

Columbia River Gorge Commission

Special Meeting Minutes

April 27, 2004

A complete record of this meeting is available on audiotape

Location: Troutdale Community Center, SE Buxton Avenue, Troutdale OR

Time: 9:00 a.m.

MEMBERS IN ATTENDANCE

Kenn Adcock
Doug Crow
Judy Davis
Michael Farrow
Dan Harkenrider
Jane Jacobsen
Walt Loehrke
Joe Palena
Joyce Reinig
Dave Robertson
Kathy Sheehan
Anne Squier
Wayne Wooster

STAFF PRESENT

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

AUDIENCE PRESENT

Andersen, Steven. Cascade Planning Associates
Annus, Heino. Corbett, Oregon
Baker, Nathan. Friends of the Columbia Gorge (FOCG)
Boyd, Carnetta. Corbett, Oregon
Carlson, June. Oregon Department of Transportation (ODOT)
Clark, Mike. Washington Department of Transportation (WSDOT)
Cornelison, Peter. FOCG
Cornett, Todd. Wasco County Planning Department
Curtis, Lee. Mid-Columbia Economic Development (MCEDD)
Ericksen, Dan. Wasco County Courts
Ferrioli, Ted. Oregon State Senate
Fullilove, Glenn. FOCG
Gaul, Willard. Columbia Gorge United
Gorman, Kevin. FOCG
Heuker, Chris. Cascade Locks, Oregon

Holm, Diane. Oregon Representative Karen Minnis
Huber, Paul. Dampier Vineyard
Kampstra, Jolinn. Mount Hood Gorge Connection
Ketner, Dan. Riverview Catering
Kinski, Delta. Troutdale, Oregon
Krikava, Richard. U.S. Senator Gordon Smith
Lang, Michael. FOCG
Leipper, Bob. Troutdale, Oregon
Owen, Wendy. The Oregonian
Pitt Jr., Louie. Confederated Tribes of Warm Springs
Prout, Terrie. Mount Hood Gorge Connection
Robins, Dale. Regional Transportation Council (RTC)
Schilling, Karen. Multnomah County
Thiemann, Phyllis. Columbia River Gorge Visitors Association (CRGVA)
Tokos, Derrick. Multnomah County Planning Department
Sauter, David. Klickitat County
Wiemann, Gloria. Corbett, Oregon
Witherspoon, Karen. Skamania County Planning Department

Others were present during the day.

Chair Squier called the meeting to order at 9:05 a.m. and role was called. Chair Squier outlined the proceedings for the day and said public testimony would be limited to six minutes. She noted additional time would be allowed if possible.

Commission Hearing, Deliberation, and Possible Decisions on the Final Draft of Revisions to the Management Plan

Lee Curtis, MCEDD read from prepared testimony (see attachment A) and provided unemployment statistics for the area. She expressed her support of tourism, wineries, and events that would promote economic development in the area.

Chair Squier noted Senator Ted Ferrioli was present and asked if he wished to speak. He declined.

Diane Holm, Assistant to Oregon Representative Karen Minnis, read from prepared testimony (see attachment B) expressing support of economic development in the area.

Phyllis Thiemann, CRGVA read from prepared testimony (see attachment C) and urged the Commission to reconsider allowing commercial events in the area.

Steven Andersen of Cascade Planning Associates referred to prepared testimony (see attachment D1-D3) challenging Commissioner Sheehan's participation in the Commission as she is an employee of the Forest Service. Jeffrey Litwak, Counsel explained the section of the Act that Andersen is referring to is in context of compensation and whether Commissioners and staff are considered federal employees,

and is distinct from the Act's directives on qualifications for appointment to the Commission. This issue has been brought up before and legal opinion supports Commissioner Sheehan's participation. Commissioner Sheehan explained her work with the Forest Service was strictly as a technical staff in forest entomology and web design and was not involved in work pertaining to the National Scenic Area (NSA).

Andersen continued to read from prepared testimony (see attachment D1-D3) and said the revised Plan is incomplete and questioned Commissioner Harkenrider's involvement in the adoption process of the SMA sections. Commissioner Harkenrider said the letter sent from his office to the Secretary of Agriculture does not suggest the Secretary delegate authority for concurrence to the Scenic Area office. He said the Management Plan revisions are sent to the Secretary of Agriculture for approval. She has the option to delegate authority for concurrence to the Regional Forester.

Dale Robins of Regional Transportation Commission (RTC) read from prepared testimony (see attachment E) pertaining to proposed bridge guidelines. Commissioner Robertson asked for clarification when the bridge is likely to be built and asked what the purpose would be to draft generic bridge guidelines if this is the only bridge planned. Robins responded the Hood River Bridge is planned to be built in 10-20 years and while no other bridge is planned, there may be an emergency and the guidelines should not be project specific. Commissioner Crow asked for clarification as to the guidelines for view points and Robins explained there might be a problem with pedestrian safety.

Mike Clark, Regional Planning Manager for WSDOT read from prepared testimony (see attachment F).

Nathan Baker of Friends of the Columbia Gorge (FOCG) read from prepared testimony (see attachment G1-G2), prepared by Michael Lang pertaining to bridge design and scenic guidelines. Chair Squier asked him to clarify his interpretation of KVA Policy #1. Baker responded that this policy can be interpreted that no application can be denied based on scenic impact and this can create problems. He said we need to allow planners the tool of denial if an applicant will not comply.

Derrick Tokos, Multnomah County Planning, said the revised Plan is an improvement. There are other issues to be resolved in the future with the Commission and the Forest Service including geologic hazards, cumulative impacts, uses allowed in historic structures and Scenic Management Area (SMA) residential conflicts. Chair Squier asked to clarify his concern about natural resource buffers. Tokos said the comment period in the SMA is a concern because it is too open ended.

Dan Ericksen and Todd Cornett of Wasco County read from prepared testimony (see attachment H). Commissioner Farrow asked about the counties' commitment to enforcing the Act and Management Plan. Ericksen said the Commission should focus on ensuring that the Management Plan addresses federal issues and should expect that local nuisance issues will be managed at the local level. Commissioner Crow spoke on the issue of balancing federal concerns and local issues. Commissioner Robertson

asked for clarification pertaining to road work issues and Cornett provided more information.

Chair Squier called for a break at 10:55 a.m. and reconvened the meeting at 11:10 a.m. She said Commissioner Harkenrider would need to leave at noon and Kim Titus will represent the Forest Service and has full authority to concur on behalf of the Forest Service.

Eric Walker of Hood River County Planning covered the topics that were part of the county's written comments. Walker said they do not support the General Management Area (GMA) Key Viewing Areas (KVAs) guideline requiring a grading plan on slopes of less than 10%. Grading of 100 cubic yards is not substantial with developments on level terrain. They recommend requiring a grading plan for projects in the range of 200-300 cubic yards. They support the clarification that developed settings and visible subordination policies in certain landscape settings are exempt from color and siting requirements. In General Policies they suggest that the county's decision on a request for extension of time is considered a ministerial review item. They would support at most, a notice of decision sent to the Forest Service, Tribes, Gorge Commission and any party of record involved in original application. In reference to the Expedited Development Review process, these types of requests should be considered a ministerial review item. They would support at most, a notice of decision sent to the Forest Service, Tribes, Gorge Commission and any owners within 200 feet of the parcel. He referred to a draft document "Home occupation to Host Weddings & Related Events" (see attachment I) and said many of the concerns for commercial events could be resolved on a local level and supported Wasco County's comments. Commissioner Robertson asked him to comment on the winery issue. Walker said they are supportive of the clarity provided by the revised definition in the final draft. Commissioner Wooster asked about the public process and permits for commercial weddings and events. Walker said you must have an approved commercial use in place, the special event is reviewed as a conditional use permit with notice to neighbors. There is a two year limit to establish the use and the approval is specific to the individual, not the land.

Chair Squier read from prepared testimony submitted to staff by Multnomah County Commissioner, Lonnie Roberts (see attachment J) in support of economic development.

Chris Heuker provided testimony (see attachment K) and addressed the issue that small scale fish operation is illegal. He said legal counsel assured him that it could be a considered a legal use according to the Plan. He thanked the Commission for including this item in the Plan and said this type of activity has been occurring in the Gorge for over 100 years. Commissioner Adcock asked if he was aware of the implications of the Plan when it was initially developed. Heuker said it was assumed that activities which had been occurring would continue to be allowed. Commissioner Farrow said he was concerned about allowing a commercial use in a residential area. Heuker responded the commercial use preceded the residential use and any relocation could be financially devastating.

David Sauter, representing the Klickitat County Board of Commissioners read from prepared testimony (see attachment L) detailing concern about the Scenic Resources Implementation Handbook, limits for commercial uses and use of terminology in the Plan. Commissioners Davis and Loehrke asked for clarification as to where commercial events would be allowed. Sauter responded the events would be allowed in areas where commercial use is already occurring and the potential conflict in residential areas (bed and breakfasts) would be addressed.

Kevin Gorman, FOCG Executive Director, provided testimony (see attachment M) pertaining to natural resource buffers. He said stream buffers must be addressed and if this issue cannot be resolved with the Plan Review process today, that a specific timeline should be established to revisit this issue. He said FOCG is concerned about allowing commercial events in the Gorge. If events are allowed with a commercial business, such as a bed and breakfast there may be many B&Bs sprouting up just to host events. He doesn't believe the counties will have additional resources to alleviate the enforcement problem. He said commercial activity should be confined to urban areas. Commissioner Sheehan asked whether there was flexibility in allowing certain developments within the stream buffers in Clark County. Gorman responded he was not sure and Michael Lang could better address the issue.

Chair Squier recessed the meeting for a lunch break at 12:10 p.m. and called the meeting back to order at 1:20 p.m.

Paul Huber said he is an owner of a 20-acre vineyard in Underwood, Washington. He has hosted seven weddings. This was originally allowed under the "picnic" allowance for an A-1 designation. He said they were shut down by Skamania County. He suggested the Commissioners attend a wedding to see the effects on the area. He requested the A-1 designation be allowed to host weddings at least until a study can be completed. Commissioner Palena asked if he believed noise control and other issues to be a concern of the Commission or the county. He said he would prefer county or local control of these issues.

Dan Ketner, Hood River caterer, spoke to the impact of weddings in the Gorge. He said during the wedding at Huber's vineyard, there were no problems with neighbors. Commissioner Robertson asked him for more details of his catering experience in the Gorge. He said there has not been a problem with impact on neighbors, even with small parties of 40 people in a residential area. Commissioner Wooster asked him to comment on the trend. Ketner said there seems to be an increasing desire to get married in the Gorge. Commissioner Palena noted there is a distinction in the size of the event related to the size of the property and a larger property may accommodate more people depending on its setting.

June Carlson, Oregon Department of Transportation supports the bridge guidelines but is concerned about the specificity of the guidelines based on safety, funding and other issues. She asked the Commission to allow future flexibility in bridge design development. She said the minor uses in buffer zones should be allowed.

Louie Pitt, Jr., Confederated Tribes of the Warm Springs thanked the Commission for their work and expressed support of the Commission's and Forest Service's change in minor uses in buffer zones. He said there were some items of concern and highlighted items from a comment letter (see attachment N). He said the allowance of a small scale fish processing operation in a residential area is of concern. The Tribes are considering a fish processing operation in the White Salmon urban area and noted natural, scenic and cultural resource protection must be considered. He expressed a major concern with the Plan's definition of repair and a concern regarding cumulative impacts. Commissioner Crow asked him to clarify his concern about cumulative effects. Pitt said that some approach and methodology needs to be developed. Commissioner Adcock asked for more details about the proposed fish processing in White Salmon and Pitt provided more information about the potential project.

Willard Gaul said the Plan changes should reflect greater freedom for the people to do what they want. He said the Commission has had members who were formerly members of Friends of the Gorge and this was not right.

Michael Lang and Peter Cornelisen of FOCG support Multnomah County's concern about geological hazards, disagreed with Wasco County's opinion that road work should be in Uses Allowed Outright and urged the Commission to adopt the quarry enhancement guidelines as drafted. Lang read from prepared testimony (see attachment O) pertaining to commercial fish processing in the area and provided suggestions to reduce the impacts of this proposed use. Cornelisen read from prepared testimony (see attachment P). Commissioner Jacobsen asked what the precedent might be if the Commission adopted the current language for fish processing. Lang responded that to allow development without permits and then ask the Commission for an exception is a bad precedent and an example of spot zoning. Commissioner Reinig said it's a common process for raw material, such as fruit to come from out of the area to be processed and asked what the concern was with this practice if applied to fishing. Lang said there is a distinction between an existing use that was grandfathered in and whether the activity was occurring in or out of the NSA.

Bud Quinn and Karen Witherspoon of Skamania County said the county is responsible for all aspects of governance within the county. Quinn stressed county government could make the NSA processes work and said many of the Commission's concerns can be addressed at the local level. Witherspoon read from submitted testimony (see attachment Q) and focused on the following items:

- In the SMA, agency deadlines for the comments are needed and if not included in the Plan, will be instituted by the county
- Policy #1 for scenic standards should not be eliminated. Witherspoon explained how the policy is applied in Skamania County.
- Language about consolidation of parcels should be revised to recognize all subdivisions since 1938.
- Commercial activity such as weddings should be allowed when supporting agricultural businesses

Commissioner Adcock commended Witherspoon for the handbook developed for Skamania County. Witherspoon said it was a collaborative effort with the Commission, Forest Service and Friends of the Gorge. Commissioner Robertson asked whether information was being gathered to assess the impacts of weddings and other events. Witherspoon said Mid-Columbia Economic Development (MCEDD) was collecting information and it will probably be six months to one year before completion. Commissioner Wooster asked her to comment on the issue of weddings and special events. Witherspoon said it would be better to have a policy to control this activity because it will likely occur whether it's an allowed use or not.

Bob Leipper of Troutdale Oregon thanked the Commission for consideration of approximately 1,600 issues raised during the scoping process. He said in regard to Wasco County's road paving issues, they should consider Multnomah County's T2-030204. He said this is a consistency issue for the Commission. He agrees with FOCG's opinion of a public comment period after a decision. He suggested changing language to strengthen the scenic guidelines in reference to screening guidelines and said economic development and enforcement need to be addressed. He said there was a press release error on the topic of accessory buildings that people need to be aware of. Bennett said the original press release included an error and a corrected version was called in and sent again with a request for a correction.

Public testimony concluded at 3:15 and Chair Squier called a break. The meeting was reconvened at 3:35 p.m. and she said deliberation of issues would begin by developing a list of items to be addressed reviewing these issues point by point and making a decision on each item. Chair Squier noted the final technical revisions would also be considered in the process. The following items were listed and then addressed in order:

Section I:
Chapter 1-Scenic Resources

Page I-6, Guidleline#4

Commissioner Robertson asked why the word "may" was used instead of "shall". Bennett said the current wording is less prescriptive to the counties. Commissioner Robertson said he was satisfied with this explanation. The Commission did not make a change in this wording in the final revisions to the Management Plan.

I-6, Guideline #1

Commissioner Crow suggested adding a definition to the glossary for "topographically visible". Bennett explained staff felt the concept was better explained by maps and the handbook with reference to the term rather than crafting a definition. She said the term means visible without vegetation. Commissioner Crow said he was satisfied by this explanation. The Commission did not make a change in this wording in the final revisions to the Management Plan.

Page I-9, Guideline #12

Commissioner Sheehan suggested a revision to include "topographically visible". Litwak said he believed that guideline #1 was clear enough to indicate the Commission's intent is to mean topographically visible throughout the section of guidelines that apply to areas seen from KVAs. He said the Commission could change all of the terms "visible" to "topographically visible" but that if any of the references are missed, then a court may draw a distinction between "topographically visible" and "visible." Commissioner Sheehan said she was satisfied by this explanation. He therefore suggested that the wording be left as it is now. The Commission did not make a change in this wording in the final revisions to the Management Plan.

Scenic Handbook (Several Places in Chapter 1)

Bennett explained the final draft of revisions to the Management Plan described the Scenic Handbook as "recommended" rather than "pre-approved" based on the concern brought forth by the FOCG. The issue is whether the Commission is inappropriately delegating legislative authority to the Executive Director. The language was selected to be non-binding, so that every time a change is made, the Commission does not have to deliberate on a new shade of color or a new plant and staff can make revisions. Commissioner Davis said she was satisfied with this explanation. The Commission generally concurred that the Handbook should remain as "recommended". The Commission did not make a change in this wording in the final revisions to the Management Plan.

Page I-2, Guideline #1, Page I-10, Guideline #16, and Page I-11, Guideline #26

Commissioner Davis requested a revision to clarify grading requirements for KVAs as follows:

- I-2 #1 replace "reduce necessary" with "minimize"
- I-10 #16 eliminate "grading activities and"
- I-11 #26 reorder guidelines, moving #16 to precede #26

The Commission agreed this was only a clarification and directed staff to make this technical correction.

Page I-11, Guideline #26

Commissioner Reinig said Hood River County requested changing this guideline for grading. They indicated if you are on flat ground it is unnecessary to get a grading plan for 100 cubic yards on a slope of less than 10% and suggested using 200-300 cubic yards. Commissioner Reinig moved to replace 100 cubic yards with 200 cubic yards. Commissioner Sheehan seconded, a voice vote was taken and passed unanimously.

Page I-7, Guideline #6

Chair Squier suggested an amendment to delete the everything following "available in the second line and insert "needed to achieve visual subordination from KVA". Chair

Squier made a motion and Commissioner Crow seconded. A voice vote was taken and passed unanimously. The final wording approved for Guideline 6 is:

“New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.”

Page 1-2, Guideline #2

Commissioner Sheehan suggested adding "lawfully established development" for additional clarity. Litwak said there is no harm with this addition but could be redundant. He added that the term "existing" in the guideline refers to a legally-existing use, and mentioned the Glossary definition of "existing use or structure." Commissioner Sheehan said she was satisfied with this explanation. The Commission did not make a change in this wording in the final revisions to the Management Plan.

Chapter 3-Natural Resources

Buffers

Commissioner Farrow moved that buffers should be increased to include 300 ft. for a fish bearing stream and 150 ft. for all other riparian areas. Commissioner Jacobsen seconded. Commissioner Sheehan said it was a complex and important topic and needs to be addressed after more thorough work. Commissioner Loehrke said more information is needed to make a good decision and the impact of making a bad decision was considerable. Commissioners Reinig and Wooster agreed. Commissioner Palena said he supported the motion as it sends a message the Commission is working in the right direction. Commissioner Robertson said the motion should be defeated because the Commission has not done any work or outreach to citizens or other agencies on the issue. Kim Titus, representing the Forest Service explained some of the consequences involved in making such a decision. Commissioner Crow said that he's gotten conflicting information from experts in the field and the item still needs work. Commissioner Farrow explained his intent was not that these buffer zones are "no touch" areas but creates protection of these resources. Commissioner Jacobsen said she supported the motion as a good faith measure. Allen Bell, Senior Planner, explained how buffers are used in the Plan. He said development is generally not allowed in buffers if there is any other practical approach. Chair Squier asked Commissioner Farrow if his intent was to create a tiered system of acceptable development within the buffer. He agreed that this was his intent. Bell explained that in the Plan, 100 ft. is a minimum buffer, and a larger buffer may be imposed if sensitive wildlife resources exist nearby.

A vote was taken and the motion failed 9 to 3.

Kenn Adcock -no

Doug Crow -no

Judy Davis-no

Michael Farrow -aye

Jane Jacobsen-aye

Walt Loehrke-no

Joe Palena-aye

Joyce Reinig-no
Dave Robertson-no
Kathy Sheehan-no
Anne Squier-no
Wayne Wooster-no

Page I-66, Guideline #2

Commissioner Robertson noted that there seemed to be a typographical error in the last sentence in Guideline 2. Bennett said the word "or" should be eliminated from "road or railroad utility corridor" and should read "road, railroad, or utility corridors, or existing developed utility sites. The Commission directed staff to make this technical correction.

Pages I-47, I-56, and I-65; Uses Allowed Outright

These lists of Uses Allowed Outright duplicate two new lists that begin on pages II-110 and II-114. These lists should be deleted as outlined in the technical revisions for the final draft revisions (see attachment R).

Page II-110, Guideline #1 E

Chair Squier moved to qualify Uses Allowed Outright by adding "within a riparian or wetland buffer" and would read "Accessory structures 60 sq. ft. or 10 ft. or less in height unless within a buffer of a wetland, stream, pond, lake, or riparian area." Commissioner Crow seconded the motion and a voice vote was taken. The voice vote was 11-1 in favor, with Commissioner Adcock voting no.

Section II:

Chapter 1- Agricultural Land

Review of Agricultural Fences

Commissioner Davis asked to review the agricultural fence issue and whether woven wire fences should be allowed as Uses Allowed Outright or in Expedited Review. Commissioners discussed the staff option outlined (see attachment R) dated April 26, 2004. Commissioner Davis moved to include "woven-wire fences for agricultural use that would enclose 80 acres or less" in the list of uses eligible for Expedited Review. Commissioner Reinig seconded the motion and a voice vote was taken. The vote was 11-1 in favor, with Commissioner Robertson voting no. Titus said the Forest Service disagrees with the Commission's decisions and agricultural fences require full review in the SMA.

Page II-10, Guideline X.

Commissioner Loehrke discussed Skamania County's request regarding disposal of septic tanks and fuel tanks in this section and suggested this should be included in Uses Allowed Outright. Bell said there have been situations that could have adversely affected cultural resources. The Commission discussed the issue and opted to make no changes.

Chapter 2-Forest Land

Commissioner Farrow discussed the issue of state enforcement of forest practices laws and regulations. Litwak explained this was a complex issue not related to Plan Review. The Commission did not take any action on this.

Chapter 4-Residential Land

Commissioner Farrow made a motion to encourage vertical growth, such as apartments as this would assist in protection of rural areas in the Gorge. Commissioner Reinig said this kind of growth was acceptable in urban areas and should be encouraged in these areas. There was no second for the motion.

Page II-65, Guidelines B and C

Chair Squier discussed the list of items that qualify as a review use. She said the language still needs work to make this clear and moved for the item to read as follows:

II-65 B "Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review, or allowed in Guideline 1.C below."

II-65 C Accessory building(s) larger than 200 sq ft in area or taller than 10 ft in height for a dwelling on any legal parcel are subject to the following additional standards:" (The remainder of this guideline was not changed by the motion.)

As presented on page 2 of attachment R, similar changes would be needed for all land use designations in Part II of the Plan except Open Space. Commissioner Sheehan seconded and a voice vote was taken. The motion passed unanimously. Titus said the Forest Service concurs with this decision.

Chapter 7- General Policies and Guidelines

Pages II-163 and II-164

Commissioner Robertson discussed the RTCs suggestion that the proposed guidelines apply to all Columbia Gorge bridges instead of just the Hood River Bridge. He said it would be best to stay with specific designation for the Hood River Bridge. Bennett said the terms visually unobtrusive and harmonious were discussed with other agencies and were left in the draft as the transportation agencies did not object to these terms. Brian Litt, Senior Planner added that the specific measures in prior Visual Quality Guideline 2 were consolidated with Guideline 1 to clarify that they implement "visually unobtrusive" and "harmonious". The Commission discussed the issue and opted to make no changes.

Commissioners discussed the issue brought forth by the RTC, ODOT, and WSDOT that the guidelines are too specific. Commissioner Loehrke said he supported specifying certain elements like the pedestrian and bike access. Commissioner Wooster said he was inclined to give deference to the transportation agencies as they are the experts on this type of project. Bennett said the cost estimate was not solid at this time and that

the Commission should make sure the guidelines meet their policy goals. Titus said it would be best to allow some flexibility allowing for arches incorporated into the bridge design and not to specify an arched bridge. Bennett suggested using language other than “structure” as this may be interpreted as prescriptive.

Commissioner Wooster made a motion to make the following changes in the final draft of revisions for the guidelines for the replacement Hood River Bridge: 1) delete “motorists” from Visual Quality Guideline 1.B; 2) delete “including the Historic Columbia River Highway” from Historic Design Elements Guideline 1; 3) delete “main” and “structure” from Historic Design Elements Guideline 2.A; 4) delete all text in parentheses in Recreation and Pedestrian/Bicycle Access Guidelines 2.B and 2.C; 5) delete “with significant views from both sides of the bridge” in Recreation and Pedestrian/Bicycle Access Guideline 2.D. Commissioner Adcock seconded the motion.

Commissioner Sheehan suggested an amendment to the motion to add “with significant upstream and downstream views” to the end of Recreation and Pedestrian/Bicycle Access Guideline 2.D. Commissioner Wooster did not accept Commissioner Sheehan’s suggestion.

Commissioner Sheehan moved to amend the original motion to add the phrase “with significant upstream and downstream views” to the end of Recreation and Pedestrian/Bicycle Access Guideline 2.D. Guideline 2.D would thus read: “provide multiple sitting and viewing areas with significant upstream and downstream views;”. Commissioner Palena seconded the motion. It passed by a voice vote of 11-0-1 with Commissioner Wooster abstaining.

A vote was taken on the main motion as amended and passed 11 to 1.

Kenn Adcock -aye
Doug Crow -aye
Judy Davis-aye
Michael Farrow -aye
Jane Jacobsen-aye
Walt Loehrke-aye
Joe Palena-aye
Joyce Reinig-aye
Dave Robertson-aye
Kathy Sheehan-aye
Anne Squier-no
Wayne Wooster-aye

Page II-108 Guideline #1B

Commissioner Loehrke suggested amending the language pertaining to consolidation of lots as suggested by Skamania County. He made a motion for this item to read as follows:

" A unit of land shall be consolidated with adjacent lands in the same ownership if: In Washington, if a unit of land is smaller than the current minimum lot size and is located within a final plat that was created prior to 1938".

Commissioner Adcock seconded the motion. Litwak reviewed the issue and said Clark and Skamania counties pointed out that Washington law does not require consolidation; thus the section on consolidation was drafted. The Commission previously discussed that it should apply to all lots not only pre-1937 lots. Bennett said while there have been no problems in Skamania County, there have been problems in Clark County.

A vote was taken and the motion failed 6 to 5, with one abstention.

Kenn Adcock -aye

Doug Crow -no

Judy Davis-no

Michael Farrow -no

Jane Jacobsen-abstain

Walt Loehrke-aye

Joe Palena-aye

Joyce Reinig-aye

Dave Robertson-no

Kathy Sheehan-no

Anne Squier-no

Wayne Wooster-aye

Commissioner Jacobsen abstained because she was out of the room for a portion of the discussion. Titus said the Forest Service agrees with the Commission's action.

Paving of Existing Gravel Roads

Commissioner Robertson asked staff for further clarification on Wasco County's request to allow paving dirt roads in the Uses Allowed Outright category. Bennett said this item would be allowed under Expedited Review category and has been a full review item under the current Management Plan. She said counties schedule these projects well in advance and have plenty of time to apply for a permit as Commissioner Quinn of Skamania County noted. She added that there should be an opportunity to check cultural resource and wildlife maps. Commissioner Adcock brought up the issue of Powerhouse Road in Klickitat County. Bennett said this project would not have qualified as it expanded the width of the road. The Commission discussed the issue and opted to make no changes.

Pages II-151 & II-152 #2D

Bell explained how time frames would operate in relation to quarry enhancement projects. Bennett said the essence of Wasco County's request to allow reclamation projects to take five years would effectively not apply the scenic standards for five years, particularly if the project used road spoils for reclamation. Commissioner Reinig said she's sympathetic to extending the time as there are significant obstacles for quarry reclamation. Commissioner Crow moved to adopt Wasco County's language

regarding quarry and disposal sites. Commissioner Adcock seconded the motion. Commissioner Sheehan said this language may create a loophole. Commissioner Crow said he did not want to create a loophole but wanted to give them more time. Commissioner Robertson offered a substitute motion expanding the time frame as follows:

- D. Time Frames. The following time frames shall apply to quarry enhancement projects:
- (1) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.
 - (2) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.
 - (3) An applicant may request one one-year extension to the one (1) year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.
 - (4) An applicant may also request one six month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one year landscaping time frame has expired.

The substitute motion was accepted by Commissioner Crow and seconded by Commissioner Adcock. A voice vote was taken and passed unanimously. Titus said the Forest Service concurred.

Commercial Events

The topic of commercial events as an allowed use was introduced by Commissioner Wooster. He said new data has been supplied and more testimony has been received that would promote "soft" economic development in the Gorge and urged the Commission to reconsider this issue. Commissioner Wooster moved to include commercial events including weddings and other small scale events incidental to the main property use to be allowed in GMA with the following restrictions:

1. use must be in conjunction with wineries, bed and breakfast, commercial use, registered historic buildings
2. the owner of subject parcel shall manage the use
3. counties may impose additional noise, parking, operating hours and other regulations as needed

Commissioner Adcock seconded the motion.

Commissioner Robertson said he has concerns about the resource impacts as we do not have good information to make such a decision. Commissioner Adcock said all of the counties were in favor of this and the economic gain is great. Commissioner Adcock

said it is the county's responsibility to address issues such as noise, congestion and parking in conjunction with this type of use. Commissioner Palena said it's important to allow the public and local communities to be stewards of the area and supports the motion. Commissioner Reinig said resource impacts can be handled by the counties and supports the motion. Commissioner Sheehan said the Commission's concern needs to be focused on the protection of resources but issues such as parking are the concern of the county and supports the staff proposal as discussed on July 18, 2003. The current motion does not have enough specificity to protect resources and she would not support the motion as outlined. Commissioner Crow said he believes more information is needed to protect resources and does not support the current motion. Commissioner Loehrke said he was concerned about commercial events that continue to happen even if they are not allowed resulting in a huge enforcement issue. Commissioner Jacobsen said unless we know better what the impacts are and put some limits on events, she can't support the motion but supports economic development. Titus said she believed there must be control over the events as the area becomes more popular and cited some Portland growth projection statistics.

Chair Squier said she wanted to be very clear that we are talking about commercial events and the way the plan was structured to accommodate commercial activity in specific zones, and in limited circumstances such as home occupations and bed & breakfasts. She said she does not support the motion as there is not enough information to assess the impact. Commissioner Farrow said we need to be cautious allowing this type of activity in the area and there is still a lot of space within the urban areas for such activities.

Commissioner Adcock called for the question, Commissioner Reinig seconded.

The vote on the motion to close debate and move to a vote on the main motion was 7 to 5. Chair Squier noted that a motion for the previous question requires a 2/3 vote, so the motion failed.

Kenn Adcock -aye
Doug Crow -aye
Judy Davis-no
Michael Farrow -no
Jane Jacobsen-aye
Walt Loehrke-aye
Joe Palena-aye
Joyce Reinig-aye
Dave Robertson-no
Kathy Sheehan-no
Anne Squier-no
Wayne Wooster-aye

Commissioner Davis said she did not support the motion as it was originally offered. She said she believes that events need greater restrictions placed on them.

A vote was taken on the main motion and failed 7 to 5.

Kenn Adcock -aye

Doug Crow -no

Judy Davis-no

Michael Farrow -no

Jane Jacobsen-no

Walt Loehrke-aye

Joe Palena-aye

Joyce Reinig-aye

Dave Robertson-no

Kathy Sheehan-no

Anne Squier-no

Wayne Wooster-aye

Commissioner Sheehan offered a motion to adopt the staff proposal as outlined on July 18, 2003 (see attachment S) with one change. Sheehan said her motion would insert the words "on the National Register of Historic Places" after "lawful dwelling." Commissioner Reining seconded the motion. Commissioner Wooster said he supported the motion. Commissioner Palena offered a suggestion to allow an additional five guests per additional acre of subject property. Sheehan changed the motion to require the subject property to be owner occupied but did not want to change the number of event participants based on acreage.

The final wording changes to the July 18, 2003 Revised Sample Provisions are:

1. "The use must be in conjunction with a lawful dwelling on the National Register of Historic Places, winery, bed and breakfast inn, or commercial use."
2. "The owner of the subject parcel shall operate, occupy, and manage the use."

A vote was taken and the motion passed 7 to 5.

Kenn Adcock -aye

Doug Crow -no

Judy Davis-aye

Michael Farrow -no

Jane Jacobsen-no

Walt Loehrke-aye

Joe Palena-aye

Joyce Reinig-aye

Dave Robertson-no

Kathy Sheehan-aye

Anne Squier-no

Wayne Wooster-aye

Accessory Structures

Commissioner Robertson asked staff to provide clarification on the issue of accessory structures in developed settings. Bennett explained without full review, notice would not be given to neighbors and there could be significant scenic impacts on neighbors. The Commission opted to make no changes.

Page II-119, Guideline 1A

Chair Squier asked for clarification on this item which allows a property owner to have one accessory building reviewed through Expedited Review; additional accessory buildings would be subject to the full review process. Bennett explained that as long as the total square footage and height restrictions are not exceeded, a property owner may apply for one accessory building through Expedited Review, regardless of whether they already had a legal accessory structure on the property. All others would be subject to the full review process. The Commission opted to make no changes.

Page II-143 Guideline 1.D

Commissioner Loehrke requested the addition of a new category for lot line adjustments as suggested by Skamania County's comments to provide for resource management and enhancement. Bell said this suggested provision is vague and without clarity and safeguards this could compromise the minimum lot sizes and result in more development than allowed by the minimum lot sizes. He noted there is a long term implication of shifting property lines and there are other solutions such as leases and life estates to achieve the same goal. Commissioner Loehrke moved to add the Skamania County proposal as outlined (see attachment Q) on page 4. Commissioner Adcock seconded the motion. Chair Squier said the motion was to add another category in context of the lot line adjustments and that the suggested language drafted by Skamania County was as follows: "Provide for alternative opportunities for resource management including increasing existing neighboring farm and forest operations, provided (a) the parcel to be enlarged would not become eligible for subsequent land division, (b) the amount of land transferred would be the minimum necessary to accomplish the stated purpose and (c) if in the A-1 zone the remaining parcel that loses the land shall not be so reduced in size to the point that it would qualify for a non-farm dwelling or otherwise be an uneconomically viable remnant."

A vote was taken, and the motion failed 6 to 6.

- Kenn Adcock -aye
- Doug Crow -no
- Judy Davis-no
- Michael Farrow -no
- Jane Jacobsen-no
- Walt Loehrke-aye
- Joe Palena-aye
- Joyce Reinig-aye
- Dave Robertson-aye
- Kathy Sheehan-no
- Anne Squier-no
- Wayne Wooster-aye

Page II-122 Guideline 1.A.5

Chair Squier said this section refers to a list of items for Expedited Review. She said the siting guideline should include a provision to increase the distance to 1/2 mile from 1/4 mile to account for the increased size of accessory structures. She explained she had field tested these distances and believed an amendment was needed. Commissioner Palena seconded the motion. A voice vote was taken and passed 11-1, with Commissioner Loehrke voting no. Titus said the Forest Service concurred.

Commercial Fish Processing

Commissioner Jacobsen said she wished she could separate the issue from the individuals affected and expressed her concern in adopting a policy for one exception. Commissioner Farrow said he also wanted to separate the issue from the individuals but believes this policy sets a bad precedent and is an example of spot zoning. Commissioner Loehrke said the Heukers' business is clinging to the last threads of the past. He supports the commercial fish processing policy as outlined in the final draft Plan. Commissioner Reinig said this does not set a precedent and when the Plan was initially developed, there was no identification of a commercial fish industry other than the Tribes involvement. None of the Commissioners offered a motion on this issue.

Additions

Chair Squier referred to the technical revisions list ~~(see attachment R)~~ and said one item didn't get on the list. In the guidelines that allow additions 1a. one accessory building under expedited review and 1b. allows additions up to 200 sq. ft. in area but does not stipulate the number allowed. The technical fix suggested is to add the following sentence at the end of the section "only one addition per building per parcel may be allowed under this guideline." The Commission directed staff to make this change. Titus said the Forest Service concurs.

Glossary

Repair pg. # 18

Chair Squier said Mr. Pitt brought up the issue of depth in relation to this term. Chair Squier made a motion to change definition of "repair" by adding "original depth" to the definition as follows:

Repair: Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration, design of a structure, nor does it excavate beyond the depth of the original structure.

Repair includes, but is not limited to, reroofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or defective utility line,

reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

Commissioner Reinig seconded the motion; a voice vote was taken and passed unanimously. Titus said the Forest Service concurred.

Maintenance, pg. # 13

Chair Squier made a motion to change the "maintenance" definition by striking out the words "trees and other." She said her concern was that people would remove healthy trees that were not hazards as the definition is ambiguous. She would like the focus to be on removing hazards. Commissioner Jacobsen seconded the motion. Commissioner Adcock said he could not support this motion as any tree once it reaches a broad diameter it can be a hazard and agencies should be allowed to remove as needed. The Commission discussed this issue. Given the Commission's general agreement that the existing language is intended to allow removal only of hazard trees, Chair Squier withdrew the motion.

Regularly maintained pg. # 17

Commissioner Crow asked for clarification about the definition of "regularly maintained" and Bell provided more information to explain periodic maintenance.

Commission Action

Bennett asked if all SMA final transmittals had been submitted.

Chair Squier called for a break at 10:35 p.m. and reconvened the meeting at 10:43 p.m.

Titus presented a summary memo of the SMA revisions to the final draft Management Plan (see attachment T). She noted two exceptions:

1. page ii, policy #69, the reference to "ten" lots in the Rowena Dell area is incorrect and will be replaced with "privately owned"
2. page #2 of the memo (see attachment T) referencing grading plans, these modifications include grading plans shall be required for uses involving more than 100 cubic yards of grading with slopes between 10-30% in the GMA and slopes over 10% in the SMA with exception of trails.

As there was no further discussion Commissioner Reinig referred to the draft motion (see attachment U) and said "I therefore move the Commission adopt the revisions to the Management Plan for the Columbia River Gorge National Scenic Area as shown in the Final Draft dated April 9, 2004 along with the specific language changes to the final draft that were accepted today and transmit the revisions to the Secretary of Agriculture for concurrence." Commissioner Robertson seconded.

Chair Squier asked staff to list all items included in the motion and Litwak listed the following items:

- Final Draft Management Plan, dated April 9, 2004

- changes to uniformity provisions & bridge guidelines (as amended during the meeting), dated April 19, 2004
- technical revisions, dated April 26, 2004
- two policy revisions, dated April 26, 2004
- specific changes for the GMA as follows:
 - I-2, # 1
 - I-7-#6
 - I-10 # 16
 - I-11 #26
 - I-66 # 2 (also applicable to other aspects of the Plan)
 - II-65 #1 b & 1c
 - II- add commercial events to chapter 7
 - II-110 # 1e
 - II-122 # A5
 - II-152 #1 & #3
 - Columbia River bridge guideline revisions
 - Glossary definition of repair on pg. # 18

A vote was taken and the motion passed unanimously.

Kenn Adcock -aye

Doug Crow -aye

Judy Davis-aye

Michael Farrow -aye

Jane Jacobsen-aye

Walt Loehrke-aye

Joe Palena-aye

Joyce Reinig-aye

Dave Robertson-aye

Kathy Sheehan-aye

Anne Squier-aye

Wayne Wooster-aye

Chair Squier thanked the member of the public, agencies, the Commission and staff for their work and adjourned the meeting at 10:55 pm.

The next regular meeting is scheduled for Tuesday, 5/11/04 at Best Western Inn in Cascade Locks, Oregon

Notes taken by Kathy Obayashi-Bartsch

Minutes approved on June 8, 2004