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April 17, 2006

Multnomah County Land Use & Transportation Planning Commission
1600 SE 190th Avenue
Portland, OR 97233

Submitted via FAX transmission

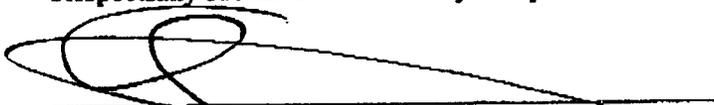
Re: Testimony in support of PC 06-004: Proposal to allow certain commercial uses of historically significant properties in the Columbia River Gorge National Scenic Area; Public Hearing of April 17, 2006, Corbett, OR.

This written correspondence is sent as testimony in favor of the speedy passage of the above referenced proposal. There has been much talk about Multnomah County staff and even some of it's elected officials making extraordinary efforts to stop the Viewpoint Inn from ever opening as the tourist facility it was in the 1920's when it was built to accommodate visitors to the Columbia River Gorge. I trust that as an appointed body you will make every effort to separate any personal biases you may have as a result of the controversy that you may believe the Viewpoint Inn has created, and look upon this proposal as a legislative change that the Columbia River Gorge Commission has initiated as a means to provide a viable solution to the age-old problem of how to maintain age-old historically significant structures within the scenic area. This legislative proposal is a Gorge Commission, not a landowner, proposal, and it deserves the same expeditious treatment that are given all other timely legislative proposals that come before you.

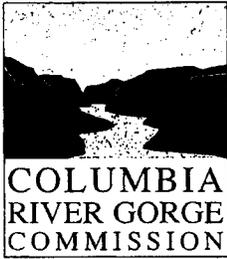
It can and should be given priority over all other site-specific, quasi-judicial proposals that may be scheduled ahead of it. It represents a realistic and workable change for the good of the historically significant structures of the entire scenic area, and it deserves your fair and impartial treatment in the most expeditious manner humanly possible.

Thank you for provided this public forum to comment on this most worthwhile proposal.

Respectfully submitted this 17th day of April 2006.



Steven B. Andersen, Principal
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April 17, 2006

Derrick Tokos, Principal Planner
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1600 SE 190th Avenue
Portland, Oregon 97233-5910

Subject: Comments on Proposed Code Amendments for Historic Properties in the National Scenic Area, for April 17, 2006 Planning Commission Hearing

Dear Derrick:

I have reviewed your agency's draft revisions to the Multnomah County code implementing the historic properties plan amendment for the National Scenic Area. Please include these comments in the record for the April 17, 2006 hearing before the Multnomah County Planning Commission.

First, I want to commend the County for its commitment and efforts to engage the community in meaningful dialogue regarding this important topic and the difficult issues it raises.

The essence of the plan amendment involves providing incentives for preserving historically significant properties by allowing adaptive commercial uses that can provide revenue to support historic preservation. At the same time, new commercial uses can generate impacts to surrounding properties. The plan amendment recognizes this, and authorizes counties to regulate aspects of these uses to avoid adverse impacts to neighbors (Guideline 8 of "Additional Review Uses in Historic Buildings", Plan Amendment PA-05-02). Striking an appropriate balance that ensures adaptive uses at historic properties are both economically viable and compatible with the surrounding area is critically important to implementing this plan amendment. I would like to offer some observations on specific aspects of the code with respect to this challenging task.

The ordinance contains several provisions that appropriately regulate potential impacts while allowing reasonable levels of commercial use. They are clear and directly target aspects of commercial uses that have the potential to impact the health, safety and welfare of surrounding neighborhoods. These provisions include limiting outdoor uses to daylight hours, prohibiting outdoor amplified music, avoidance of hazardous conditions, and addressing adequacy of public and private services needed.

The draft ordinance also requires all parking for these uses to be provided on the subject property. It includes off-street parking standards, and alternative parking standards providing the possibility of a more flexible approach that may be warranted for certain properties. Accompanying staff reports and memos clarify that these provisions effectively prohibit use of shuttle services from existing off-site parking lots in the Scenic Area.

Staff also asserts that the language of the Gorge Commission's plan amendment (PA-05-02) prohibits such off-site shuttles from existing parking areas. We respectfully disagree with County staff's conclusions regarding the adopted plan amendment language with respect to this question. At the November 15, 2005 hearing on PA-05-02, in response to a question from Commissioner Harold Abbe regarding the proposed scenic resources guidelines addressing parking provisions, I clarified that this language does not prevent use of a shuttle service from an existing, off-site parking lot. A copy of an excerpt from the meeting's transcript, also including discussion of related concerns about the parking issue, is enclosed for your information. The term "new parking areas" in the plan amendment refers to newly-constructed parking lots, not use of an existing parking lot. The placement of this guideline under "Scenic Resources" provisions reflects its focus on addressing potential visual impacts from a new parking lot.

We view the County's decision to prohibit use of shuttles from existing off-site parking areas within the Scenic Area as a limitation addressing potential impacts on neighboring properties authorized in Guideline 8 of PA-05-02. While allowing counties to impose additional regulations to address such potential impacts, PA-05-02 does not, however, prohibit off-site shuttling to historic properties from existing parking areas in the Scenic Area.

I would also like to comment on an addendum I received today from your agency regarding the issue of compatibility with the surrounding area (Addendum 2). Staff has proposed a new sentence to MCC38.7380(G)(5) that indicates this guideline shall not be applied to the extent it prevents the preservation of the historic building. While I agree with this statement in intent, it is still somewhat vague, as is the remainder of MCC38.7380(G)(5) itself. The draft code already contains a number of specific provisions that implement the policy of compatibility with the surrounding area, including provisions addressing noise, hazards, parking, services, etc. This provision is thus unnecessary and I recommend it be deleted. This was suggested as an option for the Planning Commission in Addendum 2 ("...it may be advisable to eliminate this standard altogether.").

Thanks you for the opportunity to review and comment on the draft code amendments implementing the plan amendment for historic buildings. I look forward to continuing working together with Multnomah County staff to implement these important provisions.

Sincerely,



Brian Litt
Senior Planner

Enclosure

Transcript – Excerpt Discussing Parking Issues from 11/15/05 Gorge Commission
Hearing on Plan Amendment PA-05-02

Commissioner Abbe: Getting back to the parking, could you further describe that. For instance, can a property owner purchase additional property to allow for more parking in that additional property. Does that additional property have to directly abut the original lot, or can he purchase, or she purchase property that may be some distance requiring... *(tape stopped here)*

Brian Litt: Our intention here was really to address contiguous parcels in the same ownership upon which the historic building is located. It doesn't prevent somebody from doing a shuttle service at an existing parking lot off-site, but if you're approving a new parking area as part of a proposed use, what this basically says is that the new parking area has to be located on the subject property. The way we've defined that term... I mean that term comes up a lot in our development reviews, it comes up throughout the Management Plan, you know, we've basically define the subject property to be contiguous parcels in the same ownership. So, for example, if the applicant purchased another parcel of land a mile down the road, we would typically not consider that to be part of the subject property. But again, we're addressing the approval of new parking areas, and use of a shuttle service, for example, at an existing parking lot off-site wouldn't be a new parking area.

Commissioner Reinig: That brings up a whole new problem. And, I guess, Brian, go into some more detail on this, because there is going to be eventually, and we've looked at this over the years, but additional parking for like, such as Multnomah Falls. And at times we've talked about shuttle service because that site is maxed out. So I guess what I'm throwing out then, is that they own, ODOT owns a lot of land. So, if they decided, and they target a specific parcel of land to have a secondary parking lot there so they can shuttle people back and forth to try to accommodate the increased load on that facility, would that be allowed or not?

Brian Litt: Well, it would depend on a couple of things. I mean, first of all, whether it was an allowed use in the land use designation, but also again, just based on the wording that we have here, you know, if that was a different parking lot in another area... the ODOT example is a little bit different because ODOT owns a contiguous strip along the right-of-way of I-84. But if we're talking about private properties with historic buildings, you typically have a parcel or a couple of parcels that are contiguous. And so what we were trying to do there was contain any new parking approved with the proposal to that subject property. Hopefully that answers your question.

Commissioner Reinig: Not really. Because I still can foresee possibly that there might be a site out there that is definitely valuable, but there's no parking.

Martha Bennett: Brian and I were just talking about maybe this is another one that you can fix essentially by adding a date. I think what I heard in Commissioner Abbe's two-

part question was what about adjacent properties, I think that should be a concern that you have. I think if the property is a long way away, it wouldn't be covered by this – you couldn't do that. You couldn't buy a parcel a long way away and put parking on it, but an adjacent parcel, maybe. And so you could, once again say, "subject property that existed as of January 1, 2006", and try to contain the impact that way.

Commissioner Reinig: OK.