

Columbia River Gorge Commission

Meeting Minutes

January 11, 2005

A complete record of this meeting is available on audiotape

Location: Best Western Hood River Inn, 1108 East Marina Way
Hood River, OR 97031

Time: 9:00 a.m.

MEMBERS IN ATTENDANCE

Harold Abbe
Kenn Adcock
Jeffrey Condit (9:20 a.m.)
Doug Crow
Judy Davis
Chris Knopp (for Dan Harkenrider)
Walt Loehrke
Joe Palena
Joyce Reinig
Kathy Sheehan
Anne Squier

MEMBERS ABSENT

Jane Jacobsen (excused)

STAFF PRESENT

Allen Bell, Senior Planner
Martha Bennett, Executive Director
Brian Litt, Senior Planner
Kathy Obayashi-Bartsch, Administrative Assistant

AUDIENCE PRESENT

Andersen, Steven. Cascade Planning Associates
Annus, David. Corbett, Oregon
Borland, Stacey. Skamania County Planning Department
Carlson, June. Oregon Department of Transportation (ODOT)
Elward, Rebecca. Yakama Nation
Lang, Michael. Friends of the Columbia Gorge (FOCG)
Lee, Rose. Yakama Nation
Leipper, Bob. Troutdale, Oregon
Mazeki, Mark. Skamania County Planning Department
Nicolai, T. Portland, Oregon
Pearce, Paul. Skamania County Commission
Swyers, Rita. Gorge Landowners United (GLU)
Thiemann, Phyllis. Columbia River Gorge Visitors Association
Whittmann, Michaella. Oregon Bridge Design Project (ODBP)

Wooster, Wayne. White Salmon, Washington

Chair Squier called the meeting to order at 9:04 a.m. and role was called. She welcomed new Skamania County Commissioner, Paul Pearce.

Approval of Minutes

Chair Squier asked the Commission to review and comment on the draft minutes.

December 14, 2004-Commissioner Abbe referred to page ten and said he did not catch the typographical error on the Committee assignments; it was Chair Squier. Commissioner Crow referred to page nine, and asked that his comments on clear cuts be revised to more closely reflect what was said. Chair Squier asked staff to check Commissioner Crow's comments against the tape.

Commissioner Sheehan made a motion to approve the minutes with the necessary changes to page nine and ten. Commissioner Reinig seconded the motion. A voice vote was taken and passed unanimously.

Chair Squier said as part of the Commission's September workshop, a self-assessment worksheet was developed for the Commissioners to rate their performance on selected goals. In earlier discussions it was agreed that these should be completed every few meetings and discussed. She asked the Commissioners for comments. Commissioner Davis said at the last meeting, one person was annoyed that the issue he raised in public comment was not answered by the Commission. She said one of the goals identified at the September workshop was that Commissioners would refer questions to staff as opposed to having Commissioners answer these questions. This approach gives staff time to research any issues that may be raised rather than having the Commission respond without having complete information. She suggested that the public be made aware of this procedure to lessen any misunderstanding or frustration. Chair Squier concurred with Commissioner Davis. Commissioner Adcock said he would not participate with the scorecard process as he believed it is a juvenile approach. There being no other Commission comment, Chair Squier called for public comment.

Public Comment

Steven Anderson provided written testimony (see attachment A) addressing his concern about the status of Plan Amendment applications. Martha Bennett, Executive Director said three applications have been filed and are being reviewed for completeness. Once this completeness check is done, then the applicant will be notified with a proposed timeline. Commissioner Reinig said she has discussed this issue with Bennett and work on Plan Amendment applications is underway. Bennett said according to Commission rules, they will be processed in order of receipt.

Rita Swyers read from prepared testimony (see attachment B) asking that the Commission compensate or return the use of property to those Gorge residents impacted by Gorge Commission actions and to acknowledge those losses to residents.

Rose Lee of the Yakama Nation said the Tribes have been working with various agencies pertaining to air quality. She introduced a new staff member, Rebecca Elwood, Coordinator for the air quality project. Elwood said that she looks forward to working with the Commission. Lee also reminded the Commission that a February air quality update was requested in August 2004. Chair Squier said that the formal update will be presented at the August 2005 meeting but that staff would explore options for an informal update in the meantime.

Staff Report on Compatibility Issue

Martha Bennett, Executive Director, reported on issues that have arisen related to interpretation and implementation of the compatibility guideline in the GMA Scenic Resources chapter of the Management Plan. As there are four pending appeals relating to this issue, the report and discussion did not address any specific facts related to those appeals.

Chair Squier said that it's important for the Commissioners to be able to participate in any appeal, and to protect that ability by avoiding ex-parte contacts. Commissioner Loehrke said he is concerned about having this discussion at all if four appeals are pending. Commissioner Crow said he is prepared to discuss this issue but the key is to remain unbiased and open. He said there is no substitute for Commission planners to educate county planners on these issues and is not sure if this education is occurring. He said if we hear anything about this issue today, it should be very limited with little discussion.

Commissioner Sheehan said it would be helpful to have an overview of the issue but did not want to have any discussion. Commissioner Reinig agreed that it would be best to have no discussion on the issue. Chair Squier asked Bennett to proceed.

Bennett provided a summary of this issue in three parts; general background, resource impact and Commission options.

General Background

Bennett said under the interim guidelines used before the original Management Plan (Plan) was adopted, there were no size limits. The original Plan has compatibility guidelines in two places (see attachment C). She said this is a scenic issue. The scenic provisions are in four parts: provisions that apply everywhere, those that apply only from key viewing areas, those that apply within the ten landscape settings and those that apply to scenic travel corridors. The compatibility question occurs in the original Plan in two places, first in the overall section then in many of the landscape settings. During plan review Wasco

County commented that the guideline is unnecessary in two places, so back in April the Commission adopted a consolidated guideline in the section of the Plan that applies everywhere: "New buildings shall be compatible with the general scale (height, dimensions and overall mass) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable."

Staff resumed substantial monitoring in late 2000 to 2001. Staff has the following observations based on monitoring:

- We perceive that there is an increase in applications for large buildings.
- We have seen more proposals for homes over 5,000 square feet in the past 24 months than in any other two year period in Commission history.
- Gorge Counties interpret Plan compatibility provisions differently from one another and differently than we do in Klickitat County.
- We did not monitor county decisions consistently for a period prior to late 2000 to 2001; as a result some large homes were built, unknown to the Commission
- There are a number of errors occurring at the county level, with the effect that buildings permitted and those built may not match.

Resource Impact

Bennett said the overall impact of the way some counties are applying this guideline (which is not true in all counties because they are applying the guideline differently) is larger and larger buildings, especially houses, are being built and we expect this pattern to continue.

Commission Options

Bennett said the Commission might:

- Do nothing. It is likely that this issue will reach the Commission as an appeal.
- Conclude that this development pattern is consistent with the Act and the Plan.
- Request more information and details on the issue after the current appeals are settled and then decide how to proceed.
- Issue an interpretation of the existing guidelines after the current appeals are settled.
- Direct staff to prepare a Plan Amendment to clarify the guideline and increase consistency of application. The Commission could do this independently of the current cases.

Commissioner Sheehan said she does not recall much discussion of this issue during the Plan Review process and asked whether comments were received about this guideline. Bennett said it was a topic discussed by the Scenic Committee but doesn't recall a lot of county concern on this issue. Commissioner Reinig said she participated in the Committee meetings and doesn't recall this issue coming up.

Chair Squier said based on earlier discussion, perhaps the Commission should not continue with any further discussion at this point. She asked the Commission how they would like to proceed.

Commissioner Crow suggested a sixth option which would be to meet with each county and discuss the issue. Bennett said staff has had formal discussions in the two counties that have active appeals and they indicated they would not change their interpretation. Bennett said all counties have been involved in some level of discussion and we would not bring an appeal to you if a lesser means could be used. She believes no informal discussions will resolve the current diversity of interpretation at the county level.

Commissioner Adcock said six years ago we had the Bea property problem that came about because staff was not monitoring county decisions. He said he hopes we are working more closely with the counties when these decisions are made. Bennett said we identified this issue by working closely with the counties. She said once these appeals are settled, we should discuss what our options are when we find a problem through monitoring county decisions. Currently, if a problem is discovered, our only option is to bring an appeal before the Commission or the Commission may direct staff to develop a Plan Amendment.

Commissioner Loehrke said Bennett has recognized a problem, which will need to be addressed. Until we review the current appeals, we don't really know what the issues are. We will define what the Commission's policy is going to be as we go through the appeal process.

Commissioner Condit said the criteria is subjective and encourages differing applications by the counties. He said after the appeals are over, he is inclined to consider option five because there is the argument that it is subjective and the argument that it hasn't consistently been enforced and this concerns me.

Commissioner Crow said since the counties operate under delegated authority, this authority can be drawn back to the Commission if needed. He said staff should put a "red flag" on certain items that may be a problem or where there is a pattern of problems, such as building size.

Bennett said that is part of the monitoring discussion she would like to have in the future. The only method currently available to staff is to bring an appeal before the Commission.

Chair Squier said she would like to get legal counsel's opinion on Commissioner Crow's suggestion. She said because the delegation is through the Act, it's not clear that Commissioner Crow's suggestion could be implemented and it would be worthwhile to have legal counsel's opinion.

Chair Squier said we are ahead of schedule and asked for the Director's Report.

Director's Report

Bennett reported on the following:

- Land use ordinance was sent in the Commission packet and we will try to make copies with the strikeouts and underlines for easier reading. We are on target for a March 8th hearing and comments from Commissioners and the public is needed. Commissioner Davis asked if the meeting location would be changed as it is currently scheduled for Troutdale, Oregon. Bennett said staff would discuss the meeting location.
- Bennett provided a budget update with the Washington and Oregon Governor's budgets (see attachment D), noting that the Washington budget may change as the new governor may make changes. She said no time line is available yet for Ways and Means hearings in Oregon or Washington. She noted that the joint program spending must be equal in the two states, so even if there is excess appropriation in one state, it cannot be used unless matched by the other state. The county grant funds for the Scenic Area land use ordinance has never been a part of the Oregon Governor's budget but has been a legislative earmark. We have already been in contact with the Oregon Governor's office about this and they have been very helpful. Chair Squier said this should not fall through the cracks again and Bennett said will be working with the Governor's office to monitor this.
- Commissioners should note that the Summary Report for a de minimus violation was part of the Commissioner packet and was not mailed separately.
- Plan Amendment completeness checks are underway with the three applications on file and staff will provide status reports on these applications at future meetings.

National Scenic Area (NSA) Managers Report

Chris Knopp, Acting NSA Manager, said Dan Harkenrider will be back by the end of the week and he will be returning to Washington D.C. He said he enjoyed his stay in the area and his work with the Commission. He said the Forest Service will be attending the ODOT I-84 meetings. Commissioner Davis asked about the budget issues for the Mount Hood and Gifford Pinchot Forest Service operations. Knopp said that due to budget constraints and some efficiency measures, each area would be losing about 15 staff each over the next year. He said the areas will be consolidating their financial management staff to Albuquerque. He said the NSA operation was not as greatly affected, although some adjustments will be made within the next year. Chair Squier thanked him for his work with the Commission.

External Affairs Committee Update

Commissioner Palena provided an update from the Committee's last meeting. He said we have a tremendous leg up with outreach at the Washington legislative

level due to Commissioner Abbe's extensive experience. The main thrust of the Committee is to develop an ongoing outreach effort. The Commission has not had an ongoing program for outreach in the past but will develop and maintain this effort. Commissioner Abbe will be very helpful in the outreach to Washington and we will need additional help in our efforts to Oregon.

Commissioner Abbe asked how the Commission obtained its budget through the Washington legislature. Bennett said staff works closely with the legislative staff and in the past, staff and Commissioners met with the legislature at some time during the session. She said we rely on our staff contacts to advise us of the most useful time to make a presentation and make sure they receive our message. Commissioner Abbe said he scheduled meetings with the Vice-Chair of Appropriations and the Chair of Joint Ways and Means Committee, not to make a detailed presentation but to alert them that Commissioners will take a more proactive approach. He said as the Washington budget situation is so tight, he believes it's important to have early and consistent contact.

Bennett said that any Commissioners who speak to a member of the legislature and advocate a certain position should keep track of their time and any expenses. Chair Squier asked that each Commissioner receive the rules about legislative contact and Bennett said she would provide this information to the Commissioners.

Chair Squier called for a break at 10:05 a.m. and called the meeting back to order at 10:20 a.m.

Review of Gorge Commission Committee Responsibilities

Chair Squier announced there would be no Executive Session as the Commission's Counsel is unable to attend today's meeting and an Executive Session will likely be rescheduled to February's meeting.

Chair Squier said the Commissioners will review Committee responsibilities (see attachment E) relative to the adopted workplan for the 2003-2005 biennium and opened the floor for discussion. She reminded the Commission that at the previous meeting, there was a question as to why some of Committees had not met recently. She said her response had been that these Committee meetings were driven by limitations of staff availability and the work plan. She said as a result some of the Committees have been less active than others and the Commission has not had sufficient resources to take on any new projects.

Chair Squier said there was a suggestion for the Committees to meet early in the year to examine Committee responsibilities, discuss what each should undertake, coordinate for staff resources, and recommend to the Commission any desired description change.

Commissioner Sheehan asked Bennett to review the work plan. Bennett said the work plan was developed after the biennial budget was released, nearly two years ago and some things have changed. She said anything highlighted meant it was delayed indefinitely or if something was going to fall behind, this is what would be delayed. Anything with a check was completed in May and anything with an arrow is being worked on at that time.

She said the three things highlighted in post Plan Review- inventory update, scenic monitoring program, and recreation plan update- are things that we have no current capacity to work on. Commissioner Crow suggested working with other agencies or private interest groups to work on some portion or increment of the Recreation Plan update. Bennett responded that even to work on a collaborative effort requires taking staff away from existing work and sometimes it can be more work managing the efforts of others. In order to work on the recreation plan, other work would be delayed.

Chair Squier suggested that brief Committee meetings be scheduled, perhaps tacked on to a Commission meeting, to review their role, priorities and staff requirements. This would provide a way to make more informed decisions for any shifting of work priorities.

Bennett said she recommends the Commissioners review the work plan tasks and decide which committee each task belongs to. She said rather than getting too caught up in the work plan for the current budget, the Commission should use the existing work plan as a starting point in developing a work plan for the upcoming biennium. Chair Squier said that with what is currently planned in the near future, it would be best for the Committees to meet and talk about their charges and what Committee members would like to focus on in the future.

Commissioner Abbe said he would like to develop a wish list of what the Commission should accomplish. He said the people who make budget decisions may not be aware of the Commission's work plan. Bennett said the work plan was submitted to the states in July as part of the budget submittal process. She said she agrees with his observation that the people making budget decisions are not aware of the Commission's work plan and the challenge is to communicate this to the decision makers.

Bennett suggested that the Commission parse the current work plan and the budget submittal for what the Commission is going to try to do in the upcoming biennium. The Committees should meet and confirm on how their charge fits in with this and this may mean some Committees will be more active than others.

Commissioner Condit said that we ought to be looking at the work plan and how each Committee fits in with the work plan. He said it is natural some Committees are busier than others at certain times and sees no problem with this.

Chair Squier suggested following Bennett's advice about how to proceed and that each Committee should meet for a review of its responsibilities. There was no further discussion.

I-84 Strategy Update

Brian Litt, Senior Planner and June Carlson of Oregon Department of Transportation provided an update on the Interstate I-84 Scenic Corridor Strategy currently underway (see attachments F-G), including upcoming public meetings in January. Development of the Strategy is an interagency effort under the leadership of the Oregon Department of Transportation. Litt said one of the problems is a lack of cohesive design features for highways that are compliant with the Scenic Area ordinance. He explained there are level one, two and three committees in the project: with level one is the group doing “most of the heavy lifting “, level two is a mid-management group, and level three is a policy making group.

June Carlson said the impetus for doing this was the billion dollar bridge replacement and repair program and the revised Management Plan. She said that as part of bridge repair program, a private contractor was selected to work on the project. Oregon Bridge Delivery Partners (OBDP) is the contractor that was selected and Michaela Whittmann of OBDP is part of the level one group and is present today.

Carlson said the first public comment meeting was conducted and some of the comments included interest in a repetition of historic materials used in the Gorge and in seeing the river and land forms from the highway while traveling (there is a real interest in a responsible vegetation management). She said this has been a great collaborative effort in learning about various agency requirements and what issues are of importance to these agencies.

Commissioner Adcock said it sounds as if many different ideas are coming forth and he is concerned about what this may do to the cost of projects. Carlson responded that cost will certainly be addressed and is a concern of hers. Commissioner Adcock said maintenance costs must be considered as well. Carlson agreed that we must be good stewards of public funds and maintenance was something being factored in with ODOT maintenance expertise involved with the project.

Commissioner Reinig said she is pleased to hear Carlson's comments about the financial aspect in developing these guidelines as some projects get so focused on the design aspect that the financial aspect is overlooked. Litt said that this strategy is intended to streamline the permitting process for ODOT and in the long run will lower costs, especially when you consider avoiding lengthy delays and legal challenges.

Commissioner Davis asked how this work is considering the impact of a possible casino in Cascade Locks and the proposed Troutdale intermodal transportation station. Carlson said these developments are definitely concerns but the project is not a traffic study and will not address these issues in depth.

Commissioner Crow said he has many concerns including recreational access, rock quarries, environmental considerations, noise and air pollution and fuel reduction within the right of way. He said he may attend the meetings to express his personal concerns. Carlson said many issues are going to come up in these public meetings and she welcomes his participation and comments.

Commissioner Loehrke said there is considerable impact from I-84 on the Washington side. He asked whether Washington transportation agencies are participating in the project. Carlson said she understands how development along I-84 can impact the Washington side of the river. She said the vegetation management piece may be an entity of its own because of its considerable impact not only on visual aspects and road safety but its impact on fish habitat, wildlife, etc. Litt said the Washington State Department of Transportation and State Highway Patrol are on the mailing list and are sent notice of the meetings. He said the scope of this project is limited and we aren't going to be able to address every issue.

There being no additional Commissioner questions or comments, Chair Squier thanked them for the update.

Other Business

Chair Squier said in follow up to the discussion from the last meeting, she has decided to maintain the Committee assignments as proposed (see attachment H).

Commissioner Crow said the Oregon Department of Forestry has a fuel reduction program in the Rowena and Seven Mile area. Some of the areas may be in the SMA and GMA, though the preponderance of it outside the Scenic Area. Those areas in the SMA and GMA may need review as they are reducing brush and stems. Bennett said she thought the Commission had been briefed on this issue. Staff coordinated with both state forest agencies for these fuel reduction programs. Any land owner may propose a fuel reduction project which is then submitted to the appropriate land use agency. The fuel reduction proposal is cross-referenced against any existing land use permits. Bennett said she knows this is the case in Klickitat and Skamania Counties. Litt said we've received a small number of applications from Wasco and Skamania Counties and none have been received from Hood River County. We are sent a copy and coordinate with the State Forestry to be sure property owners are not in conflict with any condition of approval.

Bennett said she will prepare one page briefing documents for our contacts with the legislature and will have the External Affairs Committee review them.

There being no other business, Chair Squier adjourned the meeting at 11:25 a.m.

The next regular meeting is scheduled for 2/08/05 at the Discovery Center in The Dalles, Oregon at 9:00 a.m.

Minutes taken by Kathy Obayashi-Bartsch

Minutes approved on 2/8/05