

Columbia River Gorge Commission

Meeting Minutes

October 11, 2005

A complete record of this meeting is available on audiotape

Location: Rock Creek Recreation Center, 710 SW Rock Creek Drive
Stevenson, Washington

Time: 9:00 a.m.

MEMBERS IN ATTENDANCE

Harold Abbe
Kenn Adcock
Jeffrey Condit
Doug Crow
Judy Davis
Jane Jacobsen (9:40 am)
Dan Harkenrider
Walt Loehrke
Jim Middaugh
Joe Palena
Joyce Reinig
Honna Sheffield

STAFF PRESENT

Martha Bennett, Executive Director
Angie Kenny, Planner
Brian Litt, Senior Planner
Jessica Metta, Planner
Kathy Obayashi-Bartsch, Administrative Assistant
Richard Whitman, Attorney

AUDIENCE PRESENT

Ameele, Don and Bea. Gresham, Oregon
Andersen, Steven. Cascade Planning Associates
Anthony, Bill and Sue. Boring, Oregon
Bartell, Judith and Jack. The Dalles, Oregon
Bell, Jean. Portland, Oregon
Blomquist, Ellen. Portland, Oregon
Burdick, Dorothy. Portland, Oregon
Curran, Claudia. Corbett, Oregon
Daily, Katy. Friends of the Columbia Gorge (FOCG)
Dallum, John. The Dalles, Oregon
Davenport, Jessica. Skamania County Planning Department
Day, Ross. Oregonians in Action
Donovan, Sally. Donovan and Associates
Dufrene, Arnold and Joan. Corbett, Oregon
Esch, David. Portland, Oregon

Flint, Lewis. Mosier, Oregon
Gaul, Willard. Portland, Oregon
Gorman, Kevin. FOCG
Gumm, Mary. Sprint
Hawk-Elwood, Rebecca. Yakama Nation
Hess, Donna. The Dalles, Oregon
Hocking, Sharon. Corbett, Oregon
Howard Bruce. Donovan and Associates
Kahn, Gary. FOCG
Keller, Deane. Lyle, Washington
Kenney, Stephen. Troutdale, Oregon
Kirkham, Marian and Ethel. Corbett, Oregon
Lang, Michael. FOCG
Larsen, Dorothy. Troutdale, Oregon
L'Hommedea, Daniel. Stevenson, Washington
Leipper, Bob. Troutdale, Oregon
Lichtenthaler, Eric. Corbett, Oregon
Liggett, Keith. Stevenson, Washington
Lucas, Dorothy. Fairview, Oregon
Mershon, Clarence and Colleen. Corbett, Oregon
Miller, Bobbie and Dick. Columbia Gorge United (GLU)
Miller, Judy and Gary. Bridal Veil, Oregon
Newell, Sally. Underwood, Washington
O'Neill, Frieda. Corbett, Oregon
Pederson, Connie. Corbett, Oregon
Perry, George and Virginia. Corbett, Oregon
Price, Sandy. Portland, Oregon
Reuter, Norm, Corbett, Oregon
Reynolds, Jason. Oregon Consumer League
Scott, Bev and Bob. Troutdale, Oregon
Scudder Marilyn and James. Corbett, Oregon
Simione, Angelo. GLU
Swyers, Cassie.
Thiemann, Phyllis. Columbia River Gorge Visitors Association
Thompson, Geoff. GLU
Thorsell, Kim and Peter. Corbett, Oregon
Thorud, Lena. Corbett, Oregon
Tokos, Derrick. Multnomah County Planning Department
Welch, Betty. Corbett Grange
West, Gerald and Lillian. Corbett, Oregon
Westfall, Rita. Senator Ted Ferrioli
Wilson, Sandra. Skamania, Washington
Winter, Brian. Corbett, Oregon
Wooster, Wayne. Klickitat County

Others were present during the day

Call to Order

Chair Davis called the meeting to order at 9:05 am and introduced Richard Whitman, Counsel for the Commission.

Approval of Minutes

Chair Davis asked the Commission to review and comment on the draft minutes for September 13, 2005. Commissioner Reinig made a motion to approve the minutes as drafted and Commissioner Adcock seconded the motion. A voice vote was taken and was approved unanimously.

Public Comment

Bob Leipper read from prepared testimony (see attachment A). Commissioner Crow asked staff to check with Multnomah County about the violation he described. Martha Bennett, Executive Director said staff will follow up but cannot provide details to the Commission about specific properties because any contested case may be appealed to the Commission.

Bobbie Miller thanked the Commission staff for the opportunity to review the draft Scenic Area Handbook. She said the handbook as drafted is too complicated for most people to understand. She also said one of the key viewing areas is a Rowena property owned by the Nature Conservancy which is not readily accessible to the public and yet affects private landowners because of its designation as a key viewing area.

Opportunity for Tribal Nations to address Commission

There were no representatives present to address the Commission.

NSA Manager's Report

Commissioner Harkenrider reported that several projects are pending a ruling on the status of categorical exclusions. He said without the exclusion status, the Forest Service would provide notice of public comment and this would significantly impact project scheduling and expenses. This ruling would affect small projects, such as fire wood gathering, as well as larger ones. Harkenrider added that with the recent rain, the fire season is officially over in the National Scenic Area (NSA).

Commissioner Adcock asked for clarification about the Burdoin Mountain project, which was intended to improve habitats and provide fire protection. He said Washington is considering a bill to ban all burning and asked what impact that would have on operations in Washington. Commissioner Harkenrider said if approved the Forest Service will not be allowed to burn any material and would use other means to clear forest fuels, such as chipping.

Commissioner Adcock asked for an update on the removal of the Condit Dam. Commissioner Harkenrider said he is aware of a two year delay to remove the dam.

Commissioner Palena asked if grazing could be used as a fire management tool. Commissioner Harkenrider said grazing is a possibility but is complicated in the NSA due to the mix of private and public ownership.

Director's Report

Martha Bennett, Executive Director introduced Angie Kenny who began work as land use planner with the Commission in late September. She said the Oregon Governor's office announced the reappointment of Doug Crow and appointment of Roberta Kirk to the Commission. She said Ms. Kirk works for the Confederated Tribes of the Warm Springs. The Oregon Senate will vote on these appointments in late October. Bennett said the Scenic Handbook project is progressing and staff received comments from focus groups, held a public open house and received good feedback. She said there will be a review of the draft at the next meeting.

Public Hearing, Deliberation, and Possible Decisions on Application for Amendment of the Management Plan for the Columbia River Gorge National Scenic Area (PA-05-02)

The Commission conducted a public hearing in accordance with Commission Rule 350-50-100 on an application to amend the Management Plan submitted by John Groen on behalf of Geoff Thompson. The application requests three amendments:

1. Change the land use designation on a 1.21 acre property in Multnomah County (that includes the historic Viewpoint Inn building) from Large-Scale Agriculture and Small Woodland to Commercial Recreation;
2. Change the recreation intensity class of the same property from RIC 2 to RIC 3; and
3. Amend the cultural resources policies for the General Management Area with a new policy allowing properties that were on the National Register of Historic Places prior to November 17, 1986 and that were originally designed for restaurant and hotel purposes to re-establish those uses and to provide for public viewing and interpretive facilities, subject to conditions regarding size, hours and other aspects of such uses.

Chair Davis said many people have signed up to speak, so the Commission will limit testimony to three minutes per person. She reviewed the procedures for public testimony. Chair Davis asked the Commissioners to disclose any conflicts of interest or ex parte contacts. There were none. She then asked if anyone would like to challenge the participation of any of the Commissioners. There was no response. She asked Bennett for a review of the Director's Report. Bennett said she would briefly review the report and consultant, Sally Donovan would report her findings on historic structures in the Gorge. Brian Litt, Senior Planner introduced Sally Donovan and Bruce Howard of Donovan and Associates who were contracted to provide an inventory and analysis of historic structures in the Gorge.

Sally Donovan and Bruce Howard provided an overview of their report (see attachment B).

Litt said additional public comments (see attachment C1) were sent to the Commission office and provided copies for the Commission. He reviewed the staff report (see

attachment C2), including a summary of the application, the criteria for amending the Management Plan and an analysis of the proposed Plan Amendment. He reviewed the staff recommendation and the options available to the Commission.

Chair Davis thanked staff and Donovan and Associates for their work on the issue and asked for questions from the Commissioners.

Commissioner Crow asked how many buildings in Donovan's survey were included in the original inventory when the Act was developed. Litt said there is no overlap regarding the buildings identified by Donovan and Associates as potentially eligible. The 1988 inventory included recorded historic sites; it did not evaluate the potential eligibility of buildings not already recorded.

Commissioner Loehrke asked about the possibility of renovation to restore buildings to qualify. Donovan said a very small percentage would be possible because many buildings have been so modified that it's unlikely they would qualify.

Commissioner Crow asked if the Rosedale fruit farm in Mosier was included. Donovan said this site may need additional research.

Commissioner Condit asked if listing on the National Register offers a level of protection. Donovan said it doesn't afford substantive protection and noted that there is a procedural value.

Commissioner Jacobsen asked if Donovan was familiar with the National Historic Preservation program: "Barn Again" and if any properties inventoried would be eligible. Donovan said the program is available for certain properties and the Crawford Ranch would be a candidate.

Commissioner Loehrke asked if the Scenic Area could be considered a historic district. Donovan said it was not. Donovan said there could be a multiple property nomination in some areas of the Gorge but that would be a significant project.

Commissioner Adcock asked whether the revenue from restaurant and lodging operations would be sufficient for repair and restoration. Bennett said each property owner would have to make that judgment.

Commissioner Middaugh asked what kind of events are considered incidental and subordinate. Litt said it is not so much the type of event rather than the scope and frequency of commercial events. It is more a question of whether the events are of such magnitude that they become the main use of the facility.

Commissioner Middaugh asked whether the information on costs to maintain or restore historic buildings is new information. Bennett said the information is new in that it was not considered in the Management Plan before.

Chair Davis recessed the meeting for a break at 10:15 a.m. and called the meeting back to order at 10:30 a.m.

Public Hearing, Deliberation, and Possible Decisions on Application for Amendment of the Management Plan for the Columbia River Gorge National Scenic Area (PA-05-02)-continued

John Groen presented on behalf of the applicant of Geoff Thompson. He said the applicant desires to operate a restaurant, inn and interpretive center. The applicant requested a change of the land use designation from small woodland and large scale agriculture to commercial recreation. Groen said he understands Commission concerns that the commercial recreation designation could allow additional development. Groen said that because the applicant does not wish to pursue additional development, he would like to amend the application and will not pursue this change in designation.

Groen said the application requested a change in the recreational intensity classification (RIC) from RIC 2 to RIC 3. There was a letter from the Friends of the Columbia Gorge (FOCG) expressing concern about developing a large parking lot. The existing lot holds 20-25 vehicles and is completely screened by the building itself. The applicant does not plan to build a large parking lot and withdraws the request for a RIC 3 classification.

Groen addressed the Plan Amendment criteria of significantly changed conditions. He said historic properties are very expensive to maintain and this information is new in relationship to the Management Plan. The Management Plan was not developed using maintenance cost as a factor.

Groen said the new inventory data also meets the criteria for significantly changed conditions. He said the Viewpoint Inn was not in the original inventory. He said the preferred use for a historic structure is what it was designed for and the Inn was designed as a restaurant and hotel, with a small area for staff quarters. The previous owner used the facility as a dwelling, which was not the historic and originally intended use. If the Forest Service had condemned the property and taken it for public ownership, it would have been designated for public recreation as other historic properties in the Gorge, such as the Vista House, Eagle Creek Campground or Multnomah Falls Lodge.

Groen said the application meets the criteria of furthering the purposes of the Scenic Area Act (Act), which is supported by the staff report. Staff agreed that the application furthers the purposes of the Act to protect and preserve cultural resources. Staff points out that a clarification is needed and the uses in the proposed GMA Cultural Resources Policy 20 should be included as a guideline in the Management Plan. He suggested putting this in Part I, Chapter 2: Cultural Resources, under GMA guidelines instead of in Part II, Chapter 7, as suggested by staff.

Groen addressed the alternatives listed in the FOCG letter about the tax incentive programs aspect, which they argue are practicable alternatives to the application. Groen said some of the tax incentives (see attachment D) would only apply if a property were being used as a rental or for commercial or industrial purposes. The easement

option, Save America's Treasures and Small Deal Fund programs would not apply to the Viewpoint Inn due to the requirements for these programs. He said the programs identified in the Friends comment letters are good, but they do not help an owner generate funds to restore or maintain a historic facility and are therefore not a real alternative to the application.

Groen said the staff recommendation of a gorge-wide application is not a practicable alternative. He said to be a practicable alternative, it must currently exist. The gorge-wide alternative needs additional public review. He said a gorge-wide approach is a great idea but is presumptuous to assume it would be adopted and is therefore not a practicable alternative for the Viewpoint Inn application.

He said the gorge-wide application can be pursued and would address the Viewpoint Inn application. These two decisions are not mutually exclusive and there would be benefit in taking sufficient time to addressing the gorge-wide application while assisting the owner of the Viewpoint Inn immediately.

Groen said there are two minor clarifications to subsections of GMA Cultural Resources Policy 20 in the application and they should be as follows:

1. Subsection B second sentence which refers to how interpretive displays are approved. The phrase "Interpretive displays unless otherwise regulated under its local land use ordinance" should be added to clarify that counties can approve displays.
2. Subsection C which refers to a gift shop. This sentence should include "any associated gift shop, allowed under this authority."

Commissioner Jacobsen asked for clarification of the intended use. Groen said the owner requested an interpretive facility, supported by a restaurant and inn. He said the term "visitors' center" was switched to "interpretive facility" because this term was already defined in the Management Plan.

Commissioner Reinig asked him to clarify the request for a change in the land use designation. Groen said no designation really fits but they have withdrawn the request to change the land use designation and the RIC classification.

Commissioner Abbe said expressed his concern that the Inn could not generate enough income to sufficiently care for the property. Groen said the owner believes such an operation would provide the revenue needed and is passionate in his efforts to restore the facility.

Commissioner Condit asked why he believed the Commission should move forward with the particular application rather than gorge-wide application, which would also apply to the property. Groen said the issue is time. He said waiting for a broader policy will delay needed repairs. He said a gorge-wide approach will likely take a few months, especially if there is litigation.

Commissioner Adcock referred to the end of page 26 and page 27 of Director's report. He asked for comment on subparagraph two and whether it should be a new "Review Uses" item or in the same chapter on cultural resources. Groen said he agrees with the substance in the report but has a suggestion on the mechanics of where the guidelines are added to the Plan.

Commissioner Jacobsen said there were several people who contacted her about their concerns that the owner of the Inn has ignored the intent of Act in the past and has hosted several events that created noise and congestion issues.

Richard Whitman, Counsel said there are specific criteria for the consideration of the application and cautioned Commissioners, applicants, and members of the public to refrain from considering information that is not relevant to those criteria.

Chair Davis said she was surprised that there was no clarification on decibel levels. Bennett said the county has decibel level standards which would apply and the values listed in the application are missing a zero and should be 50 and 80.

Commissioner Middaugh asked if a bed and breakfast operation and classification would be appropriate. Groen said this option was researched, and it would not generate sufficient revenue

Geoff Thompson acknowledged all those who supported the Inn. He said there were over 800 letters in support and less than 50 in opposition. He said he is committed to maintaining the Inn's historic qualities.

Angelo Simione testified on the historic nature of the facility (see attachment E). He said any delay in making a decision on the application will endanger the Inn.

Tribal Nations Comment

Rebecca Hawk-Elwood of the Yakama Nation said there are four Indian tribal governments in the Gorge. She said the Yakama Nation has several concerns (see attachment F) regarding potential impacts to the eco-system. She also said the Yakama Nation would like a formal consultation process with the Gorge Commission.

Commissioner Middaugh asked if she is suggesting the current process was inadequate. Hawk-Elwood said that notification is not equivalent to consultation.

Commissioner Reinig asked Bennett how staff consults with the Tribes. Bennett said the Tribes were notified and there were several discussions. Hawk-Elwood said she could not comment on the specifics but is aware of a belief among the Tribe that there should be further consultation.

Commissioner Condit asked if the Tribe would like additional consultation on the application or the gorge-wide approach. Elwood said it was the application that prompted the letter.

Chair Davis recessed for a lunch break at 12:20 p.m. and called the meeting to order at 1:00 p.m.

Commissioner Jacobsen noted that she had missed the earlier opportunity to disclose ex parte contacts. Jacobsen said she received a phone call and spoke with four people at various occasions that had concerns with the noise and impact of commercial events at the Viewpoint Inn.

Public Comment:

Stephen Kenney said he has worked on local history, especially road houses. He encouraged the Commission to allow the Viewpoint Inn to be used as an inn. He displayed photos of the Inn from the past and the present.

Judy Bartell said please don't delay the opening of the Viewpoint Inn as an inn and restaurant.

Bobbie Miller expressed her opinion (see attachment G) that it was unjust to include the Inn with other properties in a gorge-wide policy approach. She said the Commission should allow the Viewpoint Inn to open as an inn and restaurant.

Frieda O'Neill asked the Commission to allow the Viewpoint Inn to open as an inn. She said there is no good restaurant in Corbett and residents need this service in the area.

Jason Reynolds of the Oregon Consumer League expressed his support to open the Inn. Reynolds said it is a beautiful spot and has considerable history. He said there are few places for young people to get jobs in the Corbett, Oregon area and the Inn would provide a good opportunity.

Jack Bartell said the Inn is a beautiful place and can't understand why people would object to opening it to the public.

Derwood Davis said the Inn should be open to the public.

Mildred Davis said she would like to see the Inn open as an inn and restaurant.

Marilyn Scudder said there is considerable history associated with the Inn and should be open as an inn and restaurant.

Betty Welch said there are few Corbett facilities available for weddings as Menucha doesn't allow weddings. She works at Menucha and gets many requests for weddings. She said the owners care about the historical value of the property and have patiently waited for an answer from the Commission. She expressed her support of opening it as an inn and restaurant.

David Miller said he has known Geoff and Angelo for a year and said they are physically and emotionally tired. He spoke of their character and commitment to preserving the

Inn. Miller said the Commission should support their efforts to preserve the Viewpoint Inn.

Keri Baird said she is support of the Inn and issues such as noise from events are just an excuse to deny this application.

Gary Miller said a gorge-wide approach should include homes and buildings in the Special Management Area (SMA). He said if it was not possible to do this, then the Commission should include a mechanism to allow such properties to be designated as General Management Area (GMA).

Claudia Curran said she and her husband do not support commercial activities. She said it would not be fair to other residents in the area, expecting a rural residential atmosphere and not expecting commercial events. She said this type of development would compromise the integrity of the Scenic Area and the Act. She said property owners should be prepared for the expense of owning and maintaining their properties.

David Esch expressed his support of the Inn and asked the Commission to approve the application.

Eric Lichtenthaler of Corbett, Oregon said there are many uses that comprise the Scenic Area, such as private residences, farms, commercial operations, rural neighborhoods, natural areas and urban areas. The Viewpoint Inn is in a rural neighborhood. He said on the surface this application fights for preservation of a cultural resource but then it becomes confused in economics and ways to generate revenue to maintain the property. He supports preservation of cultural resources but is aware of the impact on a neighborhood that commercial events, such as weddings will bring. He said there are many noise and parking issues associated with events, which impact the neighborhood significantly.

Brian Winter read from prepared testimony (see attachment H) expressing his and his wife's opposition to approving the application.

Ellen Blomquist read from prepared testimony (see attachment I) expressing her support of the Inn and asked the Commission to approve the application.

Cassie Swyers expressed her support of the Inn and said she could not understand why the Commission is in a position to make such a decision. She said she would seek to withdraw all Washington funding from the Commission.

Steven Andersen expressed his support of the Inn and of the owners. He urged the Commission to act on the application.

Willard Gaul said the Commissioners who have a history with the FOCG or past ties with politicians that supported the Scenic Act should not be on the Commission. He said the owners of the Inn will not get a fair hearing and expressed his disappointment with the Commission.

Derrick Tokos, Principal Planner for Multnomah County and read from a letter sent to the Commission (see attachment C1). The letter expressed support of the staff recommendation outlined in the Director's Report.

Commissioner Middaugh asked what process is involved to obtain a Multnomah County building permit. He said the owner could pursue repairs to the residence now, to repair the chimney and boiler.

Commissioner Condit asked what the timeline would be if a Plan Amendment is adopted. Bennett said post adoption implementation steps for a Plan Amendment would take between 300 to 600 days before a land use permit would be issued by a county (see attachment J).

Michael Lang, FOCG Conservation Director read from prepared testimony (see attachment K1) expressing their opinion that the application fails to meet the necessary Plan Amendment criteria for approval. He referred to the Multnomah County Planning Department's Notice of Decision from 2003 (see attachment K2).

Gary Kahn, attorney representing FOCG expressed the opinion that the application should not be processed and does not meet any of the necessary criteria.

Kimberly Thorsell said she has a neighbor's perspective. She said there were numerous loud parties and events in the past and during the past summer there were several weddings. She said she supports the renovation of the facility but expressed her concern that the protection of cultural resources is a guise for commercial activities.

Clarence Mershon of Gresham Oregon expressed his support of opening the Viewpoint Inn and the application. He discussed the historic qualities of several structures and said most of these structures are no longer in existence. He said the Commission should not delay in making a decision on the application as this is a significant cultural resource.

Wayne Wooster representing Klickitat County said the County encourages the Commission to adopt option one outlined in the Director's Report and option three to pursue a gorge-wide policy application. He said personal issues and past experience should not be considered in the deliberation of this application.

Judy Swenson said any events occurring at the property this summer were not commercial activities but were gifts from the owner. She asked the Commission to act on the application today and not delay making a decision.

Phyllis Thiemann of the Columbia River Gorge Visitor's Center expressed her support of the application and the Viewpoint Inn (see attachment L). She said it would benefit the area and the local economy.

Rita Swyers of Hood River, Oregon said it was important that individuals and their property rights were considered. She asked the Commission to support the application and the Viewpoint Inn.

Kim McGuire of Gresham, Oregon expressed her support of the Inn and the application.

Todd Cornett, Wasco County Planning Director and representing Wasco County Court, said Wasco County has no opinion on the application. He said the county is in support of allowing this type of use of historic structures throughout the Gorge.

Bob Leipper, of Troutdale Oregon said that historic structures in the Gorge should be maintained. He expressed his support of the Inn, the application and the owners. He expressed support of option one and option three as outlined in the Director's Report.

John Groen referred to letters of support sent by Oregon Senators Ted Ferrioli and Rick Metzger and by Charles Becker, Mayor of Gresham (see attachment M). He said the Commission has an opportunity to enhance and protect cultural resources today and should not wait for potential gorge-wide action on this issue.

Bennett asked Groen how the Commission's action today is related to the repair of the Viewpoint Inn chimney. Groen said if the Commission approved the application then there is a potential for commercial events. It would assist in making plans. He said a decision today would influence the decision on the type, complexity and cost of the repair.

Chair Davis recessed the meeting for a break at 2:50 p.m. and called the meeting back to order at 3:00 p.m.

Chair Davis reviewed the options available to the Commission and asked the Commission to begin their discussion and deliberation.

Commissioner Reinig outlined the history of how the Commission developed its process for Plan Amendments. She said the applicants are entitled to a decision today. She said identification of historic buildings is a good step and the broader policy application proposed by staff may be a good idea but should not be part of the discussion today. She expressed her understanding of the concerns of neighbors and the impact on a rural residential area if commercial activity is allowed.

Commissioner Condit said the Commission should move forward with the application and supports the staff recommendation to develop a gorge-wide application. He said the Viewpoint Inn is a special property. He suggested that the Commission approve the application but also pursue a Gorge-wide approach. He said if the Commission adopts a Gorge wide approach within three months, then they could repeal the language that only applies to the Viewpoint Inn. He said he disagrees with Mr. Groen's justification that a gorge-wide policy will take a long time and therefore it is not a practicable alternative.

Commissioner Abbe made a motion to separate the options one and two from option three and Commissioner Sheffield seconded the motion.

Commissioner Condit asked Richard Whitman if approval of option three would supercede a previous decision.

Whitman said the Commission may act on this separation if the Commission decides the gorge-wide alternative is not a practicable alternative. The original proposal applies only to one property. The gorge-wide amendment goes beyond the original application and the Commission must determine whether it is a practicable alternative for this application.

Commissioner Middaugh said he would like further discussion on option three before making a vote on separating option one and two from option three.

Commissioner Crow said it is important to protect cultural resources and that the Viewpoint Inn application should not be tied to application of a gorge-wide policy.

Commissioner Sheffield said to consider a gorge-wide policy is not a fair alternative for the application before the Commission today.

Commissioner Loehrke said historic building preservation has been a topic that the Commission has not addressed in the past issue due to resource constraints. He expressed his support to make a decision on the application independent of a gorge-wide policy application.

Commissioner Adcock said he attended a rules committee meeting and there was discussion of whether a Plan Amendment application should stand alone if larger issues arise unless the applicant agrees to be included in the larger or ancillary issue. He said there have been hundreds of letters in support of the Viewpoint Inn and in view of that, he believes the Commission should have an up or down vote on the application.

Commissioner Condit said if there was certainty that the broader application would be addressed in the next month, he'd find it to be a practicable alternative. He expressed support to move forward with the staff recommendation of a gorge-wide approach. At some time, the Commission will have to conform any future decision to any decision made today on the Viewpoint Inn.

Commissioner Crow moved the previous question on the motion on the floor.

Chair Davis said the motion on the floor is that the Commission separates the decision on the Viewpoint Inn from the gorge-wide amendment. This is a procedural motion and the next decision would be on the Viewpoint Inn, up or down and then go on to the gorge-wide issue.

Bennett asked Whitman to clarify whether if the Commission takes an up or down vote on the Viewpoint Inn, any action on option three would become its own action independent of the application.

Whitman said if the motion to separate the options is approved, then the gorge-wide policy would require a separate application either by the Commission or by staff.

Commissioner Palena moved to table Commissioner Abbe's motion and was seconded by Commissioner Adcock. Chair Davis called for a vote on the motion to table Commissioner Abbe's motion. The motion to table failed 6 to 5.

Harold Abbe-no
Kenn Adcock-yes
Jeffrey Condit-yes
Doug Crow-no
Judy Davis-no
Jane Jacobsen-no
Walt Loehrke-yes
Jim Middaugh-yes
Joe Palena-yes
Joyce Reinig-no
Honna Sheffield-no

Chair Davis said the Commission is now back to the main motion, should the Commission separate the motions on the Viewpoint Inn from those on the gorge-wide amendment. The motion passed 10 to 1.

Harold Abbe-yes
Kenn Adcock-yes
Jeffrey Condit-yes
Doug Crow-yes
Judy Davis-yes
Jane Jacobsen-yes
Walt Loehrke-yes
Jim Middaugh-no
Joe Palena-yes
Joyce Reinig-yes
Honna Sheffield-yes

Commissioner Jacobsen said historic preservation is important and is in favor of restoring the facility for a restaurant and Bed and Breakfast. The concern raised by neighbors related to the number of events and the impact on the neighbors. She asked how the number of events would be controlled.

Bennett said the application includes no specifications or restrictions on the number, frequency or scope of events.

Whitman referred to page 29 of the Director's Report, item 1(d) and said the only language that would put limits on events, refers to utilizing outdoor facilities during daylight hours of 9 a.m. to dusk.

Commissioner Palena said that the county would have certain regulations for items such as parking. Bennett said during Plan Review the Commission determined that the counties would have jurisdiction over "good neighbor" issues such as noise, parking, dust, traffic and others. She said there are practical concerns for items such as parking as the property is only slightly over an acre.

Commissioner Reinig said the counties don't have the resources to monitor or enforce such restrictions. There are practical considerations if such use is approved by the Commission and the Commission is responsible.

Commissioner Abbe said he is concerned about the noise level in a rural area, noting that what is acceptable in an urban or more densely populated area is not acceptable in a rural or residential area. He expressed his hope that the owners will be respectful of the area's residents.

Commissioner Crow said he supports the application but is concerned about the nuisance issues and how the character of the area will be maintained.

Commissioner Jacobsen made a motion to adopt application with a restriction of five events per month. There was no second to the motion.

Commissioner Abbe made a motion to find the application consistent with the three criteria for approving an amendment to the Management Plan with minor clarifications as requested by the applicant or proposed by staff. Commissioner Adcock seconded the motion.

Bennett reviewed the proposed language for the amendment, titled Minor Clarification to Viewpoint Inn Amendment Proposal (see attachment N). She said the changes to this sheet should include:

1. Deletion of any reference to the recreation intensity classification since the applicant has withdrawn his request for a change in recreation intensity classifications.
2. In paragraph 1.A (2), the second sentence should read " The siting, size, color, and physical features of outdoor interpretive displays shall be reviewed and approved by the Executive Director of the Commission prior to installation, unless otherwise regulated by the county under its local land use ordinance."
3. In paragraph 1.A (3), the second sentence should read "Any associated gift shop, allowed under this authority, shall not exceed 100 square feet in floor area."

4. Replace paragraph 1.A (6) with "Counties may regulate noise levels under any relevant noise or nuisance ordinances."

Commissioner Middaugh asked if Multnomah County has noise ordinance. Derrick Tokos said there is a county noise ordinance but does not know it's operable in the Scenic Area and it predates the Scenic Area Act.

Bennett referred to the staff alternative on page 31, paragraph five which offers another option. Instead of paragraph 1.A (6) which was just read, the Commission could include the sentence "Counties may impose additional requirements to address potential impacts on surrounding properties. For example, they may limit the size and frequency of commercial events and outdoor activities, noise, parking, vehicular traffic, lighting and operating hours." This may address the concern that several Commissioners have expressed. If the Commission decides this is a minor clarification, then it may be included in the amendment and should ask if the applicant believes this is a minor clarification.

Commissioner Sheffield said she would like to ask if the applicant feels this is a minor clarification.

Commissioner Reinig asked for an opinion on this point of order. Whitman said the hearing has been closed by the Chair, so it is not appropriate for the Commission to accept new evidence. There is a distinction between asking the applicant if a certain item is a clarification and is not evidence going toward whether a particular standard is met.

Groen said he agreed with all items as outlined by Bennett but the last item. He agrees with Commissioner Middaugh's comments as well and believes it may be substantial change if the county limits the number of events significantly and would prefer the Commission to identify a number if this is the intent of such language.

Commissioner Reinig said it's common for the counties to issue limits on the number of events. She said the impact of such a decision is not to be viewed only in a local or regional context and is concerned about the potential impacts in the future.

Commissioner Abbe said his original motion is to adopt option one as outlined on page 26 of the Director's Report. Bennett said the Minor Clarification document (see attachment N) is the essence of option one written out as a policy. Chair Davis asked if Commissioner Abbe accepted the clarifications as reviewed by Bennett. Commissioner Abbe agreed this was acceptable. Commissioner Adcock seconded the motion.

Commissioner Middaugh offered an amendment to the motion to include the following:

Page 10, paragraph five, sentence one- add language that "commercial events would only be allowed if incidental and subordinate to the primary use"; and

Add page 31, item six from the Director's report which would require a protection and enhancement plan to be filed and updated every five years"

Commissioner Jacobsen seconded the motion. Bennett said there is some additional work to make the amendment consistent.

Commissioner Condit referred to the language about commercial events being incidental and subordinate. He suggested this be revised to address outdoor events as this was the primary concern. Commissioner Middaugh accepted the suggestion although Middaugh said there are potential impacts for indoor events as well.

Whitman said it was appropriate to open the floor to public testimony and address whether it's a matter of minor clarification or not. Chair Davis reopened the hearing for testimony on the amendment to the motion.

John Groen said he viewed the proposed changes as minor clarifications.

Gary Kahn, representing FOCG said he believed these items were not clarifications and the second item was certainly a substantive change.

Wayne Wooster, representing Klickitat County said he concurs with Mr. Kahn.

Derrick Tokos, representing Multnomah County referred to the letter submitted by the county discussing suitability of uses for the property and asked the Commission to consider this in their decision.

John Groen said after hearing the testimony of others, he suggests it would be best not to include item six from page 31 in the Director's Report.

Commissioner Middaugh said he wished to withdraw adding item six, page 31 of the Director's Report from his amendment. A vote was taken on the revised amendment and passed 9 to 2.

Harold Abbe-yes
Kenn Adcock-yes
Jeffrey Condit-yes
Doug Crow-yes
Judy Davis-yes
Jane Jacobsen-yes
Walt Loehrke-no
Jim Middaugh-yes
Joe Palena-no
Joyce Reinig-yes
Honna Sheffield-yes

Commissioner Condit said he would support the Commissioner Abbe's motion to adopt option one and would follow it with a motion to pursue application of a gorge-wide policy.

Commissioner Middaugh expressed his concern that there are bigger issues than this particular application and believes such a decision must be made in a gorge-wide context.

Chair Davis called for a vote on the motion and said in order to pass there must be at least three votes from each state. A vote was taken and the motion failed because there were not three Commissioners from Oregon voting in favor of the application as required by Section 6(c) of the Columbia River Gorge National Scenic Area Act.

Harold Abbe-yes
Kenn Adcock-yes
Jeffrey Condit-yes
Doug Crow-yes
Judy Davis-no
Jane Jacobsen-no
Walt Loehrke-yes
Jim Middaugh-no
Joe Palena-yes
Joyce Reinig-no
Honna Sheffield-yes

Commissioner Condit said the Commission should pursue option three, taking a gorge-wide approach. Bennett said the Commission could proceed either by reconsidering the vote and re-notice the public hearing which would allow action quickly or process an entirely new plan amendment which would take four to six months. She said a Commissioner who voted against the motion can make a motion to reconsider the vote.

Commissioner Reinig made a motion to reconsider the vote and was seconded by Commissioner Middaugh. A vote was taken and passed unanimously.

Harold Abbe-yes
Kenn Adcock-yes
Jeffrey Condit-yes
Doug Crow-yes
Judy Davis-yes
Jane Jacobsen-yes
Walt Loehrke-yes
Jim Middaugh-yes
Joe Palena-yes
Joyce Reinig-yes
Honna Sheffield-yes

Commissioner Condit made a motion to table the vote to reconsider and was seconded by Commissioner Middaugh. A vote was taken and passed unanimously.

Harold Abbe-yes
Kenn Adcock-yes
Jeffrey Condit-yes
Doug Crow-yes
Judy Davis-yes
Jane Jacobsen-yes
Walt Loehrke-yes
Jim Middaugh-yes
Joe Palena-yes
Joyce Reinig-yes
Honna Sheffield-yes

Commissioner Middaugh made a motion to schedule a public hearing as soon as possible in November to address the recommended modification for additional public comment. Commissioner Condit seconded the motion. A vote was taken and passed unanimously.

Harold Abbe-yes
Kenn Adcock-yes
Jeffrey Condit-yes
Doug Crow-yes
Judy Davis-yes
Jane Jacobsen-yes
Walt Loehrke-yes
Jim Middaugh-yes
Joe Palena-yes
Joyce Reinig-yes
Honna Sheffield-yes

Bennett said there will be a regular Commission meeting on November 8th and a special meeting could be scheduled for November 15th or 22nd and asked the Commissioners to inform staff of their availability.

Other Business

There was no other business

Adjourn

Chair Davis adjourned the meeting at 5:20 p.m.

The next regular meeting is scheduled for 11/08/05 at the Hood River County Administration building in Hood River, Oregon at 9:00 a.m.

Notes taken by Kathy Obayashi-Bartsch
Minutes approved on November 8, 2005