

Columbia River Gorge Commission
Meeting Minutes
June 12, 2007

A complete record of this meeting is available on compact disc

Location: Hood River Best Western Inn, 1108 East Marina Way, Hood River, OR

Time: 9:00 am

MEMBERS IN ATTENDANCE

Harold Abbe
Jeffrey Condit
Doug Crow
Judy Davis
Dan Harkenrider
Jane Jacobsen
Walt Loehrke
Lonny Macy
Carl McNew
Jim Middaugh
Joe Palena
Joyce Reinig
Honna Sheffield

MEMBERS ABSENT

STAFF PRESENT

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

AUDIENCE PRESENT

Anderson, Stephen. Cascade Planning
Andrade, Tom. Oregon Department of Forestry
Bronsveld, Stephen. Underwood, WA
Bryan, Peggy. Skamania County Economic Development Council
Buchanan, Lori. White Salmon, WA
Cornelison, Peter. Friends of the Columbia Gorge (FOCG)
Cornett, Todd. Wasco County Planning Department
Hollatz, Nicole. Skamania County Planning Department
Lang, Michael. FOCG
Leipper, Bob. Troutdale, OR
Lennox, Bill. Wasco County
Lenny, North. The Dalles, OR

Loughmiller, Russell. Sage Creek Inc.
Phillips, Page. Representative Brian Baird
Repar, Mary. Stevenson, WA
Spadaro, Jason. SDS/Broughton Lumber
Swyers, Rita. Hood River, OR
Usen, Mike. SE Group

Others were present during the day

Call to Order

Chair Davis called the meeting to order at 9:04 a.m. and role was called. Chair Davis welcomed new Commissioner, Carl McNew.

Jill Arens, Executive Director introduced Pieter Kleymeer, who is participating in a summer intern program. Pieter is a graduate student at the University of Michigan and participating in the Portland State University Executive Leadership Institute program. Arens said Pieter will be working on the Indicators Project.

Approval of Minutes – May 8, 2007

Chair Davis asked the Commission to review the draft minutes. Commissioner Crow requested a change on page 3, paragraph 4 to reflect his comment that the staff reports for Economic Development certifications include information about job creation and economic benefits. Commissioner Reinig made a motion to approve the draft minutes with the change requested by Commissioner Crow. Commissioner Jacobsen seconded the motion. A voice vote was taken and unanimously approved.

Public Comment

Chair Davis said she was favorably impressed with the respectful and thoughtful public testimony from last night's Recreation Resort Plan Amendment workshop. She said today's public comment is limited to 5 minutes.

Steven Anderson read from prepared testimony (see attachment A) regarding Commissioner Middaugh's response to Laura Balmuth's comment letter on the Broughton Landing project and the Commission's bias against the second purpose of the Scenic Area Act related to economic development in the Gorge.

He expressed concern that Commissioner Middaugh may not be impartial enough to participate in the Recreation Resorts Plan Amendment process. Commissioner Middaugh said he felt it was important to acknowledge Ms. Balmuth's comment letter and also respects Mr. Anderson's activism and view point.

Commissioner Crow said he is very aware of the second purpose of the Scenic Area Act related to the economic development in the Gorge.

Commissioner Reinig said Commissioners have been careful not to show any bias to a particular view point. She said it is important for Commissioners to draw a distinction between representing the Commission and representing themselves as private citizens.

Mary Repar read from prepared testimony about Skamania County's utility line trimming on Hwy.14 (see attachment B1) and expressed her concern with the amount of tree trimming that was performed as "repair and maintenance". She said the contractor destroyed the native vegetation as well as trimmed the trees and suggested the Commission provide more direction to the county on this issue.

Ms. Repar also provided testimony on the cumulative impacts in the Gorge (see attachment B2). She said cumulative impacts have been part of the Commission's work plan and the Commission needs to begin its work on this issue.

Bob Leipper of Troutdale, Oregon referred to the appeal hearing conducted at the May Commission meeting. He said the appellants have started to build a retaining wall on the south side of their property. He said anyone else would have an expedited review or a full review for such activity. He hopes the Commission will use this situation as a learning process.

Rita Swyers of Hood River said it is difficult to hear Commissioners and asked them to be aware of that. She said there has been controversy on reappointment of Judy Davis. She said it is very clear that Ms. Davis's vote delayed the opening of the ViewPoint Inn and her concern is that government should serve the citizens and not create a hardship for citizens. She said even though Ms. Davis voted in accordance with the wishes of Wasco County, the owners of the ViewPoint Inn should not have been delayed in opening their business. She said Wasco County's desire to consolidate the rule changes should not have impacted the ViewPoint Inn owners.

Peter Cornelison of Friends of the Gorge commended the Commission for hosting the public meetings on the Recreation Resorts Plan Amendment. He said the Hatchery is an extremely popular sailing site and commented on the safety issues created by the proposed resort development adjacent to this site. He provided a photograph (see attachment C1) illustrating the crowded conditions at the Hatchery. He said cumulative impacts, particularly of Underwood Mountain must be considered as well and provided a photograph of the area illustrating his concern (see attachment C2).

Stephen Bronsveld of Underwood, WA said he attended the Recreation Resort Plan Amendment workshops. He referred to the Frequently Asked Questions (FAQ) document that addresses the question of whether the plan amendment will open the door to other resort developments and the answer that the plan

amendment will only apply to the Broughton property. He said this position is unsupportable as there are other property owners that should have the same rights and they have not been included in the process at all. He said the owner of Skamania Coves also needs to be included and lands with the same zoning should not be excluded. He said a clearer picture of the impact to Underwood Mountain is needed as wineries, bed and breakfast operations and other developments have been permitted and are being built. He said a "build out" scenario of Underwood Mountain is needed.

Commissioner Reinig said the Management Plan was crafted using an analysis of residential development in the area. She said the only homes being built in the Underwood area are permitted and this development has been factored in.

Mr. Bronsveld said that Chapter 22 of Skamania County's ordinance has been changed to allow wineries, tasting rooms and other development besides residential use. He said there is significant new development on Underwood Mountain and the Commission should consider what the area will look like with what has already been permitted.

Opportunity for Tribal Nations to address Commission

Louie Pitt Jr. of Confederated Tribes of Warm Springs provided an update on the activities of the Confederated Tribes of the Warm Springs. He said the Warm Springs has a new Tribal Council which he hopes will be more engaged in the Commission's work. There are several in-lieu fishing sites that are shared with non-Indians and the Tribe is monitoring the impacts of this shared use. He said the housing project at Celilo Falls is progressing and hopes that permanent housing will be in place by the middle of 2008. He invited the Commission to Warm Springs on June 22-24 for a celebration to recognize the Confederated Tribes of Warm Springs treaty signing with the United States.

Public Hearing on Wasco County Fire Safety Standards Ordinance

The Gorge Commission conducted a hearing to determine consistency of amendments to Wasco County's Scenic Area Ordinance with the Management Plan. Jennifer Kaden, Planner said the amendments incorporate new fire safety standards in Wasco County and provided a review of the amendments (see attachment D1-D2).

Commissioner Reinig said this is a well written document and is pleased with the inclusion of sprinkler requirements in the ordinance.

Commissioner Middaugh asked how access roads would be impacted if there is a conflict with a resource buffer. Kaden said the ordinance has several provisions to accommodate conflicts between a resource buffer and fire safety standards such as access roads. She said applications will be reviewed by county staff and state agency staff to identify and resolve any conflicts.

Commissioner Crow said a public outreach component is not included in the ordinance. Kaden said this aspect is not a part of the ordinance but was part of process the county used to develop the ordinance. She said Oregon Department of Forestry (ODF) also provided many outreach workshops and has been very active with residents.

Commissioner Crow said his concern is for the future as in 5-10 years people won't remember these issues or there will be new owners. Kaden said public outreach is not something required by the Commission in a land use ordinance.

Public Hearing

Dotty DeVaney of DeVaney Consulting Inc. said she worked with Wasco County developing the ordinance. She described the process and the agencies that were involved to develop the proposed standards. She said these standards were customized for Wasco County. She requested that the GMA provisions go into effect with the SMA provisions.

Ms. DeVaney responded to the questions raised by the Commissioners. She said the ordinance builds in the ability to balance issues, such as between buffer areas and road access. She said in an effort to address public outreach and ongoing compliance issues, the ordinance was crafted to be illustrative and clear to better educate the public of the benefits of complying with the standards.

Commissioner Crow said some the standards are not as strict as those that require full masonry siding and metal roofs. He said the 8-foot limbing of trees also may not be complied with. Ms. DeVaney provided clarification that the ordinance is a standard and modifications may be requested.

Mary Repar of Stevenson WA said protection of fire fighters must also be considered. She said one day there may be a choice between saving homes and saving fire fighters. She expressed her concern that trees are being cut down for views in Gorge. She said homes should not be built in areas with natural resource buffers and cumulative impacts must be considered.

Todd Cornett, Wasco County Planning Director expressed his appreciation for the efforts of Jennifer Kaden of the Gorge Commission and Virginia Kelly of the Forest Service.

Commissioner Condit commended the efforts of Wasco County and said he was impressed by the educational approach used in crafting the ordinance.

Commissioner Middaugh said he was pleased that the ordinance allowed the discretion of the planner to accommodate special requests and circumstances.

Commissioner Reinig made a motion to approve the staff recommendation to:

1. Find those portions of the amendments to Wasco County's Scenic Area Ordinance (as contained in Wasco County Ordinance No. LUA-06-104) affecting lands in the General Management Area (GMA) consistent with the Management Plan; and
2. Make a tentative finding of consistency with the Management Plan for those provisions of Wasco County Ordinance No. LUA-06-104 affecting lands in the Special Management Area (SMA) and transmit those provisions to the Secretary of Agriculture for concurrence; and
3. Make the effective date the same for the GMA and SMA as requested by Ms. DeVaney.

Commissioner Condit seconded the motion. A vote was taken and the motion was unanimously approved with 12 ayes.

Harold Abbe-aye
Jeffrey Condit-aye
Doug Crow-aye
Judy Davis-aye
Jane Jacobsen-aye
Walt Loehrke-aye
Lonny Macy-aye
Carl McNew-aye
Jim Middaugh-aye
Joe Palena-aye
Joyce Reinig-aye
Honna Sheffield-aye

Break 10:25-10:45 am

Update on Recreation Resort Public Workshop Sessions

Tom Ascher, Planner provided an update on the public workshops held on May 30th and June 11th as part of the Recreation Resort Plan Amendment development process. He provided a summary report of the May 30th workshop (see attachment E). He said it was valuable for staff to hear the public comment and thanked the Commission for their support in hosting these workshops. Brian Litt, Senior Planner said he was pleased with the ability to share more information with the public and appreciated the comments expressed in the workshops.

Commissioner Middaugh said it may be helpful to have the Committees involved to better respond to the issues that have been raised. He said it's important that the Commissioners are involved in the framing of the amendment rather than getting a preferred alternative from staff which will likely have to be explained,

deliberated upon and revised. He said he would appreciate some discussion about how Commissioners should respond to comments from individuals.

Commissioner Crow complimented Tom Ascher and Brian Litt for the workshop. He said the details need to be worked out on issues such as traffic, parking and public access.

Commissioner Jacobsen said she was pleased to hear the reasonable and balanced public testimony. She said it was helpful to hear the issues and concerns.

Commissioner Sheffield said when people call and leave a call back number, she returns their call. She said she agrees with Commissioner Middaugh that people should be acknowledged when they contact a Commissioner.

Chair Davis said she received many comments on the Recreation Resort Plan Amendment that are identical or nearly identical and did not respond to these "form" comments.

Commissioner Condit said this is a legislative plan amendment and not a quasi-judicial plan amendment. Since this is a legislative plan amendment, Commissioners may make a comment. He said he forwards comments to staff for the record and acknowledges receiving the comment but doesn't comment on the merits of the issues because it may be brought before the Commission as an appeal.

Commissioner Loehrke said it is important that the Commissioner remain open to hearing other ideas and opinions, even if they do not necessarily agree.

Jeff Litwak, Counsel asked the Commissioners to forward any e-mail comments or inquiries to staff for inclusion in the record.

Commissioner Middaugh said if e-mails are forwarded to staff, he would like staff to respond acknowledging the comment. Jill Arens, Executive Director said staff will acknowledge any comments.

Commissioner Sheffield said she supports the idea of committees being involved to craft a plan amendment and requests the ability to participate by conference call.

Commissioner Reinig said she understands Commissioner Middaugh's interest in having the committees involved but is concerned about the time that this may take. She asked staff how this would impact the timing of the process. Arens said staff will review the calendar to determine how committee involvement may impact the timing.

Commissioner Middaugh said the idea of involving the committees is not to slow the process but to expedite the process. He said by involving committees there is an opportunity to engage the commissioners in a more substantive discussion early in the process of drafting the plan amendment.

Oregon Investment Board Certification: Tom Ascher, Planner said the Oregon Investment Board approved a loan to Sage Creek, Inc. for purchase of a canning facility and requests the Commission's certification of consistency (see attachment F).

Commissioner Crow said he appreciated seeing the job creation and employment aspects of the project in the report.

Public Hearing

Russell Loughmiller of Sage Creek Incorporated said he and his wife own the canning company. He said they have three full-time positions that pay a family wage and employ 24 people for seasonal positions at the peak of the season. He said the company cans high acid fruit, such as apricots and cherries.

Commissioner Palena asked if they can organic fruit. Mr. Loughmiller said the cannery has been certified organic by the previous owners and they can organic fruit for local orchards.

Commissioner Crow made a motion to certify the loan as consistent with the purposes and goals of the Scenic Area Act and Commissioner Sheffield seconded the motion.

The motion was approved unanimously with 12 ayes.

Harold Abbe-aye

Jeffrey Condit-aye

Doug Crow-aye

Judy Davis-aye

Jane Jacobsen-aye

Walt Loehrke-aye

Lonny Macy-aye

Carl McNew-aye

Jim Middaugh-aye

Joe Palena-aye

Joyce Reinig-aye

Honna Sheffield-aye

Election of Interim Chair and Vice Chair (July 1 – December 31, 2007)

At the last meeting, the Commission voted to elect officers for a six-month interim period to bring the election cycle into line with the Commission's recently revised bylaws, which changed the election of officers from June to December of each

year, with terms beginning January 1. The Commission took nominations and elected officers for this interim period.

Commissioner Reinig nominated Jeff Condit to serve as Chair and Commissioner Jacobsen seconded the motion. There were no other nominations.

A vote was taken and passed with a majority from each state, 11 ayes and 1 abstention.

Harold Abbe-aye
Jeffrey Condit-abstain
Doug Crow-aye
Judy Davis-aye
Jane Jacobsen-aye
Walt Loehrke-aye
Lonny Macy-aye
Carl McNew-aye
Jim Middaugh-aye
Joe Palena-aye
Joyce Reinig-aye
Honna Sheffield-aye

Commissioner Condit nominated Joyce Reinig to serve as Vice-chair and Commissioner Jacobsen seconded the motion. There were no other nominations.

A vote was taken and passed with a majority from each state, 11 ayes and 1 abstention.

Harold Abbe-aye
Jeffrey Condit-aye
Doug Crow-aye
Judy Davis-aye
Jane Jacobsen-aye
Walt Loehrke-aye
Lonny Macy-aye
Carl McNew-aye
Jim Middaugh-aye
Joe Palena-aye
Joyce Reinig-abstain
Honna Sheffield-aye

Director's Report

Jill Arens, Executive Director welcomed Carl McNew to the Commission. She said she spoke to Kenn Adcock and will present a plaque recognizing his service at a future meeting. She commended Kenn Adcock for upholding his position on issues throughout his service on the Commission.