

**Columbia River Gorge Commission**  
Meeting Minutes  
December 9, 2008

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

Location: Columbia Gorge Discovery Center-5000 Discovery Drive, The Dalles OR  
Time: 10:00 a.m.

***MEMBERS IN ATTENDANCE***

Harold Abbe  
Jeffrey Condit  
Judy Davis  
Sara Grigsby  
Diana Ross for Dan Harkenrider  
Walt Loehrke  
Lonny Macy (via phone 10:15-11:00 am)  
Carl McNew  
Jim Middaugh  
Joe Palena  
Joyce Reinig  
Honna Sheffield

***MEMBERS ABSENT***

Jane Jacobsen- excused

***STAFF PRESENT***

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

***AUDIENCE PRESENT***

Amstrong, Dawna. Hood River, OR  
Bryan, Peggy. Skamania County Economic Development  
Casseseka, Clifford. Yakama Nation  
Cheatham, North. Hood River, OR  
Dugger, Carl. Washougal, WA  
Durow, Dan. The Dalles, OR  
Ericksen, Dan. Wasco County Judge  
Hastie, Matt. Angelo Planning Group  
Hogan, Nick. Hood River County School District

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Hollatz, Nicole. Skamania County Planning Department  
Klos, Steven. Mercer Island, WA  
Lang, Michael. Friends of the Columbia Gorge (FOCG)  
Miller, Bobbie. The Dalles, OR  
McSherry, John. Port of Skamania County, WA  
Nichols, Rodger. *The Dalles Chronicle*  
Repar, Mary. Stevenson, WA  
Tryens, Jeff. Portland, OR  
Others were present during the day.

### **Call to Order**

Vice Chair Reinig called the meeting to order at 10:15 a.m. and role was called.

### **Approval of Minutes –November 12, 2008**

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

### **Public Comment**

Mary Repar of Stevenson, WA said Urban Area boundary issues and cumulative impacts directly impact the National Scenic Area. She urged the Commission to offer assistance and engage in collaborative work with the Urban Areas.

Michael Lang of Friends of the Columbia Gorge (FOCG) said the Commission should invest resources to review the consistency of the county land use ordinances to the Management Plan. He said FOCG supports the Indicators Project.

### **Opportunity for Tribal Nations to address Commission**

Clifford Casseska, Yakama Nation said establishing a Tribal Advisory Committee is a priority and all treaty Tribes and the Commission should meet to develop this committee. He said the Environmental Protection Agency (EPA) stopped funding the Sacred Breath Project but the issue is so important to the Yakama that they are fully funding the air quality project. He urged the Commission to protect the Gorge and its resources for future generations.

### **Election of Officers – Chair and Vice Chair**

Chair Condit said the election of officers requires a majority vote. This means a majority vote of each state is needed for approval of the nominee.

Commissioner Palena nominated Joyce Reinig for Chair. Commissioner McNew seconded the nomination. Chair Condit called the question.

A vote was taken and the motion passed 10 ayes to 1 no.

Harold Abbe-aye  
Jeffrey Condit-aye  
Judy Davis-aye

Sara Grigsby-aye  
Walt Loehrke-aye  
Lonny Macy-aye  
Carl McNew-aye  
Jim Middaugh-no  
Joe Palena-aye  
Joyce Reinig-aye  
Honna Sheffield-aye

Commissioner McNew nominated Walt Loehrke for Vice-Chair. Commissioner Abbe seconded the nomination. Chair Condit called the question.

A vote was taken 6 ayes to 5 no. The motion was not approved.

Harold Abbe-aye  
Jeffrey Condit-no  
Judy Davis-no  
Sara Grigsby-no  
Walt Loehrke-aye  
Lonny Macy-aye  
Carl McNew-aye  
Jim Middaugh-no  
Joe Palena-no  
Joyce Reinig-aye  
Honna Sheffield-aye

Commissioner Davis nominated Jeff Condit for Vice-Chair. Commissioner Palena seconded the nomination. Chair Condit called the question.

A vote was taken 9 ayes to 2 no. The motion was not approved.

Harold Abbe-aye  
Jeffrey Condit-aye  
Judy Davis-aye  
Sara Grigsby-aye  
Walt Loehrke-no  
Lonny Macy-aye  
Carl McNew-no  
Jim Middaugh-aye  
Joe Palena-aye  
Joyce Reinig-aye  
Honna Sheffield-aye

Chair Condit said Commissioner Reinig will serve as Chair beginning next month and a vote for Vice Chair will be scheduled for next month's meeting.

### **Assessment Committee Report**

Commissioner McNew introduced the Vital Signs Indicator Project. Angie Kenney, Planner and Jeff Tryens, Consultant provided an update on the progress of the Vital Signs Indicators Project (see attachment A). They discussed the indicators selected for the first phase of data collection and the process used to elicit public involvement.

### **Executive Committee Report, Fiscal Update and Workplan**

Chair Reinig and Jill Arens, Executive Director provided a fiscal update and proposed workplan (see attachment B). The November revenue forecasts and economic analyses were released for Oregon and Washington. The Commission discussed the fiscal realities and prioritized workplan items for the remainder of this fiscal year through June 30, 2009 and discussed the 2009-2011 budget

### **Fiscal Update**

Arens said the Commission has already made the required Washington reduction for the current fiscal year and this covers the reduction required by Oregon.

The Oregon Governor's budget was presented December 1<sup>st</sup>. She said the Governors' Budget fully funded the agency request including the policy package for a Communications position.

She said the Oregon budget support is a strong statement and she hopes this statement will assist in seeking a similar budget from Washington. She said the Washington Governor's budget may not fund the agency at the requested amount by \$75,000 and will not fund the policy package. The Washington Governor's budget will be released the week of December 15th.

She said Oregon's legislative fiscal office staff will be meeting with staff in the Gorge. She said relationships with staff are very important throughout the budget process. She plans to meet with legislators and their staff to garner support for the Commission and encouraged Commissioners to attend these meetings if possible.

### **Draft Workplan FY 09**

Commissioner Reinig reviewed the role of the Executive Committee. She said the Executive Committee meetings discussed the workplan for staff through June 2009. She said their focus was to stay true to the core mission of the Commission and the purposes of the Act. She said due to the budget, there are not many discretionary items.

Commissioner Reinig said the committee also discussed possible efficiencies such as fewer meetings, consolidating committee and commission meetings to the same day and delegating the authority to certify economic development applications within urban areas to the Executive Director. She said motions were made during the meetings to bring a recommended workplan to the full Commission for review. She said there was agreement to put all legislative and quasi-judicial Plan Amendments on hold and to process Urban Area boundary applications on an individual basis without a facilitated rulemaking process. These

items are reflected in the draft workplan that is before the full Commission for review and a vote.

Arens reviewed the workplan and said the Executive Committee focused on the priorities of the Commission. She said there was agreement that the facilitated rulemaking process for Urban Area boundary revisions is not possible at this time due to the budget constraints.

Commissioner Abbe said the committee agreed it is important to make no long term commitments for work beyond this fiscal year.

Chair Condit said as one of the work process changes and efficiencies, the committee recommended that certification of economic development applications in Urban Areas is delegated to the Executive Director. Commissioner Davis said this item requires a rule change.

Commissioner Reinig said the draft workplan reflects staff work for the next 6 months and the work process and efficiency ideas discussed by the committee are not included.

Chair Condit said there was discussion about work items that would be too costly, such as Plan Amendments and facilitated rulemaking for Urban Area boundary revisions.

Arens said the Hood River School District Urban Area boundary application has been received by the Commission and the next step will be a completeness review.

Commissioner Grigsby suggested the Rules Committee work on rules for the Urban Area boundary revision issue and staff resources could be used to work on this broader issue as well. She asked if there is discretion to process the Hood River County School application at this time or if it must be processed because it has been submitted.

Jeff Litwak, Counsel said this is not a simple "yes" or "no" answer. He recommended the Commission begin processing the Hood River County School application. He said the Commission could adopt a rule to suspend work on applications as well.

Commissioner Middaugh said there should be clarification between a specific proposal and a policy issue. He said the Recreation Resort Plan Amendment was difficult because it was difficult to work on the policy issues independent of the Broughton Landing Resort Project.

Commissioner Reinig said the Executive Committee is under the impression that much of the Hood River School District work is complete and therefore not much staff time is needed.

Commissioner Grigsby said rules need to be developed before processing a specific application.

Chair Condit said he supports devoting staff time to review the application for completeness and to develop a draft process for the Commission's review.

## **Public Comment**

Michael Lang, FOCG said he understands that the work plan reflects the Commission's intent to accept no Plan Amendments of any kind, no longer proceed with the facilitated rulemaking process on Urban Area boundary revisions and to adopt allocation of staff resources as displayed on the draft work plan. He expressed support to develop rules that address the Urban Area boundary issue before accepting any Urban Area boundary revision application.

Matt Hastie, consultant for Hood River County School supports the Executive Committee recommendation to commit staff resources to the Hood River County Schools application. He said the application is as complete as possible and he hopes it will not require a 1/2 FTE to process this application.

Commissioner Davis said we have an obligation to process the Hood River County School application if it is found to be complete. She suggested the Commission proceed with the intent of conducting one public hearing on this matter.

Commissioner Abbe said if facilitated rulemaking takes 12-18 months, this process is unrealistic in light of the budget situation. Commissioner Sheffield said traditional or emergency rulemaking processes could be used to address this issue. Commissioner Grigsby said there could be a modified rulemaking process that may be complete within the next 6 months. Litwak said the rulemaking process usually takes 4-6 months after a proposal is made.

Commissioner Loehrke said he does not understand how the Commission cannot accept the Hood River County School application.

Commissioner Davis suggested a two track process with staff processing the application and the Rules Committee proceeding with rulemaking on Urban Area boundary issues that may help frame the discussion for the Hood River County School application.

Chair Condit and Commissioner Middaugh expressed support of the comments made by Commissioner Davis.

Commissioner Davis made a motion to approve the proposed workplan with no work on legislative or quasi-judicial Plan Amendments for the remainder of the fiscal year. The workplan includes no facilitated rulemaking process for Urban Area boundary revisions. Staff will work as directed on the Urban Area boundary revision application submitted and the Rules Committee will work on Urban Area boundary revision rulemaking. She said there may be a proposed rule developed by the time there is an Urban Area boundary revision application public hearing. She said the work by the Rules Committee may assist the Commission in framing their review of a specific application. Commissioner Sheffield seconded the motion.

A vote was taken and passed unanimously.

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

**Lunch 12:45-1:39 p.m.**

Chair Condit called the meeting to order at 1:39 p.m.

**Economic Grant Certification-Discovery Center Oregon Solutions Project**

Tom Ascher, Planner provided a review of the grant request (see attachment C1). The grant will be used for an Oregon Solutions project addressing governance issues at the Columbia Gorge Discovery Center. The Commission considered certification of consistency for the \$7,000 grant approved by the Oregon Investment Board to Wasco County.

**Public Comment**

Dan Ericksen, Wasco County Judge said they are trying to develop a solution to the financial shortfall and administrative issues that impact the Columbia Gorge Discovery Center. He said they have exhausted all options and are looking for assistance from Oregon Solutions.

Commissioner Abbe made a motion to certify the grant for consistency. Commissioner Reinig seconded the motion.

A vote was taken and passed unanimously.

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

## **Economic Loan Certification-Port of Skamania County Industrial Facility in North Bonneville**

Ascher provided a review of the loan request (see attachment C2). The Commission considered certification of consistency for the \$350,000 loan approved by the Washington Investment Board to the Port of Skamania County for a multi-purpose industrial facility at the Lewis and Clark Business Park in North Bonneville.

Commissioner Davis asked Ascher to comment on the use of economic development funds which are not to be used for relocation. Ascher said that although a current Port of Skamania tenant plans to relocate if the facility is built, this project allows the Port to develop the facility and expand their capacity. .

### **Public Comment**

John McSherry of the Port of Skamania County said the company is a current tenant but there is insufficient space for their operations. He said they plan to relocate to the new facility but may have to leave the area if this facility is not available.

Commissioner Abbe asked why this application is before the Commission since it occurs within an Urban Area. Ascher said this project involves construction of a new building so it does not qualify for an expedited review.

Commissioner Abbe made a motion to certify the loan for consistency. Commissioner Palena seconded the motion.

A vote was taken and passed unanimously.

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

### **Introduction of Informational Briefings on the Management Plan**

Brian Litt, Planning Manager said today's discussion is the first in a series of monthly briefings summarizing the Management Plan. At its September 29, 2008 retreat, the Commission identified discussions on Management Plan issues as something to focus on this fiscal year, to assist Commissioners in better understanding of the Management Plan and I future decision-making. The discussion included an overview of how the plan was developed, the plan's structure and future topics in this series (see attachment D).

## **Director's Report**

Arens said public comment guidelines were approved by the full Commission and copies are available at the sign-in table. She said letters will be drafted to all appointing authorities regarding the newly approved Commissioner Code of Conduct.

Arens said efforts to develop a Cultural Advisory Committee continue with letters sent to all Tribes in an effort to schedule a meeting to discuss this issue.

Arens said enforcement and compliance work are included in the workplan and staff are working with each county. She said staff are working to develop more report uniformity to streamline compliance monitoring.

Arens said the Future Forum pamphlets are being printed and will be distributed soon. She said the Future Forum Final Report was presented to every county, city and several interest groups and was well received. The next Future Forum event will be very different with greater city and county participation including presentations from these local agencies and a presentation of the Vital Signs Indicators Project.

Arens said staff have been in communication with DEQ and the Treaty Tribes, particularly the Yakama Nation regarding the air quality issue. She said there are differences in the interpretation of the air quality studies and DEQ has been meeting with the Yakama Nation before making a presentation to the Commission.

## **NSA Manager's Report**

Diana Ross, representing Commissioner Harkenrider provided an update on the US District Court decision by Judge Mosman regarding the USDA Secretary of Agriculture's concurrence with the Revised Management Plan (see attachment E). Judge Mosman's basis of evaluating each claim includes either Ripeness or the Administrative Procedures Act (APA).

## **Other Business**

Commissioner Abbe provided an update on seeking federal appropriations to commemorate the 25th anniversary of the Scenic Act. He met with Washington legislators and their staff to discuss this issue. He said there may be support for infrastructure projects which are "shovel ready." He said it was suggested that the Commission submit a letter requesting the remaining balance from the original federal authorization.

Commissioner Middaugh thanked Commissioner Abbe for his efforts and said the Oregon Commissioners should also elicit support from the Oregon legislators.

Commissioner Davis said the last appropriation letter request identified several recreation projects that may be "shovel ready" and the status of these projects should be updated.

Chair Condit said it would be a good idea to make the request for the remainder of the original appropriation and Oregon Commissioners should approach their representatives as Commissioner Abbe has done in Washington.

**Adjourn 3:25 pm**

Notes taken K. Obayashi-Bartsch  
Approved 1-13-09