - Is under 12 years of age.
  - Has a medical condition that makes it hard to breathe when wearing a mask, face shield, or face covering.
  - Has a disability that prevents the individual from wearing a mask, face shield, or face covering.

### **Customers and visitors of businesses between the ages of 0 and 12 years old:**

- Children under the age of two (2) may not wear a mask, face shield, or face covering.
- It is strongly recommended that children between two (2) and 12 years of age, wear a mask, face shield, or face covering at all times in settings like grocery stores or pharmacies, where it is likely that physical distancing of at least six (6) feet from other individuals outside their household unit cannot be maintained, and vulnerable people must go.
- Because children between the ages of two (2) and 12 years of age can have challenges wearing a mask, face shield, or face covering properly (e.g., excessively touching the face covering, not changing the face covering if visibly soiled, risk of strangulation or suffocation, etc.) we urge that if masks, face shields or face coverings are worn by this age group, that they be worn with the assistance and close supervision of an adult. Masks, face shields, or face coverings should never be worn by children when sleeping.

## **Additional Resources**

[OHA Guidance for the General Public](#)

[OHA General Guidance for Employers](#)

[OHA Sector-specific Guidance](#)

[OHA Frequently Asked Questions for Mask and Face Covering Guidance for Business, Transit, and the Public](#)

**Accessibility:** For individuals with disabilities or individuals who speak a language other than English, OHA can provide documents in alternate formats such as other languages, large print, braille or a format you prefer. Contact Mavel Morales at 1-844-882-7889, 711 TTY or [OHA.ADAModifications@dhsoha.state.or.us](mailto:OHA.ADAModifications@dhsoha.state.or.us).

# County Specific Mask, Face Shield, Face Covering Guidance –

Employees, contractors, volunteers, customers and visitors are required to wear masks, face shields or face coverings at this location, unless an exemption applies.



The following persons are not required to wear a mask, face shield or face covering:

- Persons under the age of 12
- Persons who require an accommodation or exemption under federal or state law.

More information at [www.healthoregon.org/coronavirus](http://www.healthoregon.org/coronavirus)



## AGENDA ITEM

### Policy Direction/CRGC Resolution

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[JOINT COMMENTS LETTER SUBMITTED BY MCEDD/CITY OF THE DALLES/PORT OF THE DALLES/PORT OF KLICKITAT/WASCO COUNTY/WASCO COUNTY EDC/PORT OF SKAMANIA COUNTY](#)

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[COMMENTS SUBMITTED BY SKAMANIA COUNTY COMMUNITY DEVELOPMENT](#)

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[COMMENTS SUBMITTED ON BEHALF OF WASHOUGAL PIT](#)

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[COMMENTS SUBMITTED BY WASCO COUNTY](#)

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[COMMENTS SUBMITTED BY CITY OF THE DALLES](#)

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[COMMENTS SUBMITTED BY NORTHWEST CIDER ASSOCIATION](#)

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[COMMENTS SUBMITTED BY CATHERDRAL RIDGE WINERY](#)

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[COMMENTS SUBMITTED BY UNVEILED EVENTS](#)

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[COMMENTS SUBMITTED BY SCOTT GULSTINE](#)

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[COMMENTS SUBMITTED BY JULIA BAILEY](#)

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[COMMENTS SUBMITTED BY PORT OF THE DALLES](#)

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[RESOLUTION 20-008](#)

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[MOTION LANGUAGE](#)

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May 12, 2020

**VIA EMAIL**

Columbia River Gorge Commission  
c/o [connie.acker@gorgecommission.org](mailto:connie.acker@gorgecommission.org)

**Re: Comments on Gorge 2020 Urban Area Boundary Revisions**

Dear Chair Liberty and Commissioners:

We, the signatories to this letter, have been stakeholders and participants in the Gorge 2020 process since the beginning. We have participated, individually and collectively, in workshops, open houses, listening sessions, and Columbia River Gorge Commission (“Commission”) meetings, in addition to engaging our own constituents and stakeholders to encourage participation in the Gorge 2020 process. The process now seems to be a race to the finish in the midst of the Covid-19 crisis when many otherwise engaged stakeholders and communities are focused on the health and well-being of their families and livelihoods.

The Commission is proposing significant changes in policy that will have permanent, long-term ramifications on our Gorge communities and economies. We are particularly concerned about the recently released redline that proposes to rewrite the entire urban area boundary revision section of the management plan. The proposed language is far from providing a “clear and concise way to get to approval,” which was something both the Commission and the public were seeking from this amendment process.

Giving the public and stakeholders three business days to review the proposed redline language is unrealistic in any situation, let alone during this pandemic. It is disingenuous to expect the public and stakeholders to provide meaningful public comments during the May 12 work session with such notice and this being the first time the public has seen redline language that seeks to implement months and years of Commission discussion over urban area boundary revisions. The Commission needs to hear from the public and stakeholders given the significance of the proposed policy changes and have time to take into consideration such comments prior to making “endorsements” on what will very well likely be final language.

The Commission never finished the conversation about what amounts to “minor” for purposes of processing an application. There was discussion at the November 2019 Commission meeting about what amounted to “minor” including the discussion that 20 acres or 1 percent could be considered minor but the record reflects that other conversation was needed as there was insistence from other commissioners that applications greater than 20 acres or 1 percent could also be considered minor. There was also disagreement on whether the 20 acres or 1 percent threshold should be cumulative. In addition to the issue of what amounts to “minor,” we have several concerns about the proposed redline. For example, there are open-ended policy statements that allow for policy making on a case-by-case basis (e.g., policies 8, 10, 12, 13). There are unnecessary timing constraints for filing an application that may or may not align with state-required process. An overarching question is whether the Commission will process any

application at all based on a reading of proposed policy 1 and the budgeting requirements in policy 5.

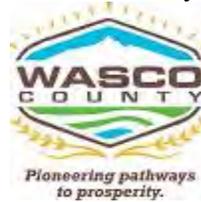
These reflect some of our collective concerns and many of us would like an opportunity to provide more detailed comments into the record before the Commission considers and endorses any proposed redline language. **We therefore respectfully request that the Commission (1) defer action on May 12, (2) allow for public comment on the proposed redline through June 1, 2020, and (3) review and consider the public comments during the June Commission meeting before taking action on the proposed redline.** Thank you for your consideration of these concerns and comments.

Respectfully submitted,

Jessica Metta  
Executive Director  
Mid-Columbia Economic Development District



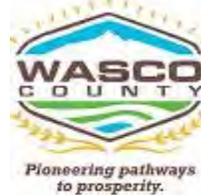
Joan Silver, Chair  
Economic Development Commission  
Wasco County



Mayor Rich Mays  
City of The Dalles



Chair Scott Hege  
Wasco County



Andrea Klaas  
Executive Director  
Port of The Dalles



Pat Albaugh  
Executive Director  
Port of Skamania County



Marc D. Thornsby  
Executive Director  
Port of Klickitat



**From:** [Alan Peters](#)  
**To:** [Connie Acker](#)  
**Subject:** Comments on Urban Area Boundary Revision Redlines  
**Date:** Monday, May 11, 2020 5:44:02 PM

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Gorge Commissioners,

The proposed Urban Area Boundary Chapter edits that will be discussed by the Gorge Commission at its May 12<sup>th</sup> meeting include significant changes in policy that will have long-term consequences for Gorge communities. While I do not expect that Skamania County will seek revisions of urban areas within its boundaries in the near future, I am concerned that the proposed policies do not provide for the clear and concise standards or process that Gorge 2020 has strived for. To the contrary, the proposal leaves open the question of whether a request to revise an urban area boundary in Skamania County might be considered at all and if considered, what standards might be applied to such a request.

For example, in addition to questions raised by policies #1 and #5, draft policy #6 states that the Commission “will only consider applications to revise Urban Area boundaries in conjunction with state-required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area boundaries.” There are no such state-required periodic plan updates or processes for urban area boundary revisions in Washington counties that do not plan under the Growth Management Act. Neither Skamania nor Klickitat counties plan under the Growth Management Act. Clark County contains no NSA urban areas. It is not clear if this policy would preclude any urban area revisions in Washington State.

Many of the proposed policy statements are open-ended or will allow for policy making on a case-by-case basis (e.g., policies 8, 10, 12, 13). Policy #8 would subject urban area revisions in Washington to OAR requirements.

I am confident that with more time, the proposal can be improved to provide the clear standards that both the Gorge Commission and Gorge communities have asked for as part of this process. I request that after Staff’s presentation on the proposal, the Gorge Commission defer any action until the June Commission meeting to allow time for additional public comment on the proposal.

**Alan Peters, AICP** | Assistant Planning Director  
SKAMANIA COUNTY COMMUNITY DEVELOPMENT  
170 NW Vancouver Ave | PO Box 1009 | Stevenson, WA 98648  
[apeters@co.skamania.wa.us](mailto:apeters@co.skamania.wa.us) | 509.427.3906



1499 SE Tech Center Place, Ste. 380  
Vancouver, WA 98683

Tel. (360) 567-3900  
Fax (360) 567-3901

[www.jordanramis.com](http://www.jordanramis.com)

Jamie D. Howsley  
Admitted in Oregon and Washington  
[jamie.howsley@jordanramis.com](mailto:jamie.howsley@jordanramis.com)  
Direct Dial: (360) 567-3913

May 11, 2020

VIA EMAIL ONLY

Columbia River Gorge Commission  
ATTN: Connie Acker  
E-Mail: [Connie.Acker@gorgecommission.org](mailto:Connie.Acker@gorgecommission.org)

Re: ***Comments on Gorge 2020 Land Uses Revisions and Public Comment Plan***

Dear Chair Liberty and Commissioners:

On behalf of Judith Zimmerly, property owner of the Washougal Pit, we are submitting the following comment on the draft Gorge 2020 Land Uses Chapter revisions presented to the Columbia River Gorge Commission ("CRGC") for its work session on April 29, 2020. We also have concerns with the Gorge 2020 Public Comment Plan for June 1-30, 2020, as well as the CRGC's approach to the plan amendment revisions and the treatment of public comments and stakeholder input in its process.

Foremost, we are deeply concerned about the proposed mining-related amendments within the Gorge 2020 Land Uses Chapter. The clear and unambiguous language of Section 6d(d)(9) of the National Scenic Area Act ("the Act") requires the Commission to consider mining within the National Scenic Area ("NSA"). Moreover, restricting the use and transport of aggregate material produced within the General Management Area is not in accordance with the Act and violates Washington's Growth Management Act, RCW 36.70A.020 ("GMA"). The Commission does not have the authority to restrict where materials from mining are transported to, nor the use of such material. Finally, including transportation of material in the Management Plan's definition of mining violates the GMA. These proposed amendments are targeted solely at our client and should not be adopted.

We also have significant concerns about the draft Gorge 2020 Public Comment Plan for June 1-30, 2020, as well as stakeholder input for Gorge 2020 in general. Shockingly, the Washington Department of Natural Resources ("DNR") was not informed of the Commission's proposed mining-related revisions. Beyond the fact these revisions are not in accordance with the Act or the GMA, one would expect the Commission—as a bi-state body—to provide notice of these proposed revisions to DNR, who is responsible for regulating mining in the State of Washington. Although the Commission has the authority to establish rules and regulations within the NSA, the Commission cannot abrogate state law or DNR's authority in the Gorge 2020 process. This is but one of our concerns regarding the lack of stakeholder input and the treatment of public comments during the Gorge 2020 process.

The impact of the Gorge 2020 proposed revisions to the Management Plan will be most profoundly felt by the Counties and citizens of the NSA. Gorge 2020 proposes significant changes in policy that will have permanent ramifications on Gorge communities and economies. Yet, stakeholders have been offered limited involvement in the development of the proposed revisions to the Management Plan. Public comment during this period is absolutely critical to Gorge 2020, as the Commission

4828-3145-7980.2

needs time to consider such comments prior to making endorsements on what will likely be the final language to be implemented. The majority of discussion and deliberation regarding the revisions will have occurred long before the formal June 1-30, 2020 Public Comment Period and we are concerned the comments offered during this period will not be afforded due regard.

The CRGC has engaged in the continual refinement of policy under the guise of “direction to staff,” which makes it difficult for the public and interested stakeholders to track the revision process or ascertain the reasoning behind proposed amendments. Central to this issue is the fact the CRGC is not affording stakeholders an adequate opportunity to review proposed redline language. Releasing proposed revisions, staff reports, and other essential documents only three business days prior to Commission meetings is not adequate. These documents are the product of months and years of Commission deliberation and are necessary for stakeholders to make an informed decision on proposed policy changes, as well as offer meaningful public comment.

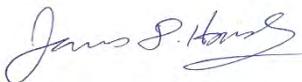
Furthermore, as with the mining-related amendments to the Gorge 2020 Land Uses Chapter, staff recommendations are being continually ignored by the Commission. The Commission’s disregard for staff recommendations, such as that the Commission lacks the authority to prohibit mining in the NSA, suggests that public comment is not being afforded due consideration. The Commission has the authority to create and implement policy, however, it must still comply with federal and state law. The Commission has not done enough to solicit input from the jurisdictions and agencies that will be tasked with applying the revised standards of the Management Plan—especially the proposed mining-related amendments.

To that end, the policy concern underlying the extremely short formal comment period of June 1-30, 2020 is that the entire Gorge 2020 process appears to be a “race to the finish,” with a false deadline being driven by expiring commissioner terms rather than any policy consideration. The Commission is already late to its 10-year review of the Management Plan. In light of this, as well as the ongoing COVID-19 pandemic, we urge the Commission to extend the formal comment period and take the additional time necessary to ensure meaningful public engagement and decision-making. This is critically important to the Commission and required by the Act itself.

The above reflects some of our concerns with the Gorge 2020 process. We would like an opportunity to provide more detailed comments into the record, in addition to offering comment on the proposed redline language for the mining-related amendments to the Gorge 2020 Land Uses Chapter. This redline language was the subject of extensive debate during the April 29 Commission meeting and it does not appear the Commission reached a consensus. We harbor serious concerns that we will not be allowed the opportunity to review and comment on the proposed redline language prior to the formal June Public Comment Period. Thank you for your consideration of these concerns.

Very truly yours,

JORDAN RAMIS PC



Jamie D. Howsley

cc: Keenan Ordon-Bakalian  
Armand Resto-Spotts



May 12, 2020

Gorge Commissioners  
Columbia River Gorge Commission  
P.O. Box 730  
White Salmon, WA 9862  
(Sent by email to [Connie.Acker@gorgecommission.org](mailto:Connie.Acker@gorgecommission.org))

Subject: Gorge 2020 Urban Area Boundary Chapter Edits Work Session

Commissioners,

Thank you for the opportunity to provide comment on the Urban Area Boundary Chapter Edits prepared for consideration at the May 12 Gorge Commission meeting. Wasco County has been a participant in the Gorge 2020 process since it began nearly four years ago and would like to share the following feedback:

Proposed Policy 1 States:

*The National Scenic Area Act does not require the Gorge Commission to consider requests to revise Urban Area boundaries. The Act does not entitle a county or any person or entity to have the Gorge Commission consider a request to revise an Urban Area boundary.*

This language removes due process obligations from the Commission, making the review of any needed boundary revision an optional consideration. Urban area boundary revisions are not simple requests, require extensive analysis and consideration. They have implications for infrastructure, tax payers, and future development patterns. If a city and county were willing to invest in a formal application, the expectation would be that it would be reviewed for consistency and a decision would be issued.

Proposed Policy 4 states:

*Counties shall inform the Gorge Commission of their intent to seek an Urban Area boundary revision in time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.*

Gorge Commission meetings in 2019 and 2020 have included Gorge Commission discussion and staff clarifications that the current requirement is that counties would inform the Gorge Commission during the development of their biennial work plan and budget making process. The proposed language does not specify and could become an arbitrary timeline that is not possible to meet.

Proposed Policy 5 states:

*At the beginning of each biennial budget, the Gorge Commission will determine whether its funding is sufficient to allow it to analyze one or more Urban Area boundary adjustment applications during that biennium and communicate its determination to the counties.*

The Gorge Commission's budget is historically insufficient to accomplish even core requirements of the Act and Management Plan. If a city's proposal is contingent upon Commission funding, it may never be processed. Boundary revision applications require years of research and analysis. If a city or county were to spend several years and hundreds of thousands of dollars on studies only to be turned away because of Commission staff capacity constraints, it would be a careless use of taxpayer dollars.

Proposed Policy 6 states:

*The Gorge Commission will only consider applications to revise Urban Area boundaries in conjunction with state-required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area PART IV-Administration IV-1-10 boundaries.*

The need for this requirement is not clear, particularly because the studies required by the Gorge Commission are proposed to be separate, regional studies, not required by the state.

Proposed Policy 7 states:

*The Gorge Commission will consult with Oregon's Department of Land Conservation and Development and Washington's Department of Commerce Growth Management Services to determine an appropriate process to meet the Gorge Commission's standards as well as state standards.*

Wasco County is concerned with the lack of consistent outreach to DLCDC staff. The Gorge Commission may not need to seek formal acknowledgement following plan review, but the state still needs to find that the Management Plan "achieves on balance the purposes of the statewide planning goals". This necessitates a formal review. And, if it finds that it does not satisfy this achievement, LCDC can decertify the Management Plan. Please see ORS 196.107 for more information.

Proposed Policy 8

*The Gorge Commission will determine whether a proposed Urban Area boundary revision is minor pursuant to section 4(f) of the National Scenic Area Act on a case-by-case basis.*

- A. *Generally, a revision to an Urban Area boundary may be considered minor if:*
  - i. *the revision involves no net change in the total area of the Urban Area, or*
  - ii. *if the revision is cumulatively 20 acres or 1% of the total area of the Urban Area, whichever is less, or*
  - iii. *[if the revision involves transferring Urban Area acreage between two Urban Areas, provided that the transfer results in no net loss of the total National Scenic Area-wide acreage in the General Management Area.] THE COMMISSION DID NOT COMPLETE ITS DISCUSSION WHETHER TO INCLUDE THIS CONCEPT OF "MINOR."*
- B. *The Gorge Commission will consider revisions that differ from this general guidance on a case-by-case basis.*

The proposed language is not any clearer than current policy language and adds limiting factors that have not been agreed upon by the full Commission. Adding arbitrary limitations and increasing ambiguity is not helpful, and is not progress.

Proposed Policy 10(B) states:

*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 to that bridge and other nearby Urban Areas.*

All Gorge communities are unique and vary significantly in needs and goals. Obligating assets and resources of one community for the needs of another is simply not a feasible expectation. The Gorge Commission cannot assume this requirement would be reasonable or even possible, particularly for cities in different states.

Proposed Policy 11 states:

*The Gorge Commission may require the local government to adopt enforceable conditions of approval to ensure land added to an Urban Area is used only to satisfy the demonstrated needs that were the basis for adjustment.*

Proposed Policy 13 states:

*Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas, will be determined on a case-by-case basis. The Gorge Commission may require a local government to adopt enforceable conditions of*

*approval to ensure land added to an Urban Area satisfies section 4(f)(2)(C). By rule, the Commission may establish factors to evaluate whether proposed revisions to the boundary of an Urban Area result in the maximum efficiency of land uses.*

It is our interpretation that proposed Policies 11 and 13 are in conflict with Oregon Revised Statute 196.109, which states:

“If the urban area boundaries of the Columbia River Gorge National Scenic Area are revised to include land that was once within the general management area or the special management area, the management plan no longer applies to that land and the applicable provisions of ORS chapters 92, 195, 197, 215 and 227 and the rules, plans and ordinances adopted thereunder apply. [1993 c.317 §4]”

This statute implies that DLCD and the city would have jurisdictional authority in any new urban area lands, and would not be required or even authorized to apply National Scenic Area laws. We formally request LCDC and DLCD be contacted to provide formal comment on this proposed policy language.

Proposed Policy 14 states:

*To achieve compliance with section 4(f)(2)(D), applications to revise the boundaries of an Urban Area shall prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and open space. The Commission by rule may establish a priority of lands to be considered for revising into Urban Areas.*

This policy contains two parts: (1) requires applications (from counties) to prioritize revisions in areas where there would be no reduction of land use, suitable or designated for agriculture, forest, and open space, and (2) allows the Commission to establish (by rule) an inventory lands deemed appropriate for potential expansion. In regards to part 1, most urban areas are adjacent to lands used or suitable for agriculture, forest and open space. Before this policy is decided upon, Commissioners should evaluate an inventory of lands adjacent to exiting urban areas and determine how limiting this criterion could be. Part 2 allows for the Commission to obligate communities to evaluate properties they do not need and are not requesting. We agree that any requested modification should address alternatives, public interest and practicability, but only those properties that are viable options for consideration.

In conclusion, we strongly encourage you to give this topic the time and public conversation it needs to become effective policy. The plan update process has been an outstanding task for many years and is currently adhering to an arbitrary, self-imposed deadline. A rushed product will not come without cost to the residents of the Columbia River Gorge.

Thank you for this opportunity to provide comment.

Sincerely,



Scott Hege, Chair  
Wasco County Board of County Commissioners



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481  
FAX (541) 296-6906

May 12, 2020

VIA EMAIL

Columbia River Gorge Commission  
c/o [connie.acker@gorgecommission.org](mailto:connie.acker@gorgecommission.org)

Re: Comments on Gorge 2020 Urban Area Boundary Revisions

Dear Chair Liberty and Commissioners:

We, the signatories to this letter, have been stakeholders and participants in the Gorge 2020 process since the beginning. We have participated, individually and collectively, in workshops, open houses, listening sessions, and Columbia River Gorge Commission ("Commission") meetings, in addition to engaging our own constituents and stakeholders to encourage participation in the Gorge 2020 process. The process now seems to be a race to the finish in the midst of the Covid-19 crisis when many otherwise engaged stakeholders and communities are focused on the health and well-being of their families and livelihoods.

The Commission is proposing significant changes in policy that will have permanent, long-term ramifications on our Gorge communities and economies. We are particularly concerned about the recently released redline that proposes to rewrite the entire urban area boundary revision section of the management plan. The proposed language is far from providing a "clear and concise way to get to approval," which was something both the Commission and the public were seeking from this amendment process.

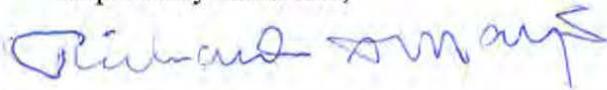
Giving the public and stakeholders three business days to review the proposed redline language is unrealistic in any situation, let alone during this pandemic. It is disingenuous to expect the public and stakeholders to provide meaningful public comments during the May 12 work session with such notice and this being the first time the public has seen redline language that seeks to implement months and years of Commission discussion over urban area boundary revisions. The Commission needs to hear from the public and stakeholders given the significance of the proposed policy changes and have time to take into consideration such comments prior to making "endorsements" on what will very well likely be final language.

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conversation was needed as there was insistence from other commissioners that applications greater than 20 acres or 1 percent could also be considered minor. There was also disagreement on whether the 20 acres or 1 percent threshold should be cumulative. In addition to the issue of what amounts to "minor," we have several concerns about the proposed redline. For example, there are open-ended policy statements that allow for policy making on a case-by-case basis (e.g., policies 8, 10, 12, 13). There are unnecessary timing constraints for filing an application that may or may not align with state-required process. An overarching question is whether the Commission will process any application at all based on a reading of proposed policy 1 and the budgeting requirements in policy 5.

These reflect some of our collective concerns and many of us would like an opportunity to provide more detailed comments into the record before the Commission considers and endorses any proposed redline language. We therefore respectfully request that the Commission (1) defer action on May 12, (2) allow for public comment on the proposed redline through June 1, 2020, and (3) review and consider the public comments during the June Commission meeting before taking action on the proposed redline. Thank you for your consideration of these concerns and comments.

Respectfully submitted,



Mayor Rich Mays  
City of The Dalles



April 27, 2020

**VIA EMAIL**

Columbia River Gorge Commission  
c/o [connie.acker@gorgecommission.org](mailto:connie.acker@gorgecommission.org)

**Re: Comments on Land Use Chapter Edits**

Dear Chair Liberty and Commissioners:

Northwest Cider Association (“NCWA”) is a non-profit trade association established by nearly 100 cidemakers in the Pacific Northwest. Together, we create a larger, stronger regional cider industry. Collectively, we raise awareness of the category itself. We support cideries on farms as well as in urban areas. Cider, like wine, is inherently an agricultural product that starts with apples that are juiced and fermented like wine, not brewed like beer. The Columbia gorge has an especially high number of cideries in the Scenic Area because apples and pears grow so well there. There are approximately 15 cideries in the Columbia gorge and many apple orchards. In fact, cideries are licensed as wineries in the state of Oregon and Washington.

NCWA encourages the Columbia River Gorge Commission (“Commission”) to reconsider its earlier discussion about allowing cideries on agricultural land within the National Scenic Area. Cider operations, including production and tasting rooms, are similar in nature to wineries on agricultural land, which are current authorized on agricultural land. NWCA encourages the Commission to allow cideries (production and tasting rooms) on agricultural land when the cider operation is in conjunction with orchard operations.

The cider industry has more than a \$700 million economic impact to the Northwest economy. We support about 3,000 jobs by making more than 6 million gallons of hard cider. Additionally, the number of cider related tourists locally is approximately 700,000 people every year.

Thank you for your consideration.

Emily Ritchie  
Executive Director  
Northwest Cider Association

**From:** [Robb Bell](#)  
**To:** [Connie Acker](#)  
**Subject:** CRGC Land Uses Topic  
**Date:** Tuesday, April 28, 2020 2:34:48 PM

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To the Columbia River Gorge Commission,

We respectfully request that the CRGC continue to allow commercial activities on agricultural and other lands in the GMA. Noise and other complaints can be addressed with existing regulations.

Thank you for your time and consideration,  
Robb Bell  
Owner  
Cathedral Ridge Winery

**From:** [Unveiled Events](#)  
**To:** [Connie Acker](#)  
**Subject:** Columbia River Gorge Commission Meeting - 4/29/2020  
**Date:** Tuesday, April 28, 2020 12:49:54 PM

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Hi Connie,

I would like to submit the following comment for tomorrow's webinar-

On behalf of community members and farmers, we encourage the CRGC to continue to allow commercial activities on agricultural lands and other lands in the GMA. Wineries, cideries, and other commercial enterprises contribute to the economy and help diversify people's incomes. We have concerns with the direction of the CRGC discussions on economic vitality and land use designations that would roll back the current allowances and undermine the growth our industry has been seeking to promote for our geographic region. We encourage the CRGC to consider revised GMA Policy 8 from the December version of Chapter 2 Economic Development (which would replace current GMA Policies 6 and 7). We also look forward to reviewing actual redline language for the land use chapter – the changes proposed by staff in the land use chapter staff report are difficult to understand and not clear what is exactly being proposed.

Thank you for your consideration.

**From:** [Julia Bailey](#)  
**To:** [Connie Acker](#)  
**Date:** Wednesday, April 29, 2020 12:00:49 AM

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My wife and I recently purchased a grape farm on Underwood Mountain. We have invested our life's savings; and our hearts and bodies into seeing our dream of having a small successful wine farm where we will work to craft some of the best wine in the Northwest. We look forward to providing a modest place in which the public can come enjoy the craft we farm by our own hands, and enjoy being within the beautiful magic of the Gorge. We look forward to farming in a way that regenerates soul health, encourages indigenous plants, animals and insects and pays constant tribute to the land and our surroundings.

We are deeply troubled that our farm and desire to share our space with the public has in any way been deemed anything but good. We hope that you would reconsider doing anything to prevent small farmers such as ourselves from succeeding in such a difficult time. We cannot succeed without the ability to sell the wine we farm. We look forward to being active and engaged members of the community.

We encourage the CRGC to continue to allow commercial activities on agricultural lands and other lands in the GMA. Wineries, cideries, and other commercial enterprises contribute to the economy and help diversify people's incomes.

My husband and I have concerns with the direction of the CRGC discussions on economic vitality and land use designations that would roll back the current allowances and undermine the growth our industry has been seeking to promote for our geographic region. We encourage the CRGC to consider revised GMA Policy 8 from the December version of Chapter 2 Economic Development (which would replace current GMA Policies 6 and 7). We also look forward to reviewing actual redline language for the land use chapter – the changes proposed by staff in the land use chapter staff report are difficult to understand and not clear what is exactly being proposed. Thank you for your consideration.

Scott Gulstine

**From:** [Julia Bailey](#)  
**To:** [Connie Acker](#)  
**Subject:** Public comment for April 29 meeting  
**Date:** Tuesday, April 28, 2020 11:57:36 PM

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My husband and I recently purchased a grape farm on Underwood Mountain. We have invested our life's savings; and our hearts and bodies into seeing our dream of having a small successful wine farm where we will work to craft some of the best wine in the Northwest. We look forward to providing a modest place in which the public can come enjoy the craft we farm by our own hands, and enjoy being within the beautiful magic of the Gorge. We look forward to farming in a way that regenerates soul health, encourages indigenous plants, animals and insects and pays constant tribute to the land and our surroundings.

We are deeply troubled that our farm and desire to share our space with the public has in any way been deemed anything but good. We hope that you would reconsider doing anything to prevent small farmers such as ourselves from succeeding in such a difficult time. We cannot succeed without the ability to sell the wine we farm. We look forward to being active and engaged members of the community.

We encourage the CRGC to continue to allow commercial activities on agricultural lands and other lands in the GMA. Wineries, cideries, and other commercial enterprises contribute to the economy and help diversify people's incomes.

My husband and I have concerns with the direction of the CRGC discussions on economic vitality and land use designations that would roll back the current allowances and undermine the growth our industry has been seeking to promote for our geographic region. We encourage the CRGC to consider revised GMA Policy 8 from the December version of Chapter 2 Economic Development (which would replace current GMA Policies 6 and 7). We also look forward to reviewing actual redline language for the land use chapter – the changes proposed by staff in the land use chapter staff report are difficult to understand and not clear what is exactly being proposed. Thank you for your consideration.”

Julia Bailey

May 12, 2020

***VIA EMAIL***

Columbia River Gorge Commission  
c/o connie.acker@gorgecommission.org

**Re: Comments on Gorge 2020 Urban Area Boundary Revisions**

Dear Chair Liberty and Commissioners:

On behalf of the Port of The Dalles (“Port”), we are providing comments on the draft Gorge 2020 Urban Area Boundary revisions presented to the Columbia River Gorge Commission (“Commission”) for its work session on May 12, 2020. We appreciate the opportunity to comment at this stage in the process. While we recognize that considerable work has taken place to date, there are further steps Commission must complete before it may act on any amendment to the Revisions of Urban Area Boundaries language in Section IV, Chapter 1 of the Columbia River Gorge Management Plan (“Management Plan”).

**The Commission cannot defer policymaking to rulemaking or application reviews.**

To achieve the purposes of the Scenic Area Act, Congress directed the Commission to prepare and implement the Management Plan. The Management Plan contains the policies to ensure that the land in the National Scenic Area is used consistently with the purposes and standards of the Act. As described in the Management Plan’s Introduction, the Management Plan

“is based upon a vision created by Congress, the Gorge Commission, the U.S. Forest Service, county and city governments, state and federal agencies, Indian tribal governments, concerned citizens and interested groups. The vision provides a sense about the future of the Gorge 20, 50, or 100 years from now. It supplies the adhesive that binds the plan.”

Management Plan, p 3-4. The Introduction goes on to say that

“[t]he first lines of the vision were drawn by Congress in the purposes and standards of the Scenic Area Act. These bold strokes call for a delicate balance of protection and development. The Scenic Area Act recognizes the human presence amidst a

spectacular landscape with remarkable natural resources and presents a model for reconciliation between them. \* \* \* The vision calls for prosperous cities and towns in the Gorge. Significant commercial, residential, and industrial development is encouraged in Urban Areas. \* \* \* They may expand over time, even at some cost to scenic, cultural, natural, or recreation resources. However, they must grow efficiently to minimize costs of growth and to function as providers of services.”

*Id.* at 4. We maintain these big picture goals and objectives in the Introduction are crucial for the Commission’s policy discussion surrounding urban area boundary revisions.

The Management Plan, similar to a local comprehensive plan, should include the *ultimate policy choices* of the Commission. While the Commission is not subject to Oregon’s state agency planning responsibilities under ORS 197.180, the Oregon Legislature, at the recommendation of the Land Conservation and Development Commission, previously found that the Management Plan “achieves on balance the purpose of the statewide planning goals adopted pursuant to ORS 197.230.” See ORS 196.107(1). A well-founded principle of Goal 2 is that comprehensive plans must include, among other things, *ultimate policy choices of the local jurisdiction’s legislative body*. A comprehensive plan, like the Management Plan, is the basic instrument for planning, and for some scholars, a comprehensive plan is the “constitution” of a local government for future development. See Harr, In Accordance with a Comprehensive Plan, 68 Harvard Law Review 1154, 1155-56 (1955) and The Master Plan: An Imperfect Constitution, 20 Law and Contemporary Problems 353 (1955); see also *Baker v City of Milwaukie*, 271 Or 500, 506 (1975) (discussing relationship between planning and zoning).

Here, the Commission’s redline language is far from reflecting any sort of constitutional-like principles – unfortunately, it still falls short of describing or clarifying the ultimate policy principles the Commission will apply consider deciding proposed urban area boundary revisions. Instead, the redline language defers tough policy choices to later rulemaking or case-by-case decision making. Unfortunately, this deferral does not satisfy Goal 2. The Scenic Area Act, including the 4(f) criteria, were founded on Oregon land use principles, as reflected by considerable testimony in the record and set out in the Urban Area Boundary Policy Background Notebook, which the Port incorporates into the record by reference. See [http://www.gorgecommission.org/images/uploads/meetings/%21\\_20180410\\_UAB\\_Policy\\_Background\\_Notebook\\_%28download\\_version%29.pdf](http://www.gorgecommission.org/images/uploads/meetings/%21_20180410_UAB_Policy_Background_Notebook_%28download_version%29.pdf). If the Commission is looking to overhaul the policy governing urban area boundary revisions, the Commission must finish the job and make those choices on policy issues.

For example, proposed policies 6, 7, 8, 10, 12, and 13 do not embody the *ultimate policy choice* of the Commission. Instead, the Commission looks to hedge to state law, future coordination

with state agencies, and decide on a “case by case basis.” While some may see the “case by case basis” language as offering some flexibility, in reality, it provides more ambiguity about how stakeholders should prepare and propose boundary revisions that comport with the Commission’s vision. The proposed language in these policies are far from providing a “clear and concise way to get to approval,” which was something both the Commission and the public were seeking from this amendment process.

For these reasons, we respectfully request that the Commission take the additional time to develop specific policy principles for urban area boundary revisions. The Port certainly recognizes that the urban area boundary discussion is complex, and has been the subject of discussion at the Commission for over two decades. But at a minimum, the Port requests that the Commission defer any endorsement of the proposed language in May and instead initiate a public comment period on the draft language to inform further the Commission’s policy discussion on this topic.<sup>1</sup> Alternatively, given some of the other priorities of the Commission, Port requests that the Commission table the urban area boundary revisions altogether and plan to address them in a later amendment process.

### **Comments on the Proposed Redline**

If the Commission decides to move forward with the proposed redline language, the Port offers the following comments and requested revisions.

*Blue bold = proposed language and red strikeout = deleted language.*

#### **Introduction**

The Port proposes the following revisions based on policy language currently contained in the Introduction of the Management Plan and consistent with the expressed vision.

~~The National Scenic Area Act authorizes the Gorge Commission to make minor revisions to the boundaries of any~~ **of the 13 cities and towns identified as “urban areas” in the Act.** ~~Urban Area,~~ **subject to the criteria and procedural requirements in section 4(f) of the Act. In doing so, the Act calls for** ~~enables the Gorge Commission to recognize human presence and the desire for prosperous cities and towns in the Gorge amidst a spectacular landscape with remarkable resources. It is the Commission’s obligation to strike the~~

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<sup>1</sup> During this comment period, the Commission should engage Washington’s Department of Commerce Growth Management Services and Oregon’s Department of Land Conservation and Development to address the issues identified in Proposed Policy 7. It also should discuss with both agencies the proposed timing in Proposed Policy 6 as it is unclear why an applicant cannot decide the sequencing for an application based on agency consultation during the pre-application period. The Commission should do this work now to fully develop the urban boundary policies rather than defer it to later.

delicate balance of resource protection and sustainable growth of urban areas, consistent with both purposes of the Act. ~~to protect and enhance for the scenic, natural, cultural, and recreation resources; agricultural land, forest land, and open space of the Columbia River Gorge, while supporting and serving the needs of the thirteen Urban Areas. The following policies describe principles for how the Commission interprets and will apply the criteria in section 4(f) of the Act.~~

### Proposed Policy 1

The Port proposes to delete proposed policy 1 and replace with the following:

- ~~1. The National Scenic Area Act does not require the Gorge Commission to consider requests to revise Urban Area boundaries. The Act does not entitle a county or any person or entity to have the Gorge Commission consider a request to revise an Urban Area boundary.~~
1. **A county may apply to the Gorge Commission for a minor urban area boundary revision upon providing the Gorge Commission at least six months' notice of its intent to file an application. The county shall include in the notice a proposed timeline for Commission review of the application and a summary of the boundary revision including approximate geographic location, acreage, and future uses within the revised area.**

### Proposed Policy 2

The Port proposes to include language referencing Appendix C (containing the urban area legal boundaries) and noting that the rule may be amended from time to time (e.g., upon approval of an urban area boundary revision the rule would need to be amended to reflect the amended boundary).

- ~~2. The legal boundary descriptions in Appendix C of Commission Rule 350-10 (as amended through December 31, 2018 and may be amended from time to time) are the Urban Area boundaries and acreage calculations that counties must use in applications to revise Urban Area boundaries.~~

### Proposed Policy 3

The language should track the authorization in 544 (c) of the Act governing revisions to SMA boundaries.

- ~~3. The Gorge Commission can only approve applications to revise a boundary of an Urban Area adjacent to the General Management Area. Revisions to a boundary between an Urban Area and a Special Management Area are subject to review and approval by the Secretary in~~

~~consultation with the Commission. require Forest Service coordination, consultation and approval under section 4(c) of the Act in addition to Gorge Commission approval under section 4(f)(2)(A)-(D).~~

#### Proposed Policy 4 and Policy 5

The Port proposes consolidating the language in proposed policies 4 and 5 as follows:

- ~~4.~~ The Gorge Commission shall seek funding in its biennial budget to support any Urban Area boundary revision application after receiving a county's intent to submit an application. If funding is not available either because of a budget shortage or because it was not included in the biennial budget given the budget cycle, the Gorge Commission shall enter into a cost reimbursement agreement with the applicant to cover the costs of processing an application until the funding is obtained through the biennial budget process. ~~Counties shall inform the Gorge Commission of their intent to seek an Urban Area boundary revision in time for the Gorge Commission to seek sufficient funding in its biennial budget for reviewing the boundary revision application.~~
  
- ~~5.~~ ~~At the beginning of each biennial budget, the Gorge Commission will determine whether its funding is sufficient to allow it to analyze one or more Urban Area boundary adjustment applications during that biennium and communicate its determination to the counties.~~

#### Proposed Policy 6

The Port requests that the Commission delete this policy and allow an applicant to decide the timeline for filing an application with the Commission. Depending on agency consultation and other considerations, an applicant may seek to file an application with the Commission prior to filing with the state, concurrent, or subsequent to obtaining state approval.

- ~~6.~~ An applicant for an urban area boundary revision may elect when to file an application with the Gorge Commission. An application to the Commission may precede an application to the state, be concurrent with an application to the state, or be subsequent to an application with the state for corresponding state approval of the urban boundary revision. The Commission shall condition the effectiveness of the Commission's approval for any urban area boundary revision on the applicant receiving the corresponding state approval. ~~The Gorge Commission will only consider applications to revise Urban~~

~~Area boundaries in conjunction with state required periodic plan updates or other times expressly specified in state law for revising urban growth or urban area.~~

### Proposed Policy 7

The Port requests that the Commission address this coordination issue before adopting any amendments to the urban area boundary policies. As proposed, proposed policy 7 improperly defers a policy choice that the Commission must make for how to coordinate with state law.

### Proposed Policy 8

*When is 'minor' really minor?* This is the policy question that the Commission has been struggling to answer for over 20 years, and is now attempting to punt without having finished its discussions. The Commission never finished the conversation about what amounts to “minor” for purposes of processing an application. In its November 2019 meeting, the Commission briefly debated the meaning of “minor,” including whether 20 acres or one percent *could be* considered minor. However, the record reflects that further conversation was needed, as multiple commissioners insisted that applications greater than 20 acres or 1 percent could also be considered minor. There was also disagreement among commissioners, and no resolution, about whether a 20-acre or one percent threshold should be cumulative.

The Port proposes that the Commission consider the 20 acres or 1 percent threshold as a “safe harbor” for classification of an application as “minor.” (There would still be other applications that the Commission could also consider “minor,” even if they did not fall within that “safe harbor.”) The Port encourages the Commission to maintain a minor definition that provides some flexibility without developing policy on an *ad hoc* “case by case basis.” The definition of “minor” in the Urban Areas Boundary Revisions Handbook (1992) can provide guidance for developing such a definition.

Moreover, the very language of the approval criteria in 4(f)(2)(D) illustrates that Congress anticipated proposed urban area boundary revisions that could be large, such that the proposal could result in significant reduction of agricultural land, forest land, or open space. The Act already provided protections against large (e.g., major) expansions, by ensuring that any proposal may not result in such impacts. Congress’ language should guide the Commission in defining “minor” for purposes of 4(f)(1). The Port maintains that the whole discussion of “minor” is unnecessary because the Commission could interpret the “minor” requirement for purposes of 4(f)(1) as being met if application satisfies each of the criteria in 4(f)(2)(A)-(D).

Note the use of “shall” versus “may” is intentional, and serves to provide two possible pathways for demonstrating “minor” – a safe-harbor pathway and a discretionary pathway.

~~8. The Gorge Commission will determine whether a proposed Urban Area boundary revision is minor pursuant to section 4(f) of the National Scenic Area Act on a case-by-case basis.~~

~~A. Generally, a~~ **A revision to an Urban Area boundary shall may be considered minor if (a) the revision involves an expansion of 20 acres or 1 percent of the total area within the Urban Area, whichever is less, (b)**

~~i. the revision involves no net change in the total area of the Urban Area, or (c).~~ ~~or~~

~~ii. if the revision is cumulatively 20 acres or 1% of the total area of the Urban Area, whichever is less, or~~

~~iii. [if the revision involves transferring Urban Area acreage between two Urban Areas, provided that the transfer results in no net loss of the total National Scenic Area-wide acreage in the General Management Area.]~~ ~~THE COMMISSION DID NOT COMPLETE ITS DISCUSSION WHETHER TO INCLUDE THIS CONCEPT OF “MINOR.”~~

**In addition, the Commission may consider a revision to an Urban Area boundary minor if the revision does not result in a substantial expansion of an Urban Area or have a significant effect on surrounding lands outside of the Urban Area.**

~~B. The Gorge Commission will consider revisions that differ from this general guidance on a case-by-case basis.~~

### Proposed Policy 10

The Port and other stakeholders have serious concerns about the Commission’s ability to require one urban area to consider the buildable lands of another, particularly if the analysis requires

consideration of land in a different state. While the Port agrees with the Commission's direction in Proposed Policy 10, recognizing that the demonstration of need in 544b(f)(2)(A) is founded in Oregon's growth policies, the proposed language is not policy-focused. Instead, the draft is more appropriate for rulemaking. Therefore, the Port proposes something simpler and policy-focused.

~~10. Compliance with section 4(f)(2)(A), demonstrating need to accommodate for long-range urban population growth requirements or economic needs may be satisfied using either Oregon or Washington's requirements for determining need for state-level applications to expand an applicant's urban area boundary. The consistent with the management plan within an Urban Area, will be determined case-by-case.~~

~~A. Oregon's and Washington's processes for determining need require similar analyses of residential and economic land need based on population growth and employment forecasts, identification of development opportunities and constraints, and provisions to evaluate need for public lands to support residential and economic uses. For all Urban Areas, in both Oregon and Washington, the Gorge Commission will generally follow the processes and ranges specified in Oregon Administrative Rule 660-038, which may be refined in rule. By rule, the Gorge Commission may revise specific Oregon factors and add specific National Scenic Area factors.~~

~~B. 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 to that bridge and other nearby Urban Areas.~~

~~C. For all applications, the analysis used and the Commission's review must incorporate the proposed service and labor market areas.~~

### Proposed Policy 12

As drafted, proposed policy 12 simply defers policy choices to a later rulemaking or application review process. To correct this, the Port proposes the following revisions:

~~12. Compliance with section 4(f)(2)(B), consistency with the standards and purposes in the Act may be satisfied by direct findings demonstrating that the proposed revision is consistent with the standards and purposes when considered collectively. Findings of compliance with each standard are not required to demonstrate compliance with section 4(f)(2)(B). used to develop the Management Plan and the~~

~~purposes of the Act, will be determined on a case-by-case basis. The Commission recognizes that the application of the standards and purposes of the Act in the Management Plan may not be appropriate for determining compliance with section 4(f)(2)(B). The Commission may use the procedures and requirements in the Management Plan for guidance but is not bound to the procedures and requirements in the Management Plan for Urban Area boundary applications. By rule, the Commission may specify requirements to comply with section 4(f)(2)(B).~~

### Proposed Policy 13

Like proposed policy 12, proposed policy 13 defers policy choices that the Commission should be making now. To correct this, the Port proposes the following:

13. ~~Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas, may be satisfied by providing information on the proposed zoning requirements for the expanded area like minimum parcel size, lot coverage, minimum density, floor area ratios, and other development standards along with draft plans for transportation and public utility service to be finalized and implemented upon the Commission's approval of the urban area boundary revision. will be determined on a case-by-case basis. The Gorge Commission may require a local government to adopt enforceable conditions of approval to ensure land added to an Urban Area satisfies section 4(f)(2)(C). By rule, the Commission may establish factors to evaluate whether proposed revisions to the boundary of an Urban Area result in the maximum efficiency of land uses.~~  
Compliance with section 4(f)(2)(C), demonstrating that the proposed revisions would result in maximum efficiency of land uses within and on the fringe of existing Urban Areas, may be satisfied by providing information on the proposed zoning requirements for the expanded area like minimum parcel size, lot coverage, minimum density, floor area ratios, and other development standards along with draft plans for transportation and public utility service to be finalized and implemented upon the Commission's approval of the urban area boundary revision.

### Proposed Policy 14

Again, like proposed policy 12 and 13, proposed policy 14 defers policy choices the Commission should be making now. To correct this, the Port proposes the following:

14. ~~To achieve eCompliance with section 4(f)(2)(D), demonstrating that applications to revise the revisions to boundaries of an Urban Area shall not result in the significant reduction of agricultural lands, forest lands, or open spaces may be satisfied by demonstrating that the agricultural, forest or open space removed from the General Management Area has low resource value, is underutilized, lacks resources protected by 544a(1), or has qualities or characteristics that are better suited for urban area uses. shall prioritize revisions in areas where there would be no reduction of land used, suitable, or designated for agriculture, forest, and~~  
Compliance with section 4(f)(2)(D), demonstrating that applications to revise the revisions to boundaries of an Urban Area shall not result in the significant reduction of agricultural lands, forest lands, or open spaces may be satisfied by demonstrating that the agricultural, forest or open space removed from the General Management Area has low resource value, is underutilized, lacks resources protected by 544a(1), or has qualities or characteristics that are better suited for urban area uses.

Columbia River Gorge Commission  
June 17, 2020  
Page 10

~~open space. The Commission by rule may establish a priority of lands to be considered for revising into Urban Areas.~~

In closing, the Port appreciates the difficult task before the Commission. However, the Commission is obligated to make hard choices and make them in a public forum following meaningful public input, interagency and interstate coordination, and transparent deliberation.

Thank you for your time and your service.

Very truly yours,

Davis Wright Tremaine LLP



Elaine R. Albrich

cc: Port of The Dalles  
Wasco County



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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

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IN AND FOR THE COUNTY OF WASCO

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IN THE MATTER OF A RESOLUTION OPPOSING PROPOSED REVISIONS TO THE COLUMBIA RIVER GORGE  
MANAGEMENT PLAN POLICIES FOR URBAN AREA BOUNDARY REVISIONS

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**RESOLUTION #20-008**

**NOW ON THIS DAY**, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

**WHEREAS**, in 1986, Congress passed the Columbia River Gorge National Scenic Area Act, Pub. L. 99-663, §§ 2-18, 100 Stat. 4274 (1986), now codified at 16 U.S.C. §§ 544-544p ("Act"). The Act created the Columbia River Gorge National Scenic Area ("NSA") and designated 13 Urban Areas within the NSA.

**WHEREAS**, the Act states two purposes: (1) to create a national scenic area in Washington and Oregon "to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge"; and (2) to protect and support the economy of the area "by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with" the first purpose.

**WHEREAS**, the Columbia River Gorge Commission ("Gorge Commission") adopted the Columbia River Gorge Management Plan ("Management Plan") in 1991 and the U.S. Secretary of Agriculture concurred with the Management Plan in 1992.

**WHEREAS**, Congress directed the Gorge Commission to review the Management Plan no sooner than 5 years but at least every 10 years to determine whether it should be revised. The Gorge Commission last adopted revisions to the Management Plan in 2004.

**WHEREAS**, in 2016, the Gorge Commission and U.S. Forest Service began to work on a second revision to the Management Plan and propose to adopt revisions to the Management Plan in 2020.

**WHEREAS**, the Gorge Commission proposes significant policy changes as a part of the proposed 2020 amendments to the Management Plan that undercut the purpose of the Act to protect and support the economy of the area and effectively prohibit any future growth in the Urban Areas.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. The Wasco County Board of Commissioners opposes the proposed 2020 amendments to the Management Plan that fail to protect and support the economic vitality of The Gorge. The proposed revisions to Part IV Administration, Chapter 1 Gorge Commission Role, Revision of Urban Area Boundaries are inconsistent with the Act and preclude future growth opportunities for the Gorge’s Urban Areas.

**PASSED** this 17<sup>th</sup> day of June, 2020.

**APPROVED AS TO FORM:**

**WASCO COUNTY BOARD OF COMMISSIONERS:**

\_\_\_\_\_  
Kristen Campbell, County Counsel

\_\_\_\_\_  
Scott C. Hege, Commission Chair

\_\_\_\_\_  
Kathleen B. Schwartz, Vice-Chair

\_\_\_\_\_  
Steven D. Kramer, County Commissioner



## MOTION

**SUBJECT: Resolution 20-008**

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I move to approve Resolution 20-008 opposing Proposed Revisions to the Columbia River Gorge Management Plan Policies for Urban Area Boundary Revisions.

**Columbia River Gorge Commission  
Proposed Revisions to Management Plan  
Talking Points for to Support Resolution**

Good morning Commissioners, thank you for having me back to continue the discussion regarding the proposed resolution to oppose the Gorge Commission's 2020 amendments that fail to protect and support the economic vitality of the Gorge, and proposed revisions to urban area boundary policies that are inconsistent with the Act and preclude future growth opportunities for the Gorge's urban areas.

I am having connectivity issues this morning, so I apologize for having to participate by phone. And - I don't typically like to read from a script, but this resolution has been heard and passed by the Port of the Dalles and the City of The Dalles – and to ensure you are provided the same context and information, I plan to read talking points prepared for this resolution by the collaborative effort of the county, port and city.

- The Columbia River Gorge Commission (CRGC) has released 500+ pages of redline revisions to the Management Plan. The proposed policy changes are wide-sweeping and significant.
- The CRGC has been discussing policy changes and concepts over the past two years but this is the first time the public has seen this version of the proposed redline revisions to the Management Plan.
- There are policy changes in almost every chapter of the plan, a whole new Climate Change chapter, and complete rewrites of several plan sections, including the section governing urban area boundary revisions.
- The proposed revisions were released to the public on June 1, 2020 and formal public comments are due on June 30, 2020. Staff will present a summary of the public comments to the Commission on July 21, 2020 and the Commission will deliberate and provide staff feedback. The final, revised Management Plan will be presented to Commission for approval at the August 2020 meeting.
- A 30-day formal public comment on 500+ pages of new redline language is inadequate time for meaningful public review and participation, particularly considering the breadth of the policy changes and the permanent impacts of such changes on our Gorge communities. It seems unrealistic, or at best, unauthentic, that staff could review and compile 1000+ comments within 21 days and be ready to meaningfully engage the Commission during a one-day Commission hearing on July 21, 2020. The proposed schedule is simply a pretense for meaningful participation but in reality, is a contrived public process.
- Multiple stakeholders have expressed concerns about the CRGC's approach to Plan revisions, in particular issues with version control of proposed language, the treatment of public comments and stakeholder input in its process, and what appears to be emailing and communication outside of the public purview. For example, there was concerns in April

about the version of the Economic Development chapter – it did not reflect the language that was previously discussed by the stakeholders group during December 2019 – in fact, it presented an entirely different version. In the 500+ pages out for public comment now, the new chapter, Climate Change, is not even identified as new language – it is shown as existing language. Public transparency in policy making is lacking.

- With respect to the substantive policy changes, there are many shifts in policy that reflect the Commission’s no growth policy. The revisions are not consistent with the Act in that the proposed changes ignore the second, but equal purpose of the Act – “to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner consistent” with the first purpose of the Act.
  - Changes to the land use designations eliminate a rural property owners rights to use for certain purposes and restrict currently allowed uses – e.g., bed and breakfasts, agritourism activities, and commercial events tied to agricultural operations. These changes are contrary to Oregon law and take away current rights. Many stakeholders have expressed opposition to these changes.
  - Changes to the urban boundary area revision language effectively prohibits any change in urban area boundary revisions except for the smallest of changes. 20 acres or 1 percent – whichever is less, one time change. There is collective concern about this absolute approach. It is not consistent with the stated purpose of the Act which expressly gives urban communities the ability to grow.
  - Urban communities will be unable to accommodate future growth or provide for new employment or industrial lands – worker housing will remain a shortage.
  - There is a new Climate Change chapter and many other changes to how the Commission will manage for SNCRs in General Management Areas that will impact rural landowners.
- The proposed changes to the urban area boundary revisions policies defer policy making to “case by case” decision making. The CRGC needs to make the policy choices now, during the Plan revision process and demonstrate that those policy choices are consistent with the Act. It cannot defer this choice because it cannot agree on what policy to adopt.

June 24, 2020

Gorge 2020 comments to Wasco County Board of Commissioners:

Since the adoption of the Management Plan in 1991 (which was 29 years ago), no need to expand the urban growth boundary has been shown.

In 2018 The Dalles did a buildable land inventory and determined there were 480 acres of buildable land with an estimated 232 acres needed in the next 20 years for housing (less than half).

For example in The Dalles there is a surplus of buildable land:

There are empty buildings and buildable lots both downtown and on the west end of town.

Nonindustrial uses have been allowed in the port area over the years which may have contributed to empty space elsewhere. (example of this: offices)

At some point if Google decides to relocate the result will be empty space in the industrial area. (You don't know what the future holds.)

If the economy takes a downturn, there will be even less growth and demand for buildable land in the foreseeable future.

Higher density in the urban area would be a better solution vs. expansion of UG boundary.

To prevent urban sprawl into the Scenic Area any urban boundary revisions need to be truly minor in scale. The plan is supposed to be reviewed every 10 years (so whatever the Gorge Commission decides now will be reviewed again later).

Once you expand the UG boundary you can't go back and contract it later if you decide it was a bad idea.

Thank you for this opportunity to comment.

Sincerely,

Sheila Dooley  
3300 Vensel Rd.  
Mosier, Oregon 97040