

Columbia River Gorge Commission
Meeting Minutes
July 10, 2007

A complete record of this meeting is available on compact disc

Location: Columbia Gorge Discovery Center, 5000 Discovery Drive
The Dalles, OR

Time: 9:00 am

MEMBERS IN ATTENDANCE

Harold Abbe (9:30 a.m.)
Jeffrey Condit
Judy Davis
Dan Harkenrider
Jane Jacobsen (10:00 a.m.)
Walt Loehrke (9:08 a.m.)
Lonny Macy
Carl McNew
Jim Middaugh
Joe Palena
Joyce Reinig (9:05 a.m.)
Honna Sheffield

MEMBERS ABSENT

Doug Crow- excused

STAFF PRESENT

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

AUDIENCE PRESENT

Bryan, Peggy. Skamania County Economic Development
Cheatham, North. Hood River, OR
Davenport, Jessica. Skamania County Planning Department
Durbin, Kathy. *The Columbian*
Flint, Doris. Mosier, OR
Lang, Michael. Friends of the Columbia Gorge (FOCG)
Leipper, Bob. Troutdale, OR
Miller, Bobbie. Gorge Landowners United for Equity (GLUE)
Nichols, Rodger. *The Dalles Chronicle*
Repar, Mary. Stevenson, WA
Usen, Mike. SE Group
Walling, Miland. Klickitat County Economic Development

Others were present during the day

Call to Order

Chair Condit called the meeting to order at 9:00 a.m. and role was called.

Approval of Minutes –June 12, 2007

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

Public Comment

Barbara Robinson of Mosier, OR commented on the proposed wind farm at Seven Mile Hill Road. She provided topographic maps (see attachment A1) of the proposed tower array in relationship to Seven Mile Hill. She said one of the wind towers is only a 1/2 mile from Tom McCall Point. She described how the towers would be in close proximity to many scenic landmarks. She said many areas in the Gorge will be visually impacted. She said there would be flashing red lights for airplane safety so night and day there will be visual impact. She said she believes the Scenic Area would be adversely impacted by this development. She also provided a letter (see attachment A2) from Bob and Cathy Stone of The Dalles, OR to Congress and Senate members expressing their concern with the proposed project.

Michael Stewart of White Salmon, WA read from prepared testimony (see attachment B) expressing her concern with the possible Recreation Resort Plan Amendment. She said a Recreation Resort Plan Amendment is not consistent with the Scenic Area and would be detrimental on many different levels to the Scenic Area. She said the parties promoting the development have not shown a significant change in conditions nor have all practicable alternatives been researched. She suggested a public/private partnership as an alternative.

Stephen Bronsveld of Underwood, WA provided a copy of the letter from Skamania Coves owner client, Thomas Garnier (see attachment C). He said there are four properties with a commercial recreation zoning designation but only the Broughton site is being considered as a "former industrial site" which qualifies it for a plan amendment. He said there is no definition of a "former industrial site" in terms of what conditions or aspects exist that would qualify a property for this designation. He said the aspect of economic feasibility has not been defined and yet that is a major reason used to necessitate this plan amendment.

He asked the Commission to consider the following issues during their deliberation;

- define what constitutes economically feasibility
- a master plan should include identification of existing conditions
- a traffic impact study should include Cook Underwood Road
- building design standards should include a demolition and clean-up plan
- appropriate scale of development may be accomplished through clustered development and bonus density options should be considered

- the developer should provide compensation to the public schools and all other public services impacted by the development
- reduce all risks, not just fire risks
- keep recreation access from becoming a monopoly

Bobbie Miller of The Dalles, OR said many people have not only donated to the Discovery Center but to the Scenic Area. She said there are many people whose lives have been affected by the Scenic Area Act and these people should be honored as well. She asked the Commission to acknowledge these people when conducting 20th Anniversary activities.

Mary Repar read from prepared testimony (see attachment D) expressing her concern about the Broughton Landing Resort proposal and potential "spot amending" of the National Scenic Area Management Plan. She expressed several concerns related to the proposed development and the Commission's work on the Recreation Resort Plan Amendment. She said the Commission needs to work on a cumulative impacts or indicators study.

Mike Usen of SE Group said he is the planning consultant working on the Broughton Project. He provided a handout (see attachment E) addressing their concerns to the policy considerations. He said economic viability is critical and there is a delicate balance between redevelopment and enhancement. He suggested that the Commission defer issues such as traffic, recreation and others to the individual agencies with expertise in these areas, such as Washington State Department of Transportation and Washington State Parks. Commissioner Middaugh said often a big picture view such as the Commission's is needed rather than relying on the expertise of individual agencies.

Michael Lang of Friends of the Gorge said the buildable lands inventory is being completed and he would be happy to present this information to the Commission, agencies and the public. He commented on the Recreation Resorts Plan Amendment overarching policy issues, noting there has been no discussion of alternatives for the site. He said the level of residential development should be consistent with a public recreation site and individual unit ownership may undermine the public recreation opportunities. He said any residential use must be compatible and consistent with the existing zoning and adjacent property uses.

Commissioner Loehrke asked if FOCG would support staff or worker housing. Mr. Lang said FOCG has no policy on affordable housing and has no comment at this time.

Opportunity for Tribal Nations to Comment

There were no representatives present.

Commissioner Work Session on Proposed Plan Amendment for Recreation Resorts

Chair Condit said the Commission will deliberate on the list of objectives (see attachment F3) provided by staff. He said the Commission will deliberate on each

objective and give staff further direction to assist in drafting a proposed plan amendment. The proposed plan amendment would be available for further public comment.

Tom Ascher, Planner provided a review of the staff report, components of plan amendment text and list of objectives (see attachment F1-F3). He also provided the consultant's report on the public outreach meetings conducted on May 30th and June 11th (see attachment F4).

Before the Commission began the discussion on the objectives, there were general comments about the process and related issues.

Commissioner Middaugh said he received over 140 comments that were not included in the report. He said the comments have been overwhelmingly opposed to a resort and that is not reflected in the consultant's report. Ascher said the report only pertains to the comments received at the public workshops.

Commissioner Middaugh said he is concerned about the lack of clarity of what the Commission is trying to achieve and this hampers his evaluation of the issues. He said the Scenic Area Act requires consultation with the Tribes and the Commission should initiate formal consultation with the Tribes rather than waiting until a draft plan amendment is prepared. Commissioner Palena said representatives from the Yakama nation expressed concerned about cultural resources.

Jill Arens, Executive Director said the Tribal Affairs Committee has met with three of the four Indian tribes and all four tribes are aware of the proposed project. She said the Committee has not met with the Nez Pearce Tribe but intends to do so.

Commissioner Middaugh said being aware of an issue or project is not the same as formal consultation.

Commissioner Harkenrider said Commissioner Middaugh is correct but the formal consultation process is really up to the Indian tribes and is typically requested after initial meetings occur. Official government-to-government meetings are not undertaken lightly by the tribes.

Chair Condit said the Commission will deliberate on each objective and provide direction to staff on each item.

Objective #1: Set appropriate scale for development

Commissioner Sheffield said the amendment should define some scale of development and the Commission should set an upper limit based on criteria rather than a one-size-fits-all approach.

Commissioner Jacobsen said the Commission should not determine the scale.

Commissioner Palena said he supports Commissioner Jacobsen and believes that economics should drive the scale of development.

Commissioner Harkenrider scale is a fundamental issue, but is premature at this point as additional information is needed.

Commissioner Reinig said she agrees with Commissioners Jacobsen and Palena and that individual property features should be considered as well as the economic perspective.

Commissioner Davis said she is concerned about setting a scale but some way to characterize scale and evaluate a development is needed. She said several people believe that the proposed development is too big and an analysis of why is it too big is needed.

Commissioner Sheffield said the Commission sets limits on scale in other land designations. She said economics should be considered from the perspective of development in urban areas and overall economic health of urban areas rather than the economic concerns of a specific property owner.

Commissioner McNew said there is a lack of business activity in White Salmon, WA and a responsible development could enhance the economics of the area.

Commissioner Harkenrider said the proposed project would have greater density than some of the identified urban areas such as Home Valley and Lyle, WA.

Commissioner Middaugh said there is no evidence that a certain scale of development is needed for economic feasibility. He said determining an appropriate rate of return on a development is not within the Commission's expertise.

Chair Condit said some kind of limitation on the scale of development is needed and a way to ensure that it is going to be applied consistently. He said he shared some of the Commissioners' concerns related to economics but would like to set a limit, such as 175 units that were originally permitted for camping. This would allow staff to develop design criteria and gives a more concrete picture to make an evaluation.

Commissioner Abbe asked what scale was originally approved.

Brian Litt, Planning Manager said under the existing Management Plan ("no action alternative"), 175 RV units and 25 cottages or cabins (35 if clustered) is potentially allowed and was found consistent with the Act. He said the Gorge Commission could use these numbers to get at scenic, natural and cultural resources (SNCRs) impacts as a basis for setting a limit to the number of units that would be allowed with a result of approximately 200 units. This way there would be roughly the same number of people

at one time at the site under a maximum build out under the existing Management Plan. You would then trade off RV sites for overnight units to address SNCRs impacts under this option.

Commissioner Loerhke said economic viability must be considered when determining the scale.

Commissioner Palena said the developer should set the scale of development.

Commissioner Middaugh said he is concerned that this process will not work without a range of alternatives.

Commissioner Harkenrider said the Commission needs an analysis before developing an amendment. He said without looking at alternatives the Commission may be putting the "cart before the horse."

Commissioner Sheffield said the Commission should not use a property owner's determination of what is economically feasible to drive the policy. She said the Commission should set the policy and then the owner may determine how to make the project economically viable.

Commissioner Sheffield said a considerable change in conditions is needed to amend the Management Plan and there may be another more compatible use.

Commissioner Reinig said in the past the Commission has considered the proximity to urban areas and services to determine impacts. She said it is not the Commission's business to evaluate how much economic gain is appropriate.

Commissioner Harkenrider said the Commission is seeking a development method and an objective manner of determining whether or not to amend the Management Plan. He said past Commission practice may or may not be appropriate or the best practice today.

Commissioner McNew concurred with Commissioner Harkenrider.

Chair Condit said a majority of the Commission appears to generally agree that a method to control the scale of development is important and directed staff to review the list of items including focusing development to be within the footprint of the current development, limit total square footage of all structures to be less than current building square footage, require bulk of buildings to be less than current development and to compare what is already allowable in a commercial recreation zone.

Break 11:00-11:10 am

Objective #2: Discourage residential use of units

Commissioner Sheffield said she does not support new residential units but would support the existing residential use. She said she would support temporary rental use, such as a weekly rental.

Commissioner Loerhke said the Commission should not restrict residential use.

Commissioner Sheffield said there is a difference between residential use and short term rental use.

Commissioner Harkenrider said the whole notion of these objectives is to develop the policy framework. If the Commission feels this objective has merit and should be reviewed, then the analysis of the issue may provide more information to make an assessment of whether or how to consider residential use. It may be that residential use is not independent of other community issues such as traffic, water quality and others. What the Commission is asking staff to develop is a broad policy that will ultimately determine what aspects need to be addressed.

Commissioner Palena said Skamania County needs to maximize the economic potential of the property.

Commissioner McNew said the White Salmon school enrollment is down so residential use may positively impact that school system. He said he is not necessarily supporting residential use of any units.

Commissioner Abbe said he won't support an amendment that supports permanent residential use other than the residential units that are currently there.

Commissioner Sheffield said creating a de facto urban area is a great concern.

Chair Condit said the Commission needs to protect the urban areas and would support a time share development that does not allow permanent residences.

Commissioner Harkenrider said the policy development issues are not an all or nothing alternative but a screen that may be used.

Commissioner Harkenrider said perhaps the objective should be what would best serve the needs of tourists rather than an objective of restricting residential use.

Arens said it's clear that if one aspect is changed, it will impact others and there may be unintended consequences as these issues are interrelated.

Based upon the Commission's discussion, Chair Condit directed staff to approach the issue with the objective of enhancing tourist use which may also include restricting residential use.

Objective #3: Protect and enhance scenic resources

Commissioner Davis said the Commission should use the existing guidelines and consider expanding the time frame to achieve the standards but not lower the standards.

Commissioner Middaugh said the Commission must treat all property owners fairly as most property owners are not typically granted time extensions and are expected to comply with the standards. He said if additional time is allowed to achieve the required standards, then other accommodations should be required, such as a higher level of protection.

Commissioner Sheffield suggested not putting in the added timeframe in the draft, but to leave it out and the Commission may add it later.

Commissioner Condit said perhaps it would be appropriate to require the developer to develop the amenities within a certain time frame rather than allow the developer to determine when these amenities will be executed.

Commissioner Harkenrider said the Commission needs to be careful not to mix the policy framework with the specific proposal.

Commissioner Loehrke said there is no reward for enhancement within the existing guidelines.

Commissioner Middaugh said he is concerned that allowing additional time to achieve standards is unfair to others and is concerned how conservation easements will be applied on adjacent open space land.

Based upon the Commission's discussion, Chair Condit directed staff is to apply scenic standards as in Management Plan without additional time extensions or a quid pro quo approach.

Lunch 12:15-1:30 p.m.

Chair Condit called the meeting to order at 1:30 p.m.

Objective #4: Protect and enhance natural resources

Commissioner Reinig said many of the items would be addressed in the permitting process and may not require additional standards.

Commissioner Harkenrider said the current Management Plan provides all the requirements for protection of natural resources and additional standards are not necessary.

Commissioner Jacobsen said with the change in environmental technology, the highest "green" or environmental standards should be applied.

Commissioner Reinig said she agrees with Commissioner Jacobsen but to demand these requirements of just the Broughton's is not fair and should be required for all applicants.

Commissioner Loehrke said he is concerned with some of the Green Globe standards as not being environmentally sound.

Commissioner Jacobsen said she did not intend for every home in the Scenic Area to meet LEED standards but this development is an opportunity and could be a national model.

Commissioner Davis said she is concerned that some of the items listed expand the natural resources issues that are already in the Management Plan.

Chair Condit said he approves of these items as an incentive but not necessarily a requirement.

Commissioner Harkenrider said he agrees with the concept of these items as an incentive but to be careful with the language, so it is not considered a guarantee.

Commissioner Middaugh suggested a different term is used rather than site "clean up" as that has specific regulatory connotations, such as a superfund clean up site.

Commissioner Reinig said some of the buildings may have historical value that should be considered.

Based upon the Commission's discussion, Chair Condit directed staff to utilize environmentally friendly or "green" building practices as incentives not as mandates and the existing Management Plan guidelines should apply.

Objective #5 Protect and enhance cultural resources

Chair Condit said this objective is already well defined in the Management Plan but he is concerned that any new use does not exacerbate the existing conflict between Tribal use and current recreational use. Ascher said Tribal treaty rights address this concern.

Commissioner Harkenrider said he did not believe that educating resort guests and the public about Tribal treaty rights and activities is a policy item.