

# **Columbia River Gorge Commission**

## **Meeting Minutes**

**March 08, 2005**

***A complete record of this meeting is available on audiotape***

Location: Troutdale City Conference Building, 223 S. Buxton, Troutdale Oregon

Time: 9:00 a.m.

### ***MEMBERS IN ATTENDANCE***

Harold Abbe

Kenn Adcock

Doug Crow

Judy Davis

Jane Jacobsen

Dan Harkenrider

Walt Loehrke

Joe Palena

Joyce Reinig (10 am- 2 pm)

Kathy Sheehan

Anne Squier

### ***MEMBERS ABSENT***

Jeffrey Condit (excused)

### ***STAFF PRESENT***

Martha Bennett, Executive Director

Jennifer Kaden, Planner

Brian Litt, Senior Planner

Jeff Litwak, Counsel

Kathy Obayashi-Bartsch, Administrative Assistant

### ***AUDIENCE PRESENT***

Andersen, Steven. Cascade Planning Associates

Baker, Nathan. Friends of the Columbia Gorge (FOCG)

Borland, Stacy. Skamania County Planning Department

Casseseka, Clifford. Yakama Nation

Elward, Rebecca. Yakama Nation

Kahn, Gary. Counsel for FOCG

Karabut, Diana. Portland, Oregon

Kelly, Virginia. U.S Forest Service

Lang, Michael. Friends of the Columbia Gorge (FOCG)

Leipper, Bob. Troutdale, Oregon

Lichtenthaler, Eric. Corbett, Oregon

Simione, Angelo. Gorge Landowners United (GLU)

Thompson, Geoff. GLU

Wilkins, Maxine. Portland, Oregon

Witherspoon, Karen. Skamania County Planning Department  
Wooster, Wayne. White Salmon, Washington

Others were present during the day.

Chair Squier called the meeting to order at 9:00 a.m. and role was called.

### **Approval of Minutes**

Chair Squier asked the Commission to review and comment on the draft minutes for February 8, 2005. Commissioner Adcock said the watermark "draft" was not on his copy and this is needed. Staff explained the watermark was very faint as the copier wasn't working properly, when the copies were made. Commissioner Sheehan asked staff to check the comments made by Clarence Mershon on page three, as she believes it should read "everything the government does is not always wise". Commissioner Sheehan made a motion to adopt the minutes making any appropriate wording change, after staff checks the tape. Commissioner Jacobsen seconded the motion. A voice vote was taken and passed unanimously.

### **Comments from Tribal Nations**

Rebecca Elward said she works for the Yakama Nation (although does not represent the Yakama Nation) but is aware of two general concerns. These are air quality and Tribal representation on the Commission. She spoke of the beauty of the area and said she doesn't want to leave a legacy of "haze" for her children. She supports economic vitality but not at the expense of the natural and cultural resources of the area. According to the fog water study, the pollutants in the air may be contributing to the degradation of cultural resources, such as rock art. She said the Tribal nations need a consistent representative voice on the Commission.

Chair Squier thanked her for her comments and noted if Clifford Casseska of the Yakama Nation arrived, he would be given time for testimony.

Commissioner Crow asked for a staff summary on the fog water study. Martha Bennett, Executive Director said staff will provide information.

### **Public Comment**

Geoff Thompson of the Viewpoint Inn thanked the Commission for allowing public comment at the February meeting in support of the Inn and noted that there was nothing occurring at the Inn in violation of permits or anything illegal.

Angelo Simione of the Viewpoint Inn provided copies of the Gresham Outlook (see attachment A) about the Viewpoint Inn. He said he was part of a Multnomah County citizen's advisory committee for the revised Management Plan. He said a Commission land use planner in the sessions would be helpful as the county staff

can't always answer their questions. He also suggested consideration of Robert Leipper as a Commissioner.

Commissioner Crow said he received a letter from Brian and Cynthia Winter that may be an ex-parte contact.

Michael Lang said FOCG published their spring hike schedule in the last newsletter and all hikes are free to the public. He said the fog water deposition study was just released to interested groups and provided a copy of the summary points (see attachment B). The summary included comments about harm to ecosystems, Native American rock art, and human health concerns. He commented on the overall delays and lack of results from the air quality project and hopes the Commission will follow up with the appropriate state agencies to reinvest in the program. He provided copies of the FOCG comments on reintroduction of Mountain Goats (see attachment C1-C2) in the Gorge.

Clifford Casseska, representing the Yakama Nation said the values of the Yakama culture differs from your cultural values. The United States Congress recognized the area as very unique and regardless of economic concerns, the area must be protected. He reminded the Commission to recognize indigenous people's values and not just their own. He used the example of the Lewis and Clark trail, noting those trails were already established by indigenous people.

#### **Public Hearing on Proposed Adoption of a Draft Land Use Ordinance (Commission Rule 350-81)**

Martha Bennett said that Commission Rule 350-81 is part of implementing the revisions to the Management Plan adopted by the Commission in April 2004. She said it is important to have the ordinance in place for any county that chooses not to implement the Management Plan through a land use ordinance. She said she recommends having this ordinance in place before the 270-day clock expires. Brian Litt, Senior Planner gave an overview of the comments and Jeff Litwak, Counsel, discussed the process and options the Commission has for adoption.

Litt summarized the comments received on the draft rule 350-81. Written comments (see attachments D1-D4) were received from the United States Forest Service (USFS) (D-1), Commissioner Sheehan (D-2), Klickitat County Board of County Commissioners (D-3) and Chair Squier (D-4).

Litt said staff agreed with all suggested changes outlined by USFS.

Litt said staff reviewed Commissioner Sheehan's comments and agreed with all suggested changes outlined by her with exception of her comment about the guidelines not requiring a grading plan for sites not visible from a key viewing area (KVA) on slopes over 30%. He said the Commission would be free to add such a provision to the ordinance because it would make the ordinance more restrictive than the Plan.

He said staff reviewed the proposed changes from Klickitat County. The last page of the letter lists several typographical errors. Staff agree with all of the suggestions on the last page except for the fifth bullet and the seventh bullet.

The fifth bullet references 350-81-036, page 28 of the ordinance. Staff deleted an item which was in the prior rule 350-80, about the Director not accepting applications if deemed that they can't be acted upon in 72 days. This item was deleted because it is addressed by other provisions in the ordinance.

The 7th bullet references 350-81-054(2)(a), language accepting an application as complete after 14 days of review. Klickitat County suggests the second sentence is confusing and recommends deletion of the sentence. Staff does not agree with this as the first sentence is talking about the review time period for determining completeness and the second sentence refers to what happens after a decision has been made about whether an application is complete.

Klickitat County also raised four larger issues that they ask the Commission to modify.

1. 350-81-020(169), page 21-The definition of retention and partial retention were in the prior rule. In revisions to the Plan, USFS deleted those and replaced those with new definitions. These USFS actions relate to the Special Management Area (SMA), and Commission staff does not have the authority to alter these regulations. Litt said the Forest Service could answer questions about this issue.
2. 350-81-032(3), page 23-The draft ordinance would give authority to the Executive Director to charge fees in the future for applications. This language does not impose a fee but gives the authority to do so in the future. Bennett said that the Commission could change the ordinance so that the Commission would establish fees instead of delegating authority to the Executive Director.
3. 350-81-108(2)(h), page 81-83-This comment expressed general support for the Management Plan change that will allow commercial events.
4. 350-81-600(3)(d), page 216-217- A question about the SMA natural resource review, priority habitats on pages 216 and 217 of the draft ordinance. These were provisions in the SMA and the Commission had to adopt the revisions made by the USFS for the SMA. Staff recommends no change but the USFS may have comments on this.

Litwak reviewed the process of adoption and filing. He said if adopted today, the rule would be transmitted to the Secretary of Agriculture, who has 90 days to

concur with the portions that affect private land in the SMA. The Secretary's concurrence would likely take place around June 6<sup>th</sup>. Litwak recommended that the Commission specify an effective date of July 1, 2005. If the Commission decided to adopt at the April meeting, the time for concurrence would be the middle of July, and staff would recommend that the Commission specify the effective date as August 1, 2005.

Litt said the Commission received verbal testimony from FOCG in December. Litt also indicated staff agreement with Chair Squier's list of typographical errors and corrections, with one exception. Squier questioned a USFS clarification on page 46 that involves the SMA provision for deposition of spoils. Staff discussed the provision with USFS staff and believe the change is consistent with the intent of the Management Plan revisions. Staff recommends that it remain as suggested by Forest Service staff (no change).

The Commission opened the public hearing.

Wayne Wooster testified on behalf of the Klickitat County Commission (see attachment D2). He said the County requested clarification of the terms retention and partial retention. The County would like these terms defined in the ordinance or replaced with other terms already in the list of definitions. He said the issue of fees should not be included because the Commission sent a letter to Oregon, stating that it was not warranted. The County questions what has changed within the last year to include this fee language. The County has two questions: whether setting a fee is appropriate and what is the proper administrative process. A fee system should have its own dedicated public process and not buried in the land use ordinance. Finally, Wooster said the SMA natural resources section is confusing, especially the review table on page 216.

Steven Anderson of Cascade Planning Associates, read from prepared testimony (see attachment E).

Michael Lang of FOCG and Gary Kahn, FOCG Counsel read from prepared testimony (see attachment F).

Chair Squier asked if there were any additional comments or questions for staff. There were no questions and she opened the floor for discussion.

Commissioner Adcock said the terms retention and partial retention should be defined as requested by Klickitat County. Bennett asked Virginia Kelly, USFS, to address this issue. Kelly explained that Visual Quality Objective (VQO) appears in the Plan, in the SMA Scenic Resource policies. Kelly said it is not in the ordinance because VQO wasn't in any of the guidelines, and it's the guidelines that get translated into the ordinance. She suggested adding "not visually evident" to retention and "visually subordinate" to partial retention. These

phrases could be added in parenthesis to clarify the terms. Commissioner Adcock agreed with the suggestion.

Chair Squier said we have two options, to add definitions to the glossary of the ordinance or to add the parentheticals.

Commissioner Adcock said the issue of fees was generated by staff without discussion with the Commission. The Commission's past decision on the issue was that the agency would not set fees, mainly because it costs more to implement than what would be collected and fees would go into the general fund, not to the Commission. He said this suggestion, to collect fees, was brought forth by the Oregon Legislature and was directed at Klickitat County and yet this ordinance is for any county which does not adopt a land use ordinance of its own.

Adcock said that the adoption should be postponed as FOCG suggested but for different reasons. The fee issue needs to be discussed and the errors in the draft ordinance should be corrected before adoption. He discussed the Washington state funding given to counties which administer a Scenic Area land use ordinance, noting that because Klickitat County does not implement a Scenic Area ordinance, the state funds \$40,000 for implementing an ordinance in Klickitat County as part of the Commission's budget. Charging fees may be putting the Commission on a slippery slope and if fees are charged, he would contact his state legislator, to recommend a \$40,000 reduction of the Commission's budget.

Bennett said the proposed language simply allows the Commission the option to charge fees in the future. She recommended the Commission revise this language to give the authority specifically to the Commission and not the Executive Director. She said this would provide a public process. The Commission already has language very similar to this in two rules that were recently adopted for appeals. Bennett provided a review of fee issue and the direction that came from the Oregon legislature.

Chair Squier said the effect of the provision is that the Commission would have the authority to set fees in the future. She said it might be helpful to be explicit that the Commission would have to hold a public hearing before it set fees for review of development applications. Squier added that if the Commission deletes this language, it would have to go through a complete rule making process, including all appropriate noticing, public hearing, waiting periods and other associated work. Squier said the staff proposal would create the authority for fees in this rule. The Commission may never exercise it, and Squier said the Commission can make it very clear that won't be exercised until we have another public hearing.

Commissioner Sheehan said she supports creating the authority for a fee and changing the authority to the Commission instead of the Executive Director.

Commissioner Davis said she supports the Commission's authority to set a fee with the authority to the Commission not the Executive Director.

Commissioner Loehrke said he agreed with Commissioner Adcock and we should delete this item.

Commissioner Sheehan made a motion to approve 350-81-032(3), page 23. Application for Review and Approval of application fee to read as follows:  
"The Commission may charge a fee for review of applications. The Commission shall set the fee."

Commissioner Reining seconded the motion.

Chair Squier suggested a slight change to the motion to add to the first sentence: "after a public hearing".

Commissioner Sheehan and the second (Reinig) accepted this change. The motion to approve 350-81-032(3) to read as follows:

"The Commission may charge a fee for review of applications after a public hearing. The Commission shall set the fee."

A vote was taken and passed 9 to 1.

Harold Abbe-aye  
Kenn Adcock-no  
Doug Crow-aye  
Judy Davis-aye  
Jane Jacobsen-aye  
Walt Loehrke-aye  
Joe Palena-aye  
Kathy Sheehan-aye  
Anne Squier-aye

Chair Squier continued discussion on the Klickitat County comments. She noted that as to the Special Management Natural Resource Table there is no request for a change but there are questions about it. Commissioner Harkenrider said staff did not review this with the Klickitat County planners but will work with them to answer any questions.

Bennett said staff would prefer keeping the terms retention and partial retention in 350-81-020(169), page 21. Commissioner Davis said she supports Virginia Kelly's suggestion to add the parentheticals as follows: retention (not visually

evident) and partial retention (visually subordinate). All Commissioners agreed to this change.

Chair Squier referred to the last page of the Klickitat County comments, noting staff agreed with all items, except the 5th and 7th bullets.

The 5th bullet 350-81-036, page 28. The County has no specific recommendation, but staff intended to make this deletion because it seemed unnecessary and was referenced elsewhere.

The 7th bullet, 350-81-054(2)(a), page 38. The County requests the second sentence to be deleted.

Chair Squier suggested the following: "Within 14 days of receipt of an application the Executive Director shall determine whether the application is complete and if complete, accept the application." Commissioner Abbe supported Chair Squier's suggestion.

Commissioner Crow said he would prefer two separate sentences as it addresses different situations. Bennett said staff will work on proposed language at the break. This also occurs on the top of page 28 and perhaps a few other places, so if you authorize this change, it will apply to anywhere else this phrase appears in the ordinance.

Chair Squier concluded discussion of the Klickitat County comments.

Chair Squier said Commissioner Sheehan's comments largely identify typographical errors except for one item. Commissioner Sheehan referenced 350-81-(6)(c)(A), page 25, "In the general management area, all applications for structural development involving more than 100 cubic yards of grading on slopes between 10% and 30% shall require a grading plan." The issue is if a slope is greater than 30% a grading plan is not required the way this is written. Chair Squier said in that same section for the SMA a grading plan is required for slopes greater than 10%, and the same language could be used. Commissioner Sheehan said she would like to use the same language, and all Commissioners agreed.

Chair Squier asked the Commission to consider Steven Anderson's comments on the expiration of approvals, page 31 of the ordinance. The language in the draft ordinance is consistent with the language that the Commission debated, had public hearing on and adopted in the Plan. No Commissioner requested changes. Anderson's last issue is on the three policies of uniform application of the Management Plan, page 2. There were no comments from the Commission.

Chair Squier said the FOCG comments did not ask for changes but addressed a policy issue that we will be discussing. There were no comments from the Commission.

Chair Squier said staff concurred with all Forest Service comments, which were primarily editorial items. Commissioner Sheehan said she had checked these and agreed with all items.

Chair Squier said her comments were mostly editorial changes. The only one that may arguably be substantive is 350-81-054(6)(a), page 40, Expedited Review Notice of Decision. She would like to add anyone who commented on the application is also notified. The Commission agreed with this change.

Bennett said she consulted with Virginia Kelly about Commissioner Sheehan's comment, on 350-81-074(1)(a)(G), page 56 about fences. The language in the draft ordinance reflects a deliberate distinction made during Plan review because only the second type of fences (wire strand fences) can be used in deer and elk winter ranges because woven wire fences may interfere with deer or elk movement. Staff and the USFS recommend that you don't accept Commissioner Sheehan's suggestion because of this winter range consideration. Commissioner Sheehan agreed and accepted their recommendation for no change.

Chair Squier called for a break at 10:50 a.m. and called the meeting to order at 11:00 a.m.

Bennett said proposed language for 350-81-054(2)(a) Procedures for Expedited Review Process, page 38 is as follows:

paragraph a: "Within 14 days of receipt of an application, the Executive Director shall review the application for completeness and if complete, shall accept the application for review.

Add to the end of paragraph b: "The Executive Director shall review supplemental application materials within 14 days after receipt of the materials to determine if the application is complete."

Commissioner Crow said this satisfied his concerns that the process continue to move forward and staff have definite time periods in which they have to do something. All Commissioners agreed with this change.

Chair Squier opened the floor for other issue and comments.

Commissioner Adcock suggested that all the changes and errors need to be corrected in a final draft before adopting the ordinance. He made a motion to defer action until a final draft is completed. Commissioner Jacobsen seconded the motion.

Commissioner Loehrke asked Commissioner Adcock whether he intended additional public comment to be taken on the final draft. Commissioner Adcock said that should not be needed as public comment has been taken today.

Bennett said if you do not want additional public comment your motion should use the term "continue action" and be date certain, otherwise you need to publish a new rulemaking notice. Commissioner Adcock agreed with this suggestion, saying we continue this session to review a final draft to the April 12, 2005 meeting. Commissioner Jacobsen withdrew her second due to the date certain element. Litwak said it can be continued again at the next meeting if you are not prepared to adopt and Commissioner Jacobsen said with that information she would second the amended motion.

Commissioner Davis said she doesn't support the motion and wants to save time and expense. She said she trusts staff to make all the changes discussed today. Commissioner Palena agreed with Commissioner Davis.

Commissioner Crow said he's generally supportive of adopting the ordinance as long as the staff believes it can be accomplished. Bennett said the changes would be made and sent to the Secretary of Agriculture next week.

Commissioner Sheehan supports taking action today as this ordinance serves as a template for other counties when developing their own ordinance and saves time and expense.

Commissioner Adcock asked what would be involved in producing another draft. Bennett said staff can make the changes but the copying expense is considerable.

Commissioner Jacobsen said that she does not doubt the ability of staff to produce a corrected version but there are some substantive changes.

Commissioner Adcock said he would withdraw the motion.

Commissioner Reining made a motion to approve the rule 350-81, with the following amendments:

All corrections and clarifications as discussed:

All of Commissioner Sheehan's suggestions except 350-81-074(1)(a)(G), page 56 about wire strand fences.

All of Chair Squier's suggestions, including 350-81-054(6)(a), page 40.

Change the effective date of the ordinance to July 1, 2005

350-81-020(169), page 21: Visual Quality Objectives

350-81-054(2)(a) page 38: Procedures for Expedited Review Process

350-81-032(3) page 23: Application for Review and Approval of Application Fee

350-81-32(6)(c)(A), page 25: Grading Plan Requirements

351-81-054(2)(a), page 38 and 350-81-036, page 28: Procedures for Expedited Review and Acceptance of Application

All USFS comments

All Klickitat County editorial suggestions, except 350-81-036, bullet # 5, and 350-81-054(2)(a), bullet # 7.

Commissioner Palena seconded the motion

Commissioner Jacobsen asked how any additional typographical errors would be handled. Litwak said it would be best to include only those items discussed today and any subsequent items would be compiled and brought back to the Commission.

Commissioner Sheehan suggested adding that if rule 350-81 is made ineffective for any reason, rule 350-80 would remain in effect. The maker of the motion and the second accepted this amendment clarifying that the Commission is not repealing 350-80 and that it would be applied if for any reason 350-81 could not be implemented.

Chair Squier said the record should be clear that we are adopting ordinance 350-81, not revisions to ordinance 350-80.

A vote was taken and passed 8 to 2.

Harold Abbe-no

Kenn Adcock-no

Doug Crow-aye

Judy Davis-aye

Jane Jacobsen-aye

Walt Loehrke-aye

Joe Palena-aye

Joyce Reinig-aye

Kathy Sheehan-aye

Anne Squier-aye

### **Director's Report**

Bennett provided an update on the following:

Bennett said the Commission will conduct preliminary review of one plan amendment at this meeting. Two are scheduled for preliminary review at the April meeting, and two are scheduled for preliminary review at the May meeting.

Bennett said that staff has prepared information in response to public comments offered by Bob Leipper at the February meeting. (see attachment G). She said staff did not respond to any items that were expressions of Mr. Leipper's personal opinion. She said some items have been forwarded to Multnomah County for their response. She said that she either provided more information to the Commission about remaining concerns or asked staff for additional research.

Bennett said the federal appropriations request that the Commission debated in February is ready to go to members of Congress. Bennett said nearly 30 groups had signed on to the letter. Bennett thanked Lee Curtis, Peggy Bryan, Katy Daily and Diane Barkhimer for this work. This letter outlines a funding request for economic development, recreation and other Gorge area projects. Commissioner Jacobsen said she spoke to Representative Brian Baird who is happy that it represents a collaborative effort.

Litwak provided an update on the Washington Court of Appeals ruling on the Stevenson urban area boundary case. The court upheld a past Commission decision.

### **NSA Manager's Report**

Commissioner Harkenrider provided an update on the following:

Klickitat River Trail. Landowners along the Klickitat River appealed to the Surface Transportation Board about the Klickitat Trail. The Forest Service will keep working with Washington Parks on the trail, unless something definitive occurs from this appeal.

Dog Mountain Trailhead. Washington State determined the project will result in the loss of truck parking space, so the project has been postponed to 2006 until a solution can be found.

Oneonta Gorge site. Improvements to the parking and reopening the old tunnel are planned as a federal highway project.

Fire Season. USFS is getting prepared for an early fire season. We have a great relationship with the local and rural fire districts and will be working with them throughout the season.

Chair Squier recessed the meeting at 11:50 a.m. for a lunch break and called the meeting to order at 1:15 p.m.

### **Preliminary Review of Plan Amendment Application (PA-04-02)**

Chair Squier said that in this preliminary review, the merits of the application are not before the Commission. Debate and public comments should be limited to the question whether to commence review of the application.

Commissioner Reining said she has had contact with some of the owners and with different issues relating to that property in her experience with Hood River City and County. Commissioner Crow said he knows some of the applicants as well, but did not think his contact was sufficient to exclude him from participation in any future decision. Chair Squier said all ex-parte contacts would be disclosed as needed when and if the Commission addresses the merits of the application.

Bennett said the process today is a preliminary review of a proposed amendment to the Management Plan, providing an opportunity for the Commission to ask questions of the applicant prior to formally reviewing an amendment. The Commission also must decide whether it has sufficient resources to proceed with formal review.

Jennifer Kaden, Planner, said the proposal is to change the minimum parcel size of five adjacent parcels in Hood River County from a 10 acre minimum parcel size to a 2 acre minimum parcel size. She called the Commission's attention to a map of the area for reference. She said there would be 15 working days for the submission of additional information from the applicants and a 20 working day period for public comment. She noted who would be notified, such as the Tribes and Forest Service and any landowner within 200 feet of the affected property. She provided a review of the staff report and application (see attachment H).

Chair Squier asked the applicants to identify themselves. Alexandra Sosnkowski identified herself as the attorney representing the applicants and said she would speak on their behalf.

Commissioner Davis asked whether these parcels are part of the area west of Hood River that is exempt from visual subordination requirements and whether the property has been considered for an urban boundary line adjustment. Kaden said these parcels are not subject to the visual subordination standards. Sosnkowski said she is the Hood River City attorney and is privy to some of the planning issues. She said when this application began three years ago, the urban area line was not on the City's radar screen. She added that the City will be analyzing their potential need for an expanded urban growth boundary, but she believes that analysis won't take place for years.

Commissioner Loehrke asked about how this became a 10 acre zone. Kaden said some of the history would be part of the analysis. Sosnkowski said she researched this issue listening to the tapes but the specific issue is not intelligible on tape and the minutes are truly "minutes" without much detail.

Commissioner Reinig said the Commission should determine what is best suited for the property as an appropriate land use rather than personalities involved past and present. Reinig said the Commission should consider the land that surrounds this property.

Commissioner Sheehan said there is some confusion between city, urban boundary and scenic area boundaries and said it would be helpful to have this information clarified. Chair Squier agreed and said she would like to see a “big picture” mapping of the area showing all these features.

Commissioner Sheehan asked for clarification about shadow plats, about how the properties are now more closely located geographically to transportation and other public facilities as mentioned in the application (page 4), and for clarification about public utilities: are they going through (page 9) or around (page 10) the property? Sosnkowski said the shadow plat was a requirement of the County, no action was taken and is nothing the Commission has to be worried about. Sosnkowski said she'd clarify the issue about utilities.

Commissioner Jacobsen said we should look forward to the best use of the property rather than review why it was zoned a certain way. Bennett said the applicant and Commission must demonstrate that conditions have changed since the original regulations were adopted, so they must discuss the historical reasons for the zoning.

Commissioner Abbe asked how much of an impact will this application will have on staff resources. Bennett said staff has planned to do this work and have set staff assets aside to do this work.

Commissioner Crow asked for clarity on whether there is an alternative to the proposed amendment that is more consistent with the Act. This raises the question of the City of Hood River and the Hood River County coming to us with an extension of the urban area because the Commission is supposed to be encouraging development within the urban area. Crow said he is concerned about a precedent for private landowners to come with Plan Amendments, where perhaps the situation is not quite the same.

Commissioner Loehrke asked whether the City is planning on restructuring of their urban area and whether these properties might be included in such a change.

Commissioner Reinig asked what discussions the City has had with the County in changing the urban growth boundary. Sosnkowski said there has been no dialogue that she is aware of.

Commissioner Sheehan said that in order to assist us in determining whether such action is setting a precedent, a summary of other parcels that would be in the same situation throughout the Gorge should be part of the staff analysis.

Chair Squier said she would like to see views from the Washington side of the river to determine the overall impact of such a change.

Michael Lang of FOCG read from prepared testimony (see attachment I), noting that plan amendment is to be used only when significant area changes occur and is a discretionary function. He said of these pending amendments, most do not serve the greater public good but fulfill the needs or desires of a specific individual or a small group. Due to lack of funding, many mandatory functions are not being fulfilled by the Commission and FOCG recommends postponing plan amendment as this is a discretionary function.

Bennett reviewed the list of outstanding items to be provided as follows:

Applicant should provide:

- specific examples of the new transportation and public facilities cited in the application
- explanation of the statement in the application about the public facility infrastructure around the property and in contrast to the new transportation and public facilities
- maps of broader areas around Hood River and further west and east
- clarification of terminology used: Scenic Area boundary, urban area boundary line and City boundary line
- good information about what the area looks like from other Key Viewing Areas, especially the WA side

Staff Analysis should include:

- comprehensive evaluation of parcels zoned R-10, especially if surrounded by smaller minimum parcel sizes
- formal communication with the City and County of Hood River as to the urban boundary issue, whether an adjustment is planned, and if these parcels would be included.

Squier asked that the applicant speak with the City about any plans for an urban boundary change.

Commissioner Crow said we need to consider the cumulative effect and what the overall density may be and how many home sites are possible. Sosnkowski said the land division is not the issue before you. Commissioner Crow said we still need to consider the cumulative impact in order to have some protection of resources.

Chair Squier asked Bennett if staff is ready to proceed and Bennett confirmed that staff is ready. Commissioner Sheehan made a motion to commence with the

Review of Plan Amendment Application (PA-04-02) and Commissioner Adcock seconded. A voice vote was taken and the motion passed unanimously.

### **Forest Service Briefing on Proposed Reintroduction of Rocky Mountain Goats**

Trudy Fiedler, USFS fisheries and wildlife biologist, briefed the Commission about a proposal by the Oregon Department of Fish and Wildlife (ODFW) to reintroduce mountain goats into habitats on the Oregon side of the Columbia River Gorge near Herman Creek and Cascade Locks. She provided background about how the National Scenic Area and Mount Hood National Forest became involved. The project proposes to introduce 15-20 goats into the Herman Creek area.

Commissioner Adcock asked what the benefit of the program is. Fiedler said ODFW has a mandate to bring native animals back to suitable habitat. Commissioner Harkenrider said that's a question for the ODFW.

Commissioner Crow said he attended the meeting in The Dalles and asked her to comment on the original efforts of introducing individual goats and why that effort failed. Fiedler said goats exist in a matriarchal family setting and when individual goats were put into the area, those animals were picked off by predators and did not survive.

Commissioner Abbe asked about the grazing patterns of these animals and Fiedler said they can't really predict what the grazing patterns will be. Commissioner Loehrke said domesticated goats are trained what to eat when young.

Commissioner Davis asked what public comment has been received, noting the comments published in the media are not favorable. Fiedler said the comments range from strong support to opposition but it's typically the unfavorable comments which are published.

Commissioner Adcock said the goats can be a tourist attraction.

Chair Squier asked if there are any disease concerns. Fiedler responded that none have been identified.

There were no further questions and Chair Squier thanked her for the information.

### **Other Business**

Commissioner Davis asked how we are doing on staffing. Bennett said we are still trying to hire the GIS position and hope to find the right person soon but may need another recruitment process. Bennett said she is working with staff about restructuring planning work before filling the planning position.

Chair Squier asked whether a contractor will be used for any work. Bennett said the agency has solicited proposals for the Scenic Area Handbook work and hopes to have someone working by April. Other projects, such as the compatibility guidelines, will be completed using another contractor.

**Executive Session to discuss pending litigation with legal counsel**

Chair Squier called an executive session to discuss litigation with Commission's Counsel pursuant to Commission Rule 350-11-006 (1) (g) at 2:35 p.m.

Chair Squier closed the executive session at 2:50 p.m. and returned the Commission to open meeting. Squier noted that no deliberation or decisions occurred in the executive session, and that no follow-up actions were needed. The Commission meeting was adjourned at 2:52 p.m.

The next regular meeting is scheduled for 4/12/05 at Rock Creek Recreation Center in Stevenson, Washington at 9:00 a.m.

Minutes taken by Kathy Obayashi-Bartsch

Minutes approved on 4/12/05