

# **Columbia River Gorge Commission**

## **Meeting Minutes**

**October 12, 2004**

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

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

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

Harold Abbe  
Kenn Adcock  
Doug Crow  
Judy Davis  
Dan Harkenrider  
Walt Loehrke (9:15 a.m.)  
Joe Palena (9:05 a.m.)  
Joyce Reinig (9:00-10:45 a.m.)  
Dave Robertson  
Kathy Sheehan  
Anne Squier

### ***MEMBERS ABSENT***

Jane Jacobsen (excused)

### ***STAFF PRESENT***

Tom Ascher  
Allen Bell  
Jennifer Kaden  
Brian Litt  
Jeff Litwak  
Kathy Obayashi-Bartsch

### ***AUDIENCE PRESENT***

Andersen, Steven. Cascade Planning Associates  
Baker, Nathan. Friends of the Columbia Gorge (FOCG)  
Banks, Peter. Skamania County  
Carlson, June. Oregon Department of Transportation  
Curran, Claudia. resident Corbett, Oregon  
Dailey, Katy. FOCG  
Gassman Dick. City of the Dalles  
Gibson, Bus. Mazamas  
Groen, John. Attorney for Geoff Thompson  
Jenkins, Pete.  
Johnson, Patrick. Skamania County Planning Department  
Keffer, Tom. resident Hood River, Oregon

Leipper, Bob. resident Troutdale, Oregon  
Miller, Bobbie. Gorge Landowners United (GLU)  
Mendas, Shirley. resident Portland, Oregon  
Simione, Angelo. GLU  
Sims, Pat. resident Portland, Oregon  
Swyers, Rita. GLU  
Thiemann, Phyllis. Columbia River Gorge Visitors Association  
Thompson, Geoff. GLU  
Wilkins, Maxine. resident Portland, Oregon  
Witherspoon, Karen. Skamania County Planning Department  
Wooster, Wayne. resident White Salmon, Washington.

Others were present during the day.

Chair Squier called the meeting to order at 9:00 a.m. and announced Martha Bennett, Executive Director delivered a baby girl on October 8th. Mother and baby Edith are healthy and resting at home. Chair Squier explained that the Executive Director duties would be rotated between Senior Planners, Brian Litt and Allen Bell during Bennett's parental leave.

#### **Approval of Minutes**

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

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It was noted that Commissioner Davis found some minor typos that will be corrected in the final copy. Commissioner Adcock asked staff to check Jeff Litwak's input about public comment against the tape on page three, paragraph four. Commissioner Sheehan made a motion to adopt the minutes with the necessary changes on typos and these comments. Commissioner Davis seconded the motion. A voice vote was taken and passed unanimously.

September 10-11, 2004

Commissioner Reinig made a motion to adopt the meeting and work session notes and Commissioner Sheehan seconded the motion. A voice vote was taken and passed unanimously.

#### **Election of Officers – Commission Vice Chair**

Chair Squier asked for nominations for the vice chair position. Commissioner Reinig nominated Commissioner Sheehan and Commissioner Adcock seconded the nomination. There were no further nominations. A vote was taken and passed with eight ayes and one abstention, electing Kathy Sheehan as vice chair.

Harold Abbe- aye  
Kenn Adcock-aye  
Doug Crow-aye

Judy Davis-aye  
Joe Palena-aye  
Joyce Reinig-aye  
Dave Robertson-aye  
Kathy Sheehan-abstain  
Anne Squier-aye

### **Introduction of New Staff**

Brian Litt, Acting Executive Director introduced new staff members, Tom Ascher and Jennifer Kaden. Ascher will work as the agency's full time duty planner and Kaden will work as a planner on a part-time, temporary basis. Chair Squier and the Commissioners welcomed them.

Chair Squier acknowledged Wayne Wooster's service as a Commissioner, vice-chair and as the chair of the Scenic Committee during Plan Review. She thanked him for his service and awarded him with a plaque. On behalf of the staff, Litt thanked Wayne Wooster for his friendly manner, focus on public involvement, hard work and dedication.

### **Public Comment**

Bob Leipper of Troutdale, Oregon read from prepared testimony (see attachment A) that addressed Multnomah County enforcement and air quality issues.

Bobbie Miller of the Dalles, Oregon spoke about the August 18, 2004 legislative oversight hearing in Hood River, Oregon. Miller read from prepared testimony (see attachment B1) addressing the property rights concerns brought forth at the hearing.

Rita Swyers of Hood River of Gorge Landowners United (see attachment B2) requested the Commission restore property rights or secure compensation for those people whose property she believes has become de-valued based on Scenic Area land use restrictions. She said the Commission should distance itself from the Friends of the Gorge to alleviate the appearance of collusion. She suggested the Commission start by opening the door to plan amendments. She specifically mentioned several individuals whom she believed were adversely impacted because of Gorge land use restrictions.

Geoff Thompson of the Viewpoint Inn (see attachment C) said he attended the September Commission training session and hopes to develop a trusting relationship with the Commission. He said the Viewpoint Inn should be treated as a cultural and historic resource. He said public opinion of the Commission needs to be improved as was noted by Commission members at the training and the public. He said the Commission could change public opinion by meeting the needs of residents and property owners. He said Cynthia Winter, who spoke at the August Commission meeting is not a neighbor and all of his immediate neighbors support his plans for the Viewpoint Inn.

John Groen, attorney for Geoff Thompson provided a brief history of the Viewpoint Inn and explained that it was not designed as a residence but as an inn. He said this property is a nationally recognized historic site. He said this property was not recognized as a cultural and historic resource by the Management Plan because data was missing and is currently designated as forest property, even though it is fully developed. He said the property should be removed from the Special Management Area (SMA) forest designation. He said the owner would like to develop the property as a visitor center that is developed privately and not with public funds. In order to do so, the Inn must be able to generate revenue.

Commissioner Adcock asked whether a development application has been submitted as Groen was providing an oral argument that normally would follow a denial. Groen said that there is no development application at this time and a proposal is being developed.

Jeff Litwak, Counsel said that there was no application at this time, and as such Mr. Groen could discuss his plans with the Commission without the Commission being subjected to an ex parte contact at this time. Groen said he was being proactive and informing the Commission of plans for the Inn. Commissioner Reining said the problems that the Viewpoint Inn had before was a result of a Multnomah County enforcement action and not anything brought before the Commission. Chair Squier said Mr. Thompson and Mr. Groen are describing a solution they may propose in the future, and she appreciated Commissioner Reining's comments about the history of the property.

**Motion for Reconsideration -- Joseph A. and Sandra Bacus v. Skamania County – CRGC No. COA-S-04-01**

Chair Squier said Commissioner Jacobsen would try to participate by speaker phone, however the phone connection was lost and Commissioner Jacobsen was not able to participate. Litwak provided a review of the reconsideration process and explained which of the Commissioners could participate in the discussion.

Chair Squier explained that in her letter dated September 1, 2004 setting this reconsideration item for October 12th, the statement that only seven members would qualify to participate in the reconsideration at today's meeting was inaccurate. The statement "[T]he Commission will strive to have the other seven members who participated in the original decision available at the October 12th meeting" was premature and an inaccurate statement. At the time this was written, Commissioner Wooster had left the Commission and Commissioner Robertson had theoretically been replaced by Governor Kulongoski's appointment of Mr. Condit. Because Mr. Condit's expected September confirmation by the Oregon Senate has been delayed, Commissioner Robertson continues to serve and is qualified to participate today.

Litwak referred to his staff report (see attachment D) and explained that the Commission's job today is to first determine if an error was made and whether new information is available concerning the error. He said the second step is to determine whether to dissolve or modify the decision. He suggested that the Commission set this second step forward if more time is needed to do this.

The Commission considered a motion for reconsideration of its August 10, 2004 decision in this appeal. The motion was filed by the appellants, Joseph and Sandra Bacus. The Commission must find that there is new evidence that could not have been found prior to the hearing through due diligence and that there is an error in the decision. The Commission's rules do not provide for oral argument.

The Commissioners deliberated on the issue and Commissioner Reinig made a motion to deny the request for reconsideration. Commissioner Robertson seconded the motion. A vote was taken and passed 6 to 1.

Kenn Adcock-aye  
Doug Crow-no  
Judy Davis-aye  
Walt Loehrke -aye  
Joe Palena-aye  
Joyce Reinig-aye  
Dave Robertson-aye  
Anne Squier-aye

Chair Squier said a written order would be sent.

Chair Squier recessed the meeting for a break at 10:30 a.m. and reconvened the meeting at 10:45 am.

### **Executive Committee Recommendation to Adopt Revisions to the Commission's Personnel Policies**

Dave Robertson, chair of the Executive Committee said the committee recommends that the Commission adopt revisions as outlined in Martha Bennett's report (see attachment E) to the Commission's personnel policies that address the benefit package for employees who are exempt from hourly compensation. The Executive Committee recommends creating a fixed bank of administrative leave for these employees in recognition that these employees must often work extra hours outside their regular schedules.

Commissioner Abbe asked how overtime hours are recorded. Commissioner Robertson said staff report these hours on a time sheet and work with the Executive Director on their schedules. Chair Squier said the use of leave must be

approved in writing by the Executive Director and that administrative staff would keep track of the bank.

Commissioner Sheehan asked how the bank of time would be used. Commissioner Robertson and Litt explained how the bank would be used. Commissioner Loehrke said the new system is designed to provide a bank of leave for the employees who regularly work additional hours. Commissioner Adcock said Bennett's memo was clear as to who was an exempt and a non-exempt employee. He said he does not support allowing additional leave time for any exempt, professional employee.

Commissioner Sheehan made a motion to adopt the revisions related to additional leave for exempt employees as drafted. Commissioner Davis seconded the motion. Commissioner Crow said does not like the negotiation aspect with the Executive Director. Commissioner Adcock said he was against the revision and it requires a lot of record keeping. He suggested modifying the policy to include a sunset of this policy and the policy would apply to employees currently employed. Chair Squier asked if there was anything further, and then called for the vote, which passed unanimously.

Harold Abbe-aye  
Kenn Adcock -aye  
Doug Crow-aye  
Judy Davis-aye  
Walt Loehrke-aye  
Joe Palena-aye  
Dave Robertson-aye  
Kathy Sheehan-aye  
Anne Squier-aye

Commissioner Adcock said he was unclear about the motion and thought they were voting on his proposed amendment. Chair Squier said the amendment was not accepted by the maker of the motion and so the vote was on the main motion to adopt the new administrative leave policy for exempt employees.

Commissioner Abbe made a motion for reconsideration of the vote and Commissioner Palena seconded this motion. A vote was taken and passed unanimously.

Harold Abbe-aye  
Kenn Adcock-aye  
Doug Crow-aye  
Judy Davis-aye  
Walt Loehrke-aye  
Joe Palena-aye  
Dave Robertson-aye

Kathy Sheehan-aye  
Anne Squier-aye

Commissioner Adcock then asked the maker of the motion to amend the original motion modifying the policy with a sunset clause and make the policy as drafted apply only to current employees. Commissioner Sheehan did not accept the amendment. No motion to amend was offered. A vote was taken on the main motion, to approve the proposed policies for administrative leave for exempt employees, and passed eight to one.

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

#### **Discussion of Commission Work Session- September 10-11, 2004**

(see attachment F)

Chair Squier provided a review of the work session and asked Commissioners for their comments. The Commission discussed the next steps in following up on the agreements and work assignments stemming from their September 10-11 work session. Chair Squier asked the Commission to use the "Agreement Scorecards" after each meeting and suggested they discuss the results of these scorecards at the November meeting if time allows. She asked staff to send blank copies of the scorecards to Commissioners before future meetings. Commissioner Sheehan suggested that the scorecard be available to the public at each meeting as well. Commissioner Loehrke suggested that the scorecards could be reviewed after the minutes are reviewed at each meeting.

Commissioner Crow acknowledged Bruce Russell (see attachment G), who recently passed away, describing his contributions to the Gorge.

#### **Director's Report**

Litt said that the lawsuit on Management Plan revisions filed in federal court by the Friends of the Gorge will be discussed in today's executive session. Staff received letters from Wasco and Hood River counties affirming their plans to go forward in revising their land use ordinance to incorporate the Revisions to the Management Plan. He said staff is working on a draft land use ordinance that should be ready by the first of the year. He said the request for a Lyle Urban Area Boundary adjustment was received and reviewed for completeness. The application requests addition of 100 acres. He said the submitted application was

incomplete and a letter stating which items need to be addressed was sent by Martha Bennett.

Litwak provided an update of the Rowland Lake appeal, which the parties have settled. Thus the Commission will not issue a written order and the case will be dismissed. Klickitat County settlements were achieved in litigation involving the County's critical areas ordinance and Dallesport sub-area plan. The county will adopt revisions that resolve the conflict between Scenic Area and county rules, resulting in Scenic Area rules superceding the county rules in the Scenic Area, Also, the county will share its permitting information with the Commission to allow the Commission to address problems sooner, and the Gorge Commission will provide technical assistance to the County.

### **National Scenic Area Manager's Report**

Commissioner Harkenrider announced that the 2005 budget includes one million dollars for land acquisition. This will essentially bring the section 8(o) acquisition program to a close. One of the properties the Forest Service hopes to close on in 2005 is in the Dodson/ Warrendale landslide area.

Commissioner Harkenrider said the Columbia Gorge Community College had an open house for their new facility in Hood River and it is a great example of how economic development funds from the Scenic Area Act were used in the community. Finally, he will be going to work at the Forest Service Headquarters in Washington DC in November and December. He's going to help plan the "100<sup>th</sup> Anniversary Congress" of the Forest Service. He said this assignment is temporary and that he'll be back in January. In his absence, Chris Knopp will be the Acting Area Manager.

### **Other Business**

There was no other business.

### **Executive Session to consult 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 11:55 a.m.

Chair Squier closed the executive session at 12:25 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 12:26 p.m.

The next regular meeting is scheduled for 11-9-04 at the Best Western Hood River Inn in Hood River, Oregon

Minutes taken by Kathy Obayashi-Bartsch

Minutes approved on December 14, 2004