

Columbia River Gorge Commission
Meeting Minutes
June 11, 2019

Ft. Dalles Readiness Center
402 E. Scenic Dr., The Dalles, Oregon

MEMBERS IN ATTENDANCE

Bridget Bailey
Bowen Blair
Don Bonker
Lynn Burditt
Sondra Clark
Lorrie DeKay
Robert Liberty
Carina Miller
Rodger Nichols
Janet Wainwright
Damon Webster

MEMBERS ABSENT

Keith Chamberlain
Dan Ericksen

STAFF PRESENT

Connie Acker, Administrative Assistant
Nancy Andring, Administrative Analyst
Bryce Guske, Land Use Planner - Klickitat County
Joanna Kaiserman, Land Use Planner
Jeff Litwak, Counsel
Mike Schrankel, GIS Specialist
Krystyna Wolniakowski, Executive Director

AUDIENCE PRESENT

Barber, Adam – Multnomah County Planning
Blaine, Gorham
Brewer, Angie – Wasco County Planning
Cornelison, Peter – Friends of the Columbia Gorge
Gatz, Casey – US Forest Service
Gorman, Kevin – Friends of the Columbia Gorge
Heath, Delvis – Confederated Tribes of the Warm Springs
Heget, Andy
Hennessy, Peggy – Friends of the Columbia Gorge
Hess, Jurgen
Irish, Sherri
Keister, Larry
Lindblad, Mo-chi – Klickitat County Planning
Minthorn, Antone – Confederated Tribes of Umatilla
Newell, Sally
Nickolds, Mitch – Clark County Community Development
Peters, Alan – Skamania County Planning
Reynolds, Julie

Schwartz, Kathy – Wasco County Commissioner
Stone, Tyler – Wasco County
Walker, Eric – Hood River County Planning

Others were present during the day.

Call to Order and Roll (9:05 AM)

Chair DeKay called the meeting to order and Nancy Andring called roll.

Oral Argument – Public Appeal Hearing on Appeal of Executive Director Decision No. C19-0004, filed by Charles and Valerie Fowler (9:05 AM)

The Gorge Commission held a public hearing on an appeal filed by applicants Charles and Valerie Fowler of a Director’s Decision approving their application to construct a single-family dwelling with conditions of approval for a revised location. Chair DeKay explained the hearing procedure and asked if there were any questions. No person asked any questions.

Chair DeKay then asked members of the Commission to disclose conflicts of interest, ex parte communications, and appearance of fairness issues. Commissioners Blair, Burditt, Liberty, Nichols, and Bailey made disclosures. Chair DeKay asked if anyone had questions about the commissioners’ disclosures or had concerns with the commissioners participating in the hearing. No person asked questions or raised concerns.

Joanna Kaiserman, Land Use Planner, explained the Executive Director’s decision. She showed presentation slides. This document is an exhibit to the hearing record.

Charles and Valerie Fowler presented their appeal. They showed presentation slides and provided a letter from David McCune, Lyle Fire Chief, and a response to a report from Jurgen Hess. These three documents are exhibits to the hearing record.

Chair DeKay asked whether anyone wanted to give public testimony. Peggy Hennessy, representing Friends of the Columbia Gorge, and Jurgen Hess, an expert on behalf of Friends of the Columbia Gorge, presented testimony and submitted written comments, a report of Jurgen Hess, an untitled map, and a newsprint document entitled Living with Fire, A Guide for the Homeowner. These four documents are exhibits to the hearing record.

Jeff Litwak, Counsel, responded to testimony at the hearing and recommended the Commission remand the decision back to staff to consider the new evidence.

Charles and Valerie Fowler presented final testimony.

The Commission deliberated.

Commissioner Nichols moved to approve the appeal to allow Fowlers to build on their preferred site. Commissioner Clark seconded the motion. The Commission voted as follows:

Bridget Bailey – N
Bowen Blair – N
Don Bonker – Y
Sondra Clark – Y
Lorrie DeKay – N
Robert Liberty – N
Carina Miller – N
Rodger Nichols – Y
Janet Wainwright – N

Damon Webster – Y

The motion failed with 4 votes in favor of the motion and 6 votes against the motion.

Commissioner Miller moved to deny the appeal and remand the matter to Commission staff to consider both sites with proposed changes to ensure the dwelling would be visually subordinate. Commissioner Wainwright seconded the motion. The Commission voted as follows:

Bridget Bailey – Y
Bowen Blair – Y
Don Bonker – Y
Sondra Clark – Y
Lorrie DeKay – Y
Robert Liberty – Y
Carina Miller – Y
Rodger Nichols – Y
Janet Wainwright – Y
Damon Webster – Y

The motion passed 10 to 0.

Lunch (12:15 PM)

Welcome (1:20 PM) Wasco County Commissioner Kathy Schwartz welcomed the Commission.

Approval of Minutes for May 14, 2019 Commission meetings (1:25 PM)

Commissioner Nichols moved to adopt the May 14, 2019 meeting minutes. Commissioner Miller seconded the motion. Commissioner Blair moved to make corrections to the minutes. The motion passed unanimously on a voice vote.

Opportunity for Treaty Tribe Nations to address Commission (1:25 PM)

As part of the Government to Government consultation process, the Commission welcomes input from treaty tribe members on any issue on the agenda and any other matters.

Antone Minthorn – Confederated Tribes of Umatilla read a prepared statement (see Attachment A).

Delvis Heath – Confederated Warm Springs Tribes made a statement.

Opportunity for Public Comment (1:40 PM)

The following provided public comment to the Commission on items not listed on the agenda:

- Sally Newell – Underwood, WA
 - Complaint driven enforcement does not work.
 - Wineries and vineyards. Voiced opinion that wineries should be required to produce their own grapes rather than purchasing grapes outside of the Gorge.

Public Hearing – Multnomah County Ordinances 1270 and 1271 (1:45 PM)

Ordinance 1270 fixes typos and cross-references. Ordinance 1271 updates the county's regulations of ground disturbing activities. Both ordinances amend provisions in Multnomah County's National Scenic Area Zoning Code. The Commission considered whether the amendments are consistent with the Management Plan for the National Scenic Area.

Friends of the Columbia Gorge comments regarding Multnomah County Ordinances 1270 and 1271 received via emailed letter dated June 6, 2019 (see Attachment B).

Commissioner Liberty moved to approve staff recommendations to Multnomah County Ordinances 1270 and 1271. Commissioner Bailey seconded the motion. The motion passed unanimously on a voice vote.

Information Item: County Compliance and Enforcement of Ordinances in the National Scenic Area.
(1:50 PM)

Planning Directors from Multnomah, Hood River, Wasco, Clark and Skamania Counties presented their process for ensuring compliance with permits issued in the NSA:

Mitch Nickolds – Clark County

- Complaint and report driven. County becomes complainant/witness.
- Accepts anonymous complaints.
- 2 code enforcement officers, a support staff and a lead.
- Discussed many issues relating to surface mining and pits.
- Answered various questions from Commissioners.
- Response to questions (see Attachment C).

Eric Walker – Hood River County

- Complaint driven, voluntary compliance.
- Accepts anonymous complaints.
- .5 code compliance officer.
- Staff time is an issue. County may not be able to sustain .5 officer due to budget issues in the county.
- Answered various questions from commissioners.
- Memo - NSA Compliance/Monitoring dated 06/07/2019 (see Attachment D).

Angie Brewer – Wasco County

- Complaint driven, voluntary compliance.
- County does not accept anonymous complaints, but the county keeps the complainant anonymous if requested.
- County does not have a follow-up process for compliance.
- 1 FTE code compliance officer.
- Answered various questions from commissioners.
- Memo – Summary of Wasco County Code Compliance Program dated 06/11/19 (see Attachment E).

Adam Barber – Multnomah County

- Land use voluntary compliance.
- County does not accept anonymous complaints.
- County has 2 FTE but that is being reduced to 1 FTE starting next FY.
- County only focuses on high-priority complaints (e.g., threats to public health, safety, environmental issues).
- County only moves to enforcement if voluntary compliance fails.
- Tri-fold Code Compliance (see Attachment F).
- Code Compliance Procedure (see Attachment G).

Alan Peters – Skamania County

- No code compliance officer. Code enforcement is taken care of by planners.
- 1.5 FTE planners. Staff size does not allow quality code enforcement.
- Not completely complaint driven. County does not accept anonymous complaints, but the county keeps the complainant anonymous if requested.
- Memo – Skamania County Code Compliance dated 06/11/2019 (see Attachment H).

Commissioner Liberty mentioned that a top priority is to take a sampling of permitted activity and pursue enforcement on that sampling.

Commissioner Blair mentioned that it is our (counties and commission) obligation to monitor compliance. Commissioner Blair agreed with Commissioner Liberty's idea of sampling of permitted activity and pursuing enforcement.

Executive Director Krystyna Wolniakowski thanked County Planning Directors for coming.

Commissioner Liberty asked for an evaluation of compliance from staff, and longer term, ways to work with counties to identify enforcement issues using database.

Executive Director's Report (3:12 PM) Director Wolniakowski reported on:

- Staff has been working diligently preparing for Fowler appeal.
- Budget is still up in the air. Awaiting word from Oregon.

National Scenic Area Manager's Report (3:13 PM) Commissioner Burditt reported on:

- Bonneville Power Administration - MOA Hood River to Bonneville 50-year permit.
- Oregon Federal Highways announced three funded and three unfunded projects.
- Sandy River Delta - Resource Advisory Committee will vote later this month to implement Sandy River Delta use fee.
- Introduced The Scene (see Attachment I).
- Working on short-term traffic mitigation with various agencies at Multnomah Falls.

Other Business (3:20 PM)

- Commissioner Liberty stated that he and Commissioner Blair went to Salem last week and appeared before the legislature to discuss Oregon budget and how it relates to the Columbia River Gorge Commission budget.
- One Gorge meeting scheduled for 6/19/19 from 3-5 pm at Hood River Best Western, River Room.

Executive Session (3:25 PM) The Commission held an executive session pursuant to Commission Rule 350-11-006(1)(g) to consult with counsel concerning the legal rights and duties of the Commission with regard to current litigation or litigation likely to be filed.

Adjourned (3:55 PM)

Approved 8.13.19