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MEMORANDUM

TO: Gorge Commissioners

FROM: Martha Bennett, Executive Director
Brian Litt, Senior Planner

SUBJECT: Continued Hearing on Preliminary Review of Plan Amendment PA-05-02 (View Point Inn) and Discussion of Draft Workplan

DATE: May 5, 2005

Summary of Commission Action at April 12 Meeting

At its April 12, 2005 meeting, the Gorge Commission conducted a preliminary review of Plan Amendment PA-05-02. After a report from staff, public testimony and deliberation, the Commission voted to continue the preliminary review for Plan Amendment PA-05-02 to the May 10, 2005 meeting. The Commission also:

- 1) asked staff to prepare a workplan for the larger policy issue regarding how well the Management Plan addresses uses that support and protect historically significant properties. The Commission asked that staff also address how this effort, if undertaken, would impact workload and other priorities.
- 2) asked the applicant to answer a series of questions raised by the Commission about the application (copy enclosed) by the May 10 meeting;

Attached to this memo are: 1) a draft workplan and timeline for a “complete” project; 2) the status report of the work items the Commission adopted for the 2003-2005 biennium; and 3) the list of questions the Commission asked the applicant to address.

Commission Options and Staff Recommendation

The following staff recommendations are based on the current application pending before the Commission. Staff has not received any proposed changes or other additional information from the applicant to date. Staff may modify our recommendations depending on information submitted by the applicant on May 10.

1. *Postpone the review process for PA-05-02 and do not initiate work on larger policy issue.* If the Commission wishes to select this option, the appropriate motion would be to postpone review because the Commission does not have sufficient staff or financial resources and this application is a lower priority than other existing or anticipated work.

Staff Recommendation: Staff does not recommend this option because we believe the application raises important questions about protection and enhancement of cultural resources. Staff also believes that processing the application in a timely manner will help preserve cultural resources, including the Viewpoint Inn.

2. *Commence review for PA-05-02 and do not initiate work on larger policy issue.* If the Commission wishes to select this option, the appropriate motion would be to commence review on this application. The Commission can require the applicant to submit additional information, if it chooses, under this motion.

Staff Recommendation: Staff does not recommend this option because we believe a complete analysis of the proposed plan amendment will require an understanding of how the proposed change applies to other significant historic buildings. In addition, staff does not recommend treating this as an issue that affects only a single property, simply because if the issue arises in the future, it would require another complete plan amendment process to evaluate the needs of any similar property.

3. *Commence review for PA-05-02 and authorize an extension of time for Director's Report to conduct abbreviated analysis of policy issue.* If the Commission wishes to select this option, the appropriate motion would be to:
 - Commence review on this application.
 - Direct staff to evaluate the application as submitted, but also to create or include the following items in its analysis
 - a new inventory of historic properties that are either on or eligible for the National Historic Register as outlined in task #2 of the draft workplan.
 - An evaluation of the uses that are currently allowed in historic buildings and of those that could be allowed. This analysis may include a recommendation to expand the range of uses allowed on these properties if the expanded uses meet the purposes and standards of the Act.
 - Alternative language, if appropriate, for an amendment to the Management Plan
 - Extend the time allowed for the report of the Executive Director from 30 working days to 60 working days.

Staff Recommendation: Staff recommends this option because we think it strikes the most appropriate balance between a full understanding of the issue and processing the applicants request as expeditiously as possible. As noted in our report for your April 12, 2005 discussion, staff believes the proposed amendment raises questions not only for the Viewpoint Inn but also for all buildings that are either on or eligible for the National Historic Register.

In an ideal world, staff believes that the complete project outlined in response to your April 2005 direction would give the most complete picture of potential uses and of market demand. This

complete workplan, however, requires more staff time, financial resources, and processing time than Commission staff feel is appropriate or responsive to the applicant's request.

Some portions of the work plan, however, are critical to a thorough analysis of the application. Staff believes that there are two questions that should be answered in our analysis:

- Would allowing a broader range of uses in historic buildings meet the purposes and standards of the Act? Answering this question would require us to then define what those specific uses might be, whether or not they are tied to the historic uses of each building.
- How many buildings are there in the National Scenic Area that are either on or eligible for the National Historic register? In other words, what is the potential cumulative effect of any proposed change?

The tasks that are required to answer these two questions (as outlined on the attached draft workplan) are tasks #1, #2 (with all subtasks), #3, #4.b, and #6. The additional time needed to address these questions is approximately 6 additional weeks (or 30 additional working days). The estimated consulting costs of this option are \$10,000 to \$15,000.

4. *Postpone the review process for PA-05-02 and initiate work on larger policy issue.* If the Commission wishes to select this option, the appropriate motion would be to postpone review of the proposed plan amendment because the Commission does not have sufficient staff or financial resources and this application on its own is a lower priority than addressing the larger issue. The Commission would then direct staff to proceed with the project on the draft workplan.

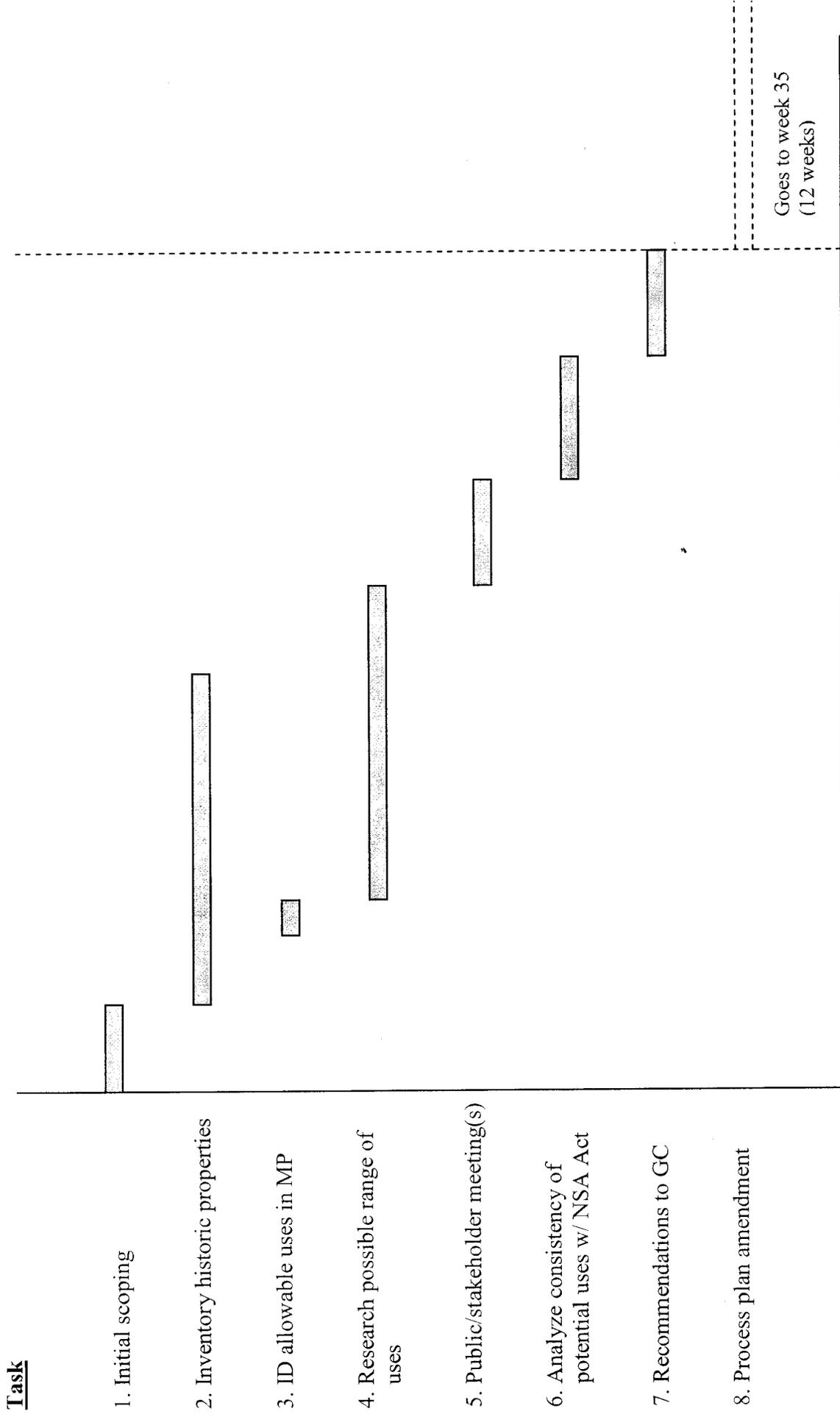
Staff Recommendation: Staff does not recommend this option because it represents a major undertaking that may be impractical, in light of other priorities; and it postpones a Commission decision on the applicant's request for approximately one year. The main advantage of this option is that full work plan includes an analysis of market demand for certain uses. It would be useful to analyze market demand to determine whether a use that the Commission might want to add would, in fact, generate revenue to maintain historic properties. Another advantage of this option is that it allows for additional stakeholder collaboration and public involvement. Despite these advantages, staff believes that the critical questions revolve around what additional options might be afforded to historic properties.

Enclosures (4)

DRAFT WORKPLAN – HOW WELL DOES MANAGEMENT PLAN SUPPORT RESTORATION AND PRESERVATION OF HISTORIC STRUCTURES?

Task/Subtask Description	Est. Staff Hours	Est. Time for Task Completion	Outside Cost Estimates/Comments
1. Initial scoping to refine problem statement, including scoping meeting with counties, SHPOs, tribes and other partner agencies.	20 hrs.	3 weeks	
2. Research and inventory historic properties:	40 hrs.	10 weeks	\$ 10-15,000
a. Compile inventory of structures on National Register.			
b. Develop inventory of structures eligible for National Register:			
A. Compile existing records of sites surveyed and found eligible for National Register			
B. Survey historic buildings for eligibility (with landowner permission for detailed surveys, plus general “windshield surveys” for others)			
C. Draft report with results of Tasks 2.a. and 2.b.			
3. Identify current uses and range of currently allowable uses for properties identified in Task 2.	16 hrs.	1 week	Overlaps with task 2
4. Research potentially allowable uses for historic properties:	56 hrs.	8 weeks	Overlaps with task 2
a. Research market demand for commercial activities at historic properties, including regional and national trends			\$ 5-10,000
b. Survey range of allowable uses and approval criteria for other jurisdictions with special ordinance provisions for historic properties			
c. Meet with counties, SHPOs and visitor/tourism experts for input on range of potentially appropriate uses for historic properties			
5. Hold public/stakeholder meeting on: 1) project objectives and approach; 2) appropriate range of possible uses for historic buildings.	20 hrs.	3 weeks	
6. Assess consistency of various uses with Scenic Area Act and develop preliminary recommendations for Management Plan changes.	40 hrs.	3 weeks	
7. Transmit final recommendations to Gorge Commission, including plan amendment options. Take public input on recommendations at Commission meeting.	20 hrs.	2 weeks	
TOTALS (Tasks 1-7)	212 hours	24 weeks (because of overlapping tasks)	\$ 15-25,000
8. Process plan amendment if directed by Commission.	80 hrs.	4 months	

Draft Time Line: Management Plan/Historic Buildings Project



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

Week #

Columbia River Gorge Commission
Work Items for 2003-2005
Discussed with Gorge Commission – August 2003
Status report as of May 2005

Current Planning Program – System Oversight belongs with the Assessment Committee, except for procedural issues, which fall to the Rules Committee.

1. Land use permitting in Klickitat County
2. Code compliance and enforcement.
3. County permit monitoring
4. Miscellaneous other duties – economic development certifications, county ordinance reviews, firewise coordination, etc.

Long-range Planning Program

1. Adoption of the revisions to the Management Plan – **Full Commission**
 - ✓ Document creation/ writing
 - ✓ Consultation and public process
 - ✓ Concurrence
 - ⇒ County ordinance adoption
2. Post Plan-Review tasks:
 - ⇒ Scenic Implementation Handbook – **Staff, briefing of Full Commission**
 - Inventories update
 - ⇒ I-84 Corridor Plan (funded by ODOT) – **Staff, briefing of Full Commission**
 - Scenic Monitoring Program start-up – **Assessment Committee**
 - Recreation Plan Update – **Recreation Committee**
3. Other legislative applications and general long-range projects
 - Urban area boundary applications (*Lyle Urban Area Boundary application awaiting plant, wildlife and cultural resource surveys. Expected spring 2005*) – **Full Commission**
 - ⇒ Plan amendments– **Full Commission**
 - Gorge Air Quality Project– **Full Commission**
 - Indicators Project (tied to monitoring) **Assessment Committee**
 - ⇒ SR-14 Rockfall project– **Full Commission**
 - ✓ Cultural probability map– **Full Commission**
 - ✓ Hood River Bridge guidelines– **Full Commission**

Appeals and Litigation Program

1. County appeals hearings– **Full Commission**
2. Klickitat County appeals– **Full Commission**
3. Active legal cases – **Executive Director, briefing of Full Commission**
4. Insurance/ risk management issue resolution – **Staff, briefing of Full Commission**

Items with a check mark are complete

Items with an arrow are in progress and active (ongoing projects are not marked with an arrow)

Items that are highlighted are either slowed down or on-hold

Rule Making Program – Rules Committee

- ✓ Update rules to respond to relevant 2003 legislation in Oregon and Washington.
- 2. Revise by-laws (*tied to strategic planning*)
- 3. Continue review and revision of rules including:
 - urban area boundary changes
 - enforcement (*may not require rule change*)
 - contracting and purchasing
 - ✓ economic development certifications.
- ✓ Revise land use ordinance after adoption of new Management Plan

Data Sharing and Technical Assistance Program – Assessment Committee

1. GIS services. Current priorities are creating a complete parcel layer, updating resource layers, and assisting with Plan Review.
2. Resume planner meetings. Organize training on management plan adoption and other implementation issues.

Administration Program

1. Respond to Oregon Budget Note
 - Requirements to meet Oregon statutes regarding permit-processing timelines; (technical assistance and long-range planning programs)-- **Full Commission**
 - Developing a process by which appeals are adjudicated by neutral third parties in the state where the subject property is located; (administration program) – **Rules Committee**
 - ⇒ Working with congressional delegations to secure additional funds for economic development as authorized in the National Scenic Area Act; (administration program) – **External Affairs Committee**
 - ⇒ Revising the guidelines to address the selection of finishes, colors, and surfaces in relationship to applying the definition of “visual subordinate” as it applies to the Scenic Area; (Scenic Handbook) – **Staff, briefing of Full Commission**
 - ✓ Streamlining the adjudication process so that an appeal can be resolved in reasonable time frames and requiring consolidation of causes of action and/or findings so that property owners do not face multiple appeals; and (administration program) – **Rules Committee**
 - Implementing a fee schedule to recover a portion of operational expenses due to Klickitat County’s failure to adopt ordinances (administration and rulemaking programs) – **Executive Committee**
2. Budget tracking – **Executive Committee**
- ✓ Budget development for 2005-2007 biennium – **Executive Committee**
- ✓ Personnel policy revision – **Executive Committee**
5. Commission support – **Staff**
6. Record keeping, document archiving and retention–**Rules Committee**
7. Public records support and compliance– **Rules Committee**
8. Public information – **External Affairs Committee**
9. Commission strategic planning – **Executive Committee**

Items with a check mark are complete

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QUESTIONS/INFORMATION REQUESTS FOR APPLICANTS (VIEW POINT INN PLAN AMENDMENT) FROM GORGE COMMISSION IN PRELIMINARY REVIEW, 4/12/05 MEETING*

1. What is the definition of "visitor's center", the range and intensity of activities anticipated and the necessity of such a facility for the property?
2. Please contact Multnomah County regarding whether they are interested in the Commission addressing the application.
3. What criteria if any, exist for removing a property from the National Register?
4. What would be the effect of the National Register listing with respect to restrictions on the external appearance and use of the property?
5. Why was the property initially designated as SMA Forest?
6. What was the rationale for the new GMA designation under Section 8(o)?
7. Can you better quantify the use of the property as "originally designed and used historically"?
8. Please describe the nature of overnight use anticipated for the property.
9. What is the current condition of the building, and external environmental impacts of current use?
10. If the zoning change is made as requested, how do we assure it has the intended effect of helping preserve the historic nature of the structure?
11. How will the external impacts of the proposed use be controlled?
12. Please provide more operational details and plans, such as traffic flow in the area.
13. What conditions have changed since the Section 8(o) redesignation?
14. Mr. Groen indicated that he would address the issue of spot zoning and why this application is not an example of spot zoning.

* These are in addition to the three questions in the staff report to which the Commission agreed the applicant should respond.

