
Columbia River Gorge Commission
Meeting Minutes
March 13, 2001

Location: Skamania Lodge, Stevenson, Washington
Time: Meeting commenced at 9:10 a.m.

COMMISSIONERS PRESENT

Anne Squier, Chair	Joe Palena
Kenn Adcock	Joyce Reinig (PM session)
Doug Crow	Dave Robertson
Don Dunn	Katharine Sheehan
Dan Harkenrider	Wayne Wooster
Jim Luce	
Walt Loehrke	

COMMISSIONERS ABSENT

Louie Pitt, Jr.

STAFF PRESENT

Claire Puchy, Executive Director
Bob McIntyre, Administrative Assistant
Jeffrey Litwak, Counsel
Allen Bell, Senior Planner
Brian Litt, Senior Planner
Gary Pagenstecher, Planner

AUDIENCE PRESENT

Allen, Roger. Dallesport, Washington
Andersen, Bradley. Skamania County Prosecuting Attorney. Stevenson, Washington
Arnes, Todd. Stevenson, Washington
Bacus, Joseph and Sandra. Stevenson, Washington
Baker, Nathan. Friends of the Columbia Gorge. Portland, Oregon
Boyd, Carnetta. Corbett, Oregon
Burton, Evan. Washougal, Washington
Cheatham, North. Hood River, Oregon
Chronister, Terry. Carson, Washington
Davenport, Rayford. Corbett, Oregon
Davenport, Ted. The Dalles, Oregon

Fryhling, Dick. State of WA OCD. Olympia, Washington
Gahimer, Anita. Port of Skamania County. Stevenson, Washington
Grichel, Steve. Skamania County Planning Department. Stevenson,
Washington
Hays, June. Washougal, Washington
Irish, Sherri
Kahn, Gary. Friends of the Columbia Gorge. Portland, Oregon
Karabut, Diana. Portland, Oregon
Kelly, Virginia. U.S. Forest Service, NSA Unit. Hood River, Oregon
Kite, Ira. Skamania, Washington
Kite, Rhoda. Skamania, Washington
Kloos, Jeanette, Oregon Dept. of Transportation. Portland, Oregon
L'Hommedieu, Dave. Stevenson, Washington
Lang, Michael. Friends of the Columbia Gorge. Portland, Oregon
Lichtenwald, Daniel. Columbia Gorge Audubon Society
Lindquist, Mindi. U.S. Senator Patty Murry's Office. Vancouver, Washington
Lloyd, Darryl. Hood River, Oregon
Maule, Alec and Judith. Central Cascades Alliance. Hood River, Oregon
Mazeski, Mark. Skamania County Planning Department. Stevenson,
Washington
Newton, Tiffany. Friends of the Columbia Gorge. Hood River, Oregon
Niven, Randy. Hood River, Oregon
Norvell, Christa. Washougal, Washington
Osborne, Jerry. Washougal, Washington
Ray, Rick. Springdale, Oregon
Robbins, Vera. Troutdale, Oregon
Russell, Nancy
Sauter, Dave. Lyle, Washington
Scott, Nev. Troutdale, Oregon
Sims, Pat. Portland, Oregon
Thiemann, Ed. Corbett, Oregon
Thiemann, Phyllis. Corbett, Oregon
Washines, Clifford. Yakama Nation. Toppenish, Washington
Weber, Bill and Louise. Corbett, Oregon
Wilkins, Maxine. Portland, Oregon
Williams, Chuck. Hood River, Oregon
Zastrow, Paul. Hood River, Oregon

THE MEETING AGENDA

1. Roll Call
2. Approval of Minutes
3. Announcements
4. Public Comment
5. Friends of the Columbia Gorge v. Skamania County and Norvell, report to

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- Commission
6. Economic Grant Certifications
 7. Director's Report
 8. NSA Manager's Report
 9. Presentation on Wind River Nursery Site by Anita Gahimer
 10. Hearing, Notice of Alleged Violation, Bert Arndt
 11. Update Regarding Judicial Venues by Jeffrey Litwak
 12. Management Plan
 13. Public Comment
 14. Other Business
 15. Adjourn

1. Roll Call

The meeting commenced at 9:10. Roll was called.

2. Approval of Minutes

The minutes of the February 2001 Commission meeting were reviewed. Slight changes were suggested. The minutes were approved with the changes suggested.

3. Announcements

Jeffrey Litwak, Counsel, announced that a hearing scheduled for this meeting would not be heard. The Executive Director and Mr. Bert Arndt had tentatively agreed to a settlement. The issue may come back to the Commission's next meeting as a settlement agreement; therefore this item was removed from the agenda.

Chair Squier also noted an agenda change. The original agenda listed the 8:00 p.m. to 8:30 p.m. item as "Public Comment on the Management Plan". While public comment on the Management Plan is welcome, this second public comment period is open to other issues as well. The intent of this comment period is to provide individuals who could not attend the earlier public comment session an opportunity to speak.

4. Public Comment

Joseph Bacus, Stevenson, Washington, spoke about a solid waste dump located by Highway 14 in Skamania County. He provided pictures of this site, and explained its history. The Southwest Washington Health District exercised its authority over the situation resulting in removal of some material, but there is still over two thousand cubic feet of material remaining. He stated this dump is a violation of the National Scenic Area rules. He asked the Commission's help in resolving this issue.

Chair Squier stated that it is not the Commission's policy to initiate additional workload during public comment session. However, it would be appropriate for the Executive Director to send a planner to the site and do some initial fact

finding before taking further action.

Clifford Washines, Yakama Indian Nation, spoke to the Commission about setting up meetings between the Commission, the counties, and the Indian Tribal Council.

5. Friends of the Columbia Gorge v. Skamania County and Norvell, report to Commission.

At the hearing on December 12, 2000 the Commission postponed deciding the case at the suggestion of the parties that they could settle the case. The Commission gave the parties 90 days to develop the settlement and report it to the Commission. The parties appeared to report on the settlement to the Commission.

Bradley Andersen, appearing for Skamania County, reported that a forest management plan was prepared, but that the County had not taken action on it. Gary Kahn, appearing for Friends of the Columbia Gorge, stated that this plan was not developed with Friends of the Columbia Gorge's participation, and was not presented to them in a timeframe that would allow adequate review and response.

Mr. Litwak explained the options the Commission might take, including continuing to deliberate toward a decision, remand the case back to Skamania County to consider the forest management plan as new evidence, or give the parties more time to reach an agreement. Mr. Andersen stated the Commission should uphold the county decision. Mr. Kahn said it might be possible for the parties to reach an agreement, but more time would be needed. Mr. Litwak recommended the Commission grant the parties additional time to try to reach a settlement.

The Commission discussed the options, and Commissioner Adcock moved that the Commission reconvene the hearing in 60 days. Commissioner Sheehan seconded the motion. Vote was taken, and the Commissioners voted as follows:

Adcock-Yes
Crow-Yes
Dunn-Yes
Loehrke-(recused)
Luce-Yes
Palena-No
Robertson-Yes
Sheehan-Yes
Squier-Yes
Wooster-Yes

The motion passed 8 to 1.

6. Economic Grant Certifications

Gary Pagenstecher presented three economic grants to the Commission for certification (see attachments A, B and C).

Tiffany Newton, Friends of the Gorge, submitted written comment supporting the certification requests (please see attachment D).

The Commission reviewed all three certifications, and approved them unanimously. Commissioner Crow abstained from the vote due to his involvement with the Oregon Investment Board. Chair Squier urged the investment boards to strive to get the certifications to staff in a timeframe that allows them to know they have been approved at to get the staff work done. Gary Pagenstecher noted that he had two days to turn these certification requests around. Peggy Bryan expressed her appreciation to Gary Pagenstecher for moving these certifications forward quickly. One of the applicants was trying to buy a business, and had a certain amount of days to close the deal. If this certification had been delayed that applicant would have lost \$30,000. Chair Squier thanked Ms. Bryan, and she appreciates special circumstances, but this quick turnaround should not then become an expectation.

7. Director's Report

Claire Puchy gave the Director's Report. Ms. Puchy has been meeting with State Legislators to detail the activities and responsibilities of the Gorge Commission under the Scenic Area Act, and to inform them about the two governors' requests for the fiscal year 2001-2003 budget. She thanked Commissioners Loehrke and Sheehan for accompanying her to meetings in Washington, and Commissioners Robertson and Dunn in Oregon. With regard to the budget process, the Washington budget should be heard in March, unless setbacks are encountered due to the earthquake. The budget will be heard in Oregon tentatively between April 18 and 20. Ms. Puchy stated that so far, she has had positive feedback from legislators regarding the agency and its progress.

Ms. Puchy reported that Gail Castle and staff have met, and there are no longer any differences to be worked out; the development permit will be issued before the end of the month, per the Commission's order. Both parties have agreed they will not discuss the details of the agreement reached.

With regard to Plan Review, staff is working diligently on setting up the public meeting schedule in all six counties. The meeting in Wasco County will take place tentatively on April 28, and in Multnomah County tentatively in early May. Ms. Puchy will announce the dates as soon as they are known. Ms. Puchy then presented a list of products that staff intends to produce as part of Plan Review. The list presented was compared with the list that was developed in 1997, prior to budget reductions. The majority of products identified in 1997 will be produced.

Ms. Puchy noted a number of personnel changes in key positions in, or affecting, the Gorge. Leaving will be: Dotty DeVaney, Wasco County Planning Director; Harpreet Sandhu, Director of Skamania County Planning Department; Colleen Kinney of Oregon Department of Administrative Services; Sue Adamich of the Washington Office of Financial Management; and Hal Dygert of the Washington's Office of the Attorney General. The Gorge Commission will feel their loss.

Ms. Puchy is very close to hiring a temporary GIS person. The new director will make the decision on the permanent replacement.

Per the Commission's direction at the February meeting, Ms. Puchy has worked with the Public Outreach Committee to refine the job description for the Public Outreach Coordinator.

Commissioner Loehrke wondered if the Public Outreach position should be filled with a planner, or redefined as an assistant to the director, or office assistant. The Commissioners discussed this. Commissioner Luce moved that the Commission direct Claire to advertise for a Public Outreach Coordinator, and provide resumes to the Public Outreach Committee for review. Commissioner Sheehan seconded the motion. The Commissioners voted as follows:

Wooster-Yes
Adcock-Yes
Dunn-Yes
Luce-Yes
Palena-Yes
Loehrke-No
Robertson-Yes
Sheehan-Yes
Crow-Yes
Squier-Yes

The motion passed.

8. NSA Manager's Report

Jurgen Hess presented the report for Dan Harkenrider. Mr. Hess said there has been rumor of interim air quality regulations. He stated this is not so; there is no interim plan in place, or plans to develop interim regulations.

Commissioner Adcock stated that there is a Forest Service plan to burn forest fuels in the Gorge, yet individuals are being asked not to burn their material. Mr. Hess stated that all burning must meet air quality guidelines.

Mr. Hess said there have been several letters to the editor about Forest Service mismanagement of boundaries and lost data. He presented a letter from Gene

Zimmerman, former Forest Supervisor, to help clarify the issue (see attachment E).

In regard to land acquisition, the Forest Service has received over one hundred offers, and about 25 of these have been given top priority. March 31, 2001 is the final deadline.

9. Presentation on Wind River Nursery Site by Anita Gahimer.

Anita Gahimer from the Port of Skamania County gave a presentation on the Wind River Nursery Site. The nursery closed in 1995, which had a significant negative impact on employment. In 1997 a federal conveyance was granted to Skamania County for this site. In total, about 165 acres will be acquired by Skamania County. This site will be used to promote business and research, tourism, recreation, community activities, and to showcase locally made products. She also showed slides of the site and explained the functions of many of the buildings on the site (please see attachment F).

10. Hearing, Notice of Alleged Violation, Bert Arndt.

Chair Squier stated that the hearing would not take place, as the parties have come to a tentative agreement. The issue may come before the Commission at the next meeting as a settlement agreement.

11. Update Regarding Judicial Venues by Jeffrey Litwak.

Counsel Jeffrey Litwak spoke to the Commission about judicial venues, and presented a listing of the major Commission rules under which judicial review may be sought (see attachment G). He spoke about determining the most appropriate court for hearings. Staff intends to work with the Rules Committee, which will report back to the Commission at the May or June meeting.

The Commission broke for dinner at 5:00 p.m. and reconvened at 6:30 p.m.

12. Management Plan Overview

Claire Puchy, Brian Litt, Allen Bell and Virginia Kelley presented an overview of the Management Plan. Claire Puchy introduced the presentation by explaining how the Management Plan came to be and its basic components. The Commission is required by the Act to review the Plan at least once every ten years to determine how well the Plan is carrying out the purposes of the Act, and to revise the Plan if necessary.

Brian Litt summarized protection provisions of the Plan for Gorge resources, including GMA guidelines and SMA guidelines. He reviewed the key terms and provisions for scenic, cultural, recreation and natural resources.

Allen Bell then presented information on Land Use Designations in the Gorge, including minimum parcel sizes and the land use guidelines. The Gorge Commission developed the GMA guidelines and the Forest Service developed

the SMA guidelines. He went over the key inventories used to develop land use designations, and the six basic land use designations. He then discussed minimum parcel sizes, which only apply to land divisions in the GMA, because the Act prohibits land divisions in the SMA.

Virginia Kelley of the U.S. Forest Service's National Scenic Area Unit then covered the Action Program of the Plan, which addresses actions to be taken for recreation development, economic development, enhancement, and interpretation and education.

Ms. Kelley then discussed the administration issues in the Plan, including respective roles of the Gorge Commission and the Forest Service. She also discussed Indian Treaty rights and consultation.

The entire session was videotaped, courtesy of the Multnomah County Planning Department.

13. Public Comment.

Diana Karabut presented a letter to the Commission (please see attachment H).

Patricia Sims spoke to the Commission regarding Plan Review and Revision. She said it will be important for the Gorge Commission to keep in mind that everyone has the best interests of the Gorge at heart. Many different viewpoints and interests will be brought forward. The Commission will need to find a balance. She urged the Commission to develop a strong, fair, clear and consistent Management Plan, and is firmly in favor of protecting the resources, including farmland, forest land and open space. She grew up on a farm and understands working with the laws of nature. Her father was the first man in her county to practice conservation through contour plowing. He was ridiculed for his crooked rows and grass gulleys, until he raised more per acre than other farmers.

She believes that it is in our economic interest to preserve what we have rather than to pursue the outdated idea that we have to conquer Mother Nature. She said that some people are going to demand a trophy home in the most visible spot, and some are going to want a home in the trees. It is between these two extremes that the Commission will have to establish rules that are clear, fair and consistent. There will always be effort to reduce the value of the Management Plan, and that is where the strength of rules will be crucial, rules that allow for economic development, reasonable flexibility and provide for maximum protection for those resources that once destroyed are unrecoverable.

Economic opportunity for residents of the Gorge and preservation of natural resources are of equal importance. We need strong rules to be able to serve and promote economic opportunity as much as we need strong rules to preserve our

scenic, cultural, natural and recreational resources. She promotes strengthening of the current rules, along with consistent enforcement in order to achieve ultimate protection. She expressed her support and encouragement to the Commission and staff.

Nancy Russell agreed that a Plan Review is needed (see attachment I). She stated that she sees many more buildings in the Gorge now than she expected she would see nine years ago. Some of the devices in the Management Plan, such as vegetative screening, haven't worked well because people cut down those trees. Houses used to be more modest. Some people have more money now and are building much larger houses. Some of the paint colors used early on reflected too much light, although that has improved. Rural residential development has had a big impact as seen from key viewing areas. There should be a serious look at how those rural residential areas look, and whether the current management provides enough protection for natural and scenic resources. She said the Commission must visualize the future, which isn't easy. Most people cannot visualize the future until it happens. It is important to do a buildout analysis, and determine what the Gorge would look like if everything that can be developed, is developed.

She said something must be done to discourage large, conspicuous houses in the Scenic Area. The size of houses permitted should be spelled out in the Management Plan. She said it is distressing that people are making a large-house statement, and those people are buying land in the Gorge. The emphasis should be on natural scenery and not on huge homes. She hopes the Commission can find a way to encourage growth in the urban areas, and that the Gorge Management Plan did very little to address goal number two, to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas. She said the Management Plan should consider strategies to direct housing to the urban areas. Any revision of the Management Plan must address the problem of urban type development coming into the Gorge.

Plan Review should provide for new Key Viewing Areas, especially with new public lands in mind. Many thousands of acres have been acquired that have strategic viewpoints (see attachment H). She hopes the Commission will be adding new trails to the Management Plan due to the expanded public land base. She stated that she has also seen many new gravel mines in the Gorge, and the rules on open pit gravel mining must be addressed, and strengthened. In general, protection must be strengthened because the Gorge is under a great deal of development pressure.

Ted Davenport said he had reviewed the Management Plan, and it seems to him that most of the problem for the Gorge Commission has been conflict resolution involving residential properties. There are seven pages in the Management Plan that need review. He encouraged the Commission to

concentrate on part two, chapter four, pages 55 through 62 which deal with residential lands, and try to figure out how to protect private property owners from the litigation that comes from the outside to reduce difficulties when they try to do typical things on their property. Many long term residents of the Gorge have been protecting it, and he said they do not need to be hassled.

He said the action plan part of the Management Plan designates about 40 or 50 different places for which there are plans to do something under the recreation plan. He would like to see the Commission get some independent person, not from the Forest Service or Gorge Commission, to go through each of the action items and find out how much money was spent, what was expected from the spending, and what was done. He noted one example, the Discovery Center. Visitorship has declined. In the Corbett area, access has been closed to Reed Island.

He encouraged the Commission to identify areas where it is profitable for attorneys to “cook up issues”. He encouraged the Commission to quit “being used” by the attorneys that talk about things they create to build something in their own organizations.

Sherry Irish said she is proud to be a landowner in the Gorge, and is happy to comply with the Commission’s regulations. She thanked the Commission, Friends of the Gorge and the Forest Service for their efforts in protecting the area. She said she has lived in many different states, and this is the most beautiful place she has ever lived. She feels it is a shame that people who have lived in the Gorge for a long time seem to take it for granted, and she wished the Gorge Commission had more strength. She sees violations popping up and wishes more could be done.

Joe Bacus said the National Scenic Act is divided into three parts, the purpose, the regulations and the enforcement. He believes the Gorge Commission has done good technical work, but has not been able to accomplish enforcement very well. He realizes the funding, political and personnel problems involved in the enforcement of the legislation. He said the Gorge Act sets the Commission up for failure. Many counties actively attempt to subvert the Act. He said the Gorge Commission has the ability under the law to enforce the provisions of the Gorge Act and the various municipal ordinances. All the planning and work is worthless unless the plans are enforced. That is not happening because the law is not being enforced. He said those who do not respect the law must be shown that they must respect the law, and to do that the Commission must enforce the law. He said the Commission has a great deal of enforcement capacity regardless of what the individual counties do. He urged the Commission to develop an enforcement division. He stated that he would be willing to volunteer his time to see to it that this law is enforced. He also urged the Commission to call upon volunteers, including himself, who are willing to give their time to see that this law is enforced.

Rick Ray from Corbett talked about “loophole houses” (see attachment J). By looking at the homes that have been approved under the Scenic Area Act that might be a good gauge and roadmap for how the Management Plan might be improved. There are cases where the landowners have followed the law in building their homes, but the law wasn’t necessarily protecting the resource. Not all of the “loophole houses” are trophy homes.

He said he was on the Multnomah County Land Use Advisory Committee for the Corbett Area outside the Scenic Area regarding the East of Sandy River Rural Area Plan. He said they heard some very sorry stories from residents who wanted to be able to split their land between their children, people who had bought land to retire on, etc. They made some recommendations that increased the number of buildable units in the area, and added about 20 or 25 more, and felt good at the time because they were making people happy. Later he realized that this process is going to go on every few years, and if you look forward into the future, everything done to the Scenic Area to open up more development, the resources will not be what they ought to be. He encouraged the Commissioners to think “long-term”. If the Commission opens up the Plan every ten years and weakens it a bit each time to please people, resources will be diminished.

Terry Kronister is a writer and a poet and said that the Gorge is his home, and nobody really owns it. He loves the Gorge, and spoke specifically about the beauty of Wind Mountain, including poetry he wrote. He said this area is a treasure and it must be preserved, and it is our duty to make sure that happens.

Michael Lang from Friends of the Gorge spoke about Plan Update. He underscored the importance of carrying out the necessary studies including the monitoring reports, the Land Use Change Study, Buildout study and the Scenic Resource Assessment studies. He said he appreciated getting credit for that study, but it was actually the Gorge Commission proposal originally that Friends of the Gorge supported.

Friends of the Gorge encouraged the Gorge Commission to do very broad public outreach in Management Plan review, and include many geographically diverse meetings, both inside and outside the National Scenic Area. With regard to loopholes in the Scenic Resource Protection Guidelines, in Section 6 of the Act, it is required that residential development not adversely affect scenic, natural, cultural or recreation resources. Section 6(d) of the Act explains the same requirement for Commercial development. Policy 1 of the Management Plan gives a very broad variance to that mandatory requirement of the Act by saying that no review use allowed in a zone may be denied due to adverse scenic resource impacts. He said Friends would like to see this addressed during Plan Review.

There is an over reliance on additional vegetative screening of new structures.

The planning departments are unwilling to give the landowner the news that perhaps a 5,000 square foot house isn't appropriate. He suggested the Commission may want to regulate house size and develop better screening measures. Regulating the size, location and color can help quite a bit in reducing visibility, but relying on screening mechanisms is contrary to human nature. More effective screening would be supported by Friends of the Gorge.

The species lists need to be updated, and the Natural Resource Protection Guidelines and habitat management recommendations in the Management Plan need to be updated, as new species have been added to sensitive or threatened species lists. Habitat protection and management recommendations have changed considerably as well. The Commission should go to state and federal resource agencies for those.

Friends of the Gorge supports more measures to restrict or prohibit gravel mines and mining in the National Scenic Area. Updating rules governing new farm dwellings in the National Scenic Area should be done as well.

14. Other Business

There was no other business.

15. Adjournment

The meeting adjourned at 8:45 p.m.

Minutes taken by Bob McIntyre

Date Commission Approved:

April 10, 2001