

# **Columbia River Gorge Commission**

## **Meeting Minutes**

**June 9, 2009**

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

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

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

Harold Abbe  
Judy Davis  
Sara Grigsby  
Dan Harkenrider  
Walt Loehrke  
Carl McNew (10:20)  
Jim Middaugh  
Joe Palena  
Joyce Reinig  
Barbara Roberts  
Honna Sheffield (10:45)

### ***MEMBERS ABSENT***

Don Bonker-excused  
Lonny Macy-excused

### ***STAFF PRESENT***

Jill Arens, Executive Director  
Tom Ascher, Planner  
Jennifer Ball Kaden, Planner  
Brian Litt, Planning Manager  
Jeff Litwak, Counsel  
Kathy Obayashi-Bartsch, Specialist

### ***AUDIENCE PRESENT***

Berger, Dave. Lyle, WA  
Berwick, Nora. National Oceanic and Atmospheric Administration (NOAA) Fisheries  
Bowen, Mary and Matt. The Dalles, OR  
Cheatham, North. Hood River, OR  
Cleveland, Keith. Wasco County, OR  
Cornett, Todd. Wasco County, OR  
Davenport, Jessica. Skamania County, WA  
Debbaut, Ann. Hood River County, OR  
Durow, Dan. City of The Dalles, OR  
Fish, Gary. Oregon Department of Land Conservation and Development (DLCD)  
Grimmett, Michael. Multnomah County, OR  
Lang, Michael. Friends of the Columbia Gorge (FOCG)

Leipper, Bob. Troutdale, OR  
Nicolai, Thomas. Portland, OR  
Plummer, George. Multnomah County, OR  
Repar, Mary. Stevenson, WA  
Thiemann, Phyllis. Columbia River Gorge Visitors Association (CRGVA)  
Walbridge, Cindy. City of Hood River, OR

Others were present during the day.

### **Call to Order**

Chair Reinig called the meeting to order at 9:00 am.

### **Approval of Minutes-May 12, 2009**

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

### **Public Comment**

Bob Leipper of Troutdale, OR said television will be digitally transmitted and the Commission should allow exterior antennae as a use allowed outright.

Mary Repar of Stevenson, WA thanked the Commissioners for their service.

### **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. There were no members present.

### **Director's Report**

Jill Arens, Executive Director provided an update on the budget. She said Oregon is matching Washington's appropriation of \$860,000 for the agency's operating expenses. She said in Oregon there is considerable discussion about Klickitat County, WA not having a land use ordinance and the need for the Commission to charge fees for service in that county. The issues are complex and the agency will report to the Emergency Board in regard to the budget notes on the Klickitat County issue and prioritization of work. The agency will request release of \$25,000 that is tied to the budget notes. If this funding is not released from Oregon, there will be a matching \$25,000 from Washington that will be unavailable. She said regardless of the Emergency Board outcome, there will be staff reductions due to budget constraints.

Arens said staff attended training with Kristen Stallman of Oregon Department of Transportation (ODOT) and visited several sections of the Columbia River Historic Highway. She said ODOT is working on a plan to link the remaining sections of the highway which will connect Portland to The Dalles. She asked if the Commission would be interested in a half day tour and the Commission indicated their interest in a tour.

Arens said community presentations on the Vital Signs Indicators Report are scheduled over the next few months.

Arens said the Hood River School District is in the process of purchasing land within the city limits which means the school district will withdraw their application for an Urban Area boundary revision.

Brian Litt, Planning Manager reviewed the agency's customer service survey for 2008, which is the agency's first on-line customer service survey. The agency received very high marks for customer service and the 2008 results will be made available on the agency website. The 2009 customer service survey is currently open on line and is accessible via the website.

Litt said an intergovernmental agreement has been approved between Multnomah County and Troutdale, OR to streamline permitting processes for Scenic Area lands within the city limits.

Arens said the Oregon chapter of the American Planning Association recognized the Future Forum working group with an award for planning and presented the group with a plaque.

#### **Agency Performance Measures**

The Gorge Commission continued its discussion from the May 2009 meeting on proposed final agency performance measures. Brian Litt, Planning Manager provided a review of the proposed final measures (see attachment A).

#### **Public Comment**

Bob Leipper of Troutdale, OR provided comments on the proposed performance measures (see attachment B).

Mary Repar of Stevenson, WA provided comments on the proposed performance measures (see attachment C).

Todd Cornett of Wasco County Planning supports the effort to align the performance measures to the Vital Signs Indicators. He expressed Wasco County's support for the performance measures as proposed.

Michael Lang of Friends of the Gorge said the performance measures should respond to the direction given by the Oregon legislature presented during the agency's budget hearing. He stressed the need for performance measures that address cumulative effects.

The Commissioners asked clarifying questions and discussed the draft performance measures.

Commissioner Abbe made a motion to approve the proposed final measures. Commissioner Davis seconded the motion.

A vote was taken and approved unanimously (8 ayes).

Harold Abbe-aye

Judy Davis-aye

Sara Grigsby-aye

Walt Loehrke-aye

Jim Middaugh-aye

Joe Palena-aye

Joyce Reinig-aye

Barbara Roberts-aye

Commissioner Abbe said the agency budget should be thought of as a 6-month commitment due to the uncertainty of the economy. He said when the Washington legislature reconvenes in January, further reductions may be required.

### **Executive Committee**

Commissioner Abbe provided a review of the Committee meeting which included discussion on the following items:

- Hood River School District Urban Area Boundary Revision application
- Legislative outreach including tours of the Gorge with key legislators and staff which will be funded entirely by individual Commissioners
- 25th Anniversary of the National Scenic Area Act celebration
- Grant writing contract for Vital Signs Indicators Project
- Oregon budget update

Chair Reinig said she and Arens met with Oregon Department of Transportation (ODOT) staff to discuss the concept of highway tolls in Oregon, and in the Scenic Area in particular. She said ODOT like many other states is researching congestion regulation and toll roads. She said it's unlikely to have an impact on I-84 at this time.

### **Consistency Review of Wasco County Enforcement Ordinance**

Tom Ascher, Planner provided a summary of the Wasco County Enforcement Ordinance (see attachment D).

Todd Cornett, Wasco County Planning Director and Keith Cleveland, Enforcement Officer discussed their enforcement program. The Commission asked clarifying questions.

The Commission conducted a public hearing on the enforcement ordinance.

### **Public Comment**

Michael Lang commented on the civil penalties aspect of the enforcement ordinance.

The Commissioners asked clarifying questions and discussed the Wasco County Enforcement Ordinance.

Commissioner Middaugh made a motion to find the ordinance consistent with the National Scenic Area Act and the Management Plan. Commissioner Davis seconded the motion.

A vote was taken and was approved unanimously (9 ayes).

Harold Abbe-aye  
Judy Davis-aye  
Sara Grigsby-aye  
Walt Loehrke-aye  
Carl McNew-aye  
Jim Middaugh-aye  
Joe Palena-aye  
Joyce Reinig-aye  
Barbara Roberts-aye

## **Break**

### **Rules Committee Report**

Rules Committee Chair Judy Davis and Planner Jennifer Ball Kaden provided a summary of the Rules Committee recommendation to revise the Urban Areas Boundary Revisions Handbook and to adopt an accompanying statement of guiding principles (see attachment E).

Commissioner Middaugh said he had lots of questions and suggestions and asked how to proceed. The Commission discussed the process to publicly address questions and discuss suggested changes. Commissioner Davis suggested the Commission hear public comment and then discuss ideas and further staff work.

Chair Reinig said due to budget constraints impacting the agency's work plan, there are very limited resources to work on such a complex issue. Further, the Commission has publicly announced that it will not accept Urban Area Revision applications due to budget constraints.

Commissioner Abbe said the issue is complex and the item will be better handled during Plan Review.

The Commission conducted a public hearing on the Rules Committee recommendation.

### **Public Comment**

Thomas Nicolai of Portland, OR provided comments on the proposed revisions (see attachment F).

Dave Berger of Lyle, WA said he appreciates the opportunity to provide comments at both the Commission and Committee meetings. He said cumulative effects must be addressed and suggested a broader composition of Rules Committee members.

Dan Durow of the City of The Dalles, OR said changing the word from "or" to "and" in the interpretation of "minor revision" is a substantial change which he does not support for several reasons. He urged the Commission not to make this recommended change.

Todd Cornett, Wasco County Planning Director provided comments that are generally supportive of the proposed handbook revisions (see attachment G).

Mary Repar of Stevenson, WA provided comments and does not support the proposed revisions and additions to the handbook (see attachment H).

Michael Lang, Friends of the Gorge said the Scenic Area Act limits Urban Area boundary revisions to "minor" revisions. He said revising the advisory handbook does not truly assist the public and is not what the Rules Committee was tasked to do. He suggested the Commission and Rules Committee focus on rule amendments rather than handbook revisions.

Cindy Walbridge of the City of Hood River, OR said the City is bordered by high value farmland and the Scenic Area. She provided comments on the proposed handbook revisions that do not support the proposed revisions and additions to the handbook (see attachment I).

Gary Fish of Oregon Department of Land Conservation and Development (DLCD) said on behalf of the DLCD Director, he advises a slow approach to this complex issue. He said if funding constraints are an issue, it would be better not to undertake this work and recommends not adopting handbook changes without further consultation with Oregon and Washington.

#### **Lunch 12-1:15 p.m.**

Chair Reinig called the meeting to order at 1:15 p.m.

#### **Rules Committee Report-continued**

Commissioner Davis suggested postponing further consideration of this item until the agency workplan is discussed. The Commission discussed this suggestion.

Commissioner Loehrke said our workplan currently shows that there is no capacity to work on this issue.

Commissioner Middaugh made a motion to postpone work on the Urban Area Boundary Revision Handbook until the Commission discusses the agency work plan and agency priorities. Commissioner McNew seconded the motion.

A vote was taken and approved unanimously (10 ayes).

Harold Abbe-aye  
Judy Davis-aye  
Sara Grigsby-aye  
Walt Loehrke-aye  
Carl McNew-aye  
Jim Middaugh-aye  
Joe Palena-aye  
Joyce Reinig-aye  
Barbara Roberts-aye  
Honna Sheffield-aye

**Consistency Review of Multnomah County Ordinance 1128**

Jennifer Ball Kaden, Planner, provided a review of Multnomah County Ordinance 1128 which revises and adds several transportation related definitions (see attachment J).

The Gorge Commission conducted a public hearing to determine consistency of amendments to Multnomah County's Scenic Area Ordinance with the Management Plan. There was no public comment.

Commissioner Sheffield made a motion to find the Multnomah County Ordinance 1128 affecting lands in the General Management Area (GMA) consistent with the Management Plan, tentatively find provisions of the ordinance affecting the Special Management Area (SMA) consistent with the Management Plan and direct staff to forward them to the Secretary of Agriculture for concurrence. Commissioner Roberts seconded the motion.

A vote was taken and approved unanimously (10 ayes).

Harold Abbe-aye  
Judy Davis-aye  
Sara Grigsby-aye  
Walt Loehrke-aye  
Carl McNew-aye  
Jim Middaugh-aye  
Joe Palena-aye  
Joyce Reinig-aye  
Barbara Roberts-aye  
Honna Sheffield-aye

**Consistency Review of Clark County Ordinance Amendments 2008-06-02**

Jennifer Ball Kaden, Planner, provided a review of Clark County Ordinance amendments which implement mandatory provisions of Plan Amendments PA-06-04 and PA-06-05 related to horse boarding and corrections to the Management Plan (see attachment K).

The Gorge Commission conducted a public hearing to determine consistency of amendments to Clark County's Scenic Area Ordinance with the Management Plan. There was no public comment.

Commissioner Roberts made a motion to find the ordinance affecting lands in the General Management Area (GMA) consistent with the Management Plan, tentatively find provisions of the ordinance affecting the Special Management Area (SMA) consistent with the Management Plan and direct staff to forward them to the Secretary of Agriculture for concurrence. Commissioner Sheffield seconded the motion.

A vote was taken and approved unanimously (10 ayes).

Harold Abbe-aye

Judy Davis-aye

Sara Grigsby-aye

Walt Loehrke-aye

Carl McNew-aye

Jim Middaugh-aye

Joe Palena-aye

Joyce Reinig-aye

Barbara Roberts-aye

Honna Sheffield-aye

**Break 1:40-1:45 p.m.**

### **Endangered Species Act Recovery Planning in the Washington Gorge**

Nora Berwick of NOAA Fisheries provided a presentation on recovery planning in the Washington Gorge (see attachment L). Ms. Berwick said section 4(f) of the Endangered Species Act (ESA) requires NOAA's National Marine Fisheries Service (NMFS) to develop recovery plans for all listed marine and anadromous species. For the ESA, 'recovery' means that the species is again naturally self-sustaining over the long term, no longer needs the protection of the ESA, and can be 'delisted'. The NMFS listed Middle Columbia River steelhead as threatened on March 25, 1999, and again on January 5, 2006.

The Commission thanked Ms. Berwick for the presentation.

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

Commissioner Harkenrider provided a summary of his comments on the Whistling Ridge Wind Farm project. He said the Forest Service is working with the community of Cascade Locks and the Port of Cascade Locks to develop a bike path. He provided an update on the lands that may be acquired through a land exchange between Plum Creek Company and Washington Department of Natural Resources (see attachment M). He said the Forest Service has been discussing transfer of their campground in the Wyeth, OR area to Oregon State Parks.

Jeff Litwak, Counsel said Commissioners should not be discussing the Whistling Ridge Wind Farm project or have any *ex parte* communications due to potential litigation.

### **Other Business**

Commissioner Middaugh asked staff to consider what is involved in amending the expedited review criteria to address Mr. Leipper's concern about outdoor antennae. Planning Manager Brian Litt said changing the expedited review criteria would require a Management Plan amendment.

### **Executive Session**

Chair Reinig called for an executive session to discuss personnel issues pursuant to Commission rule 350-11-006-1(a) at 2:55 p.m. Chair Reinig reopened the meeting to the public at 3:07 p.m. No decisions were made during executive session.

### **Other Business**

Chair Reinig said the interstate compact should be reviewed and discussed with legislators and Governors in both states. The Commission discussed this issue and the need to do a better job of educating the legislatures. Commissioner Grigsby requested counsel provide an educational session about the bi-state compact.

### **Adjourn**

Chair Reinig adjourned the meeting at 3:23 p.m.

Approved on  
KOB 7-14-09