

## Notice of Management Plan Amendment

**The Columbia River Gorge Commission is seeking comment on the following proposed Management Plan Amendment to address minimum lot sizes in areas no longer mapped as wildlife wintering habitats in Wasco County:**

**PROPOSAL:**

The Columbia River Gorge Commission has received updated information from the Oregon Department of Fish and Wildlife (ODFW) on the deer winter range habitat for the National Scenic Area of Wasco County. The Commission is proposing to amend the Land Use Designation map for Wasco County that was adopted in October 2020, which was based on deer winter range data from 2012. The updated ODFW winter range data shows a reduction in area and eliminates several tax lots from deer winter range.

Until 2020, the Management Plan Land Use Designation Map showed a 40-acre minimum parcel size for the tax lots affected by the updated ODFW information. However, GMA Wildlife Habitat Policy 7 in the Management Plan specifies that the minimum parcel size for parcels within winter range east of Hood River is 80 acres. In 2020, the Gorge Commission revised the minimum parcel sizes on the land use designation map to reflect that policy and show the 80-acre minimum parcel size. This proposal will remove that 80-acre reference and restore the prior acre minimum parcel sizes for the parcels affected by the updated ODFW information.

**NOTICE DATE:**

April 12, 2024

**COMMENT DEADLINE:**

May 14, 2024

**INFORMATION SESSIONS:**

- Thursday, April 25, 2024, from 5:30 to 6:30 pm at 400 E. Scenic Dr., The Dalles, Oregon - Building 2, Floor 3 auditorium.  
Map <https://www.cgcc.edu/sites/default/files/map.pdf>
- Tuesday, May 7, 2024, from 5:30 to 6:30 pm via Zoom [\*\*ZOOM MEETING LINK\*\*](#)

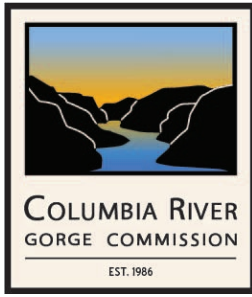
The Commission is presenting the updated Land Use Designations Map for a 30-day public review and comment period. A public hearing will be held during the May 14, 2024, Gorge Commission meeting to adopt the corrected map. The May 14, 2024, Commission meeting will be held via Zoom.

The staff report and proposed updates to the Land Use Designation Map are attached, available for review Monday through Thursday from 8:00 a.m. to 5:00 p.m. at the Gorge Commission office, 57 NE Wauna Avenue, White Salmon, Washington, or copies can be requested via email at [info@gorgecommission.org](mailto:info@gorgecommission.org).

Comments may be mailed to the Columbia River Gorge Commission, PO Box 730, White Salmon, WA 98672, or emailed to [info@gorgecommission.org](mailto:info@gorgecommission.org). All comments received are public records and will be provided to persons who request a copy in accordance with the Gorge Commission's rule governing public records (Commission Rule 350-12).

Use this [ZOOM MEETING LINK](#) to attend the May 7, 2024 Zoom meeting. You are also welcome to contact Connie Acker at [connie.acker@gorgecommission.org](mailto:connie.acker@gorgecommission.org) to obtain the link.

If you have any questions, please contact Mike Schrankel at [Mike.Schrankel@gorgecommission.org](mailto:Mike.Schrankel@gorgecommission.org).



**TO:** Interested Persons

**FROM:** Krystyna U. Wolniakowski, Executive Director  
Mike Schrankel, GIS Manager, Columbia River Gorge Commission

**DATE:** April 12, 2024

**RE:** **Proposed Amendment to the National Scenic Area Management Plan - Land Use Designation Map: Update of 80-acre minimum lot size to be reduced to 40-acre minimum lot size in areas no longer mapped as deer winter range.**

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### **What is being proposed?**

The Columbia River Gorge Commission (Commission) is proposing to reduce minimum lot sizes from 80 acres to 40 acres on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland, which were previously identified as deer wintering range in Wasco County by Oregon Department of Fish and Wildlife in 2012 but are now identified as non-wintering range as of 2020. The proposed Management Plan Amendment is necessary to show the prior minimum parcel sizes on the Land Use Designations (LUD) map for the affected tax lots.

The Commission is presenting the corrected LUD map for a 30-day public review. A public hearing will be held at the Commission's May 14, 2024, meeting to adopt the corrected map.

### **Two information Question and Answer sessions will be held:**

- On Thursday, April 25, 2024, from 5:30 to 6:30 pm in person at 400 E. Scenic Drive, The Dalles, Oregon - Building 2, Floor 3 auditorium  
Map <https://www.cgcc.edu/sites/default/files/map.pdf>
- On Tuesday, May 7, 2024, from 5:30 to 6:30 pm via Zoom [ZOOM MEETING LINK](#)

### **Criteria for Management Plan Amendment**

**350-50-020(2)** The National Scenic Area Act allows only the Commission to adopt a plan amendment:

- (a) If the Commission determines at any time that conditions within the Scenic Area have significantly changed; and
- (b) If the Commission approves the plan amendment by a majority vote of the members appointed, including approval by at least three members from each state. In the event of recusal, the doctrine of necessity shall apply.

### **350-50-030 Criteria for Plan Amendment Approval.**

The Commission must find the following criteria are satisfied before it approves an amendment to the Management Plan:

- (1) Conditions in the Scenic Area have significantly changed. This means:
  - (a) physical changes that have widespread or major impacts to the landforms, resources, or land use patterns in the Scenic Area;
  - (b) new information or inventory data regarding land uses or resources that could result in a change of a plan designation, classification, or other plan provision;
  - (c) changes in legal, social, or economic conditions, including those that affect public health, safety, or welfare, not anticipated in the Management Plan; or
  - (d) a demonstrable mistake in the Management Plan that has resulted in significant impacts or that involves significant issues, such as, but not limited to, a land use guideline that is less protective of Gorge resources than the policies the guideline was intended to implement; a land use designation that does not conform to the corresponding designation policies; or two or more guidelines that cannot be reasonably reconciled.
- (2) The proposed amendment is consistent with the purposes and standards of the Scenic Area Act; and,
- (3) No practicable alternative to the proposed amendment more consistent with the purposes and standards of the Scenic Area Act exists.

### **Analysis of Plan Amendment Criteria**

(1) Conditions in the National Scenic Area to have significantly changed pursuant to subsection (b). The LUD map adopted by the Commission in October 2020 was based on the deer winter range data that Oregon Department of Fish and Wildlife had publicly available at that time for Wasco County. Neither Wasco County nor ODFW informed the Gorge Commission that they were updating the inventory data concurrent with the Gorge Commission's Plan review and revision process. Wasco County adopted revised winter range data with ODFW's assistance in December 2020. In 2023, Wasco County informed the Gorge Commission that the winter range inventory data for the Management Plan was based on prior information and did not reflect the December 2020 maps. Several tax lots that are currently shown on the LUD maps as winter range are now excluded from winter range, therefore the minimum 80-acre lot size no longer applies and the LUD map needs to be updated to accurately identify minimum parcel size for tax lots no longer within current deer winter range.

(2) The applicable standards in the Scenic Area Act are Sections 6(d)(1) and 6(d)(2), which require that the Management Plan include provisions to protect and enhance agriculture and forest land for those purposes. The purposes of the Scenic Area Act are to (1) 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 Columbia River Gorge area by encouraging growth to occur in existing urban areas.

The proposed plan amendment is consistent with the purposes and standards of the Scenic Area Act because the revised minimum parcel sizes are the minimum parcel sizes that were assigned to the tax lots originally. The only reason the minimum parcel size on the affected tax lots was revised in

2020 to be 80 acres is because the tax lots were within deer winter range. The affected tax lots are all currently used for high-value farm use (orchards) and retain their agriculture and forest land use designations. Removing the 80-acre overlay on these parcels does not change any of the applicable land use or resource protection standards.

(3) There are two possible alternatives to the proposed plan amendment, but neither are more consistent with the standards and purposes of the Scenic Area Act than the proposed removal of the 80-acre minimum parcel overlay. First, the Gorge Commission could retain the current 80-acre minimum parcel size. This alternative does not increase protection or enhancement of the agriculture and forest lands for those purposes or to Gorge resources. The affected tax lots are already being used for high-value crops and have fencing to exclude deer to protect the crops and the health of the deer by limiting deer exposure to foods that are unhealthy to deer and toxins used to control weeds, insects, fungi, etc. One of the affected tax lots is designated small-scale agriculture and one is designated small woodland. There is a potential for landowners to divide those lots into more lots with a 40-acre minimum parcel size rather than an 80-acre minimum parcel size and construct a dwelling or other land use on each new lot. However, this possibility was considered at the time the Commission adopted the original Management Plan when the LUD map showed 40-acre minimum parcel size, so the most relevant comparison in potential development of these two tax lots should be between the original minimum parcel size and the proposed minimum parcel size, which would be the same.

The second alternative would be for the Commission to conduct a new evaluation of the affected tax lots to determine whether their current land use designation and original minimum parcel size is still appropriate. The Commission does not recommend this approach because the affected tax lots are currently used for high value crops and thus the evaluation would almost assuredly result in the same recommended land use designations. Additionally, the Commission has only re-evaluated the land use designation for one or two parcels since adopting the original management plan in 1991. These occurred in the mid-1990s. The two plan review and revisions processes since then did not result in changes to the LUD maps (except for conforming land use designations and parcel and road boundaries in 2020). On a landscape scale, the Commission is satisfied with the land use designation maps.

The Commission may choose to add additional discussion of the plan amendment criteria in a plan amendment decision document.

## **Background**

During the Gorge 2020 Management Plan review, GIS Manager Mike Schrankel made several Land Use Designation boundary adjustments to the LUD maps in the National Scenic Area for all six counties. These adjustments primarily involved adjusting the LUD boundaries to coincide with other geographic base data to better reflect the LUD boundary locations as originally intended.

While reviewing the clarified maps, Commission staff observed that several LUD labels incorrectly displayed the minimum lot size as 40 acres for certain LUDs within deer & elk winter range. On the Land Use Designation map, minimum lot sizes are indicated by a number in parentheses following the LUD name. For example, "Small-Scale Ag (40)" would indicate a minimum lot size of 40 acres.

The 40-acre minimum lot size did not concur with the Management Plan. Section 7 of the GMA Policies for Wildlife Habitat (page 97) states:

7. On lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland that include deer and elk winter range, new

parcels shall be .... 80 acres or larger in the east end of the National Scenic Area. In Oregon, the division between the west and east end of the National Scenic Area is the Hood River.

Regarding the delineation of deer winter range, GMA Policies for Wildlife Habitat (page 96) states:

1. *For the Management Plan:*
  - a. *Priority Habitats are identified by the Forest Service, Oregon Department of Fish and Wildlife, and Washington Department of Fish and Wildlife. The agencies revise their priority habitats from time to time. The list of priority habitats as of the date of adoption of this Plan is listed in Table 1. (Table 1 on page 123 lists "Winter Range" as a Priority Habitat with the criteria described as "Provides important habitat for deer and elk.")*

Gorge Commission staff verified that the deer winter range mapping data in our GIS was the [most current available from the Oregon Department of Fish and Wildlife](#).

After selecting all the relevant LUDs (as listed in Section 7 above) that overlaid the ODFW deer winter range, staff corrected several minimum lot sizes from 40 acres to 80 acres. To clarify, the only change was to correct the apparent error regarding minimum lot sizes on Agriculture, Forest, and Woodland LUDs that coincided with deer winter range as delineated by the Oregon Department of Fish and Wildlife. No Land Use Designations were changed.

The LUD clarification process, including this minimum lot size change, was explained in an Information Item letter to the Commission dated August 11-12, 2020 (attached).

The clarified LUD map was made available to each of the six NSA counties for review and comment in October 2019. We received several comments about the LUD boundary edits and followed up on each of those. We received no comments regarding the correction to the minimum lot size label.

The Commission adopted the revised LUD map at the October 13<sup>th</sup>, 2020, meeting.

### **Wasco County Comment**

On November 8, 2023, Wasco County Planning Director, Kelly Howsley-Glover, expressed her concern that the Gorge Commission had incorrectly changed some Land Use Designations in Wasco County. During a subsequent meeting with Ms. Howsley-Glover, she explained that Wasco County had been working with the Oregon Department of Fish and Wildlife to revise their deer winter range maps as part of their Goal 5 process during 2020. This coincided with our Gorge 2020 management plan review, but Commission staff were not made aware of the Wasco County Goal 5 initiative.

Kelly Howsley-Glover has provided a letter detailing Wasco County's Goal 5 process as it relates to deer winter range.

Through several meetings with representatives from Wasco County, the Oregon Department of Fish and Wildlife, and DLCD, Commission staff understood that Wasco County was relying on new mapping developed by ODFW to determine the extent and distribution of deer winter range. Wasco County GIS provided a copy of a GIS data layer named "Wasco County Overlay Zone 8: Sensitive Wildlife Habitat" and informed staff that this data layer should be used to delineate deer winter range, rather than the 2012 data layer available from ODFW. Since the Management Plan directs staff to obtain data directly from the authoritative source, we requested that ODFW provide an updated map that would coincide with the revised winter range. ODFW was not able to do so but

provided a letter explaining that they had worked with Wasco County to determine the revised winter range boundaries.

### **Staff Recommendation**

Commission staff have run an analysis of the Wasco County Sensitive Wildlife Habitat boundaries against the LUDs in which the minimum lot size labels were changed during the LUD clarification process. We determined that three LUDs and 16 tax lots were affected by the change in minimum lot size from 40 acres to 80 acres:

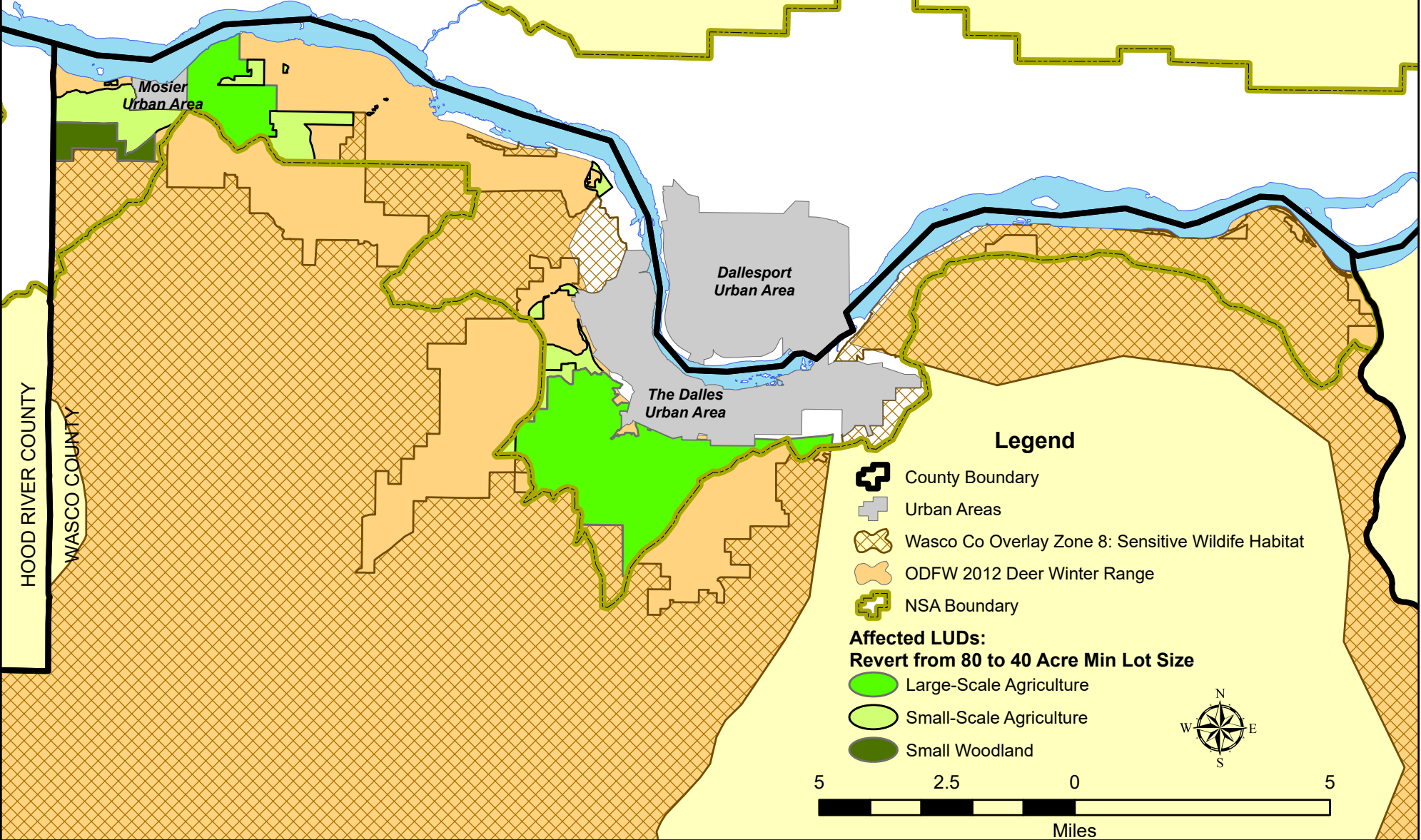
- Large-Scale Ag: Approximately 6,847 Acres, 14 Tax lots >80 Acres
- Small-Scale Ag: Approximately 2,493 Acres, 1 Tax lot >80 Acres
- Small Woodland: Approximately 605 Acres, 1 Tax lot >80 Acres

Staff recommends that the Commission adopt a revised LUD map with the minimum lot size labels on affected tax lots changed from 80 acres to 40 acres (see attached map).

Please contact Mike Schrankel, GIS Manager, at [mike.schrankel@gorgecommission.org](mailto:mike.schrankel@gorgecommission.org) with any questions. Please submit comments to [info@gorgecommission.org](mailto:info@gorgecommission.org).

# Wasco County Deer Winter Range Maps

ODFW 2012 Deer Winter Range  
and  
Wasco County Overlay Zone 8: Sensitive Wildlife Habitat



### Legend

- County Boundary
- Urban Areas
- Wasco Co Overlay Zone 8: Sensitive Wildlife Habitat
- ODFW 2012 Deer Winter Range
- NSA Boundary

### Affected LUDs: Revert from 80 to 40 Acre Min Lot Size

- Large-Scale Agriculture
- Small-Scale Agriculture
- Small Woodland

