

Columbia River Gorge Commission

Meeting Minutes

May 8, 2007

A complete record of this meeting is available on compact disc

Location: Camas Police Station, 2100 NE 3rd Avenue, Camas, Washington

Time: 9:30 am

MEMBERS IN ATTENDANCE

Harold Abbe

Kenn Adcock

Jeffrey Condit (9:40 am)

Doug Crow (9:45 am)

Judy Davis

Virginia Kelly for Dan Harkenrider

Jane Jacobsen

Lonny Macy

Jim Middaugh

Joe Palena

Joyce Reinig

Honna Sheffield

MEMBERS ABSENT

Walt Loehrke (excused)

STAFF PRESENT

Jill Arens, Executive Director

Tom Ascher, Planner

Angie Kenny, Planner

Brian Litt, Planning Manager

Jeff Litwak, Counsel

Kathy Obayashi-Bartsch, Assistant

AUDIENCE PRESENT

Anderson, Steven. Mosier, OR

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

Bowen Sherlene. Chenowith Water Public Utilities District

Buchanan, Lori. White Salmon, WA

Dahlstrom, Mike. Zenn Associates

Darcy, Connie and William. Troutdale, OR

Daughtry, Chuck. Port of Cascade Locks, OR

Duffy, Sandra. Multnomah County Attorney's Office

Estrin, Lisa. Multnomah County Planning Department

Groen, John. Groen, Stephens & Klinge LLP

Holt, George. Prindle, WA

Kahn, Gary. Reeves, Kahn & Hennessy

Lang, Michael. FOCG

Leipper, Bob. Troutdale, OR

Miller, Bobbi. Gorge Landowners United for Equity (GLUE)

Nichols, Rodger. *The Dalles Chronicle*
Nicolai, Tom. Portland, OR
Repar, Mary. Stevenson, WA
Simione, Angelo. GLUE
Swyers, Rita. GLUE
Thiemann, Phyllis. West Columbia Gorge Chamber of Commerce
Thompson, Geoff. GLUE
Witherspoon, Karen. Skamania County Planning Department

Others were present during the day

Call to Order

Chair Davis called the meeting to order at 9:30 a.m. and role was called.

Approval of Minutes – April 10, 2007

Chair Davis asked the Commission to review the draft minutes. Commissioner Reinig made a motion to approve the minutes as drafted and Commissioner Adcock seconded the motion. A voice vote was taken and unanimously approved.

Public Comment

Mary Repar, Stevenson WA read from prepared testimony (see attachment A) on Skamania County's Comprehensive Plan and Clark County's Comprehensive Growth Management Plan updates, graduated zoning and buffers. She said it is the stakeholders responsibility to protect the Gorge from environmental abuse.

George Holt, Prindle WA read from prepared testimony (see attachment B) regarding commercial expansion in the Gorge. He expressed concern that scenic and natural resources will be harmed as a result of the proposed Gorge casino. He asked the Commission to express their opinion on this proposed casino.

Michael Lang, Friends of the Columbia Gorge (FOCG) provided a copy of FOCG testimony presented to the Oregon Ways and Means Subcommittee on Natural Resources (see attachment C). He said FOCG supports funding by the Oregon legislature for various natural resource agencies and projects, such as the Gorge air quality work.

Commissioner Crow asked if FOCG considered the impacts of wind turbines in the Gorge. Mr. Lang said FOCG provided comments and concerns about such projects and while development of alternative energy is generally supported, the site of a wind turbine facility is very critical factor.

Bobbi Miller, The Dalles OR referred to the air quality study and a recent article in *The Dalles Chronicle*. She said many of the issues related to air quality are not in the Commission's jurisdiction and the Commission should not be involved.

Opportunity for Tribal Nations to address Commission

No tribal members were present.

Economic Loan Certification: Chenowith Water District (W07-0146)

The Commission considered certification of consistency for a loan approved by the Oregon Investment Board to the Chenowith Water District for water line improvements. Tom Ascher, Planner provided a review of the economic loan certification (see attachment D) for a \$150,000 National Scenic Area (NSA) economic development loan.

Commissioner Middaugh asked if customer rates will be impacted by the project. Ms. Bowen, Manager of Chenowith Water Public Utility District said a 10% rate increase is likely and there will be smaller incremental increases in the future.

Commissioner Crow said he prefers NSA economic development funds to be used for job creation either directly or indirectly and this aspect should be reviewed when considering applications and job creation data should be included in every report to the Commission. Ascher said the economic development agencies review this aspect of applications.

Public Comment

There was no public comment.

Commissioner Adcock made a motion to certify the loan request W07-0146 and Commissioner Jacobsen seconded the motion. A voice vote was taken and unanimously approved.

Public Hearing on Skamania County Ordinance Amendment

The Gorge Commission conducted a hearing to determine consistency of amendments to the Skamania County Scenic Area Ordinance with the Management Plan. Angie Kenny, Planner provided a review of the ordinance amendment which replaces the Board of Adjustment with a Hearings Examiner System (see attachment E).

There were no questions from the Commission.

Public Comment

Mary Repar of Stevenson WA expressed concern with a hearings examiner system. She said much of the decision making will be restricted to one person contracted for this work and this change will affect the Skamania Planning Commission as well. She is concerned that a paid individual from out of the area may feel obligated to Skamania County and will not have local knowledge of the issues.

Virginia Kelly said the Forest Service agrees with the staff recommendation and has no objection to the proposed amendment.

Commissioner Sheffield said it is her understanding that the Commission cannot dictate the county's process as long as the land use ordinance is consistent with the Scenic Area Act and Management Plan.

Commissioner Condit said in his experience the use of a hearings officer often results in a faster process that is less political.

Commissioner Reinig said the Commission has also considered using a hearing officer because of the many advantages this system has.

Commissioner Middaugh said City of Portland uses a hearings officer and this creates a level of professionalism and standardization to the proceedings.

Commissioner Crow said his only concern is the expense of contracting a hearings officer.

Commissioner Reinig made a motion to:

1. Find the amendment to Skamania County's Scenic Area Code for the implementation of a Public Hearings Examiner (as contained in Skamania County Ordinance 2007-02) consistent with the Scenic Area Act and The Management Plan for lands inside the General Management Area; and

2. Make a tentative finding of consistency for those portions of the amendment affecting Special Management Areas, and submit those portions to the Secretary of Agriculture for concurrence.

Commissioner Sheffield seconded the motion and the motion passed unanimously.

Harold Abbe-aye

Kenn Adcock-aye

Jeffrey Condit-aye

Doug Crow-aye

Judy Davis-aye

Jane Jacobsen-aye

Lonny Macy-aye

Jim Middaugh-aye

Joe Palena-aye

Joyce Reinig-aye

Honna Sheffield-aye

Introduction to the Recreation Resort Public Workshop Sessions

Tom Ascher, Planner described the purposes and schedule for public workshops to be held in May and June as part of the Recreation Resort Plan Amendment development process. The workshops will be facilitated by Zenn Associates.

Commissioner Middaugh said he hopes the workshops will address what is wrong or deficient with the existing guidelines and what level of commercial recreation should be considered sufficient for the future.

Commissioner Jacobsen said she agrees with Commission Middaugh's comments. She said it is important to determine a commercial recreation plan with a time frame of at least 50 years.

Chair Davis asked what outreach efforts are planned to get the information out to the public. Ascher said fliers, notices in the paper and additional discussion with direct stakeholders and e-mail notification will be used.

Commissioner Reinig said there should not be catering to a specific group such as windsurfers and the Commission should be reaching out to everyone who is interested in the issue.

Brian Litt, Planning Manager said the new Gorge Commission website has the capability to take public comments.

Ascher said it would be good for the Commissioners to attend at least one of the meetings and introduced Mike Dahlstrom of Zenn Associates, contractor for the Recreation Resorts Public Workshops.

Mike Dahlstrom of Zenn Associates said the workshops will elicit comments, encourage dialogue between parties and create other opportunities for continued comments and feedback.

Break 10:35-11:50 a.m.

Officer Election Discussion

Commissioners revisited an earlier discussion of whether to vote in June 2007 for Chair and Vice Chair for a term of 18 months, or extend current officers for 6 months and vote in December for a 12 month term.

Commissioner Palena suggested electing officers for an interim period until the new schedule begins in December 2007.

Commissioner Sheffield said this is a good idea and questioned whether any Commissioners would be interested in serving for a 6 month term.

Commissioner Condit said part of his concern serving as Chair for a full term is juggling the Commission duties with his work schedule. He said he would welcome a 6 month term as a trial period to assess whether the duties of the Chair would be compatible with his work schedule.

Commissioner Reinig said she is interested in being the Chair, especially if Commissioner Condit is not interested and would be interested to serve as Vice Chair during the 6 months. She said in the past, it was thought to be beneficial to have a Chair and Vice Chair residing in different areas, especially if one lives inside the Gorge and one lives outside of the Gorge.

Commissioner Abbe said it would be more expedient to conduct a single election.

Commissioner Adcock made a motion for Jeff Condit to serve as interim Chair and Joyce Reinig as interim Vice Chair. This interim period would be from June through December 2007.

Litwak said there is no restriction for holding an election today but it was not noticed as an election on the agenda and Commissioner Loehrke is absent today.

Commissioner Sheffield said perhaps there are others who would be interested in serving as an interim Chair or Vice Chair.

Commissioner Adcock withdrew the motion in consideration of these issues expressed by staff and Commissioners.

Commissioner Abbe made a motion to conduct an election in June for an interim Chair and Vice Chair who will serve July through December 2007.

Commissioner Adcock seconded the motion and the motion passed unanimously.

Harold Abbe-aye

Kenn Adcock-aye

Jeffrey Condit-aye

Doug Crow-aye

Judy Davis-aye

Jane Jacobsen-aye

Lonny Macy-aye

Jim Middaugh-aye

Joe Palena-aye

Joyce Reinig-aye

Honna Sheffield-aye

Executive Director Performance Evaluation Report

Chair Davis said the Executive Committee evaluated Jill Arens performance for a 6 month period. She said the committee collectively agreed her performance has been good and there will be a complete one year review in September. Chair Davis praised Arens work gathering support for the agency budget and her ability to work on many complex agency issues. She said Arens identified a very ambitious set of goals to achieve.

Assessment Committee Report

Chair Davis said Commissioner Harkenrider is the Chair of the Assessment Committee and because he is absent, Jill Arens, Executive Director and Brian Litt, Planning Manager will provide an update.

Arens said the initial work for the Indicators Project will be started this summer with a graduate level intern, Pieter Kleemeyer who is studying at University of Michigan. Mr. Kleemeyer has been recruited through the Portland State University Executive Leadership Institute and will work 8-10 weeks on the Indicators Project. His work will be directed in part by a project consultant and the Executive Director. Angie Kenny, will be the agency's staff planner for this

project. Arens said she is concerned that funding from Oregon has not yet been approved for the Indicators Project.

Commissioner Crow asked Arens to send information on the critical contacts for Oregon budget support. Arens said Senator Devlin is the primary contact and she will send his contact information to the Commissioners.

Brian Litt, Planning Manager said the Assessment Committee discussed the purpose and goals of the Indicators Project. He said the group determined that the Indicators Project must determine how well the Commission is implementing the purposes of the Act. He said a key criterion for an indicator is that it is measurable and can continue to be measured over time. The Committee agreed it is important to identify key community leaders, identify state and federal agencies that can provide more information, and the importance of keeping the project scope clear and manageable.

Director's Report

Arens said in response to the Assessment Committee, she is requesting the Commissioners provide a list of community leaders that are not necessarily public officials. She said the Committee wishes to broaden input from the community for the Indicator's Project. She would like the Commissioners to send her contact information by May 25.

Arens asked Commissioners to submit the self evaluation forms that are part of the Oregon performance measure for best practices for boards and commissions. The deadline for returning the self-evaluation forms is also May 25.

Arens said she received notice that Linda Goodman, regional forester concurred with the amendment of the updated Management Plan (2004) (PA-06-05). She said printed copies of the Plan will be available soon.

Arens said an updated fiscal report will be sent out later this month on the Commission's current budget. She said during a recent meeting with the Washington Office of Financial Management (OFM), OFM staff indicated there are no problems with the Commission's current budget. She asked the Commissioners to submit their expense reports to update the accounts.

Commissioner Crow said there is a cultural site that needed remediation and asked for an update. Arens said staff will provide an update for the Commissioners.

Commissioner Crow said Columbia Hills Park received Washington state funds to build parking lots on SR 14, rebuild The Dalles Mountain Ranch barn and drill a well.

Commissioner Sheffield said Oregon sent a letter about submitting financial disclosures. Arens said Washington Commissioners don't have to send a financial disclosure to Oregon and this was confirmed by Oregon state staff.

Commissioner Crow said he visited the area related to the recent horse boarding Plan Amendment. He said it was a surprise to see the number of homes in the area and the steepness of the topography. He said it would be helpful to have a topographical map in the future when considering such issues.

Litt said Beacon Rock State Park will have a grand opening on May 16th at 1:00 p.m. for a new day use area. This area will provide recreational river access for the public as a multi-use day use area.

Litwak said there will be another appeal at the Commission's June meeting. Commissioner Sheffield asked if the record could be sent as soon as possible to allow more time for review.

Commissioner Middaugh asked if staff is aware of the National Policy Consensus Center and its work with the Oregon Department of Ecology. He said collaboration between Oregon and Washington state agencies is needed for issues such as air quality. Litt said he is aware of their work and the agency receives updates.

Commissioner Jacobsen said she received a call from the Governor's office regarding the Future Forum as a kick-off event for the Indicator's Project. She said it would be helpful for staff to contact both the Washington and Oregon Governor's office extending an invitation to the Governors of Washington and Oregon to attend the Future Forum in October 2007 at the Discovery Center. Arens said she would contact the Governors' offices again and the "save the date" cards for the Future Forum will be sent soon.

NSA Manager's Report

Virginia Kelly provided an update on the Sandy River Delta. She said there is a volunteer trail day on Saturday, May 12, 2007, work continues for the Confluence Project and with ODOT to lengthen the off ramp and expand parking lots. A bridge design for Sandy River for the lower Sandy River area is being developed and more information will be available soon.

Kelly said all National Forests need to develop a recreation facilities master plan and develop a public sharing process. The NSA office is working to prioritize recreational facilities within the area.

Kelly said workshops addressing recreational use of the Burdoin Mountain area, including the syncline and Coyote Wall will be held and notices will be sent soon. She said many new trails have been made and there is a need to define a public trail system.

Kelly said she will be taking a new position as Executive Coordinator in the Yellowstone National Park area. The Commission congratulated Ms. Kelly on her new position.

Commissioner Crow said he is concerned with the Forest Service's work with ODOT for expanding parking and the off ramp for the Sandy River Delta area. He

said the expanded Columbia Hills State Park parking areas and trail system may alleviate some of the use on Burdoin Mountain.

Kelly said the work in the Sandy River Delta area is part of a decision made 10 years ago and will better accommodate the recreational use of the area. Commissioner Crow said it's important to protect natural resources and he does not support expanding the parking lots in this area.

Lunch 11:45 a.m. - 12:45 p.m.

Darcy v. Multnomah County, COA-M-06-04 – Appeal Hearing

NOTE: The audio recording and the final order serve as the record of the hearing. These are available at the Gorge Commission office.

Chair Davis called the meeting to order at 12:50 p.m. and said the Commission will hear oral argument and deliberate to a decision in an appeal of a Multnomah County land use decision. The briefs and record were available at the Commission Office prior to the hearing.

This hearing involved an appeal by Mr. and Mrs. Darcy of Multnomah County's land use decision denying multiple existing uses, buildings and structures. The hearing was held pursuant to the Commission's rules for appeals of county decisions (Commission Rule 350-60).

Chair Davis said both parties received the notice of hearing which outlined the proceedings. The parties and legal counsel introduced themselves:

-William and Connie Darcy represented by John Groen, Groen, Stephens & Klinge LLP

-Multnomah County Attorney's office represented by Sandra Duffy

-Multnomah County Planning Department represented by Lisa Estrin

-Friends of the Columbia Gorge represented by Nathan Baker, Friends of the Columbia Gorge and Gary Kahn, Reeves, Kahn & Hennessy

-Robert Leipper representing Robert Leipper

Chair Davis asked Commissioners to disclose conflicts of interest or *ex parte* contacts. She said Mr. Leipper has addressed the Commission about this issue. She asked if there were any objections. There were no objections from the parties and no objections were raised to prior contacts.

Chair Davis reviewed the process for said each party would have 20 minutes for oral argument and/or rebuttal. She said that no questions or discussion from the Commission would be allowed as this was to be uninterrupted oral argument. She said the Commissioners may ask the parties questions prior to oral