

Department of Land Conservation and Development

635 Capitol Street, Suite 150 Salem, OR 97301-2540 (503) 373-0050 Fax (503) 378-5518 www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

April 11, 2007

TO:

Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM:

Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment

DLCD File Number 011-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 25, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE:

THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Gloria Gardiner, DLCD Urban Planning Specialist Gary Fish, DLCD Regional Representative Cindy Walbridge, City of Hood River

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THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Inviediation Com (AF all and F)	Local file number: 2 CT3 - 444
Jurisdiction: CUTY OF HOOD RWER	Local file number: 2006-44 Date Mailed:식-식-0구
Date of Adoption: 3.26.57 Was a Notice of Proposed Amendment (Form 1) mai	
Comprehensive Plan Text Amendment	Comprehensive Plan Map Amendment
	Zoning Map Amendment
☐ Land Use Regulation Amendment☐ New Land Use Regulation	Other:
New Land Ose Regulation	Outlet
Summarize the adopted amendment. Do not use te	
A COMPREHENSIVE PLAN AND	ZONE MAD AMENDMENTS FOR
A ZONE CHANGE FROM LIGHT IN	COUNTRIAL (L) TO COMMISIA
RUGE RECREATION AND COMMERCIAN (RC) FOR APPLOX 3,8 ACRES AND THE HOOK AND INDUSTRIPOR TO RC MPAPOX 4.7 ACRES THE SPIT	
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Does the Adoption differ from proposal? Please sele	ect one
ND	
Plan Map Changed from:	to: & RC to: RC
Zone Map Changed from: LI AND I	to: RC
Location: 3N 105 25 (HOOK MID) Specify Density: Previous:	Acres Involved: 8.5
Specify Density: Previous:	New:
Applicable statewide planning goals:	
1 2 3 4 5 6 7 8 9 10 11	12 13 14 15 16 17 18 19
Was an Exception Adopted? ☐ YES X NO	
Did DLCD receive a Notice of Proposed Amendment	
45-days prior to first evidentiary hearing?	⊠Yes ☐ No ☐ Yes ☐ No
If no, do the statewide planning goals apply?	
If no, did Emergency Circumstances require immedia	ac adoption:
DLCD file No. 011-06 (15237)	
DLCD file No.	

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

PORT OF 4000 PUDER, CITY OF 4000 PUDER

Local Contact: CHDY WALES DGB
Address: PARX 27

Phone: 641)367-521 7 Extension: Fax Number 541 367 5289

ity: 1000 P. Joe Zip: 97081

E-mail Address: Cindy@ci.hood-nor.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form <u>must be mailed</u> to DLCD <u>within 5 working days after the final decision</u> per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT 635 CAPITOL STREET NE, SUITE 150 SALEM, OREGON 97301-2540

- 2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
- 3. <u>Please Note</u>: Adopted materials must be sent to DLCD not later than FIVE (5) working days following the date of the final decision on the amendment.
- 4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
- 5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within TWENTY-ONE (21) days of the date, the Notice of Adoption is sent to DLCD.
- 6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
- 7. Need More Copies? You can now access these forms online at http://www.lcd.state.or.us/. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us ATTENTION: PLAN AMENDMENT SPECIALIST.

Mayor: Linda Streich

Councilors:
Arthur Babitz
Paul Blackburn
Paul Cummings
Ann Frodel
Carrie Nelson
Laurent Picard

April 3, 2007

NOTICE OF CITY COUNCIL DECISION

TO: All Participating Parties

FROM: Cindy Walbridge, Planning Director

SUBJECT: Plan and Zone Map Amendments/Spit & Hook - Ordinance 1929

Location: City of Hood River

Applicant: City of Hood River; File Number: 2006-44

Project Description/Location: The City of Hood River has made application to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Columbia River Recreational/Commercial (RC) for an approximately 3.8 acre property known as "the Hook" on the Columbia River Waterfront (Legal Description: a portion of 3N 10E 25 portion of Tax Lot 100); AND to amend the Hood River Comprehensive Plan and zoning maps from Industrial (I) to Columbia River Recreational/Commercial (RC) for an approximately 4.7 acre property known as "the Spit" on the Columbia River Waterfront (Legal Description: a portion of 3N 10E 25 portion of Tax Lot 100)

Description of Action: The City Council **approved** an ordinance amending the comprehensive plan and zoning maps as described above at a public hearing on **Monday, March 26, 2007.** The decision setting forth the findings of fact was signed on **February 21, 2007.** A copy of the Findings and Decision is enclosed.

A copy of the Findings and Decision as well as a copy of all documents and evidence in the record on which the decision is based, are available for inspection at no cost and copies will be provided at the cost of \$.37 per page at the City Planning Department, 301 Oak Street, between the hours of 8 a.m. to 5 p.m. Monday through Friday.

Appeal: The decision of the City Council shall be final unless the decision is appealed to the Land Use Board of Appeals in accordance with the appeal procedures in ORS 197.830 to 197.869.

If you have questions, please call (541) 387-5210.

Sincerely,

Cindy Walbridge Planning Director

ORDINANCE NO. 1929

(An Ordinance amending the City's Comprehensive Land Use Plan and Zoning Map for property located at 3N 10E 25, portions of Tax Lot 100, known as Spit and Hook)

WHEREAS, the City of Hood River Planning Commission held a public hearing on February 20, 2007, to consider the City's application for a quasi-judicial plan and zone map amendment according to Chapter 17.08 to change the zoning designation on the property located at 3N 10E 25, a portion of tax lot 100, known as the Spit and Hook, as shown on Exhibit A;

WHEREAS, the applicant requested a plan and zone change from Light Industrial (LI) and Industrial (I) to Columbia River Recreational/Commercial (RC) and the Planning Commission recommended granting the request;

WHEREAS, the City of Hood River notified the Department of Land Conservation and Development in writing on August 14, 2006 and December 28, 2006;

WHEREAS, following issuance of notice as required by the Hood River Municipal Code, the Hood River City Council held a public hearing on February 26, 2007 at which time the Council considered the Planning Commission's record and recommendation, the Planning Staff's report, and testimony presented, if any;

WHEREAS, the Hood River City Council adopts the Planning Commission's findings of fact and conclusions of law set forth in the findings signed February 21 2007, and approves the application for the requested plan and zone map amendment.

NOW, THEREFORE, the City of Hood River ordains as follows:

The Comprehensive Land Use Plan and Zoning Maps of the City of Hood River are hereby amended by changing the zoning designation of property located at 3N 10E 25, a portion of tax lot 100, known as the Spit and Hook, as shown on Exhibit A) from Light Industrial (LI) and Industrial (I) to Columbia River Recreational/Commercial (RC).

Read for the first time Much 12, 2007.

Read for the second time and approved: Whach 24, 2007, to become effective 30 days after the ordinance is read for the second time or upon the effective date of Ordinance 1928, whichever is later.

Linda Streich, Mayor

ATTEST:

nel. City Recorder

BEFORE THE CITY OF HOOD RIVER PLANNING COMMISSION HOOD RIVER, OREGON

In the Matter of the Plan and Zone)
Map Amendments for the)
Hook and Spit)

FINDINGS AND CONCLUSION

RE: PLAN AND ZONE MAP AMENDMENT FOR CITY OF HOOD RIVER

I. BACKGROUND INFORMATION:

REQUEST:

The City of Hood River has made application to amend the Hood River Comprehensive Plan and zoning maps from Light Industrial (LI) to Columbia River Recreational/Commercial (RC) for an approximately 3.8 acre property known as "the Hook" on the Columbia River Waterfront (Legal Description: a portion of 3N 10E 25 portion of Tax Lot 100); AND to amend the Hood River Comprehensive Plan and zoning maps from Industrial (I) to Columbia River Recreational/Commercial (RC) for an approximately 4.7 acre property known as "the Spit" on the Columbia River Waterfront (Legal Description: a portion of 3N 10E 25 portion of Tax Lot 100); (See Attached Maps).

A. <u>APPLICABLE ORDINANCE CRITERIA:</u>

- 1. HRMC, Section 17.03.060 Light Industrial Zone.
- 2. HRMC, Chapter 17.08 Zone Changes and Plan Amendments.
- 3. HRMC, Chapter 17.09 Quasi-Judicial Actions.
- 4. HRMC, Section 17.03.070 Industrial Zone
- 5. HRMC; Section17.03.110- Columbia River Recreational/ Commercial Zone

II. FINDINGS OF FACT AND CONCLUSIONS

17.08.040 Quasi-Judicial Zone Changes and Plan Amendments Criteria

A. Quasi-Judicial zone or plan changes may be approved if the change will not be unreasonably harmful or incompatible with existing uses and one or more of the following exist:

Findings: Unreasonably harmful or incompatible with existing uses

The Hook and the Spit have been historically used for all types of water dependent recreation. They are both narrow pieces of land (75 feet wide) and accessible by vehicles and pedestrians. They are generally surrounded by more intensive light industrial uses. Because of the location, and width of these two properties and the nature of the activity occurring on these two parcels, conflicts with the surrounding industrially zoned properties have not occurred.

a. A mistake was made in the original zone/plan designation;

The area north of I-84 and west of the Hood River was established in the 1970's as an industrial park by the Port of Hood River. This site has contained several light industrial uses since that time. However, these particular sites subject to the rezone request have historically been in recreational use.

The Comprehensive Plan adopted in 1983 designated these parcels Light Industrial (LI) and (Industrial) as part of the Port's planned industrial park. The Hook was part of a plan by the Port to fill the west end of the industrial park. Instead, it created the Hook property, but after that, the Port could no longer obtain fill permits from the Corps to complete the fill, hence the present configuration of the Hook.

The Spit was zoned Industrial as part of the boat basin serving Nichols Boat works.

Conclusion: The Planning Commission finds that based on the above findings of fact, a mistake was not made in the original zone designation.

b. There is a public need for the change and this identified need will be served by changing the zone/plan designation for the subject properties; and/or

The Planning Commission evaluates public need from a comprehensive standpoint. For example, to demonstrate a public need for this request, the applicant must demonstrate that there is an adequate supply of Industrial land and that the proposed zone better fits the current use of the property. Public need is not, however, the need of individual property owners.

The public need is met by rezoning the Hook and Spit to Recreational/Commercial from LI and I because it will accurately represent the use of the land as water dependent recreation. These lands are not in the industrial lands inventory because of historical use for recreation and for the high cost that would be required for development as industrial properties.

Conclusion: Based on the above findings of fact, the Planning Commission finds that the public need has changed and the Recreational Commercial Zone is better served on these properties.

c. Conditions have changed within the affected area, and the proposed zone/plan change would therefore be more suitable than the existing zone/plan designation.

The land was originally zoned for industrial uses because of the Port's intention to develop the area as an industrial park. However, the area along the Spit and Hook began to be used for windsurfing in the 1980's and for kite boarding more recently. Along with the use of the waterfront for

recreation, Hood River has developed into a recreational area with its base in water dependent sports. An additional, yet substantial benefit is the industrial, manufacturing and commercial businesses that have developed due to these sports that have bolstered the economy.

So, conditions have changed on each of these parcels and because of their continuing use for recreation, conditions in Hood River have changed and the rezoning to Recreational/Commercial is more suitable for the parcels and the town as a whole than industrial. Moreover, the Port no longer has an industrial park development plan nor does the City or Port consider these lands suitable anymore for industrial uses.

The Port of Hood River requested the zone boundary for the Hook be placed 100' to the west of the generally accepted Hook boundary being the western least point of the Western Power site (See attachment C). The Planning Commission deliberated this request and found that the recreational use of the site would be a more long-term use than the potential for a house boat platform launch area which may be used for only a short time.

Additionally, the Planning Commission finds that the use of this 100' between the western lease line of Western Power and the Port's proposed zone boundary for a launch area to be used on a temporary basis (5 times a year) would be an allowed use in the Recreational/Commercial Zone pursuant to the addition of the word "boat dock" to the RC Zone.

The Planning Commission is aware that any use of the Columbia River Waterfront shall also comply with the provisions of Goal 5.

Conclusion: The Planning Commission finds that based on the above findings of fact, conditions have changed on the Spit and Hook and the RC Zone is more suitable.

- d. The Planning Commission shall consider factors pertinent to the preservation and promotion of the public health, safety and welfare including, but not limited to:
 - 1. The character of the area involved;
 - 2. Its peculiar suitability for particular uses;
 - 3. Conservation of property values; and
 - 4. The direction of building development.

The above factors are taken into consideration in the findings of fact in the criteria, above.

B. COMPREHENSIVE PLAN

GOAL 1 - CITIZEN INVOLVEMENT: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures are being followed to process this application.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The policies listed under <u>Plan Review and Revisions</u> discuss the process and criteria for revisions and changes to the comprehensive plan (including the zone map). After careful review and discussion with the City Attorney, staff finds that the criteria under D. of this section relate specifically to legislative revisions to the comprehensive plan, not quasi-judicial changes. Legislative revisions are broad in scope and can be initiated only by the Planning Commission or City Council, while quasi-judicial changes are narrow in scope and can be initiated by the property owner. Quasi-judicial changes are evaluated pursuant to Sections 17.08.020 through 17.08.050 of the HRMC.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

GOAL 4 - FOREST LANDS: To conserve forest lands for forest uses.

Not applicable.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural, historic, and scenic resources.

The proposed change will not adversely impact any Goal 5 resources because they are already protected under the Columbia River Infill Waterfront Area provisions.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the planning area to provide a relatively pollution free environment.

The requirements relative to protection of Goal 6 resources are addressed under the applicable zones, and are equivalent for commercial and industrial zone designations. The proposed change will not impact any Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

The subject parcel is not within a designated hazard area.

GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the community and visitors to the area.

The rezone of both of these parcels will preserve the recreational opportunities of Hood River

GOAL 9 - ECONOMY: To diversify and improve the economy of the Hood River planning area.

This proposal is consistent with Policy 3 of Goal 9 of the Hood River Comprehensive Plan:

The City will actively promote and encourage commercial, industrial, and recreational activities which generate employment, products and services which are consistent with the availability of long-term human and natural resources.

The property, though zoned LI, is not part of the industrial lands inventory because the property is/and has been since the 1960's committed to recreational use. Therefore the rezone will not take land away from the industrial land base.

GOAL 10 - HOUSING: To provide for the housing needs of the residents of Hood River.

GOAL 11 - PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

There are no permanent structures on either parcel. The Port has availability to the City utilities, and can privately extend them to either the Hook or Spit with the proper permits.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system, realizing maximum mobility for the citizens of the community.

See TPR.

GOAL 13 - ENERGY CONSERVATION: To conserve energy and encourage the use of renewable energy resources.

Public facilities and services shall be consolidated, where feasible, to save transportation costs, driving time, and building maintenance costs.

GOAL 14 - URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use.

Not applicable.

C. STATEWIDE PLANNING GOALS & GUIDELINES:

GOAL 1 - CITIZEN INVOLVEMENT: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures are being followed to process this application.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The request has been evaluated and processed according to an acknowledged Comprehensive Plan and Zoning Ordinance.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

Not applicable.

GOAL 4 - FOREST LANDS: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural and scenic resources.

See comments under City Comprehensive Plan Goal 5.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the state.

The requirements relative to protection of Goal 6 resources are addressed under the applicable zones, and are equivalent for commercial and industrial zone designations. The proposed change will not impact any Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

The subject parcel is not within a designated hazard area.

- GOAL 8 RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.
- GOAL 9 ECONOMY: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

See findings under Comprehensive Plan, Goal 9, above.

- GOAL 10 HOUSING: To provide for the housing needs of the citizens of the state.
- GOAL 11 PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

See findings under Comprehensive Plan, Goal 11, above.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system.

See findings under Comprehensive Plan, Goal 12, above.

- GOAL 13 ENERGY CONSERVATION: To conserve energy.
 See findings under Comprehensive Plan, Goal 13, above.
- GOAL 14 URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use.

- D. <u>TRANSPORTATION PLANNING RULE:</u> Oregon Administrative Rule (OAR) 660-12-060 (1) and (2) provide as follows:
 - a. Amendments to comprehensive plans, functional plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility.
 - b. A land use regulation amendment significantly affects a transportation facility if it:
 - 1. Changes the functional classification of an existing or planned transportation facility;
 - 2. Changes standards implementing a functional classification system;
 - Allows types of levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;
 - 4. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

 The subject property is accessed from the 2nd Street Overpass which is a State Highway that is intended for large traffic volumes. The Oregon Department of Transportation, after review of the Port's traffic study performed by Kittelson did not have any comments regarding this request.

The proposed zone change will not adversely affect the level of service because this is an existing use. Future intensification or expansion is subject to a Site Plan Review or Conditional Use in which case a traffic study may be required.

Finding: Based on the above information from ODOT, the Planning Commission finds the proposed zone change does not significantly affect the transportation facility. The proposal does not bring down or even change the level of service.

- III. **RECOMMENDATION:** Based on the above Findings of Fact, the Planning Commission recommends **APPROVAL** of this application to City Council with the following conditions:
 - 1. Approval is for a plan/zone map amendment from Light Industrial (LI) to Columbia River Recreational/Commercial (RC) for an approximately 3.8 acre property known as "the Hook" on the Columbia River Waterfront (Legal Description: 3N 10E 25 portion of Tax Lot 100); to amend the Hood River Comprehensive Plan and zoning maps from Industrial (I) to Columbia

River Recreational/Commercial (RC) for an approximately 4.7 acre property known as "the Spit" on the Columbia River Waterfront (Legal Description: 3N 10E 25 portion of Tax Lot 100);

- 2. Any development or change of use on the property **prior to** the effective date of this amendment, pursuant to adoption by the City Council, shall comply with the standards of the Light Industrial Zone.
- 3. Any development or change of use on the property **after** the effective date of this amendment, pursuant to adoption by the City Council, shall comply with the standards of the Recreational/Commercial Zone.

Dated: February 21, 2007.



