

# **Columbia River Gorge Commission**

## **Meeting Minutes**

**May 12, 2009**

***A complete record of this meeting is available on compact disc***

Location: Hood River Best Western Inn, Columbia Room-1108 East Marina Way, Hood River, Oregon

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

Harold Abbe

Judy Davis

Sara Grigsby (9:13 am-3:45 pm)

Diana Ross for Dan Harkenrider

Lonny Macy (9:15 am)

Carl McNew

Jim Middaugh

Joe Palena

Barbara Roberts

Joyce Reinig

Honna Sheffield

### ***MEMBERS ABSENT***

Don Bonker-excused

Walt Loehrke-excused

### ***STAFF PRESENT***

Jill Arens, Executive Director

Tom Ascher, Planner

Michele Dailey, GIS Spatial Analyst

Angie Kenney, Planner

Jennifer Ball Kaden, Planner

Brian Litt, Planning Manager

Jeff Litwak, Counsel

Kathy Obayashi-Bartsch, Specialist

### ***AUDIENCE PRESENT***

Andersen, David\*. Washington Community, Trade & Economic Development Department (CTED)

Andersen, Steven. Cascade Planning Associates

Cheatham, North. Hood River, OR

Cochenour, Les. The Dalles Urban Boundary Growth Committee

Cornelison, Peter. Friends of the Columbia Gorge (FOCG)

Covert, Chuck. The Dalles Urban Boundary Growth Committee

Durow, Dan. City of The Dalles

Ericksen, Dan. Wasco County

Freeman, Ray. The Dalles Urban Boundary Growth Committee

Grimmett, Michael. Multnomah County  
Hollatz, Nicole. Skamania County Planning Department  
Kallinen, Andy. Washington State Parks  
Lang, Michael. FOCG  
Leipper, Bob. Troutdale, OR  
MacPhearson, Greg. Oregon Land Conservation and Development Commission (LCDC)  
Miller, Bobbie. Gorge Landowners United for Equity (GLUE)  
Nychuck, Gary. Wasco County Planning  
Repar, Mary. Stevenson, WA  
Romio, Berta. Tanglewood Surveying  
Sampsel, Roy. Institute for Tribal Leadership  
Singer, Michelle. Institute for Tribal Leadership  
Thiemann, Phyllis. Columbia River Gorge Visitors Association (CRGVA)  
Till, Rick. FOCG  
Tokos, Derrick. Multnomah County Planning  
Whitman, Richard. Oregon Department of Land Conservation (DLCD)

Others were present during the day.

\* participated via phone

### **Call to Order**

Chair Reinig called the meeting to order at 9:05 am. She announced the appointment of former Congressman Don Bonker to the Commission as a Washington Governor's appointee. She said Commissioner Bonker is working in Washington DC and his first Commission meeting will be in July.

### **Approval of Minutes-April 14 2009**

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

### **Opportunity for Treaty Tribe Nations to address Commission**

As part of the consultation process treaty tribe members may speak about any issue on the agenda or any other matter. No members were present.

### **Public Comment**

Mary Repar of Stevenson, WA commented on wind turbines in the Gorge and a proposed wind farm in Skamania County (see attachment A).

Bobbie Miller of The Dalles, OR commented on the need for balance between economic development and protection of resources as was intended by the National Scenic Area Act.

Michael Lang of FOCG commented on the Executive Director and Scenic Area Manager's decision to correct mapping errors in the Horsethief Butte vicinity (see

attachment B). He said these are not typographical errors and suggested a plan amendment process is appropriate.

Dennis White of Husum, WA commented on the Forest Service management of the White Salmon River in regard to the river's Wild and Scenic designation.

### **Executive Committee Report**

Committee Chair, Commissioner Abbe provided an update on the Executive Committee's meeting which included agency performance measures, enforcement systems update, Hood River urban area boundary revision application, Washington budget update and a personnel policy item.

### **Report on Correction to Management Plan**

Pursuant to Commission Rule 350-50-035, Jill Arens, Executive Director and Dan Harkenrider, Area Manager have corrected a mapping error contained in the Management Plan (see attachment C). Arens provided a review of the item and said the Yakama Nation and Washington State Parks support the correction.

Commissioner Roberts asked if this process is precedent setting and if it will influence other decisions. Arens said she does not believe it will have a precedent setting effect. She said this is an original mapping error and is not a substantive issue.

Brian Litt, Planning Manager provided background of how mapping originally occurred. He said staff reviewed the mapping error and identified this area as the only mapping "hole", having looked at all lands designated exempt tribal trust land in the Scenic Area.

Commissioner Abbe said this is a correction to the original zoning not rezoning and the correction's net effect is more protective.

Jeff Litwak, Counsel said under the current rule, the Commission has two alternatives for making such a change, either a plan amendment or a correction.

Chair Reinig said this rule may require further discussion. Commissioner Davis said this is another aspect to discuss when rules are reviewed.

### **Economic Development Certification Rulemaking**

Jeff Litwak, Counsel reported that rulemaking for economic development certification will not be completed at this time and recommended the Commission consider amending this rule at a later time.

### **Presentation and Work Session – An overview of planning programs in Oregon and Washington**

Jennifer Ball Kaden, Planner referenced the National Scenic Area Act's (Act) provision regarding urban area boundary revisions. She provided a review of the Commission's work on this issue. They said the purpose of today's presentation is to provide an

overview of state programs, educate the Commission about the similarities and differences of state programs and the Act's criteria.

Richard Whitman of Oregon Department of Land Conservation (DLCD), Commissioner Greg MacPhearson of Land Conservation and Development Commission (LCDC), and David Andersen of the Washington Community, Trade & Economic Development Department (CTED) provided an overview of their respective programs regarding urban areas (see attachment D1-D2). This included an overview of the land use program in each state, the boundary revision process in each state, the roles of the agencies in the boundary amendment process, role of community involvement/coordination, and how their programs address location and regional context for boundary amendments. Commissioners asked questions about transportation, infrastructure, density in urban areas, and cumulative impacts.

Summary remarks included: don't rush; to be successful there must be multi-government cooperation and public input; the solution must work in a functional sense; take advantage of both states' experience and policies instead of re-inventing the wheel.

## **Break**

### **DLCD - CTED Continuation**

In a panel discussion, the agencies discussed similarities and differences of how the two states and the Scenic Area address urban area boundary revisions. The discussion included their experience with "minor revisions", demonstrating need for revision, protecting and enhancing resources, achieving land use efficiency and avoiding agricultural, forest and open space lands. Commissioners asked questions about each topic.

The Commission thanked DLCD, LCDC and CTED for their presentations and discussion of urban area revision issues.

## **Lunch**

### **Vital Signs Indicators Project**

Jill Arens, Executive Director and Angie Kenney, Planner presented The 'Vital Signs Indicators Project – State of the Gorge 2009' to the Commission and audience. Arens said staff will be presenting the report at community meetings throughout the Gorge. The report (see attachment E) details the information gathered to date on 24 of the 51 indicators approved by the Commission on May 13, 2008.

### **Metes and Bounds Description of National Scenic Area exterior boundary**

Michele Dailey, GIS Spatial Analyst said the US Forest Service has completed its work on the exterior boundary of the National Scenic Area. The Commission heard a report (see attachment F) from land surveyor Berta Romio and recognized the boundary.

### **Agency Performance Measures Update**

Jill Arens, Executive Director introduced the topic and thanked the Assessment Committee and Executive Committee for their work.

Brian Litt, Planning Manager presented the proposed final draft of agency performance measures (see attachment G1-G3) for review and comment. Litt asked the Commission to review and discuss the final draft of agency performance measures, and take further public comment up to and including June 9 . He said public comments will be addressed and will come before the Commission again at the June 9, 2009 meeting. Should any substantive changes be made, a final vote will likely be postponed.

The Commission discussed the issue. A distinction was made between measuring inputs and outcomes. The Commission made suggestions about the proposed final draft measures including proxy measures.

### **Portland State University's Institute for Tribal Government**

Roy Sampsel, Executive Director reviewed the Commission's progress over the past year in tribal communications and relationship-building. Future direction was also discussed including the upcoming Government to Government Summit in June. He said there has been staff discussion on various topics such as air quality. He said the Summit is another opportunity for relationship building and discussion of more specific items.

He said considerable opportunities exist through the sharing of tribal projects at both the staff level and leadership level. There are many tribal projects and programs that may be of assistance to the Commission's work. The Grand Ronde Tribe's request for recognition and participation with the Commission will require additional discussion amongst the four treaty tribes

Jill Arens, Executive Director said Marge Dryden of the USFS meets monthly with the tribes and has developed good relationships with them.

### **Break**

### **Enforcement Update**

Brian Litt, Planning Manager provided an update on compliance monitoring and enforcement work, with emphasis on improvements in these areas for administration of the Klickitat County Scenic Area ordinance (see attachment H). He said the annual enforcement report will include calendar year 2008 and the first half of fiscal year 2009. All future reports will be based on fiscal year data. Among the changes he described were: 1) starting to build a Gorge wide data base of enforcement cases; 2) a new inspection system for all permits issued by the Commission; and 3) a new prioritization system for Commission enforcement cases.

### **Rules Committee Report**

Commissioner Davis, Rules Committee Chair presented a recommendation (see attachment I) to revise the advisory Urban Areas Boundary Revisions Handbook instead of Commission Rule 350-40. She reviewed the proposed modifications.

The Commissioners discussed the difference between rules which are binding and an advisory handbook which is intended to provide clarification. The issue of whether a handbook approach would create legal problems or confusion was also discussed. Litwak said a rule is binding but an advisory handbook is not binding.

### **Public Comment**

Mary Repar of Stevenson, WA said she does not support the revision of the handbook (see attachment J).

Michael Lang of FOCG said the issue is complex and supports taking a measured approach. He supports the efforts of the Rules Committee to provide rule revision recommendations to the full Commission. In summary, FOCG recommends handbook revisions which provide clarity with a range of options but prefers rule revisions.

Steven Andersen of Cascade Planning Associates said cumulative impacts have no appropriate application to urban area boundaries as is referenced in the handbook. He said the handbook needs to be revised and corrected.

The Commission discussed the Rules Committee recommendation and Chair Reinig said there are different options that the Commission may choose including revising the handbook, taking no action or initiating rulemaking.

Commissioner Abbe made a motion to approve the Committee's recommendation for handbook revisions. Commissioner Davis seconded the motion and a vote was taken.

The motion passed with 6 ayes to 3 no.

Harold Abbe-aye  
Judy Davis-aye  
Lonny Macy-aye  
Carl McNew-aye  
Jim Middaugh-no  
Joe Palena-aye  
Barbara Roberts-no  
Joyce Reinig-aye  
Honna Sheffield-no  
Sara Grigsby-absent

### **Director's Report**

Arens said an issue for the Commission's consideration is a response to the Hood River School District's request to postpone their urban area boundary revision application.

Commissioner Abbe said the Executive Committee discussed the request for postponement and recommends the full Commission support granting postponement of the application for 6 months. This postponement is granted with the condition that the applicant understand that the Commission may lack resources to work on the item in 6 months due to anticipated budget reductions.

The Commission discussed the issue and Commissioner Abbe made a motion to approve the Committee's recommendation. Commissioner McNew seconded the motion, a voice vote was taken and unanimously approved.

Brian Litt said Mr. Derrick Tokos will be leaving Multnomah County's Planning Department and thanked him for his professionalism and service.

### **NSA Manager's Report**

Diana Ross had no items to report on.

### **Other Business**

Arens said the Washington appropriation for the Commission is \$886,000 for the biennium with \$30,000 for the Commissioner account and the remainder for the Joint account. She said the Oregon budget will not be released until June and hopefully Oregon will match the Washington appropriation.

**Adjourn at 5:26 p.m.**

Approved on 6-9-09  
KOB