



# Oregon

Theodore R. Kulongoski, Governor

## 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](http://www.lcd.state.or.us)

### NOTICE OF ADOPTED AMENDMENT

March 29, 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 018-06

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 11, 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  
Steve Oulman, DLCD Transportation Planner  
Gary Fish, DLCD Regional Representative  
Cindy Walbridge, City of Hood River

<paa> ya/

FORM 2

## DLCD

# Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

**DEPT OF**

**MAR 23 2007**

**LAND CONSERVATION  
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: CITY OF HOOD RIVER

Local file number: 2006-65

Date of Adoption: MARCH 21, 2007

Date Mailed: MARCH 21, 2007

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: YES AUG 14, 2006

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

HOUSE KEEPING CHANGES TO THE RECREATIONAL/COMMERCIAL ZONE.

Does the Adoption differ from proposal? Please select one NO

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

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 ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 018-06 (15463)



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

PORT OF HOOD RIVER

Local Contact: CINDY WARDLIDGE

Phone: (541) 387-5217 Extension:

Address: PO BOX 27

Fax Number: 541-387-5259

City: HOOD RIVER

Zip: 97031

E-mail Address: cindy@ci.hood-river.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

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

DEPT OF

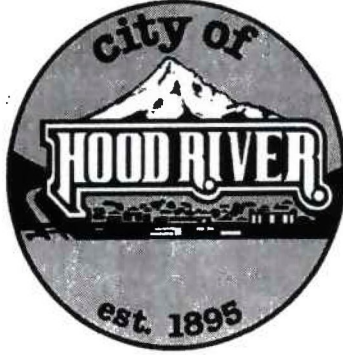
MAR 23 2007  
LAND CONSERVATION  
AND DEVELOPMENT

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. Please Note: 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:  
President: Paul Cummings  
Carrie Nelson  
Paul Blackburn  
Ann Frodel  
Martin Campos-Davis  
Laurent Picard



March 2, 2007

**NOTICE OF CITY COUNCIL DECISION**

**TO:** All Participating Parties  
**FROM:** Cindy Walbridge, Planning Director  
**SUBJECT:** Legislative changes to Title 17 – Ordinance 1928.

**Applicant:** City of Hood River; File Number: 2006-65

**Location:** City of Hood River

**Proposal:** Ordinance Number 1928: An ordinance amending the following section of Title 17:  
Section 17.03.110 – Columbia River Recreational/Commercial Zone (RC).

**Description of Action:** The City Council **approved** an ordinance amending the RC zone at a public hearing on **Monday, February 26, 2007**. The decision was signed on **March 2, 2007**.

**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.

A copy of the Findings and Conclusions 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.

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

Sincerely,

Cindy Walbridge  
Planning Director

P.O. BOX 27  
HOOD RIVER, OREGON 97031  
(503) 386-1488



**ORDINANCE NO. 1928**

(An ordinance amending Section 17.03.110 Columbia River Recreational/Commercial Zone (RC)—of the Hood River Municipal Code)

WHEREAS, the Columbia River Recreational/Commercial Zone (RC Zone) was originally adopted in 1994 for the Event Site;

WHEREAS, the RC Zone is in need of updating for consistency between the zone's intended purpose and the land and uses to which it is applied;

WHEREAS, the Planning Commission considered the proposed amendments at its public hearing on February 5, 2007, and recommended approval of the amendments as presented to the City Council at its public hearing on February 26, 2007;

WHEREAS, the City Council adopts the findings of fact and conclusions of law set forth in the Findings and Decision dated February 21, 2007 and attached as Exhibit A.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

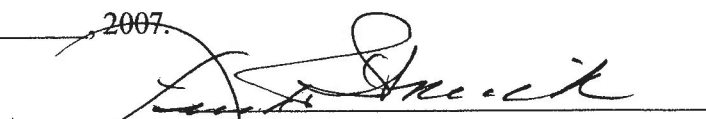
Section 17.03.110 of the Hood River Municipal Code is amended to read as follows:

See attached Exhibit B. Additions are shown in underline and deletions shown in the margin.

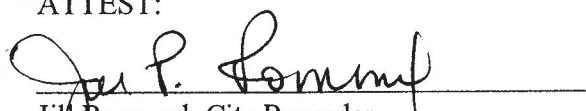
Read for the first time: February 26, 2007.

Read for the second time and passed: February 26, 2007, to become effective thirty (30) days hence.

Signed March 2, 2007.

  
Linda Streich, Mayor

ATTEST:

  
Jill Rommel, City Recorder

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

In the Matter of the)  
Amendments to the Hood)  
River Municipal Code -)  
Columbia River Recreational/)  
Commercial Zone)

**FINDINGS AND CONCLUSIONS**

**1. BACKGROUND INFORMATION:** The Columbia River Recreational/Commercial Zone (HRMC Section 17.03.110) was adopted in 1994 for use at the Event Site. Since then, Section 17.03.110 has not been amended, nor has the zone been applied to any other properties—until now. The City and Port staffs agree that the RC Zone is appropriate for the Spit and Hook, which support water sports in a manner similar to the Event Site. Both staffs also agreed that the language in 17.03.110 was in need of revision and updating to reflect current conditions.

**2. REQUEST:** The City of Hood River made application to amend the Hood River Municipal Code, Section 17.03.110 Columbia River Recreational/Commercial Zone as shown in Ordinance 1928.

**3. APPLICABLE ORDINANCE CRITERIA:**

HRMC, Chapter 17.09.050 – Legislative Actions.  
HRMC, Chapter 17.09.100 – Criteria for Approval.

**A. 17.09.050 – Legislative Actions**

Section 17.09.050 sets out the notice and hearing procedures to be followed for legislative ordinance amendments. This is a legislative ordinance amendment because it is broad in scope and does not affect few property owners or properties.

These ordinance amendments were initiated by the Council.

A public hearing on the proposed amendments was held before the Planning Commission on February 5, 2007. At the close of the hearing, the Planning Commission adopted a recommendation to the City Council to adopt the amendments as modified.

Notices in accordance with Section 17.09.050 were provided and copies of the notices are contained in the record.

**B. 17.09.100—Criteria for Approval**

This provision states that the applicant, in this case the City, has the burden of proof to show that the propose ordinance amendments comply with the City's Comprehensive Plan, the Statewide Planning Goals, and the applicable provisions of the Oregon Revised Statutes and the Hood River Municipal Code. Council finds that the City has met its burden of proof.

**4. 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 have been followed to process this legislative ordinance amendment.

**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.**

This legislative ordinance amendment follows the process and meets the applicable ordinance provisions.

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

Not applicable.

**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 ordinance amendments will not adversely impact any Goal 5 resources and will potentially increase the amount of open space in based on the pending rezone of the Spit and the Hood to this zone from Industrial and Light Industrial.

**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 proposed ordinance amendments could potentially enhance the water and land resource due to the deletion of the hard-surfacing requirement for parking lots.

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

Not applicable.

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

This zone and its amendments will further enhance the recreational experience in the City of Hood River.

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

Not applicable.

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

The proposed ordinance amendments will not reduce the amount of land available for housing.

**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.

Not applicable.

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

Not applicable.

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

The proposed ordinance amendments could potentially conserve energy due to the deletion of the hard-surfacing requirement for parking lots.

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

Not applicable.

5. 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 have been followed to process these ordinance amendments.

**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.

Not applicable.



**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.

See comments under City Comprehensive Plan Goal 6.

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

Not applicable.

**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.

See comments under City Comprehensive Plan Goal 8.

**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.

Not applicable.

**GOAL 10 - HOUSING:** To provide for the housing needs of the citizens of the state.

See findings under City Goal 10 above.

**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.

Not applicable.

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

Not applicable.

**GOAL 13 - ENERGY CONSERVATION:** To conserve energy.

See comments under City Comprehensive Plan Goal 13.

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

**DECISION:** Based on the above Findings and Conclusions, the Planning Commission approves the proposed ordinance amendments as shown in Ordinance 1928.

## EXHIBIT B

### 17.03.110 Columbia River Recreational/Commercial Zone (RC)

The purpose of this zone is to provide an area within the City to promote recreational Columbia River waterfront uses and limited accessory commercial activities. The zone is intended to increase and protect public access, including visual access, to the Columbia River waterfront and related recreational opportunities and to contribute to an aesthetically pleasing urban environment. The uses permitted in this zone are intended to be consistent with visual and pedestrian access. As used in this section, the Spit and Hook refer to the areas shown on Attachment "A."

#### A. Permitted Uses.

1. Wildlife viewing areas
2. Public bike and jogging paths
3. Launch sites for non-motorized water sports
4. Swimming beaches
5. Fishing sites
6. Boardwalks
7. Transient vending carts
8. Recreational and cultural events
9. Open space
10. Restrooms
11. Maintenance of existing roads and parking areas
12. Non-motorized water sport schools and rentals, excluding any permanent structures
13. Boat docks, excluding marinas

#### B. Permitted Uses Subject to Site Plan Review.

1. Recreational areas (other than those permitted in subsection (A))
2. Commercial uses (other than those permitted in subsection (A)) that support the uses permitted in this section and that provide goods and/or services to the public related to tourism or recreation, but excluding over-night lodging facilities
3. Parks and playgrounds
4. Roads and parking areas, if newly constructed, substantially reconstructed or relocated

#### C. Site Development Requirements.

1. All applicable provisions of the Hood River Municipal Code.
2. Avoid traffic congestion.
3. Protect pedestrian and vehicular safety.
4. Adequate public services, including public parking and open space, must be provided consistent with the purposes of this zone so that recreational uses are encouraged and maximized.
5. Lighting must be directed away from adjoining properties.

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Eating and drinking establishments ¶  
Tourist/recreational establishments, excluding over-night lodging facilities¶  
Tourist related uses¶  
<#>Public parking with stalls no smaller than 10' x 20'¶

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There will be provisions for public access to the waterfront and recreational areas from streets (... [1])

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**D. Lot Coverage and Maximum Building Height:**

1. Except as provided in subsection (2), there are no lot coverage requirements and the maximum building height is twenty-eight (28) feet.

2. Commercial uses subject to site plan review (subsection B(3)) are subject to the following:

Lot Coverage: Based on the gross area of the site, but excluding that portion of the site located between the river setback and the water,	Building Height
Thirty percent (30%) maximum, excluding parking	19'-28' maximum
Thirty five percent (35%) maximum, excluding parking	0'-18' maximum

**E. Public Access:** Public access to the waterfront and recreational areas from streets, pedestrian and bike paths, and public dedicated rights of way must be provided. Each public access shall be a minimum of fifty (50) feet wide. The distance between each access shall not exceed 500 feet and shall be designed to encourage public access to the waterfront.

**F. Setback Requirements.**

1. Front: not required
2. Side Yard Setback: Ten (10) feet
3. River: Except for structures and parking lots associated with those uses permitted in subsection (A) above, no structure or parking lot shall be placed within seventy-five (75) feet from the Columbia River top of bank, as defined in this Title, except on the Spit and Hook. The distance from structures and parking lots shall be an average of at least 100 feet from the top of bank, except on the Spit and Hook. Noncommercial accessory structures related to recreational uses may be allowed within the public access in subsection (E) above and setback area created by this subsection (benches, landscaping, bleachers, picnic areas, temporary concessions, restrooms, etc.).

**G. Parking Regulations:**

1. Commercial/Retail and Tourist Related Uses: One (1) space for each 300 square feet of gross floor area.
2. Drinking and eating establishments: One (1) space for each 200 square feet of gross floor area, including any outside seating areas, up to 5000 square feet, and one (1) space for each 300 square feet of gross building area in excess of 5000 square feet.

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<b>Deleted:</b> ¶ There shall be public access to the Columbia River waterfront setback area and incorporated herein at frequent and convenient intervals.
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<b>Deleted:</b> <#>No structure or parking lot shall be placed within seventy-five (75) feet from the Columbia River waterfront line. ¶ <#>The distance from structures and parking lots shall be an average of at least 100 feet from the Columbia River waterfront setback line.¶ <#>Noncommercial accessory structures related to recreational uses may be allowed within the public access and Columbia River waterfront setback area (benches, landscaping, bleachers, picnic areas, temporary concessions, restrooms, etc.)¶
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3. Bicycle parking as required by 17.20.040.

#### H. Signs

All signs shall be in conformance with the sign regulations in this title.

#### I. Landscaping.

Except with respect to the Spit and Hook and permitted uses in subsection (A), the Landscaping and Development Standards (chapter 17.17) and the following criteria apply in this zone. As used in this subsection, the term "site" means the area shown on a site plan that depicts the location of impact on a parcel of land that also contains all of the information required by Titles 16 and 17.

1. The minimum landscaping as a percentage of gross site area is 30% of the site, based on the gross area of the site, but excluding that portion of the site located between the river setback and the water. The minimum landscaping requirement may be reduced or waived when all of the following are present:
  - a. The site conditions do not support the extent of landscaping required. Site conditions may include soils, rocks, wind exposure, limited site availability, and other similar conditions.
  - b. It is impractical to provide and maintain the extent of landscaping required.
2. Landscaping shall be consistent with the intent and purpose of this zone and contribute to an aesthetically pleasing environment.
3. Landscaping shall reduce the visual impacts of buildings and paved areas.
4. Parking areas shall be shaded by trees with adequate screening and buffering from adjacent uses. Trees shall be planted at a minimum of one (1) tree not less than six (6) feet in height each twenty (20) lineal feet (or an equivalent thereof) along the perimeter of the parking area.
5. Trees shall be used as wind breaks when appropriate.

#### J. Parking Areas and Roads.

1. Parking areas for four or more automobiles or trucks shall meet the standards of this section and are not required to comply with section 17.04.060 or chapter 17.17, or unless the parking area was in use prior to March 1, 2007. All new parking areas shall contain parking spaces no smaller than 20' X 10' and shall be graveled or covered with surface material allowed for roads in this zone. Existing unimproved parking areas may remain unimproved unless improvement is required as a condition of approval of subsequent development.
2. Roads may be paved or unpaved. Unpaved roads must be covered

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<#>New construction  
<#>Change of use  
<#>New parking area

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with gravel or other surface material applied uniformly so that the surface is stabilized and dust emission and erosion is reduced. Surface material must be ½" to 1" in diameter. Surface material and size other than as specified in this subsection may be used if approved by the City Engineer.

3. Non-toxic and/or organic stabilizers may be used to suppress dust on roads and parking areas, provided the stabilizer meets all specifications, criteria, and tests required by federal, state and local law, rule or regulation, and is not prohibited for use by any applicable law, rule or regulation. Written approval of the City Engineer is required prior to applying a stabilizer. The owner of the property to which the stabilizer is being applied shall compile and maintain records showing the brand name of the stabilizer used, the amount applied, the extent of coverage, and the date(s) of application. The property owner shall keep the records and make them readily available to the City Engineer upon request.

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