

Columbia River Gorge Commission

Meeting Minutes

April 12, 2005

A complete record of this meeting is available on audiotape

Location: Rock Creek Recreation Center
710 SW Rock Creek Drive, Stevenson Washington
Time: 9:00 a.m.

MEMBERS IN ATTENDANCE

Harold Abbe
Kenn Adcock
Jeffrey Condit (9:10 a.m.)
Doug Crow
Judy Davis
Jane Jacobsen
Dan Harkenrider
Walt Loehrke (9:06 a.m.)
Joyce Reinig
Kathy Sheehan
Anne Squier

MEMBERS ABSENT

Joe Palena (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
Cassese, Clifford. Yakama Nation
Ferris, Mike. United States Forest Service (USFS)
Groen, John. Groen, Stephens and Klinge
Hawk-Elwood, Rebecca. Yakama Nation
Hessel Jim. Friends of Vista House
Hughey, Mark. North Bonneville, Washington
Johnson, Patrick. Skamania County Planning Department
Karabut Diana.
Kelly, Virginia. USFS
Lang, Michael. Friends of the Columbia Gorge (FOCG)
Lichtenthaler, Eric. Corbett, Oregon
Miller, Bobbie. Gorge Landowners United (GLU)
Nicolai, Thomas.

Peet, Jennifer. Multnomah County
Simione, Angelo. Corbett, Oregon
Swensen, Judy. Corbett, Oregon
Thompson, Geoff. Corbett, Oregon
Tokos, Derrick. Multnomah County
Others were present during the day

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

Approval of Minutes

Chair Squier asked the Commission to review and comment on the draft minutes of the March 8, 2005 meeting. Commissioner Sheehan moved to adopt the minutes as drafted and Commissioner Reinig seconded the motion. A voice vote was taken and the motion passed unanimously.

Color Requirements for Farm Labor Housing

Mr. Dave Meyer of The Dalles presented concerns (see attachment A-1) about the effect on farm worker health and safety of Management Plan regulations that require buildings visible from key viewing areas to be painted dark, earth-tone colors. Wasco County Judge Dan Ericksen expressed his concern about this issue. He explained that this issue is specific to Wasco County due to the hot weather conditions and the significant amounts of agricultural land in Wasco County. He referred to Martha Bennett's letter to Oregon Representative Dallum (see attachment A-2) and supports option #2, not enforcing the color requirement at this time.

Bennett provided a review of the issue (see attachment A-3) and said there are several options for the Commission to consider. She reviewed the three options outlined in her letter to Representative Dallum and presented short, medium and long-term options for the Commission to consider.

Commissioner Sheehan asked about one option outlined in Bennett's letter to Representative Dallum for Wasco County not to enforce this requirement until the Area handbook is completed. Bennett said this action will delay an enforcement issue.

Commissioner Reinig said she preferred option 2, which delays enforcement of the standard until the Commission can perform the necessary work for a more complete look at this issue.

Chair Squier said this is not an action item and we are not taking public comment but we can give staff direction as to how to proceed with the issue.

Ericksen said he wants the Commission to be aware that Wasco County will likely not enforce the issue at the present time and allow Mr. Meyer to finish construction of the housing unit.

Chair Squier said the Commission wants staff to study the issue and gather more information. Bennett said we will work on this issue in conjunction with the Scenic Handbook. Bennett said we will be working on the handbook with a local consultant, Dotty DeVaney, beginning in May. The handbook will include colors, building materials, reflectivity and landscaping.

Public Comment

Steven Andersen said he had questions about the intent of uniform application of the Management Plan and vested rights. He said in reviewing past meeting minutes, he found staff called for uniform application not uniform interpretation. As to the issue of vested rights, he said there is a difference between vested rights and approvals. He asked for clarification of these issues.

Bobbie Miller of GLU said the issue of a prescribed color scheme is a problem and Gorge Counties should have more ability to make these decisions for their residents.

Michael Lang of FOCG referred to the recent fog water study and the effects of acid rain. He asked the Commission to reinvigorate the air quality strategy. He spoke about the recently approved casino in Cascade Locks and expressed concern about air quality and various environmental impacts. He asked the Commission to request a full NEPA review of this project.

Angelo Simione commenced a public comment. Chair Squier asked if he was referencing the View Point Inn Plan Amendment item and said testimony for that specific item will be taken later in the meeting, and that Mr. Simione could comment at that time.

Comments from Tribal Nations

Rebecca Hawk-Elwood of the Yakama Nation said deteriorating air quality is a significant issue that affects all life forms. She said the Yakama Nation has been waiting for four years for an air quality strategy. She said the Commission is charged with stewardship of the area and has a duty to protect the area's resources.

Clifford Casseseka of the Yakama Nation urged the Gorge Counties to include archeological resources as critical areas in their land use regulations, in addition to wetlands and other critical areas. He said one resource can't be given priority over another and a holistic approach is needed. He urged the Commission, Gorge Counties and Tribes to uphold their responsibility in stewardship of the Gorge.

Preliminary Review of Plan Amendment PA-05-02 (View Point Inn)

Martha Bennett explained the purpose of preliminary review is to ensure the Commission has the information needed and sufficient staff resources to proceed. This review is not about the merits of the application. She provided a review of the proposed schedule and asked Senior Planner, Brian Litt to provide the staff report.

Litt said John Groen, on behalf of Geoff Thompson, submitted an application to amend the Management Plan for a 1.21 acre property consisting of two contiguous tax lots in Multnomah County. The property includes the historic building known as the Viewpoint Inn. He reviewed the three criteria for approval of a Plan Amendment. He reviewed the application and staff report (see attachment B1).

Bennett provided an estimated timeline for Gorge Commission processing time (see attachment B2) both for the Plan Amendment application, independent of any broader policy question and for the broader policy question with a possible resulting Plan Amendment.

Commissioner Crow disclosed that he had previous contact with Mr. Thompson in regard to an Oregon Investment Board issue. Chair Squier handed the gavel to Vice-Chair Sheehan.

Commissioner Squier asked the applicant to seek input from Multnomah County as to whether they favored proceeding with the application. Groen said he would follow through but believes if the County has a different opinion, it would be the Commission's duty to determine if the Plan Amendment proposal furthered the Act and the Plan, despite the position of the County.

Commissioner Adcock asked if there were other historic buildings with a similar history of commercial use, and where that use is now discontinued. Groen said he's not aware of any other structures that are on the National Register of Historic Places, are privately owned and have had a lapse in commercial use.

Commissioner Davis said she'd like to see a definition of a visitor's center and asked why this is necessary for the property. Groen said a visitor's center would provide historic interpretation. He said the owner's concept is for the public to come and learn the history of the property and its significance, not necessarily to stay or dine at the facility.

Commissioner Abbe asked what criteria exist for removing a property from the National Register.

Commissioner Sheehan asked what types of restrictions are associated with being registered as a National Historic Place, specifically regarding external changes such as parking or future exterior development? Why was the property initially designated as it was, with agriculture and forest designations? What is the rationale for the current designation under the USFS 8(o) process? Because it may be hard to quantify a historic use, it might be useful to specify some sideboards -- visiting hours, or number of people, etc. -- just to provide some certainty as to the maximum impact this use might have.

Commissioner Reinig said the Commission cannot necessarily overrule a Gorge County. She said a county may choose to implement a more stringent standard and the Commission sets a baseline standard. She urged the applicant to discuss the issue with the County. Groen responded a county's ordinance must be consistent with the Plan and may be more stringent but may not be in opposition to the Plan.

Commissioner Jacobsen said we are trying to respect the needs and concerns of Gorge Counties. She said the idea of a visitor's center can mean thousands of people a day and she wants the applicant define this idea of a public visitor's center.

Commissioner Crow agreed with the importance of questions 2 and 3 in the staff report and asked for clarification as to the overnight accommodations that would be available.

Commissioner Condit asked what the appropriate zoning should be, not just for this building but for the property in the future. He noted the Commercial or Commercial Recreation zoning doesn't necessarily ensure protection of the View Point Inn, and could allow more intensive uses. He asked how do we ensure the preservation of this property? How would some of the associated impacts be controlled?

Commissioner Harkenrider said it would be helpful to have a better understanding of the facility's operational plan, specific to special events, visitor center events and restaurant operations. He added that details regarding size and frequency of events are critical.

Chair Squier called for a break at 11:00 a.m. and reconvened the meeting at 11:10 a.m. The Commission took public comment.

Steven Anderson of Cascade Planning Associates said he provided professional planning services for the applicants and the request for an inventory of potentially eligible properties is not needed. He noted that county commissions change and the Commission's decisions should not depend upon the counties. He said any restrictions or conditions of use should not hinder a business to the extent of being unfeasible.

Judy Swenson spoke briefly. Mr. Groen pointed out that testimony on the substance of the application was not appropriate during preliminary review, and Ms. Swenson deferred any further comments until the appropriate date.

Bobbie Miller asked whether any other historic properties were excluded from the original inventory when the Management Plan was developed.

Commissioner Condit asked what would have been the effect if the facility had been included in the original inventory. Bennett said it wasn't being used commercially at the time so it would still have been grandfathered in for residential use as it actually was with the original Plan.

Eric Lichtenthaler submitted questions about the application (see attachment B3) and encouraged the Commission to consider what the future impacts will be. He said when you have given an inch, there are some people who only took an inch but there are others who took a mile.

Cynthia Winter read from prepared testimony (see attachment B4) urging the Commission to support option 3 to indefinitely postpone work on this application. She said to make a change in designation or zoning would be an example of spot zoning. She raised several issues including: Viewpoint Inn has been used as a residence for 40 years, whether it is fair to other landowners in the Gorge wishing to hold commercial events on their property and consideration for how the area has changed from when it was built and today. She said the Commission is short-staffed, has a limited budget and is not in a position to work on such an application when larger issues, such as air quality, enforcement, and other mandatory items need the Commission's attention. She also provided a copy of the letter (see attachment B5) sent by Mr. James McVittie, counsel for Mr. Thompson and Mr. Simione.

Angelo Simione of the View Point Inn asked that the Commission consider a higher vision in this project.

Michael Lang of Friends of the Columbia Gorge read from prepared testimony (see attachment B6) and urged the Commission to support option 3 to postpone work on this application for a variety of reasons, including current enforcement issues with Multnomah

County pertaining to this property and that processing of Plan Amendment applications is not a mandatory Commission function.

Jim Hessel provided written comment (see attachment B7) stating that the Friends of Vista House take no position with the matter under consideration and his previous comments were personal and made on behalf of preserving the historic structure, not for or against the current owner or proposed use.

Chair Squier noted that written public comments were received from Brian and Cynthia Winter (see attachment B8) and Collyn Baldwin (see attachment B9) .

Bennett said that under the Management Plan, properties that are on the National Historic Places Register and those that are eligible to be on the Register are handled in the same manner.

John Groen said he will respond to the questions and provide more detail as requested. He also wants to explain why this property is not an example of spot zoning and urged the Commission to proceed rather than postpone a decision.

Commissioner Crow asked about the physical condition of the building and requested issues such as sewage, traffic and water runoff be addressed as well.

Commissioner Davis asked what would be the impact on staff if the broader policy issues were addressed. Bennett said staff needs to inventory historic buildings and historic uses. She said staff would also look at what other uses may be desired for these properties and perform market research. There would need to be a public process to review this issue.

Commissioner Jacobsen said the Commission should look at the bigger picture with other historic buildings. We need to set policy for the big picture, not parcel by parcel. Commissioner Loehrke concurred with Jacobsen and said he's aware of several properties that would be eligible for inclusion on the National Historic Register. Bennett said we would need to get an expert on preservation to do this work.

Commissioner Sheehan said she favors the idea of continuing a preliminary review to May, so we may have a better understanding of what the Commission's work plan will be for the next fiscal year.

Commissioner Condit said he concurred with what he'd heard from other Commissioners and asked if we proceed with this as an application or a broader policy issue, what other work will we be giving up? Commissioner Crow concurred with Condit and agreed to take another month to study this issue.

Commissioner Jacobsen said that she advocates postponing the item, not just continuing until next month. Taking more work than the agency can reasonably manage is not wise. She said the Commission won't have a clear budget picture in May and until we have the budget information, we can't really develop a work plan.

Commissioner Adcock said the Commission owes it to the applicant to move ahead with this process. He supports continuing the preliminary review to the May meeting.

Bennett asked the Commission if they want the applicant to answer the questions identified today before the May meeting. Chair Squier said that would be up to the applicant. The applicant may provide the information before the May meeting or may wait to see if the application process commences at the May meeting. The 15-day timeline to respond to questions does not start until the Commission decides to move forward with the application. Jeff Litwak, Counsel, said the applicant is not bound to provide this information before the May meeting. If those questions are answered, though, it may expedite the process. Groen said his intent would be to answer all the questions identified today for the May meeting.

Commissioner Sheehan asked whether additional public testimony will be taken at the May meeting. Chair Squier and staff indicated that additional testimony will not be taken.

Chair Squier summarized the questions that were asked of the applicant :

- Address all three questions posed by staff in the staff report.
- Provide additional information on the other historic buildings with historic commercial use now discontinued.
- Provide a definition of a visitor's center and the purposes or necessity of such a facility for the property.
- Provide input from the county on whether to proceed with the application or not.
- What criteria, if any, exist for removing a property from the National Register?
- What would the effect of the National Register listing be in respect to any restrictions on the use of the property, with an emphasis on the external appearance and use?
- Why was the property initially designated as it was? What was the rationale was for the new GMA designation under section 8(o)?
- How does the applicant propose to quantify the use of the property as "originally designed and used historically"? Should there be "sideboards" on the use?
- Provide more information about overnight use anticipated for the property.
- Provide more information about the current condition of the building and external environmental impacts.
- If the zoning change is made as requested, how would the Commission be assured it has the intended effect of helping preserve the historic nature of the structure?
- How would some of the external impacts be controlled?
- Provide more operational details and plans, such as traffic flow in the area.
- What conditions have changed since the section 8(o) redesignation?

Chair Squier noted Mr. Groen indicated that he would address the issue of spot zoning and why this application is not an example of spot zoning.

Condit asked staff to explain how the Commission's choice would impact the Commission's work load.

Commissioner Adcock moved to continue this preliminary review to the May 2005 meeting. Commissioner Sheehan seconded the motion. The motion passed 9 to 1.

Harold Abbe-aye
Kenn Adcock-aye
Jeffrey Condit-aye
Doug Crow-aye
Judy Davis-aye
Jane Jacobsen-no
Walt Loehrke-aye
Joyce Reinig-aye
Kathy Sheehan-aye
Anne Squier-aye

Chair Squier recessed the meeting for a lunch break at 12:25 p.m. and called the meeting to order at 1:00 p.m.

Director's Report

Bennett provided a review of the following items:

- *Casino in Cascade Locks* - Bennett distributed a summary of issues that affect the Scenic Area and Commission in the Compact between the State of Oregon and the Confederated Tribes of the Warm Springs for a proposed off-reservation casino in Cascade Locks (see attachment C1)
- *Scenic Handbook* - Work is scheduled to begin in May with the consultant, Dotty DeVaney
- *Budget update* - In Washington, the Commission's budget has passed the senate and house at \$935,000, with approximately \$15,000 in the back of the budget for items such as cost of living increases. The total Washington budget if passed will be approximately \$950,000. The budget hearing for Oregon is scheduled for May 2nd and 3rd at 1:00 p.m. Any Oregon Commissioner who would like to attend is welcome. (see attachment C2)
- *Air Quality* - A presentation on the fog water study is scheduled for the May meeting.
- *Staffing update*-We received 50 applications for Land Use Planner (closing date April 10) and close to 60 for GIS Coordinator (closing date April 15). We plan to shift long range planning duties to the Senior Planner and have the current planner and new planner split the daily planning duties.
- *Plan Amendment (PA 04-02)* - The applicant requesting 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 has asked us to postpone the public notice step until they determine if the work the City of Hood River will perform for periodic review will affect the proposal.
- *Transportation Projects* - Litt provided the Commission with CD copies of the summary report for the January public involvement meetings for the I-84 Corridor Strategy. Staff will provide an update of the project at the May meeting. Litt said there will be a public meeting on Thursday, April 21st about the preferred alternative for the exit 64 interchange on I-84.
- *Legal update* - Jeff Litwak, Counsel said Mr. Bacus filed an appeal of the Commission's August 2004 decision. Litwak received permission from both Mr. Bacus and Skamania County to file an amicus brief saying Thurston County is not available for Scenic Area decisions because we do not apply the Washington administrative procedures act directly. Litwak said that in the Stevenson urban area boundary case, the agency filed a joint motion for reconsideration with Friends of the Columbia River Gorge. This motion is for a

specific point that the Commission must comply with the more restrictive of the Oregon and Washington procedures acts, so the court must look at both administrative procedures acts. This would not change the outcome of the case.

Yakama Nation Columbia River Gorge Salmon

Chris Walsh, Environmental Public Health Nurse with Yakama Nation, presented a video and briefed the Commission. The discussion and video highlighted the historical and cultural significance of salmon in the Columbia River to the Native people.

Commissioner Crow encouraged the Tribal governments to work in collaboration with scientists and representatives from other agencies and share their knowledge and experience. Chair Squier thanked Ms. Walsh and the Yakama Nation for the informative presentation.

Commissioner Loehrke asked how the Commission can be more involved to help manage this problem. Bennett said it's kind of difficult to pin down how you as a Commission can assist as you have no jurisdiction over water-related matters.

Chair Squier suggested staff could refresh the Commission of the various provisions of the compact and the various items that the Commission has a hand in at a subsequent meeting.

Preliminary Review of Plan Amendment PA-05-01 (Nicolai)

Bennett explained the purpose of preliminary review is to ensure the Commission has all the information needed to make a decision to proceed and determine if sufficient staff resources exist to proceed. This review is not about the merits of the application.

Jennifer Kaden, Planner reviewed the staff report (see attachment D) on Plan Amendment PA-05-01. Thomas Nicolai, a prospective buyer, submitted an application to amend the Management Plan to change the land use designation and landscape setting of a 20-acre parcel in Klickitat County, designated General Management Area (GMA), Commercial Forest with a landscape setting of Gorge Walls, Canyons and Wildlands. The applicant is requesting a designation of Small-Scale Agriculture and to amend the landscape setting to rural residential/coniferous woodlands. She said unlike the Plan Amendment application reviewed earlier today, this application does not have broader impact issues to consider.

Commissioner Reinig asked whether anyone was aware that there was a house on this property. Kaden said it was originally designated Special Management Area (SMA) open space and at the time of the 8(o) designation, it was known there was a house on the property. Bennett said the commercial forest designation is a GMA designation and Harkenrider said as part of the 8(o) process, the property owner, adjacent owners, and counties are notified of any change in designation.

Commissioner Reinig said this seems to be unique and there is no way a 20-acre parcel should have a commercial forest designation.

Commissioner Davis asked what is the relevance of the landscape setting? Bennett said the landscape setting determines scenic standards, such as the type of house that can be built.

Kaden said the property really fits several different settings as it has many different features from a gently sloping, pastoral area with an orchard to steep wooded portions.

Commissioner Sheehan asked if this house had been legally established would we be discussing this and are we setting a precedent by creating a way for to legalize a current illegal use?

Commissioner Crow asked when the house and barn were built and Kaden said the house was built in the early 1980's with the building process spanning about 10 years.

Commissioner Condit asked what building permits were issued by the county, and Kaden said the permit was for an agricultural building.

Chair Squier asked what has changed since the 8(o) designation. Kaden responded that the biggest change is the discovery that the house was not legally established and that's not explicitly stated in the application materials. Chair Squier said that would be a question for the applicant.

Commissioner Condit asked staff if the Commission has an official interpretation of "substantial change in circumstances" standard. Does that require a post-designation change, or can we consider what both of these applications have presented: an alleged error at the time of designation. Litwak said there has been no official interpretation of this standard. We have only processed 13 Plan Amendments since 1991 and the issue of change in circumstances has not been as clearly defined as in these last two applications.

The Commission took public comment.

Steven Anderson of Cascade Planning Associates said he worked as a consultant on this application and was involved when the Scenic Area boundaries were developed as he was the Planning Director for Klickitat County. Klickitat County's Scenic Area boundary largely corresponds with section and quarter section lines. If there had been more detail, especially information about the residence, this parcel would likely not have been included in the Scenic Area.

Michael Lang of Friends of the Columbia Gorge said independent of the merits of this specific application, the Commission has limited staff resources and funding. Lang said it seems wrong to put resources which will benefit one or a few property owners ahead of other mandatory work that would benefit the public in general. Friends of the Columbia Gorge does not recommend any Plan Amendments be processed at this time.

Commissioner Condit asked whether the applicant would consider two different designations for the property. Mr. Nicolai said he would need more information about what that would mean but at this time he has no objection as he plans to keep the steep wooded section undisturbed.

Commissioner Adcock asked what fruit trees are on the property and said he would like more information as to the agricultural potential for the property. Mr. Nicolai said there are apple and pear trees and some grapes.

Commissioner Crow asked whether the property can be used for timber harvest. Mr. Nicolai said he was told there is not much marketable timber on the property and the stands are in very steep areas, which would make harvesting economically unfeasible.

Chair Squier asked how the circumstances changed since the property was currently designated under section 8(o). Mr. Nicolai said change of circumstance can mean new information is available rather than a physical change. It seems that the inventory performed in 1984 was not complete in terms of the residence and should be considered. Chair Squier said she wants to be sure the Commission is not used as the equivalent of an appeal body if there a dispute about a specific forest service designation.

Commissioner Condit asked Commissioner Harkenrider about the difference in designations available for the USFS and the Commission. After the 8(o) process, when property is considered to be in the GMA, USFS has two choices, agriculture and forestry. Commissioner Harkenrider said it was an administrative decision with the section 8(o) process that the USFS would determine the appropriate GMA designation. The Act is not clear what to do when there is a question about appropriate designation. Harkenrider said he would be concerned that the Commission does not become in effect an appellate body for anyone who is unhappy with a parcel's designation. The issue may be whether the USFS made an error or have other conditions changed.

Commissioner Jacobsen asked if there is another parcel in a similar situation and if he plans to live on the property. Mr. Nicolai said he is not aware of any other parcel in a similar situation. Mr. Nicolai said he plans to live there. Mr. Nicolai said he filed a development application a year ago and found that the house was built without proper permits. He said that he did not include this in the application because he felt this was not relevant and the Plan Amendment would stand on its own merits.

Commissioner Davis moved to proceed with the Plan Amendment and Commissioner Crow seconded the motion.

A vote was taken and the motion passed unanimously.

Harold Abbe-aye
Kenn Adcock-aye
Jeffrey Condit-aye
Doug Crow-aye
Judy Davis-aye
Jane Jacobsen-aye
Walt Loehrke-aye
Joyce Reinig-aye
Kathy Sheehan-aye
Anne Squier-aye

Chair Squier summarized the questions that were asked of the applicant :

- Would the applicant consider a split designation of the property?
- Provide more information about the agricultural potential of the area and on site

- Provide more information about the timber quality and harvest potential on site
- Provide additional information about water rights and well permits
- Provide information addressing the change of circumstances since the USFS section 8(o) redesignation

Hearing on Proposed Resolution Through Agreement E04-K-G-102 (Kroeskop, Use of Trailer without a Permit)

The Gorge Commission conducted a hearing on a Proposed Resolution through Agreement for an alleged violation by Carol Kroeskop (Enforcement File CRGC No. E04-K-G-102). Kaden provided a review of the alleged violation. A proposed resolution (see attachment E) to the alleged violation was discussed. Ms. Kroeskop declined to add any testimony.

Commissioner Crow made a motion to accept the Resolution through Agreement as introduced and Commissioner Reinig seconded. A voice vote was taken and passed unanimously. Litwak said a written order will be prepared for the Chair's signature. Chair Squier thanked Ms. Kroeskop for her cooperation.

NSA Manager's Report

Commissioner Harkenrider provided a review of the following items:

- *Burdoin Mountain Project* - USFS is reinitiating public involvement in this fuel management project on Burdoin Mountain. Some larger trees may need to be removed and a public input is needed.
- *Multnomah Falls* - USFS is replacing the water tank as the old one is rusting and has insufficient capacity. There will be helicopters working in the area.
- *Mountain Goat Re-Introduction* - The Fish and Wildlife Commission has scheduled a hearing on this item and testimony will be taken on this project in Salem later this week. Please call the USFS office for more details.

Other Business

Commissioner Abbe said air quality has been coming up and nothing can be done until the source of the pollutants is identified. Bennett said she would get a copy of the Air Quality Strategy to Commissioners Abbe and Condit as this would give them more background on the issue. Commissioner Harkenrider said the Forest Service has two monitoring stations for air quality at Wishram and Mount Zion. He said there is a station at Horsethief Lake (Columbia Hills State Park) to monitor the effects of acid rain on the Native Rock Art. He said he hopes the Commission will assist in reinvigorating the states on this project.

Commissioner Condit said deciding on a case-by-case basis whether to proceed with a Plan Amendment application makes him very uncomfortable and this work should be prioritized as part of the budget process. Bennett said these are the first applications processed since 1999. Bennett said she is frustrated with this two-step process. Chair Squier said the Commission should consider whether Plan Amendments ought to be initiated by the Commission, with a process for the public to come and ask us to consider Plan Amendments. This might allow us to be positioned in such a way that the broader, cross-cutting policy issues are discussed. Squier said a discussion of the Plan Amendment process is needed with a review of the current rules and process.

Commissioner Abbe said in presenting the Commission's budget needs to the Washington legislature, he'd explained that citizen requests for service were impacted by the limited budget. As the Washington biennial budget may be increased, he is reluctant to use the lack of funding as a reason not to respond to the requests of citizens.

Commissioner Jacobsen said we really need to review the work plan in light of the budget available, especially if we receive additional funding from Washington and hopefully Oregon. Bennett said there will be a review of the work plan, once we get the final budget. She agrees with Commissioner Condit that the gatekeeper function of determining what work will be done should take place when the Commission reviews the biennial budget and sets priorities.

Executive Session to discuss pending litigation

Chair Squier called an executive session to discuss litigation with Commission's Counsel pursuant to Commission Rule 350-11-006 (1) (g) at 3:25 p.m.

Chair Squier closed the executive session at 3:33 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 3:35 p.m.

The next regular meeting is scheduled for 5/10/05 at Hood River County Administration Building in Hood River, Oregon at 9:00 a.m.

Minutes taken by Kathy Obayashi-Bartsch

Minutes approved on 5/10/05