



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

NOTICE OF ADOPTED AMENDMENT

July 28, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Hood River County Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: August 12, 2008

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: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Josette Griffiths, Hood River County

<paa> ya

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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

DATE
JUL 23 2008
STAMP
DEPT OF
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: *Hood River County*

Local file number: *#08-077*

Date of Adoption: *07-21-'08*

Date Mailed: *07-22-'08*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date:

☐ 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".

Comp Plan + Zone Change of a 1.18 acre parcel currently split-zoned RR 1/2⁺ C-1 to be completely C-1. The parcel is located on the west side of Tucker Road, 500' north of Guignard Dr. No exceptions to State-wide Planning Goals were proposed or adopted.

Does the Adoption differ from proposal? Please select one
→ No.

Plan Map Changed from: *Rural Residential* to: *Commercial*

Zone Map Changed from: *RR 1/2* to: *C-1*

Location: *2N 10E 2DB, Tax Lot 2600*

Acres Involved: *1.18 ac.*

Specify Density: Previous: *2 ac. min.*

New: *The C-1 Zone has no minimum lot size.*

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. *001-08 (16658)*

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

Local Contact: Josette Griffiths Phone: (541) 387-6840 Extension:
Address: 601 State St. Fax Number: 541-387-6873
City: Hood River, OR Zip: 97031 E-mail Address: josette.griffiths@co.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.

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.



Hood River County Planning & Building Services
601 State Street, Hood River OR 97031

MICHAEL BENEDICT, DIRECTOR
(541) 387-6840 • FAX (541) 387-6873
E-mail: plan.dept@co.hood-river.or.us

DEAN A. NYGAARD, BUILDING OFFICIAL
(541) 386-1306 • FAX (541) 387-6878
E-mail: building@co.hood-river.or.us

CERTIFIED MAIL

July 22, 2008

Vicente Solorio
2750 Prospect
Hood River, OR 97031

Re: Comprehensive Plan & Zone Change #08-077 on 2N 10E 2DB, TL 2600 – ORDINANCE #286

Dear Mr. Solorio,

Attached is a copy of Ordinance #286 adopted by the County Commission at the public hearing held on July 21, 2008, approving your application for a Comprehensive Plan & Zone Change on the property described above.

As described in Oregon Revised Statute 197.830(9), the County Commission's decision is final unless a "notice of intent to appeal" is filed with the Land Use Board of Appeals (LUBA) not later than twenty-one (21) days after the date of this letter, mailed July 22, 2008, notifying you of the County Commission's decision. This notice is being sent by Certified Mail to you, your representative, attorney Jay Sherrard, and Mara Ulloa, Plan Amendment Specialist, Department of Land Conservation & Development; all others are receiving this notice via regular mail. *Please note: the attachment referenced in Ordinance #286 as Exhibit 1 is the record that was provided to you, your representative, and the County Commission on July 11, 2008; it is not being sent with this mailing, but is available for public review and copying at County Planning during regular business hours.*

Per ORS 197.625, "If a notice of intent to appeal is not filed within the 21-day period set out in ORS 197.830(9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period."

Please call me if you have any questions at (541) 387-6840.

Sincerely,


Josette Griffiths
Senior Planner

Attachment (Ordinance #286, dated July 21, 2008)

C: Jay Sherrard, Attorney for the Applicant - *sent via Certified Mail*
Lyle Baxter, for Owner
Hood River County Planning Commission

Will Carey, County Counsel
Gary Fish, Department of Land Conservation & Development
Mara Ulloa, Department of Land Conservation & Development – *sent via Certified Mail*
Jonathan Graca, Hood River Valley Residents Committee
Anne Saxby, Hood River Soil & Water Conservation District
Duane A. Ely, County Records & Assessment
Mike Matthews, County Environmental Health
Jim Trammell, West Side Rural Fire Protection District
Rick Brock, Farmers Irrigation District
Mark Beam, Ice Fountain Water District
Martin Jensvold, P.E., Oregon Department of Transportation, Region 1
Kristen Stallman, Oregon Department of Transportation, Region 1
Mike Keyes, Oregon Department of Transportation, District 2C
Jay Henson, Unit 1, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Dorrie Campbell, Unit 3, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
LL Holland, Unit 4, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Shirley Gunnerson, Unit 6, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Gladys Castle, Unit 7, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Camilla Wishart, Unit 8, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Elizabeth Walters, Unit 9, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Frances Chambers, Unit 10, Mid-Col. Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Louise Hoffman, Unit 11, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Dorothy Miles, Unit 12, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Melvin L. Schock, Unit 13, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Verda W. Hart, Unit 14, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Erlene Veverka, Unit 15, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Dude Cain, Unit 17, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Esther P. Sharpes, Unit 18, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Charles Collins, Unit 19, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Marie Johnston, Unit 22, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
John N. James, Unit 23, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River, OR 97031
Chris Burzio & Janette Skarda, 3400 Cherry Drive, Hood River, OR 97031
Margaret & Michael Becker, 3370 Cherry Drive, Hood River, OR 97031
Esteban Torres, 3377 Cherry Drive, Hood River, OR 97031
Theresa & Scott D. Perry, 3390 Cherry Drive, Hood River, OR 97031
Timothy MB Farrell, Mt. View Memorial Cemetery, 1235 Tucker Road, Hood River, OR 97031

HOOD RIVER COUNTY
ORDINANCE NO. 286

AN ORDINANCE TO APPROVE A REQUEST (ZC #08-077) BY VICENTE SOLORIO FOR A COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE OF A 1.18 ACRE PARCEL FROM RURAL RESIDENTIAL (RR½) TO COMMERCIAL (C-1). NO EXCEPTIONS TO THE STATE-WIDE PLANNING GOALS ARE REQUESTED OR ADOPTED AS PART OF THIS APPLICATION.

WHEREAS, the above matter came before the Hood River County Board of Commissioners for a public hearing on Monday, July 21, 2008.

WHEREAS, the subject parcel is located on the west side of Tucker Road, approximately 500 north of Tucker Road's intersection with Guignard Drive. The parcel is further described as Township 2 North, Range 10 East, W.M., Section 2DB, Tax Lot #2600.

WHEREAS, the Hood River County Board of Commissioners takes notice of the unanimous recommendation of approval of Vicente Solorio's application by the Hood River County Planning Commission, dated June 4, 2008, and the record from that public hearing.

WHEREAS, due notice was given of the hearing before the Board of Commissioners and written and oral testimony were taken.

WHEREAS, based upon information provided in the record and the evidence and testimony presented at the hearing, the Board of Commissioners hereby adopts the Findings of Fact and Conclusions of Law set forth in and attached hereto as Exhibit 1, and by this reference incorporated herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED that Vicente Solorio's application for a Comprehensive Plan Amendment and Zone Change to rezone the Rural Residential part of his 1.18 acre parcel (2N 10E 2DB, Tax Lot #2600), completely Commercial (C-1), is hereby granted, and shall be limited in the following particulars:

- A. Only those commercial uses that are either authorized under Goals 3 and 4 or "small-scale, low impact uses," shall be allowed, unless modified when the County completes its periodic review work task concerning Goal 14 (Urbanization):
 - i. New commercial uses that may be allowed under Goals 3 and 4 include, but are not limited to: farm stands, home occupations, commercial activities in conjunction with farm use, dog kennels.

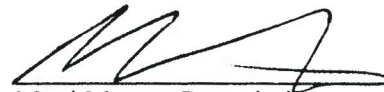
private hunting and fishing operations, private parks and campgrounds, and firearms training facilities.

- ii. The maximum floor space allowed for the combination of any new building and/or existing buildings that contain a “small-scale, low impact” commercial use is 3,500 square feet, unless this size limitation is modified when the County completes its periodic review work task concerning Goal 14.
- B. No on-street parking shall be provided along Tucker Road. Future off-street parking for any expansion of the commercial or residential use shall be provided in compliance with the requirements of Article 51 (“Off-Street Parking and Loading”) of the County Zoning Ordinance.
- C. Noise related to the commercial use (i.e., such as testing car stereo equipment) of the property should be kept to a minimum during burial or religious services at the nearby cemetery.
- D. At the time of application to expand the existing “Car Stereo Specialist” business (or similar enterprise, specifically related to sound or music), the applicant shall address noise control. Any business resulting in noise in excess of 65 dB, A-weighted, per Ordinance #265, shall be conducted within an enclosed building (which is designed to preclude violation of Ordinance #265), upon completion of such expansion.
- E. Prior to land use approval of a new or amended Commercial Land Use Permit on the subject property, the applicant shall plant an evergreen buffer/hedge that is at minimum 3 feet high at planting, and grow to a minimum of 6 feet high along the subject parcel’s north and west property lines for screening from the residential properties along those sides.
- F. A Commercial Land Use Permit shall be obtained prior to further commercial development, subject to the following conditions:
- i. County Public Works and the Oregon Department of Transportation (ODOT) may require that a drainage plan be prepared by a licensed engineer, as part of their review.
 - ii. Access onto Tucker Road from the subject parcel shall be reviewed and approved by ODOT, which may require that a road approach permit be acquired. Factors such as safety, congestion, driveway spacing requirements, etc. will be considered as part of their review. Compliance with the requirements of ODOT is required.
 - iii. The on-site septic for the existing and proposed use shall be reviewed and approved by County Environmental Health. Compliance with the requirements of County Environmental Health is required.
 - iv. Compliance with the requirements of Farmers Irrigation District; Ice Fountain Water District; and West Side Rural Fire Protection District.
 - v. The proposed use shall be reviewed by the Planning Department in accordance with the requirements of Article 21 (“Commercial Zone”), Article 34 (“Airport Height Overlay Zone”), Article 51 (“Off-Street Parking and Loading”), and Article 64 (“Land Use Permits”) of the County Zoning Ordinance.

- G. The applicant is advised to contact the Hood River County Department of Records & Assessment to determine assessed value changes which may result because of the proposed action. Further, it is advised that the applicant review ORS 92.095 which addresses payment of taxes, interest or penalties before a subdivision or partition plat is recorded.

Dated this 21st Day of July 2008


Ron Rivers, Chair

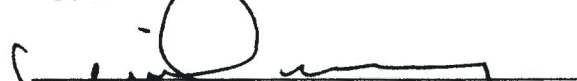

Maui Meyer, Commissioner


Chuck Thomsen, Commissioner


Barbara Briggs, Commissioner


Les Perkins, Commissioner

Approved as to form:


Wilford K. Carey, County Counsel

HOOD RIVER COUNTY
ORDINANCE NO. 286

AN ORDINANCE TO APPROVE A REQUEST (ZC #08-077) BY VICENTE SOLORIO FOR A COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE OF A 1.18 ACRE PARCEL FROM RURAL RESIDENTIAL (RR½) TO COMMERCIAL (C-1). NO EXCEPTIONS TO THE STATE-WIDE PLANNING GOALS ARE REQUESTED OR ADOPTED AS PART OF THIS APPLICATION.

WHEREAS, the above matter came before the Hood River County Board of Commissioners for a public hearing on Monday, July 21, 2008.

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WHEREAS, the Hood River County Board of Commissioners takes notice of the unanimous recommendation of approval of Vicente Solorio's application by the Hood River County Planning Commission, dated June 4, 2008, and the record from that public hearing.

WHEREAS, due notice was given of the hearing before the Board of Commissioners and written and oral testimony were taken.

WHEREAS, based upon information provided in the record and the evidence and testimony presented at the hearing, the Board of Commissioners hereby adopts the Findings of Fact and Conclusions of Law set forth in and attached hereto as Exhibit 1, and by this reference incorporated herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED that Vicente Solorio's application for a Comprehensive Plan Amendment and Zone Change to rezone the Rural Residential part of his 1.18 acre parcel (2N 10E 2DB, Tax Lot #2600), completely Commercial (C-1), is hereby granted, and shall be limited in the following particulars:

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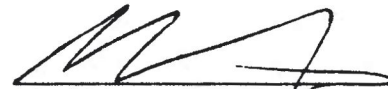
private hunting and fishing operations, private parks and campgrounds, and firearms training facilities.

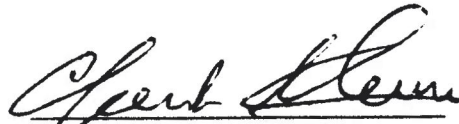
- ii. The maximum floor space allowed for the combination of any new building and/or existing buildings that contain a "small-scale, low impact" commercial use is 3,500 square feet, unless this size limitation is modified when the County completes its periodic review work task concerning Goal 14.
- B. No on-street parking shall be provided along Tucker Road. Future off-street parking for any expansion of the commercial or residential use shall be provided in compliance with the requirements of Article 51 ("Off-Street Parking and Loading") of the County Zoning Ordinance.
- C. Noise related to the commercial use (i.e., such as testing car stereo equipment) of the property should be kept to a minimum during burial or religious services at the nearby cemetery.
- D. At the time of application to expand the existing "Car Stereo Specialist" business (or similar enterprise, specifically related to sound or music), the applicant shall address noise control. Any business resulting in noise in excess of 65 dB, A-weighted, per Ordinance #265, shall be conducted within an enclosed building (which is designed to preclude violation of Ordinance #265), upon completion of such expansion.
- E. Prior to land use approval of a new or amended Commercial Land Use Permit on the subject property, the applicant shall plant an evergreen buffer/hedge that is at minimum 3 feet high at planting, and grow to a minimum of 6 feet high along the subject parcel's north and west property lines for screening from the residential properties along those sides.
- F. A Commercial Land Use Permit shall be obtained prior to further commercial development, subject to the following conditions:
- i. County Public Works and the Oregon Department of Transportation (ODOT) may require that a drainage plan be prepared by a licensed engineer, as part of their review.
 - ii. Access onto Tucker Road from the subject parcel shall be reviewed and approved by ODOT, which may require that a road approach permit be acquired. Factors such as safety, congestion, driveway spacing requirements, etc. will be considered as part of their review. Compliance with the requirements of ODOT is required.
 - iii. The on-site septic for the existing and proposed use shall be reviewed and approved by County Environmental Health. Compliance with the requirements of County Environmental Health is required.
 - iv. Compliance with the requirements of Farmers Irrigation District; Ice Fountain Water District; and West Side Rural Fire Protection District.
 - v. The proposed use shall be reviewed by the Planning Department in accordance with the requirements of Article 21 ("Commercial Zone"), Article 34 ("Airport Height Overlay Zone"), Article 51 ("Off-Street Parking and Loading"), and Article 64 ("Land Use Permits") of the County Zoning Ordinance.

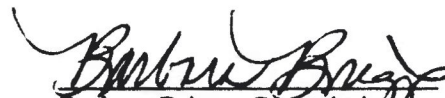
- G. The applicant is advised to contact the Hood River County Department of Records & Assessment to determine assessed value changes which may result because of the proposed action. Further, it is advised that the applicant review ORS 92.095 which addresses payment of taxes, interest or penalties before a subdivision or partition plat is recorded.

Dated this 21st Day of July 2008


Ron Rivers, Chair

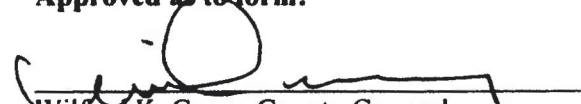

Maui Meyer, Commissioner


Chuck Thomsen, Commissioner


Barbara Briggs, Commissioner


Les Perkins, Commissioner

Approved as to form:


Wilford K. Carey, County Counsel



Hood River County Planning & Building Services
601 State Street, Hood River OR 97031



MICHAEL BENEDICT, DIRECTOR
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July 11, 2008

To: Board of County Commissioners
David Meriwether, County Administrator
Teunis Wyers, County Counsel
Will Carey, County Counsel
Vicente Solorio, Applicant
Jay Sherrerd, Attorney for the Applicant

From: Mike Benedict, Director
Josette Griffiths, Senior Planner

Re: Planning Commission's Recommendation on Solorio Comp Plan & Zone Change #08-077

Staff recommends that the County Commission adopt the Planning Commission's recommendation of approval of Vicente Solorio's Comprehensive Plan and Zone Change application (#08-077) to rezone a 1.18-acre parcel completely Commercial (C-1). Currently, the property is split-zoned Rural Residential (RR½) and Commercial (C-1), with an Airport Height-Horizontal (AH) Overlay Zone. (The overlay zone would not be affected by approving this request.)

The legal description of the property is: 2N 10E Section 2DB, Tax Lot #2600. It is located on the west side of Tucker Road, approximately 500 north of its intersection with Guignard Drive. There is an existing dwelling (built in 1917) on the subject parcel and an existing store (which was built in 1961). The existing business is run by the applicant and is called "Car Stereo Specialist." In 1998, the applicant received a Commercial Land Use Permit from the County to run that business via Commercial Land Use Permit #98-474.

Attached are the following documents for your review:

- Attachment A: Planning Commission Recommendation to the County Commission
- Attachment B: Minutes of the Planning Commission Hearing on 05/28/08
- Attachment C: Comments Received for the County Commission Hearing on 07/21/08
- Attachment D: Notice of the County Commission Hearing on 07/21/08
- Attachment Index: Exhibits I – VI (i.e., the material considered by the Planning Commission)

EXHIBIT 1

**HOOD RIVER COUNTY
PLANNING COMMISSION**

RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS TO APPROVE A REQUEST BY APPLICANT VICENTE SOLORIO FOR A COMPREHENSIVE PLAN AND ZONE CHANGE OF A 1.18 ACRE PARCEL FROM RURAL RESIDENTIAL (RR½) TO COMMERCIAL (C-1). NO EXCEPTIONS TO THE STATE-WIDE PLANNING GOALS ARE REQUESTED OR RECOMMENDED AS PART OF THIS APPLICATION.

WHEREAS, the above matter came before the Hood River County Planning Commission during a public hearing on Wednesday, May 28, 2008.

WHEREAS, the subject parcel is located on the west side of Tucker Road, approximately 500 north of Tucker Road's intersection with Guignard Drive. The parcel is further described as Township 2 North, Range 10 East, W.M., Section 2DB, Tax Lot #2600.

WHEREAS, due notice was given of the hearing before the Planning Commission and written and oral testimony was accepted.

WHEREAS, due notice was given of the hearing before the Planning Commission on May 28, 2008, and a quorum was present. Written and oral testimony was provided by Planning staff, and oral testimony was provided at the hearing by the applicant's representative, attorney Jay Sherrard.

WHEREAS, based upon information provided in the staff report and the evidence and testimony presented at the hearing, the Planning Commission hereby adopts the Findings of Fact and Conclusions of Law set forth in the staff memorandum dated May 21, 2008, attached hereto as Exhibit I; with the exception that staff's recommended Condition D was modified by the Planning Commission as follows:

"At the time of application to expand the existing "Car Stereo Specialist" business (or similar enterprise, specifically related to sound or music), the applicant shall address noise control. Any business resulting in noise in excess of 65 dB, A-weighted, per Ordinance #265, shall be conducted within an enclosed building (which is designed to preclude violation of Ordinance #265), upon completion of such expansion."

NOW, THEREFORE, THE COUNTY PLANNING COMMISSION HEREBY RECOMMENDS that the County Board of Commissioners approve Vicente Solorio's request for a Comprehensive Plan and Zone Change to rezone the Rural Residential (RR½) part of the subject parcel (2N 10E 2DB, Tax Lot 2600) completely Commercial (C-1), subject to the following conditions:

Attachment A

- A. Only those commercial uses that are either authorized under Goals 3 and 4 or “small-scale, low impact uses,” shall be allowed, unless modified when the County completes its periodic review work task concerning Goal 14 (Urbanization):
 - i. New commercial uses that may be allowed under Goals 3 and 4 include, but are not limited to: farm stands, home occupations, commercial activities in conjunction with farm use, dog kennels, private hunting and fishing operations, private parks and campgrounds, and firearms training facilities.
 - ii. The maximum floor space allowed for the combination of any new building and/or existing buildings that contain a “small-scale, low impact” commercial use is 3,500 square feet, unless this size limitation is modified when the County completes its periodic review work task concerning Goal 14.
- B. No on-street parking shall be provided along Tucker Road. Future off-street parking for any expansion of the commercial or residential use shall be provided in compliance with the requirements of Article 51 (“Off-Street Parking and Loading”) of the County Zoning Ordinance.
- C. Noise related to the commercial use (i.e., such as testing car stereo equipment) of the property should be kept to a minimum during burial or religious services at the nearby cemetery.
- D. At the time of application to expand the existing “Car Stereo Specialist” business (or similar enterprise, specifically related to sound or music), the applicant shall address noise control. Any business resulting in noise in excess of 65 dB, A-weighted, per Ordinance #265, shall be conducted within an enclosed building (which is designed to preclude violation of Ordinance #265), upon completion of such expansion.
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 - v. The proposed use shall be reviewed by the Planning Department in accordance with the requirements of Article 21 (“Commercial Zone”), Article 34 (“Airport Height Overlay Zone”), Article 51 (“Off-Street Parking and Loading”), and Article 64 (“Land Use Permits”) of the County Zoning Ordinance.

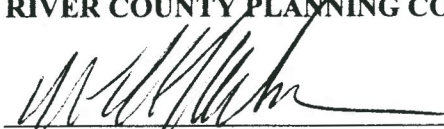
Attachment A

- G. The applicant is advised to contact the Hood River County Department of Records & Assessment to determine assessed value changes which may result because of the proposed action. Further, it is advised that the applicant review ORS 92.095 which addresses payment of taxes, interest or penalties before a subdivision or partition plat is recorded.

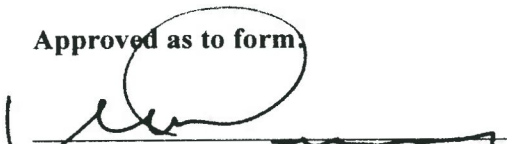
DATED this 4th day of June 2008.

HOOD RIVER COUNTY PLANNING COMMISSION

By:


William Uhlman, Chair

Approved as to form,


Wilford K. Carey, County Counsel

Attachment A

Hood River County Planning Commission
County Administrative Building
601 State Street
Commissioners Conference Room
May 28, 2008

MINUTES

PRESENT

Chair William Uhlman; Commissioners: Stan Benson, Carl Perron, Paul Cummings, Kathie Alley, Patrick Moore and Bob Schuppe

Non-voting members of the Commission: Mike Benedict, Planning Director and Will Carey, County Counsel

County Staff: Josette Griffiths, Senior Planner; Kim Paulk, Office Manager

A. Call to Order

Chair Uhlman opened the meeting at 7:00 p.m.

B. Meeting Minutes

Commissioner Moore moved and Commissioner Benson seconded to approve the minutes of May 14, 2008. A vote was called and the minutes were approved unanimously.

C. Director's Report:

None

D. Land Use Counsel's Report:

None

E. Unscheduled items:

Public: None

Commissioners: None

F. Consolidated Land & Cattle, LLC, (#08-081)

At the request of the applicant, Consolidated Land and Cattle, LLC, staff recommends that the Planning Commission continue the hearing for Major Amendment #08-081 to **June 11, 2008 at 7:00 p.m.** This hearing involves certain conditions adopted as part of the applicant's 20-lot subdivision, named "Barrel Springs," pertaining to tree preservation guidelines required as part of Section 16.12.040 of the County Zoning Ordinance. The purpose for this delay is to give the applicant and City/County staff additional time to look at other possible lot layouts that would maximize the number of native trees preserved on the property without reducing current lot density.

Chair Uhlman asked staff if they had any comments regarding Consolidated Land & Cattle's hearing being continued to June 11, 2008.

Mr. Benedict stated that the City Engineer, Public Works and the applicant along with his engineer are working on an on site detention system that should be a good compromise regarding issues with trees and lot size.

Chair Uhlman asked if there was a motion to approve the continuance of Consolidated Land & Cattle.

Commissioner Benson moved and Commissioner Schuppe seconded to continue the hearing for Consolidated Land & Cattle to June 11, 2008. A vote was called and all were in favor.

Chair Uhlman moved to begin the hearing on Solorio's Comprehensive Plan & Zone Change.

G. Solorio Comprehensive Plan & Zone Change, (#08-077)

Vicente Solorio has applied for a Comprehensive Plan and Zone Change of a 1.18-acre parcel (2N 10E 2DB, Tax Lot 2600) that is currently split-zoned Rural Residential (RR½) and Commercial (C-1). As proposed, that part of the subject parcel that is zoned Rural Residential would be rezoned Commercial, so that the whole parcel would be zoned Commercial.

Chair Uhlman read into record the boilerplate and the process that would proceed.

Commissioner Schuppe declared an ex parte contact, while he was a County Commissioner regarding a noise complaint against the stereo shop, which he referred to the Sheriff.

Chair Uhlman asked if there was any one who wishes to challenge the qualifications of the commission.

There were no challenges.

Chair Uhlman explained that they will begin with the following order of testimony: staff's report, applicant's testimony, opponents, rebuttals, and then they would close further testimony and begin deliberations.

Staff Report

Ms. Griffiths stated that, as proposed, no exception to any of the State-wide Planning Goals is required, as part of this request. Staff recommends that the conditions of approval identified in Section III of the staff report be included in the Planning Commission's recommendation. Most of the recommended conditions would not take effect until an application is made to expand the Commercial use of the property. At that time, as recommended, the applicant would need to submit a new Commercial Land Use Permit application, for further review to ensure that the request:

- A. Meets the type of size limit allowed in a Rural Commercial Zone;
- B. Complies with the criteria of Articles 21 (Commercial Zone); 51 (Off-street Parking); 34(Airport Height Combining Zone) and 64 (Land Use Permits);
- C. There is an adequate septic system in place for both the dwelling and the business, which would be reviewed by County Environmental Health;
- D. Access is adequate for the new use, as reviewed by ODOT;
- E. Drainage is adequate, as reviewed by ODOT and County Public Works;
- F. The Special Districts' requirements are met; and

G. Conditions recommended specific to neighbors' concerns are addressed, which include:

- planting a vegetative buffer along the north and west property lines; and
- addressing noise control at the time of an expansion of the existing use (related to businesses that are sound-oriented, such as the existing one)

Ms. Griffiths stated that the noise control condition would require that the structure be sound proof, so neighbors would not be subject to testing of equipment that may violate the sound code.

Applicant Testimony

Jay Sherrard, legal counsel for the applicant, 205 3rd Street, Hood River, OR 97031, stated the main purpose of this zone change is to obtain financing for this property; it is difficult to obtain bank financing for a split-zoned property. Rezoning one way or the other will solve that problem and going commercial makes the most sense. We support staff's conditions of approval with the exception of having to perform all work inside a soundproofed building. In recommended Condition D, it states that any business or work related to installing or repair on car stereos must be done inside in a sound proof building. We think that it is unduly burdensome. The County's noise ordinance addresses that issue by limiting the amount of decibels. The nature of his business is not that he is out there playing stereos in cars. It is the loud sub-woofers that have a problem and he does not play that kind of music outside. He would test stereos with that kind of music inside. He does not plan to listen to the music, it would be simply to test the equipment he is installing or repairing. I can appreciate the concerns of the neighbors; however, this is just business hours, not night-time hours. I suggest that the noise ordinance would be adequate.

Opponents

None

Chair Uhlman stated that the hearing is now closed for deliberations.

DELIBERATIONS

There was some discussion among the commissioners regarding a way to meet the intent of the noise condition without being so restrictive to the applicant.

Commissioner Schuppe favors the recommendation as written in the staff report. This is a zone change. There are concerns expressed by adjacent neighbors. The County Ordinance is fairly clear in terms of what has to be done to mitigate noise. In this particular case, and regarding the condition that has been discussed, recommended Condition D is merely a way to address the neighbors' concerns and documenting it to a portion of the ordinance that already exists and applies. That's what a zone change is all about. People who buy property in a Residential zone have a right to expect residential activities to occur. If we are going to change that, we should condition it to not be beyond what they were led to expect.

Commissioner Alley agrees with Commissioner Schuppe.

Commissioner Perron - This is a zone change and by changing the property to Commercial, you're taking away a piece of residential use that was a buffer for other adjacent residential use. He expressed concern that the way that Condition D is worded may be open to interpretation in terms of the building's construction. He is more familiar with an STC (Sound Transmission Coefficient) which he said is easier to administer than a condition requiring a "sound-proof building" which is not to exceed a certain decibel level. He would support language that would incorporate the intent but make it easier to enforce when a building permit comes in.

Commissioner Cummings concurs with staff's recommendation, except for Condition D, which he felt was way too restrictive as written, but he thought that it could be reworded to require that heavy-duty sounds exceeding 65 decibels must be conducted inside (such as noise from woofers, sub-woofers, and car alarms).

Commissioner Moore stated that Condition D does not need to be in there because we have a noise ordinance, but feels okay with Commissioner Cummings' comments.

Commissioner Benson agrees with Commissioner Cummings and feels we should make a reference to the noise ordinance that would be adequate.

Chair Uhlman suggested rewording Condition D. He recommended the following:

- keeping the first sentence, "The applicant shall address noise control..."
 - striking most of the second sentence; and
 - beginning the third sentence with, "Any business resulting in noise in excess of 65 decibels, per Ordinance #265, shall be conducted within the sound-proof building."
- He said that if they are going to do noisy stuff, it has to be in the building, but you don't have to go inside the building every time you change someone's circuit breaker. Don't want to preclude them from doing simple things outdoors that are not noisy.

Staff asked if the building would still need to be sound-proof, or not.

There was some discussion about this. Mike Benedict, Planning Director, suggested that it be worded to say that it be done within a building that would preclude the noise ordinance from being violated. Then it would be between the applicant and the Building Official to figure that out when they come in for a building permit.

Chair Uhlman asked if there were any other deliberations.
None stated.

Chair Schuppe stated that he moves to have the County Board of Commissioners approve the Plan and Zone Change #08-077 with the conditions in the staff report with Condition D modified per the Chair's modification. He further moved to have the Chair sign the order. Commissioner Benson seconded the motions.

Chair Uhlman asked if all are in favor:

Commissioner Benson	Yes
Commissioner Moore	Yes

Commissioner Cummings	Yes
Commissioner Perron	Yes
Commissioner Alley	Yes
Commissioner Schuppe	Yes
Chair Uhlman	Yes

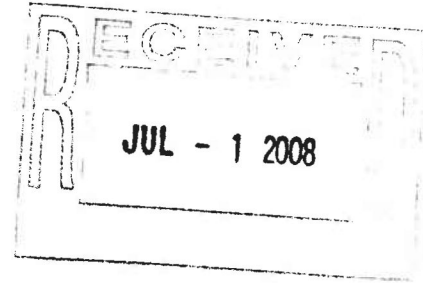
Staff indicated that the Order would be given to the Chair to sign the following week

G. Chair Uhlman adjourned the meeting at 7:52 p.m.

June 28, 2008

Timothy MB Farrell
1235 Tucker Road
Hood River, OR 97031

Josette Griffiths, Senior Planner
Hood River County Planning and Building Services
601 State St.
Hood River, OR 97031



RE: Solario Comprehensive Plan & Zone Change #08-077 on 2N 10E 2DB, Tax Lot #2600.

Dear Ms. Griffiths:

Thank you for keeping us informed of the status of this application. As previously reported, the applicant is an excellent neighbor. The cemetery has no objection to his plans.

Sincerely,

A handwritten signature in black ink, appearing to be "T. B. Farrell", with a stylized flourish at the end.

Timothy MB Farrell

Attachment C

Public Notices

PUBLIC HEARING

Pursuant to the Hood River County Charter the Hood River County Board of Commissioners will hold a public hearing on Monday, July 21, 2008 at 6:00 p.m. to consider a comprehensive plan & zone change application filed by Vicente Solorio affecting a 1.18-ac parcel further described as 2N10E2DB TL2600, currently split-zoned Rural Residential and Commercial. The subject parcel that is zoned Rural Residential would be rezoned Commercial. Comments to be considered by staff for the staff report must be submitted to County Planning by 5:00 p.m. Wed., July 9, 2008. All interested parties may appear and be heard at the hearing. Failure of an issue to be raised at the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue. The hearing will be held at the CBAB, 601 State Street, Hood River OR 97031. Further information regarding the application is available by contacting Josette Griffiths, Senior Planner, at (541) 387-6840. The application and supporting documents are available for review at the County Planning Department at no cost; copies may be purchased at 0.25¢ per page. A copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing, and will be provided upon request at a reasonable cost.

55,56,57-3t

Attachment D

Affidavit Of Mailing

Applicant: V. Solorio
File Number(s): Zone Change #08-077

I, Josette Griffiths, hereby swear that on the 25th day of June 2008,
I caused to be mailed on the above date a copy of the attached

Adjacent Property Owner Notification

To the agencies/individuals on the attached list.

(Signed)

Josette Griffiths

Attachment D



Hood River County Planning & Building Services
601 State Street, Hood River OR 97031

MICHAEL BENEDICT, DIRECTOR
(541) 387-6840 • FAX (541) 387-6873
E-mail: plan.dept@co.hood-river.or.us

DEAN A. NYGAARD, BUILDING OFFICIAL
(541) 386-1306 • FAX (541) 387-6878
E-mail: building@co.hood-river.or.us

June 25, 2008

To: Sandra Berry, County Records & Assessment
Dean Nygaard, County Building
Don Wiley, County Public Works
Randy Johnston, County Surveyor
Mike Matthews, County Environmental Health
Joseph Wampler, County Sheriff
Will Carey, County Counsel
Kevin Liburdy, Planning, City of Hood River
Gary Fish, Department of Land Conservation & Development
Mara Ulloa, Department of Land Conservation & Development
Jim Trammell, West Side Rural Fire Protection District
Mark Beam, Ice Fountain Water District
Rick Brock, Farmers Irrigation District
Mike Doke, Hood River Airport, Port of Hood River
Kristen Stallman, ODOT (Region 1), Development Review
Martin Jensvold, P.E., ODOT (Region 1), Traffic
Mike Keyes, ODOT (District 2C)
Anne Saxby, Hood River Soil & Water Conservation District
Jonathan Graca, Hood River Valley Residents Committee
Vicente Solorio, Applicant
Jay Sherrerd, Attorney for Applicant
Lyle Baxter, for Owner
Jay Henson, Unit 1, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Dorrie Campbell, Unit 3, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
LL Holland, Unit 4, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Shirley Gunnerson, Unit 6, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Gladys Castle, Unit 7, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Camilla Wishart, Unit 8, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Elizabeth Walters, Unit 9, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Frances Chambers, Unit 10, Mid-Col. Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Louise Hoffman, Unit 11, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Dorothy Miles, Unit 12, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Melvin L. Schock, Unit 13, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Verda W. Hart, Unit 14, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Erlene Veverka, Unit 15, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Dude Cain, Unit 17, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Esther P. Sharpes, Unit 18, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Charles Collins, Unit 19, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Marie Johnston, Unit 22, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
John N. James, Unit 23, Mid-Columbia Mobile Estates, 1267 Tucker Road, Hood River, OR 97031
Chris Burzio & Janette Skarda, 3400 Cherry Drive, Hood River, OR 97031
Margaret & Michael Becker, 3370 Cherry Drive, Hood River, OR 97031
Esteban Torres, 3377 Cherry Drive, Hood River, OR 97031
Theresa & Scott D. Perry, 3390 Cherry Drive, Hood River, OR 97031
Adjacent Property Owners (not listed above)

FILE COPY

Attachment D

From: Josette Griffiths, Senior Planner *JG*

Re: Solorio Comprehensive Plan & Zone Change #08-077 on 2N 10E 2DB, Tax Lot #2600

Request: At a public hearing on May 28, 2008, the County Planning Commission recommended approval of Vicente Solorio's application for a Comprehensive Plan & Zone Change on the property described above. The 1.18-acre subject parcel is currently split-zoned Rural Residential (RR½) and Commercial (C-1). As proposed by the applicant, and recommended

by the Planning Commission, that part of the subject parcel that is zoned Rural Residential (RR½) would be rezoned Commercial (C-1), so that the whole parcel would be zoned Commercial (C-1). *(See attached application and maps.)*

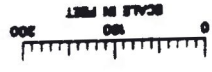
- Location:** The 1.18-acre parcel is located on the west side of Tucker Road, approximately 500 north of Tucker Road's intersection with Guignard Drive. *(See attached map.)* The property is further described as: 2N 10E 2DB, Tax Lot #2600.
- Zoning:** The property is currently split-zoned Commercial (C-1), Rural Residential (RR½), and Airport Height-Horizontal (AH) Overlay Zone. *(See attached map.)*
- Applicable Criteria:** The application was reviewed pursuant to Article 21 ("Commercial Zone"), Article 34 ("Airport Height Combining Zone"), and Article 60 ("Administrative Procedures") of the Hood River County Zoning Ordinance; the Hood River County Comprehensive Plan, including the County Policy Document; applicable Statewide Planning Goals; and Oregon Administrative Rules, pertaining to Goal 14.
- Response:** Written or oral comments may be made up to and at the County Commission hearing. However, if you have any comments that you would like staff to consider in advance of the public hearing, please provide any comments to me by **5:00 pm, Wednesday, July 9, 2008.** *(Please note: if you are providing written comments at the hearing, please make at least 10 copies to ensure that the members of the County Commission, staff, and the applicant receive a copy of your comments.)*
- Hearing Date:** This matter will be heard by the County Commission at a public hearing scheduled for **Monday, July 21, 2008, at or after 6:00 p.m.,** in the 1st Floor Conference Room of the Hood River County Business Administration Building, 601 State Street, Hood River, Oregon. All interested parties may appear and be heard.
- Hearing's Procedure:** Failure of an issue to be raised at the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.
- Available Information:** For additional information regarding this application, please contact Josette Griffiths, Senior Planner, at the Hood River County Planning Department at (541) 387-6840. The application and supporting documents are available for review at the County Planning Department at no cost; copies may be purchased at 0.25¢ per page. A copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing, and will be provided upon request at a reasonable cost.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

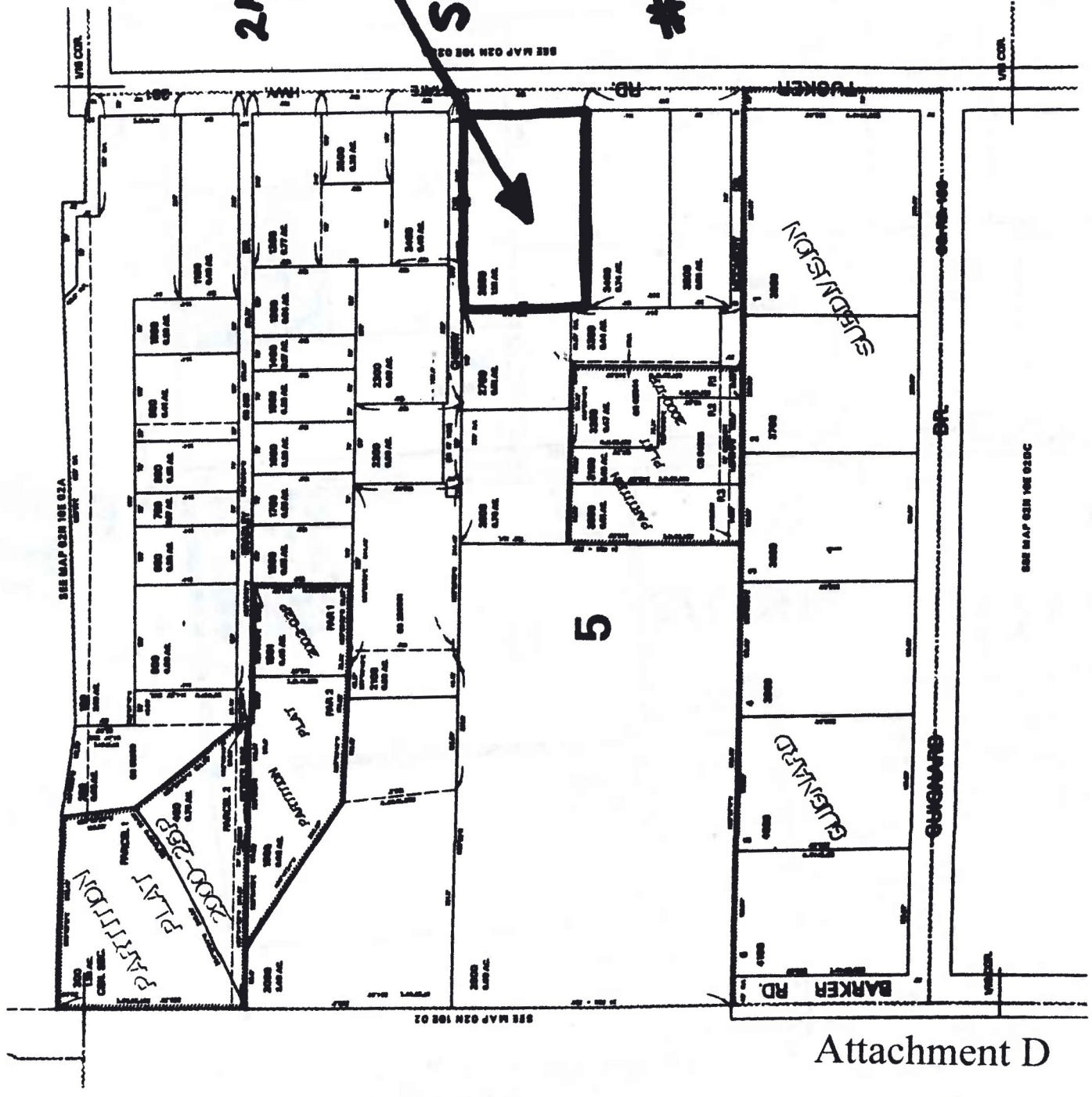
Attachment D

THIS MAP WAS PREPARED FOR
ADMINISTRATIVE PURPOSES ONLY

HOOD RIVER COUNTY



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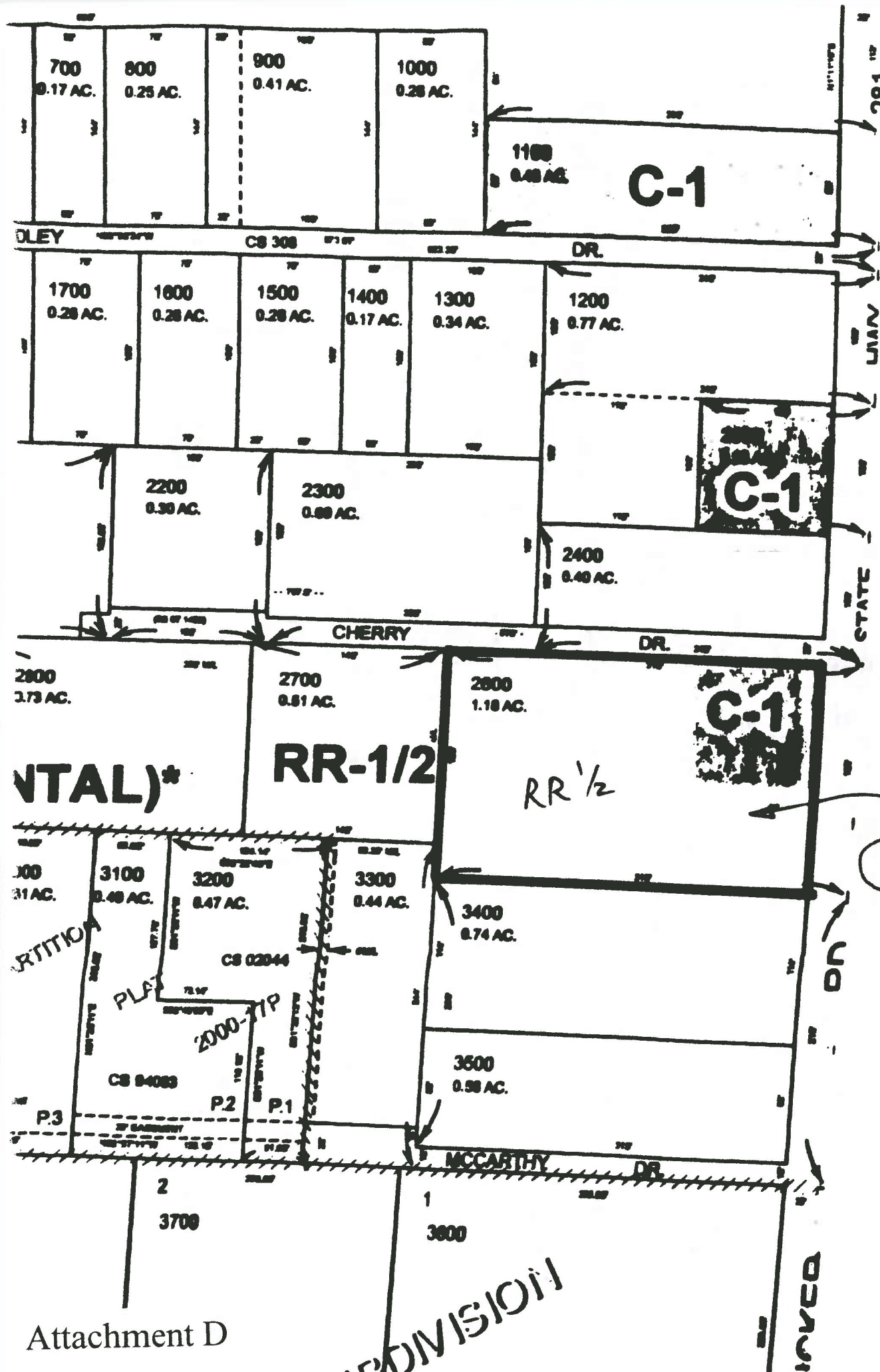


2N 10E 2DB,
TL 2600
SOLARIO
ZONE
CHANGE
#08-077

JAN 15 2003

Attachment D

REVIEWED: J2
OUTLAW
02N 10E 02DB



Existing Zoning

Subject PARCEL

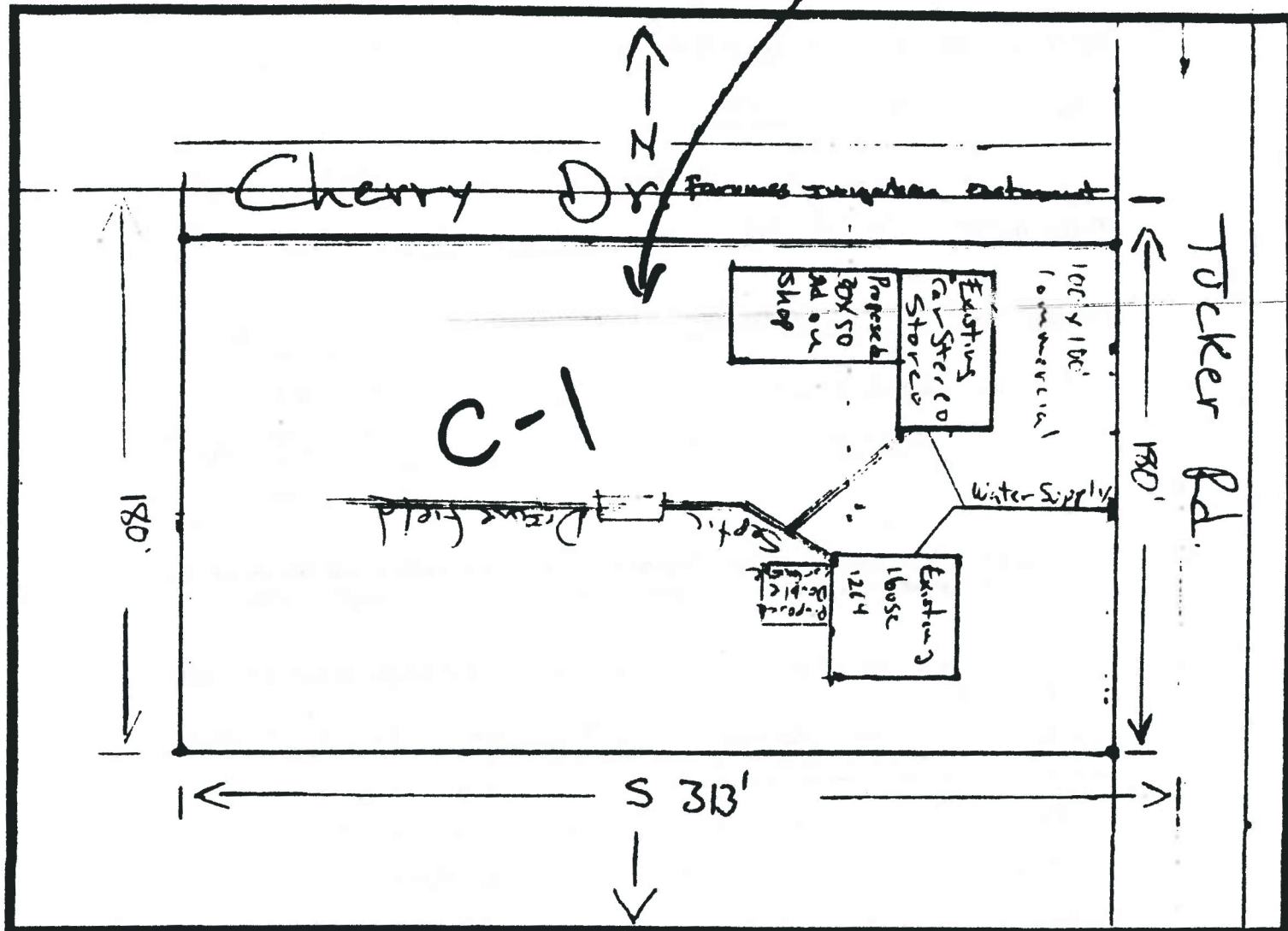
SE 021

SITE PLAN

PLEASE DRAW IN BLACK INK

Proposed Zoning

A larger sheet of paper may be used and may be attached to your building plans.
*SITE PLANS NOT HAVING ALL THE REQUIRED INFORMATION CAN NOT BE PROCESSED



INDICATE ON SKETCH

- | | |
|---|--|
| 1. North arrow | 10. Sewage Drainfield |
| 2. Scale (1"=200' or better) | 11. Show parking, circulation and fire vehicle turnaround |
| 3. Size and location of all existing and proposed buildings | 12. Existing or proposed fencing and vegetative buffers |
| 4. Address of existing buildings | 13. Geographic features and elevation changes (design required for slopes exceeding 2 units horizontal to one unit vertical) |
| 5. Domestic water supply within 100 ft. | 14. Additions - show proposed additions in dotted lines |
| 6. Bodies of water within 200 ft. | 15. All easements (access, utility, irrigation, etc.) |
| 7. Property lines with exact dimensions and lot size | 16. Driveways |
| 8. Distance between buildings and property lines | 17. Porches/decks/carports/accessory buildings |
| 9. Adjacent roads (include names) and access roads | |

APPLICATION FOR COMPREHENSIVE PLAN AND ZONE / ZONE BOUNDARY ADJUSTMENT

Hood River County
Hood River, Oregon 97031
601 State Street
Phone: 541-387-6840
Fax: 541-387-6873

Application No. #08-077

Applicant's Name Vicente Solorio Township 2N

Address 1260 Tucker Road Range 10E

Hood River, Or 97031 Section 2DB

Telephone No. 541-387-3848 Tax Lot 2600

Owner's Name Lyle Baxter (Seller) Present Zone C-1/RR

Address 12004 36th Ave. Requested Zone C-1

Vancouver, WA 98685 Comprehensive Plan

Note: If applicant is other than owner of the property, a letter from the owner stating his / her full knowledge and consent of this application shall be required prior to processing.

Describe projects and / or purpose of Zone Change in Detail (also complete site plan attached)

Replace split-zoning on parcel (RR and C-1) with entirely C-1 zone to
allow refinancing of property and also facilitate orderly future
development.

Water Supply Source Ice Fountain Application Fee prev paid

Method of Sewerage Disposal Septic Collected By _____

Access Hwy. 281 on Rte 1 4-10-08

The above information and enclosed documents are true and correct to the best of my knowledge.

Vicente Solorio
Signature

Attachment D

Application for Comprehensive Plan and Zone Change

Applicant: Vicente Solorio
Property: 2N-10E-2DB-2600
Date: March 18, 2008
Attorney: Jay F. Sherrerd

The applicant, Vicente Solorio, is the contract purchaser of the subject property. The seller, Lyle W. Baxter, has signed a consent to proceed with this land use application.

The property is a 1.18-acre split-zoned parcel. A very rough approximation from the map suggests that .2 acres is zoned C-1 and the remaining 1 acre, more or less, is zoned RR. There is an existing commercial building on the C-1 portion, and a residence on the RR portion. Applicant proposes to re-zone the parcel to be entirely C-1.

The property is served by Ice Fountain Water District and West Side Fire District. Sewer is not available. The two buildings currently share a septic system which is located almost entirely on the proposed north parcel.

No specific new use is proposed at this time, although the applicant intends to expand the commercial use (a retail car stereo store) by constructing a 1,500 square foot shop building on the north parcel, and including additional parking. Any use will be required to meet applicable development standards as part of a request for a Commercial Land Use Permit.

1. Burden of Proof.

The applicant submits that the proposal meets the burden of proof required by the Hood River County Zoning Ordinance, as set forth below:

- (a) Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.

The public's interest is manifested in the Comprehensive Plan. The proposal will create only a minimal departure from present land-use patterns, by allowing a modest expansion of an existing commercial use and a potential conversion of a residential use to a commercial use (although no such plans are contemplated at this time). The existing, nearby development along the west side of Tucker Road is mostly commercial with some residential infill and even some light industrial, making the existing residential use on applicant's property undesirable. Although the applicant intends to continue the residential use, its potential conversion to commercial use is consistent with the area. The request is consistent with the goals, policies, strategies, and standards of the Comprehensive Plan, as explained more completely below.

- (b) The proposed action is in compliance with the Comprehensive Plan.

The proposal is in compliance with applicable Comprehensive Plan provisions, as explained below.

(c) The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:

(i) The characteristics of the various areas of the County.

The existing, nearby development along the west side of Tucker Road is mostly commercial with some residential and even some light industrial. The subject parcel itself currently has a commercial use and a residential use. The proposal is consistent with existing, nearby development.

(ii) The suitability of the subject area for the type of development in question.

The subject parcel is located adjacent to an arterial roadway. Excluding sewer, the subject parcel is located in an area that is served by public utilities and services. Future development options will be subject to septic approvals.

(iii) Trends in land development.

Approval of this application will allow the use of the parcel in a similar fashion to the surrounding uses. The proposed zoning is consistent with existing surrounding development and zoning designations.

(iv) Density of development.

The potential for future density on the subject parcel will not increase by approving this application.

(v) Property values.

As the property has historically been used for commercial purposes, and many of the surrounding parcels are similarly used, the property values of nearby parcels should not be adversely impacted by the proposed development.

(vi) *The needs of economic enterprises in the future development of the County.*

Approval of this application will provide additional employment opportunities for nearby residents.

(vii) Access.

The subject parcel is adjacent to Tucker Road (Hwy 281). It is not anticipated that a modest expansion of the existing commercial use will increase traffic counts to adversely impact the safe and convenient use of nearby transportation facilities.

(viii) Natural resources.

There are no natural resources on or near the subject parcel that would be adversely impacted by the proposed request.

- (d) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider.

The subject parcel has been used for residential and commercial purposes for decades, apparently. The proposed zoning would simply allow an expansion of the commercial use in an area that has seen increasing commercial uses over the years. Therefore, the proposed zoning would be consistent with surrounding development and uses.

2. Goal 2 - Land Use Planning.

The subject property is located outside of an urban growth boundary (UGB) or acknowledged unincorporated community and is, therefore, considered "rural" land. This proposal would simply expand the existing commercial designation.

According to DLCD, there is a 2-acre minimum lot size for new residential lots in this area unless an exception to Goal 14 is obtained. OAR 660-004-0040. Therefore, the existing residential lot is already nonconforming and DLCD objected to the partitioning of a smaller residential lot from this parcel. Therefore, rezoning the entire parcel commercial is consistent with state and local land use planning.

3. Goal 9 - Economic Development

The applicant is proposing to expand the existing commercial designation on the property. The request will not adversely impact the stability and health of the agricultural and forestry economic base of the County. The parcel is not only located in a developed setting, but the parcel is already partially developed with driveway, parking, buildings, and other structural improvements that would preclude it from reasonably being converted to resource use in the future.

As required in Goal 14, only rural types of development may be permitted outside of a UGB or acknowledged unincorporated community without a Goal 2 Exception to Goal 14. The county may condition development to ensure that it continues to be rural in nature.

Approval of this application would add land to the commercial land-base, thereby contributing to commercial growth and employment opportunities of the County. The subject parcel has been used for commercial uses for decades. The parcel is located near other existing commercial uses to north and south. The subject parcel is clustered amongst this existing development, as required by this policy.

4. Goal 11 - Public Facilities and Services.

Public facilities and services necessary to accommodate future commercial development on the subject parcel already exist on the parcel or are available in the area. Public sewer service is not available, however, the site has one approved septic drainfield location and room for more septic

systems, and holding tanks if necessary.

5. Goal 12 - Transportation.

The subject parcel abuts Tucker Road (Highway 281), an identified arterial roadway.

6. Goal 14 - Urbanization.

Under Goal 14, uses that would occur in areas of the County that are outside of an urban growth boundary or acknowledged unincorporated community must be rural in nature. Rural uses are not defined, but those commercial uses that would be allowed in a rural area, by inference, must be less intensive than those allowed within an unincorporated community. Commercial uses that are small-scale and low impact, are allowed under OAR 660, Division 22. Applying a condition limiting the size of commercial buildings can assure that the level of development is appropriate.

Potential Residential Development: In the C-1 zone, residential development is a permitted use, subject to the site development standards of the R-2 zone. In the R-2 zone, a residence may be allowed per 7,500 square feet. In this case, the existing residential use will be continued for the foreseeable future.

02N10E02DA, TL 800
CATHOLIC CHURCH OF SAINT MARY
1501 BELMONT
HOOD RIVER, OR 97031

02N10E02DA, TL 900
MT VIEW MEMORIAL CEMETERY, INC.
1235 TUCKER ROAD
HOOD RIVER, OR 97031

02N10E02DA, TL 1000
JOHNSTON, TERRY L TRUSTEE U-2
PO BOX 567
WOODBURN, OR 97071

02N10E02DA, TL 2000
DYE, LLOYD JR & MARGARET L
3223 GRAVENSTEIN DRIVE
HOOD RIVER, OR 97031

02N10E02DB, TL 1200
TUCKER, A NORMAN & PRISCILLA A
PO BOX 1462
RICHLAND, WA 99352

02N10E02DB, TL 1300
CHAVARRIA, SAUL ET AL
PO BOX 287
ODELL, OR 97044

02N10E02DB, TL 1400
JENKINS, SHARI L
3890 BELMONT
HOOD RIVER, OR 97031

02N10E02DB, TL 1500
HUBLER, ROBERT & VICTORIA
PO BOX 1212
HOOD RIVER, OR 97031

02N10E02DB, TL 1600
WYMORE, AARON C.
3391 BRADLEY DRIVE
HOOD RIVER, OR 97031

02N10E02DB, TL 2200
PERRY, SCOTT D & THERESA M
3390 CHERRY DR
HOOD RIVER, OR 97031

02N10E02DB, TL 2300
BECKER, MICHAEL R & MARGARET P
3370 CHERRY DR.
HOOD RIVER, OR 97031

02N10E02DB, TL 2400
ZORZA, STEVEN J & KAZUKO
1250 TUCKER ROAD
HOOD RIVER, OR 97031

02N10E02DB, TL 2500
ORTIZ, JUAN ET AL
1240 TUCKER
HOOD RIVER, OR 97031

02N10E02DB, TL 2600
FOSTER, LILLIAN W
12004 NW 36 AVE
VANCOUVER, WA 98685

02N10E02DB, TL 2700
TORRES, SERAFIN
2725 EASTSIDE RD
HOOD RIVER, OR 97031

02N10E02DB, TL 2800
BOUCHARD, MICHAEL
PO BOX 87321
VANCOUVER, WA 98667

02N10E02DB, TL 3100 & 3200
KOESTER, RANDALL P
3390 MC CARTHY DR
HOOD RIVER, OR 97031

02N10E02DB, TL 3300
HERMAN, ANNETTE M
5635 ALDER RD
HOOD RIVER, OR 97031

02N10E02DB, TL 3400
GAYLORD, JANIS & ROY, TR.
920 COLUMBIA STREET
HOOD RIVER, OR 97031

02N10E02DB, TL 3500
CONLEY, STANLEY & AUGUSTA
1280 TUCKER RD
HOOD RIVER, OR 97031

~~02N10E02DB, TL 3600 & 3700~~
~~PACIFIC POWER & LIGHT CO~~
~~920 SW 6TH AVE, RM 506C PSB~~
~~PORTLAND, OR 0~~

02N10E02DB, TL 3600 & 3700
PACIFIC POWER & LIGHT CO
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Hood River, OR 97031

Vicente Solorio
2750 Prospect
Hood River, OR 97031

Attachment D

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1267 Tucker Road
Hood River, OR 97031

Mid-Columbia Mobile Estates, Unit 2
1267 Tucker Road
Hood River, OR 97031

Wayne & Dorrie Campbell
Mid-Columbia Mobile Estates, Unit 3
1267 Tucker Road
Hood River, OR 97031

Lloyd Holland
Mid-Columbia Mobile Estates, Unit 4
1267 Tucker Road
Hood River, OR 97031

Hazel Flosy
Mid-Columbia Mobile Estates, Unit 5
1267 Tucker Road
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Shirley Gunnerson
Mid-Columbia Mobile Estates, Unit 6
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James & Camilla Wishart
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Elizabeth Walters
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Frances Chambers
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Verda Hart
Mid-Columbia Mobile Estates, Unit 14
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Bob Smith / Erlene Veverka
Mid-Columbia Mobile Estates, Unit 15
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Hood River, OR 97031

Mid-Columbia Mobile Estates, Unit 16
1267 Tucker Road
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Dude & Audrey Cain
Mid-Columbia Mobile Estates, Unit 17
1267 Tucker Road
Hood River, OR 97031

Esther Sharp
Mid-Columbia Mobile Estates, Unit 18
1267 Tucker Road
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Charles & Connie Collins
Mid-Columbia Mobile Estates, Unit 19
1267 Tucker Road
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Melvin Kenworthy
Mid-Columbia Mobile Estates, Unit 20
1267 Tucker Road
Hood River, OR 97031

Francis Kirkwood
Mid-Columbia Mobile Estates, Unit 21
1267 Tucker Road
Hood River, OR 97031

Marie Johnston
Mid-Columbia Mobile Estates, Unit 22
1267 Tucker Road
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John James
Mid-Columbia Mobile Estates, Unit 23
1267 Tucker Road
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Hood River, OR 97031

Chris Burzio & Janette Skarda
3400 Cherry Drive
Hood River, OR 97031

Attachment D

Attn: Mara Ulloa
Dept. of Land Conservation & Develop.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Attn: Gary Fish
Dept. of Land Conservation & Develop.
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Portland, OR 97209-4037

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Troutdale, OR 97060

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Hood River, OR 97031

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Hood River Valley Residents Committee
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Mike Doke
Port of Hood River
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Hood River, OR 97031

Kevin Liburdy, Senior Planner
City of Hood River Planning Department
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Hood River, OR 97031

Jim Trammell, Fire Marshal
West Side Rural Fire Protection District
1185 Tucker Road
Hood River, OR 97031

Mark Beam, Manager
Ice Fountain Water District
1185 Tucker Road
Hood River, OR 97031

Rick Brock, Water Rights Specialist
Farmers Irrigation District
1985 Country Club Road
Hood River, OR 97031

Attachment D

ATTACHMENT INDEX

(OF MATERIALS PROVIDED TO THE PLANNING COMMISSION)

EXHIBIT I STAFF RECOMMENDATION TO THE PLANNING COMMISSION, INCLUDING:

- ATTACHMENT A: PUBLIC / AGENCY COMMENT ON THE APPLICATION
- ATTACHMENT B: COUNTY NOISE ORDINANCE (ORD. #265)

EXHIBIT II APPLICATION FOR ZONE CHANGE #08-077

EXHIBIT III NOTICE OF THE APPLICATION, INCLUDING:

- LEGAL NOTICE
- ADJACENT PROPERTY OWNER NOTICE
- NOTICE TO DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT

EXHIBIT IV PRE-APPLICATION SUMMARY & CORRESPONDENCE WITH THE APPLICANT

EXHIBIT V EXCEPTION 2B

EXHIBIT VI INFORMATION PROVIDED BY STAFF TO THE PC AT THE HRG ON 5/28/08

EXHIBIT I

STAFF RECOMMENDATION

Memorandum

County Planning & Building Services Department

May 21, 2008

To: Hood River County Planning Commission
Will Carey, County Counsel
Jay Sherrerd, Attorney for the Applicant
Vicente Solorio, Applicant
Lyle Baxter, for Owner *(Memo & Attachments A & B only)*
Gary Fish, Department of Land Conservation & Development *(Memo & Attachments A & B only)*
Jonathan Graca, Hood River Valley Residents Committee *(Memo & Attachments A & B only)*
Anne Saxby, Hood River Soil & Water Conservation District *(Memo & Atts. A & B only)*
Mike Matthews, County Environmental Health *(Memo & Atts. A & B only)*
Jim Trammell, West Side Rural Fire Protection District *(Memo & Atts. A & B only)*
Rick Brock, Farmers Irrigation District *(Memo & Atts. A & B only)*
Mark Beam, Ice Fountain Water District *(Memo & Atts. A & B only)*
Duane A. Ely, County Records & Assessment *(Memo & Atts. A & B only)*
Martin Jensvold, P.E., Oregon Department of Transportation, Region 1 *(Memo & Atts. A & B only)*
Kristen Stallman, Oregon Department of Transportation, Region 1 *(Memo & Atts. A & B only)*
Mike Keyes, Oregon Department of Transportation, District 2C *(Memo & Atts. A & B only)*
Jay Henson, Unit 1, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Dorrie Campbell, Unit 3, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
LL Holland, Unit 4, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Shirley Gunnerson, Unit 6, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Gladys Castle, Unit 7, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Camilla Wishart, Unit 8, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Elizabeth Walters, Unit 9, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Frances Chambers, Unit 10, Mid-Col. Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Louise Hoffman, Unit 11, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Dorothy Miles, Unit 12, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Melvin L. Schock, Unit 13, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Verda W. Hart, Unit 14, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Erlene Veverka, Unit 15, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Dude Cain, Unit 17, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Esther P. Sharpes, Unit 18, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Att. A only)*
Charles Collins, Unit 19, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Marie Johnston, Unit 22, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
John N. James, Unit 23, Mid-Columbia Mobile Estates, 1267 Tucker Rd, Hood River *(Memo & Atts. A & B only)*
Chris Burzio & Janette Skarda, 3400 Cherry Drive, Hood River, OR 97031 *(Memo & Atts. A & B only)*
Margaret & Michael Becker, 3370 Cherry Drive, Hood River, OR 97031 *(Memo & Atts. A & B only)*
Esteban Torres, 3377 Cherry Drive, Hood River, OR 97031 *(Memo & Atts. A & B only)*
Theresa & Scott D. Perry, 3390 Cherry Drive, Hood River, OR 97031 *(Memo & Atts. A & B only)*

From: Mike Benedict, Director
Josette Griffiths, Senior Planner

Re: Solorio Comprehensive Plan & Zone Change #08-077 (2N 10E 2DB, Tax Lot 2600)

Exhibit I, p. 1

I. BACKGROUND

- A. Request: Vicente Solario has applied for a Comprehensive Plan and Zone Change of a 1.18-acre parcel that is currently split-zoned Rural Residential (RR½) and Commercial (C-1). As proposed, that part of the subject parcel that is zoned Rural Residential (RR½) would be rezoned Commercial (C-1), so that the whole parcel would be zoned Commercial (C-1).
- B. Location: The 1.18-acre parcel tract is located on the west side of Tucker Road, approximately 500 north of Tucker Road's intersection with Guignard Drive. The property is further described as: 2N 10E 2DB, Tax Lot #2600.
- C. Zoning: The property is split-zoned Commercial (C-1), Rural Residential (RR½), and Airport Height-Horizontal (AH) Overlay Zone.
- D. Legal Parcel Status and Size: The subject parcel was lawfully created by deed (recorded February 8, 1962, in Deed Book 70, page 165) prior to the County Subdivision Ordinance taking effect. Not including road right-of-way, the parcel is 1.18-acre in size.
- E. Access: The subject parcel has frontage along Tucker Road (State Highway 281) on its east side.
- F. Sewer: Private septic system.
- G. Water: The subject parcel is located within the Ice Fountain Water District for its domestic water; and Farmers Irrigation District for its irrigation water.
- H. Fire Protection: The subject parcel is located within the West Side Rural Fire Protection District.
- I. Prior Land Use Permits:
- Zone Change / Minor Partition #07-413 (*application withdrawn*)
 - LUP #07-166 – Pre-application Conference regarding Changing Zoning from RR½ to C-1
 - Minor Partition #00-395 (*not completed*)
 - Commercial Land Use Permit #98-474 for Car Stereo Specialist
 - Land Use Permit #97-015 for Addition to Single Family Dwelling
- J. On-site Land Use: On the south side of the property, there is a single family dwelling, which was built in 1917. At the northeast corner of the property, which is currently zoned C-1, there is an existing commercial business (1,500 square feet in area), called "Car Stereo Specialist," which was approved in 1998. The store was built in 1961.
- K. Adjacent Zoning and Land Use: The subject parcel is surrounded by land zoned RR½ / AH on all sides.
- North:
 - o 2N 10E 2DB, Tax Lot 2300: single family dwelling (built in 1952); shed
 - o 2N 10E 2DB, Tax Lot 2400: single family dwelling (built in 1930); shed
 - South:
 - o 2N 10E 2DB, Tax Lot 3400: Vacant lot.
 - East:
 - o Tucker Road abuts the subject parcel's eastern property line. On the east side of Tucker Road, across from the subject parcel, are the following:
 - ❖ 2N 10E 2DA, Tax Lot 900: Mountain View Memorial Cemetery
 - ❖ 2N 10E 2DA, Tax Lot 1000: Mid-Columbia Mobile Home Estate Park (24 units)
 - West:
 - o 2N 10E 2DB, Tax Lot 2700: single family dwelling (built in 1939); shed
 - o 2N 10E 2DB, Tax Lot 3300: single family dwelling (built in 1972)

L. Summary of Comments:

- Duane A. Ely, County Records & Assessment - *From conversation with staff on 05/20/08, he indicated that the following comment applied to the request:* "The applicant is advised to contact the Assessor's Office to determine assessed value changes which may result because of the proposed action. Further, it is advised that the applicant review ORS 92.095 which addresses payment of taxes, interest or penalties before a subdivision or partition plat is recorded."
- Mike Matthews, County Environmental Health - *From conversation with staff on 05/20/08, he indicated that the store and the dwelling shared a septic system, and that at the time of a request for development on the subject parcel, the on-site septic system for the existing uses and any proposed use needed to be reviewed and approved by County Environmental Health. Compliance with the requirements of County Environmental Health is required.*

Comments were received from the following parties, and are attached to the staff report as Attachment "A":

- Statement from Adjacent Property Owners (*received May 15, 2008*) signed by:
 - Chris Burzio, 3400 Cherry Drive, Hood River, OR 97031
 - Janette Skarda, 3400 Cherry Drive, Hood River, OR 97031
 - Margaret Becker, 3370 Cherry Drive, Hood River, OR 97031
 - Michael Becker, 3370 Cherry Drive, Hood River, OR 97031
 - Esteban Torres, 3377 Cherry Drive, Hood River, OR 97031
 - Theresa Perry, 3390 Cherry Drive, Hood River, OR 97031
 - Scott D. Perry, 3390 Cherry Drive, Hood River, OR 97031
- Rick Brock, Farmers Irrigation District (*dated 05/09/08*)
- Kristen Stallman, Oregon Department of Transportation (ODOT), Region 1 (*dated 05/09/08*)
- Statement from residents of Mid-Columbia Mobile Estates (*dated 05/08/08*) signed by:
 - Jay Henson, Unit 1
 - Dorrie Campbell, Unit 3
 - LL Holland, Unit 4
 - Shirley Gunnerson, Unit 6
 - Gladys Castle, Unit 7
 - Camilla Wishart, Unit 8
 - Elizabeth Walters, Unit 9
 - Frances Chambers, Unit 10
 - Louise Hoffman, Unit 11
 - Dorothy L. Miles, Unit 12
 - Melvin L. Schock, Unit 13
 - Verda W. Hart, Unit 14
 - Erlene Veverka, Unit 15
 - Dude Cain, Unit 17
 - Esther P. Sharpes, Unit 18
 - Charles Collins, Unit 19
 - Marie Johnston, Unit 22
 - John N. James, Unit 23
- Jim Trammell, West Side Rural Fire Protection District (*dated 04/30/08*)
- Mark Beam, Ice Fountain Water District (*dated 04/30/08*)
- Gary Fish, Department of Land Conservation & Development (*dated 04/15/08 & 02/20/08*)

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW (Review criteria are noted in *italics*.)

1. Hood River County Policy Document

A. GOAL 1 – CITIZEN INVOLVEMENT

Hood River County's acknowledged application process, which requires public hearings and notice to surrounding property owners and affected agencies, is consistent with Goal 1. Notice of the application and related public hearing was provided to agencies and to adjacent property owners located within 250 feet of the subject parcel on April 28, 2008. Legal notice appeared in the *Hood River News* on May 3, 2008. In addition, notice to the Department of Land Conservation and Development was provided forty-five days prior to the first evidentiary hearing on the request, as required by ORS 197.610(1). (*See Exhibit III for notices.*)

B. GOAL 2 – LAND USE PLANNING

The subject property is located outside of an urban growth boundary (UGB) or acknowledged unincorporated community and is, therefore, considered "rural" land. The parcel is within Exception Area 2B, for which Hood River County previously justified an exception to Goals 3 (Agricultural Lands) and 4 (Forest Lands) as part of its acknowledged Comprehensive Plan in 1984. (*See Exhibit V for a copy of the Exception.*) In adopting the Rural Residential and Commercial comprehensive plan designation for the corresponding Exception Area, the County determined that the subject property is not resource land. This determination was based on the subject parcel, as well as much of the surrounding land, being developed and committed to non-resource uses.

This proposal would change the existing plan designation to rezone that part of the property which is currently zoned Rural Residential (RR½) to Commercial (C-1). Consequently, the uses that would be permitted on the site under the new plan designation would be different than those allowed under the current Rural Residential zoning. It is therefore necessary to consider whether a new exception would be required in order to approve this proposal. OAR 660-004-0010(1) sets forth the applicability of the exceptions requirements with respect to the statewide planning goals. Since the County already took an exception to Goals 3 and 4 on this property (and its vicinity, which is zoned Rural Residential) in 1984, the only remaining consideration is whether the proposed amendment would require an exception to Goal 14 (Urbanization). According to Gary Fish, Department of Land Conservation & Development (DLCD), an exception to Goal 14 would not be required to rezone the subject parcel rural Commercial (C-1), as long as the threshold for a rural commercial use were not exceeded (i.e., 3,500 square feet of floor space for commercial use). (*See Gary Fish's comments, on behalf of DLCD, in Exhibit I, Attachment A.*) This is addressed in more detail in Section II(1)(I) of the staff report.

The applicant has indicated that the reason for the request is to expand the existing business on-site; if the Zone Change request were approved, the applicant would be required to apply for that use through a separate Commercial Land Use Permit. At this time, no specific uses are proposed as part of this application and the applicant is not requesting an exception to Goal 14. It is, therefore, necessary to restrict future development in order to ensure that it is rural in nature as addressed in the recommended conditions of Section III.

C. GOALS 3 (AGRICULTURE) and 4 (FOREST)

The subject parcel is located within an acknowledged Exception Area (2B). As part of the exception process, when the County Comprehensive Plan was acknowledged in 1984, it was determined that the subject parcel was not suitable for agricultural or forest use considering many applicable factors. As a result, these Goals are not applicable to the request.

D. GOAL 5 – NATURAL RESOURCES

There are no identified or known Goal 5 resources located on or near the subject parcel that would be adversely affected by the proposed request. This Goal is not applicable to the request.

E. GOAL 7 – NATURAL HAZARDS

The parcel is relatively flat and there are no identified or apparent natural hazards on the site, such as floodplains and geologic hazards.

F. GOAL 9 – ECONOMIC DEVELOPMENT

1. Goal 1. *To maintain and provide for a stable and healthy agricultural and forest product based economy. Heavy industry shall be discouraged. Tourist, commercial, or light or medium industrial growth shall only be encouraged to the extent that it does not significantly alter the rural character, or the existing agriculture and forestry base of the economy in those areas designated as resource land.*

The applicant is proposing to rezone the Rural Residential (RR½) part of the property Commercial (C-1). (The northeast corner of the subject parcel is already zoned C-1, where the existing business is located.) The subject parcel is located within an existing Exception Area (2B) on Tucker Road, so the request will not adversely impact the stability and health of the agricultural and forestry economic base of the County.

The Commercial (C-1) zoning designation does not allow uses that would accommodate heavy industry.

As required in Goal 14 (Urbanization), only rural types of development may be permitted outside of an Urban Growth Boundary or acknowledged unincorporated community without a Goal 2 Exception to Goal 14. The applicant, in this case, is not requesting an Exception to Goal 14. Nevertheless, for the County to approve the applicant's request, mechanisms need to be built into the decision to ensure that future development is rural as addressed throughout this report.

Based upon the above information, staff find the request is consistent with this goal.

2. Goal 2. *To maintain and provide for a stable and healthy economy to encourage labor-intensive and light industrial and commercial growth in order to increase employment opportunities for present and future residents of the Hood River/Westside area.*

Approval of this application would add land to the commercial land-base, thereby contributing to commercial growth and employment opportunities of the County. The request complies with this Goal.

3. Policy 1.d. *Industries and commercial enterprises shall be encouraged to take advantage of local labor skills when possible.*

The use of this site for commercial purposes will be consistent with this policy since its employees are likely to come from the local area.

4. Policy 2.c. *Commercial activities will be centralized; strip commercial development and new isolated commercial facilities will be discouraged.*

Part of the subject parcel has been used for commercial activities for many years. The existing business (Car Stereo Specialist) received a Commercial Land Use Permit (CLUP #98-474) from the County in 1998. The parcel is located near other existing small

commercial uses on the west side of Tucker Road to the north (including Eagle 1 Thrift Store, approximately 300 feet north, and a store called *Novedades Ortiz*, approximately 100 feet north) and to Light Industrial (M-2) uses on the west side of Tucker Road, south of the subject parcel approximately 300 feet. The subject parcel is clustered amongst this existing development. The commercial use on the property was acknowledged in 1984 by the application of C-1 Zoning to the location of the store when the Comprehensive Plan was adopted. The request would allow for a modest expansion of an existing commercial facility, not create a new isolated commercial facility.

The existing commercial use on the property is zoned Commercial (C-1); rezoning as proposed will allow for a modest expansion of the existing business; and the parcel is in the vicinity of other parcels that are zoned and/or used in a commercial or light industrial fashion. As such, the request is consistent with this policy.

5. *Strategy 1.e. When new commercial and industrial establishments or centers are proposed, they shall meet the following locational criteria:*

- (a) *Direct access to an arterial or collector street. Traffic will not be routed through local neighborhood streets.*

The subject parcel has direct access onto Tucker Road, an identified arterial and State highway. The proposal will not cause traffic to be routed through local neighborhood streets.

- (b) *Site access will not cause dangerous intersections or traffic congestion. Roadway capacity, speed limit, and number of turning movements shall all be considered.*

Given the limited commercial development expected as a result of this request, the Oregon Department of Transportation (ODOT) did not require a traffic study at this time. As noted in ODOT's comments on this request, dated May 9, 2008, "No Traffic Impact Study will be required for this development at this time. An approach permit may be needed when/if there is a change of use or during the site plan review process." Since Tucker Road is a State Highway (Hwy 281), ODOT is responsible for ensuring compliance with the above standard. ODOT has indicated that it will address any access issues at the time of a request for a new commercial use or an expansion of the existing commercial use. As such, staff finds the request is in keeping with the above standard.

- (c) *The storm drainage or natural drainage system will handle the increased runoff created by the new development.*

At the time of development, County Public Works and ODOT may require that a drainage plan be prepared by a licensed engineer as part of their review of a commercial land use permit.

- (d) *Access points will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress.*

Access points are controlled by the County Zoning Ordinance through the use of "vision clearance" triangles. In the Commercial (C-1) Zone, a minimum vision clearance triangle of 35 feet is required. Within the 35' triangle, the applicant must maintain an unobstructed view above approximately 3 feet, or whatever is necessary to ensure adequate sight distance. If the request for a Zone Change is approved, at the time of an application for development, access considerations will be

implemented by the County's application of a vision clearance triangle in addition to ODOT's requirements.

Staff recommends including the following as conditions of approval:

- A. At the time of development, access onto Tucker Road from the subject parcel shall be reviewed and approved by ODOT, which may require that a road approach permit be acquired. Factors such as safety, congestion, driveway spacing requirements, etc. will be considered as part of their review. Compliance with the requirements of ODOT is required.
- B. No on-street parking shall be provided along Tucker Road. Future off-street parking for any expansion of the commercial or residential use shall be provided in compliance with the requirements of Article 51 ("Off-Street Parking and Loading") of the County Zoning Ordinance.

- (e) *The site will be convenient and close to population centers.*

The subject parcel is located approximately 0.80-mile south of the Hood River Urban Growth Boundary, along an existing arterial roadway. The request complies with this standard.

- (f) *The use shall be compatible with surrounding uses, size and character.*

No specific use is proposed at this time; however, any use will be required to meet applicable development standards that are implemented as part of a request for a Commercial Land Use Permit to ensure compatibility with adjacent uses. When the request was originally made by the applicant in 2007 on the subject property for a Zone Change and Minor Partition (later withdrawn and reapplied for in the current request), the President of Mountain View Memorial Cemetery provided comment requesting that noise from the commercial use be kept to a minimum during burial or religious services at the cemetery. Staff recommends that a condition be included addressing this concern, as follows:

"Noise related to the commercial use (i.e., such as testing car stereo equipment) of the property should be kept to a minimum during burial or religious services at the nearby cemetery."

- (g) *Whenever possible, sites will be located adjacent to existing commercial areas, and cluster-type development will be encouraged.*

The parcel is located in the vicinity of other rural commercial and industrial development, as described in Section II(1)(F)(4) of this report. The request complies with this standard.

- (h) *No building site shall be located within the 100-year floodplain.*

This standard is not applicable to the request because the parcel is not within or near the 100-year floodplain.

- (i) *The use will expand the range and number of job opportunities within the community.*

The request will allow additional opportunities for commercial development, thus increasing the number and variety of job opportunities in the County.

6. *Strategy 1.k. New development will be of integrated and harmonious design, together with adequate and properly arranged traffic, parking, accessibility, facilities, and landscaping.*

The proposal affects rural lands. Rural scale commercial uses will be able to integrate and be harmonious with existing development in close proximity to the subject parcel. The subject parcel has adequate parking to accommodate most rural types of commercial use. Future parking needs will be addressed at the time that the subject parcel is considered for development through a development request. No agency has expressed concern about the proposal considering the specific issues related to this standard.

7. *Strategy 3.a. New industrial and commercial comprehensive plan designations or zones shall meet the locational criteria listed above under (e), 1 through 9.*

As noted in Section II(1)(F)(5) above, the proposal complies with the locational criteria found in the Commercial (C-1) Zone.

8. *Strategy 4. Plan and zone pre-existing commercial, industrial and light industrial uses pursuant to affirmative findings being presented demonstrating compliance with the following criteria or factors:*

- (a) *Making application through the County Planning Department for a plan or zone change or both.*

In compliance with this standard, the applicant has made application for a plan and zone change in order for the County to consider his request.

- (b) *Compliance with exception requirements for lands irrevocably committed to other uses.*

No exception is required as part of this review for the Zone Change because the subject parcel is already located within an acknowledged exception area (2B), and conditions are recommended to ensure that any ensuing commercial development remain rural in nature.

- (c) *Consideration of the following criteria if not addressed under b. above:*

- (i) *On site sewage disposal suitability of community sewage;*

OAR 660-011-0060(2)(a) prohibits a local government from allowing the establishment of a new sewer system outside of an urban growth boundary unless a documented health hazards exists. A sewer system is defined in OAR 660-011-0060(1)(f) as a system that serves more than one lot or parcel and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, and facilities used for treating or disposing of sewage. The parcel will not be served by a community sewage system; it will be served by on-site septic, in compliance with any requirements of County Environmental Health. An evaluation of the on-site septic system will be conducted by County Environmental Health at the time of a development request.

- (ii) *Domestic water supply availability;*

The subject parcel is located within the Ice Fountain Water District (IFWD). Mark Beam, Manager, IFWD, had no comments on the request. In prior comments (during the review of the applicant's 2007 request for a zone change and minor partition, which was later withdrawn), Mark Beam confirmed that water is available to the site

from IFWD and that the parcel's existing uses (the dwelling and the business) are already served by the District. The request is consistent with this standard.

(iii) Access;

The subject parcel is located along Tucker Road (Hwy 281). According to ODOT, the estimated volume of traffic generated by future use of the subject parcel should not exceed the capacity of this roadway. ODOT will further address access at the time of a development request.

(iv) Rural fire protection;

The subject parcel is located within the West Side Rural Fire Protection District. Jim Trammell, West Side Fire Marshal, indicated that the District had no comments on the applicant's request for a Zone Change. He indicated that appropriate fire standards would be applied at the time of a request for development.

(v) Lack of natural hazards, and

According to the County Zoning Ordinance and Comprehensive Plan, there are no natural hazards located on or near the subject parcel.

(vi) Effects on resource lands.

The proposed development will not adversely impact nearby resource lands due to its distance from them and the parcel's separation from commercial farm operations by existing non-resource parcels also located within Exception Area 2B.

(d) Parking and loading standards will be implemented through the Zoning Ordinance.

Compliance with off-street parking and loading requirements, as provided in Article 51 ("Off-Street Parking and Loading") of the County Zoning Ordinance, will be addressed at the time of development.

9. Standard 2.a. *Light industrial and commercial uses will be permitted as provided for in the Zoning Ordinance. Typical light industrial uses would be construction material outlets, warehousing, heavy equipment sales and service, electronics plants, and research and development facilities.*

Any future commercial use of the subject parcel must conform with those uses that are rural in nature, as recommended in Section III of this report.

10. Standard 2.b. *Parking and loading standards will be implemented through the Zoning Ordinance.*

The requirements of Article 51 ("Off-Street Parking and Loading") of the County Zoning Ordinance are applicable to all new development, regardless of zoning, within the County. The amount of parking required is dependent upon the type of use proposed; therefore, it will need to be determined at the time of development.

11. Standard 2.c. *Landscaped (noise) buffers and light deflection devices may be required as provided for in the Zoning Ordinance.*

Approval standards for new development in the Commercial Zone restrict lighting, noise, and other factors that are known to conflict with surrounding residential and farm uses. These standards will be addressed at the time of application for a Commercial Land Use Permit.

G. GOAL 11 – PUBLIC FACILITIES & SERVICES

1. Goal 1. *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.*

Public facilities and services necessary to accommodate future commercial development on the subject parcel already exist on the parcel or are available in the area. Public sewer service is not available; the parcel is on septic. The amount of development that can be accommodated on the parcel, considering septic suitability and on-site limitations, will be determined by County Environmental Health at the time of development. At that time it may turn out that future development or some particular uses cannot be established on the subject parcel due to inadequate land conditions for septic. Due to the fact that septic availability is a driving factor in determining the size, location, intensity, and amount of future development that will exist on the parcel, staff finds that the services available to the site are acceptable at current levels.

2. Goal 2. *To protect the general health of local residents through the provisions of adequate water and sanitary sewerage facilities.*

Regardless of the zoning designation of the subject parcel, no development will be approved unless adequate water and sewer facilities are available or provided.

Currently the subject parcel is located within the Ice Fountain Water District. The District had no comments on the request, but indicated to staff that water is available to the existing uses and for an expansion of the commercial use of the site.

The subject parcel is not located within a public sewer district. Considering the fact that public health issues, regarding sewer facilities and conditions, is the responsibility of County Environmental Health, staff finds that the general health of the public will be maintained as long as the applicant complies with their standards. To ensure compliance with this goal, and the pre-application comments of County Environmental Health, the following is recommended as a condition of approval:

“At the time of development, the on-site septic for the existing and proposed use shall be reviewed and approved by County Environmental Health. Compliance with the requirements of County Environmental Health is required.”

3. Policy 5. *Encourage land use patterns that will minimize the cost of providing public water and sewerage facilities in the future.*

As long as future commercial uses on the subject parcel are kept rural in scale, the cost of providing public water and sewer facilities in the future will be similar to those needed to facilitate residential development in the area.

4. Strategy 5. *Sewers shall not extend beyond the urban growth boundary or a legally created sewerage entity except to service a documented health hazard situation.*

The proposed development does not include plans for extending public sewer facilities to serve the subject parcel.

5. Strategy 30. *Storm drainage plans will be required for areas that have identified drainage problems.*

Staff has not received feedback from any agency that the parcel is located in an area that has identified drainage problems. The parcel is flat, and there is no nearby water feature, such as a stream.

6. Strategy 33. *Storm drainage plans and construction will be required as prescribed by the Public Works Department or other applicable agency for development on lands zoned commercial or industrial.*

Staff recommends including as an informational condition that at the time of development, Public Works and ODOT may require a drainage plan be prepared by a licensed engineer, as part of their review.

H. GOAL 12 – TRANSPORTATION

The parcel has existing access to both the dwelling and the commercial business (Car Stereo Specialist) on Hwy 281 (Tucker Road). The Oregon Department of Transportation (ODOT) controls access onto the State highway, and has indicated that it will evaluate access at the time of a request for development.

I. GOAL 14: URBANIZATION

[Note: See Exhibit IV, pages 18-22, for OAR 660-004-0040: Application of Goal 14 (Urbanization) to Rural Residential Areas. Also, see Exhibit IV, pages 23-24, for OAR 660-014-0040: Application of the Statewide Planning Goals to Urban Development on Rural Lands, which addresses what would be required to request an Exception to Goal 14.] At this time, no specific uses are being proposed as part of this application and the applicant did not request an Exception to Goal 14 (Urbanization). It is, therefore, necessary to restrict new future commercial development in order to ensure that it is rural in nature. Goal 14 provisions, and recommended conditions, are addressed below.

Under Goal 14, uses that would occur in areas of the County that are outside of an urban growth boundary or acknowledged unincorporated community must be rural in nature. Rural uses are not explicitly defined, however, those commercial uses that would be allowed in a rural area, by inference, must be less intensive than those allowed within an unincorporated community. The types of commercial uses that are allowed within an acknowledged unincorporated community, as provided in OAR, Chapter 660, Division 22, are those that are: 1.) authorized under Goals 3 and 4; 2.) small-scale, low impact uses; or 3.) uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area. In these cases, “small-scale, low impact uses” are those that take place in an unincorporated community and that do not exceed 4,000 square feet of floor space for commercial buildings.

Building Size Restrictions: Realizing that the subject parcel is located in a rural area, the County must restrict new development so that it is, at least, less intensive than what would be allowed within an unincorporated community or Urban Growth Area. One way to accomplish this is to implement a condition that would further limit the size of buildings allowed under the “small-scale, low impact” provision to approximately 87% of the size that would be allowed in unincorporated communities. This restriction would limit the allowable size of any building or buildings for commercial use to 3,500 square feet or less of floor space per legal parcel.

Use Restrictions: Currently, the C-1 zone allows all types of retail trade and professional service establishments. Of the uses that are currently permissible in the Commercial Zone, some would be considered urban because of their high intensity and potential impact. Allowing the establishment of urban uses in this rural area is not allowed by the OAR because of the potential impact on the rural character of the area. Due to the broad types of uses that are currently permissible under the County Zoning Ordinance, and considering the use limitations required under OAR 660 - Division 22, staff recommends that conditions be implemented that allow only those commercial uses that are allowed and either authorized under Goals 3 and 4, or "small-scale, low impact uses," as defined above, unless modified when the County completes its Periodic Review work task concerning Goal 14. Uses allowed under Goals 3 and 4 include, but are not limited to: farm stands, home occupations, commercial activities in conjunction with farm use, dog kennels, private hunting and fishing operations, private parks and campgrounds, and firearms training facilities. These conditions will ensure that future development of the subject parcel is rural, in compliance with applicable Goal 14 provisions.

Septic Limitations: Besides restricting building size and use in order to ensure rural development, the subject parcel contains septic limitations that will further limit the types and intensity of uses that can be reasonably provided.

Other Siting Restrictions: A further restriction on development in the C-1 zone, addressed later in the staff report, is the requirement that buildings comprise no more than 50% of lot coverage.

Potential Residential Development: There is an existing single family dwelling on the subject parcel, which is an allowed use in the Commercial (C-1) Zone.

Miscellaneous: The County is currently in the process of addressing Goal 14 as it pertains to Odell and Parkdale, and will address other potential unincorporated communities and individually zoned Commercial or Industrial parcels as part of that review within the next couple of years as part of Periodic Review. Through this process, the County will, among other things, establish unincorporated community boundaries and adopt zoning ordinances that concern rural and urban commercial and industrial development. The applicant should be made aware that this process may impact future use of the subject parcel by making development either less or more restrictive.

The findings of fact and conclusions of law used to demonstrate compliance with the provisions of Goal 14 were based upon site-specific information and should not be used as a precedence if and when a similar application is made or when the County addresses the provisions of Goal 14 during its Periodic Review.

Conclusions: Taking into consideration the on-site septic limitations of the property and recommended conditions that will limit the size of certain uses, staff finds that the request and subsequent development is consistent with the above standard, and with the Goal 14 provisions without taking a Goal 2 Exception to Goal 14.

2. Hood River County Zoning Ordinance - ARTICLE 21 (COMMERCIAL ZONE)

a. Section 21.10 – Uses Permitted Outright

Approval of this application will allow an expansion of the area allowed for commercial purposes. Types of uses that are allowed by Section 21.10 include retail and service establishments and some residential use. However, as previously mentioned, proposed commercial uses that are determined to be "small-scale, low impact" will be limited to a total combined footprint(s) that does not exceed 3,500 square feet. If the residence were converted into a commercial use (through a commercial land use permit), the size of the residence would

factor into the 3,500 square feet allowed, which would reduce the area available for the expansion of the existing business (as preliminarily envisioned).

b. Section 21.30 – Limitations on Use – In a C-1 Zone, the following conditions shall apply:

- i. *All business, service, repair, processing, storage and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.*
- ii. *Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.*
- iii. *Light from a sign shall be directed away from a lot in a farm or residential zone.*
- iv. *Dwellings shall comply with the lot size, setbacks, height and lot coverage requirements of an R-2 zone.*

The above standard is intended to help minimize conflicts between commercial and residential use, and would be applied at the time of an application for a commercial land use permit to expand the commercial use of the property. Staff recommends including a condition that “any future commercial development proposed on the subject parcel shall comply with the standards provided in Article 21 (“Commercial Zone”) of the County Zoning Ordinance.”

c. Section 21.40 – Lot Coverage Requirements: In the C-1 zone, buildings, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.

According to information from County Records and Assessment, the existing commercial business has a footprint size of 1,500 square feet; the dwelling has a footprint size of 1,168 square feet. At this time, buildings do not cover more than 50 percent of the lot area (1.18-acre). Staff would review the lot coverage requirements, as outlined in the above standard, as part of any future commercial land use permit.

d. Section 21.50 - Setback Requirements - In the C-1 zone, setbacks shall be as follows:

- i. *No building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or 20 feet, whichever is greater.*
- ii. *No building shall be constructed closer to the centerline of a street than 50 feet.*
- iii. *Vision clearance setbacks from all street intersections shall be 35 feet.*

At the time of an application to expand the commercial use on the property, the above standard will be addressed. The existing development appears to meet the above criteria.

e. Section 21.60 – Locational Criteria

The locational criteria from Section 21.60 are found under Goal 9 (Economy of the State), Strategy 1.e., which was addressed in Section II(1)(F)(5) of the staff report, above.

3. Hood River County Zoning Ordinance - ARTICLE 34 (AIRPORT HEIGHT COMBINING ZONE)

A. Section 34.30 – Height Limitations: *The AH-Horizontal Zone is located 150 feet above the Hood River Airport elevation or 780 feet.*

The elevation of the parcel is approximately 560 feet. Subtracting the parcel elevation (560 feet) from the airport elevation (780 feet) equals 220 feet. With a height limitation of 220 feet above the subject parcel, staff finds that the height limitations of this zone will not reasonably preclude any future development.

- B. Section 34.60 – Use and Occupancy Conditions: *This section provides use limitations for new development in the AH combining zone.*

Staff recommends including a condition that any future commercial development proposed on the subject parcel shall comply with the standards provided in Article 34 (“Airport Height Combining Zone”) of the County Zoning Ordinance.

4. Hood River County Zoning Ordinance - ARTICLE 60 (ADMINISTRATIVE PROCEDURES)

- A. Section 60.10 – The Burden of Proof: *The burden of proof is placed on the applicant seeking an action pursuant to the provisions of this ordinance. Unless otherwise provided for in this article, such burden shall be to prove the following:*

1. *Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.*

The public interest is manifested in the Comprehensive Plan. With recommended conditions, staff finds that the request is consistent with the goals, policies, strategies, and standards of the Comprehensive Plan.

- a. *The proposed action is in compliance with the Comprehensive Plan.*

As determined earlier in this report, the proposal is in compliance with applicable Comprehensive Plan provisions.

- b. *The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:*

- (i) *The characteristics of the various areas of the County.*

The proposal to change the zoning of the subject parcel from residential to commercial is consistent with the existing use of the property, and nearby development. By clustering these types of uses, the goals and policies of the comprehensive plan are met.

- (ii) *The suitability of the subject area for the type of development in question.*

The subject parcel is located adjacent to an arterial roadway. Excluding sewer, the subject parcel is located in an area that is served by public utilities and services. Future commercial development will be subject to the applicant obtaining an approved Commercial Land Use Permit.

- (iii) *Trends in land development.*

Approval of this application will allow the continued use of the parcel in a similar fashion to how it has historically been used. As determined earlier in this report, the proposed zoning is consistent with existing surrounding development and zoning designations.

(iv) *Density of development.*

There is no request to partition the property as part of this revised application. No increase in density is proposed. As such, staff finds that the request is consistent with this standard.

(v) *Property values.*

Since part of the property has historically been used for commercial purposes, and many of the surrounding parcels are similarly used, the property values of nearby parcels should not be adversely impacted by the proposed development.

(vi) *The needs of economic enterprises in the future development of the County.*

Approval of this application will provide a limited expansion of the commercial use of the subject property, ensuring ongoing employment opportunities for local residents.

(vii) *Access.*

The subject parcel is adjacent to Tucker Road (Hwy 281). ODOT controls access onto the State highway. ODOT did not require a traffic study be conducted as part of this review. At the time of application for development, ODOT will evaluate the access to the development.

(viii) *Natural resources.*

There are no natural resources on or near the subject parcel that would be adversely impacted by the proposed request.

(ix) *Public need for healthful, safe and aesthetic surroundings and conditions.*

The subject parcel is surrounded by land zoned Rural Residential (RR $\frac{1}{2}$) on all of its sides, and the request is for an expansion of the parcel's Commercial (C-1) Zone. Neighbors have expressed concern with noise and appearance of an expansion of the commercial use of the property. Many neighbors who live along Cherry Drive commented that while the applicant has been a good neighbor, they would like the County to require that he "put in an evergreen buffer/hedge that is at minimum 3 feet high at planting, and grow to a minimum of 6 feet high on the north and west sides of the property to block the commercial business from the residential home owners." (See Attachment A for their comments.) Neighbors across the street from the subject property who live in Mid-Columbia Mobile Estates (to the east) expressed concern with noise from the applicant's business related to the testing and installation of stereo equipment, radio, and car alarms. They requested that he be required to put in a sound-proof garage for conducting his business, rather than testing the equipment outside.

To address their concerns related to the expansion of the Commercial (C-1) zoning of the property, staff recommends the following conditions:

- At the time of application to expand the existing "Car Stereo Specialist" business (or similar enterprise, specifically related to sound or music), the applicant shall address noise control. Because of the noise involved, any business or work related to the installation, testing, or repair of car stereo, radio, or car alarm equipment shall be conducted wholly within an enclosed building upon completion of such

expansion. The building shall be designed to be sound-proofed to the decibel level allowed in the County's Noise Code (i.e., not exceeding 65dB, A-weighted, average sound level at any time of day) found in Ordinance No. 265. *(See Attachment B for that Ordinance.)*

- Prior to land use approval of a new or amended Commercial Land Use Permit on the subject property, the applicant shall plant an evergreen buffer/hedge that is at minimum 3 feet high at planting, and grow to a minimum of 6 feet high along the subject parcel's north and west property lines for screening from the residential properties along those sides.

Conditions have been recommended throughout the staff report to address the above criteria; including conditions requiring compliance with agency requirements such as ODOT, County Environmental Health, and the Water and Fire Districts at the time of further development. By implementing all of the above conditions, staff finds that the request is consistent with this criteria.

- c. *Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider.*

There has been no discernable change in the neighborhood; nor has a mistake in the zoning been alleged.

Conclusion: Staff finds that the burden of proof for the requested Zone Change has been met.

- B. Section 60.14(B) – Conditions of Approval: *Such conditions shall be reasonably conceived to fulfill public needs.*

This section allows the Planning Commission to attach conditions of approval to the proposal, if reasonably based on public need. Throughout this report staff has recommended that conditions be implemented to ensure compliance with applicable criteria and Comprehensive Plan provisions.

III. RECOMMENDATION

Based upon the above findings of fact and conclusions of law, staff recommends that the Planning Commission recommend to the Board of County Commissioners:

1. Approval of Vicente Solorio's request for a Comprehensive Plan and Zone Change to rezone the Rural Residential (RR½) part of the subject parcel (2N 10E 2DB, Tax Lot 2600) to Commercial (C-1), subject to the following conditions:
 - A. Only those commercial uses that are either authorized under Goals 3 and 4 or "small-scale, low impact uses," shall be allowed, unless modified when the County completes its periodic review work task concerning Goal 14 (Urbanization):
 - i. New commercial uses that may be allowed under Goals 3 and 4 include, but are not limited to: farm stands, home occupations, commercial activities in conjunction with farm use, dog kennels, private hunting and fishing operations, private parks and campgrounds, and firearms training facilities.

- ii. The maximum floor space allowed for the combination of any new building and/or existing buildings that contain a “small-scale, low impact” commercial use is 3,500 square feet, unless this size limitation is modified when the County completes its periodic review work task concerning Goal 14.
- B. No on-street parking shall be provided along Tucker Road. Future off-street parking for any expansion of the commercial or residential use shall be provided in compliance with the requirements of Article 51 (“Off-Street Parking and Loading”) of the County Zoning Ordinance.
- C. Noise related to the commercial use (i.e., such as testing car stereo equipment) of the property should be kept to a minimum during burial or religious services at the nearby cemetery.
- D. At the time of application to expand the existing “Car Stereo Specialist” business (or similar enterprise, specifically related to sound or music), the applicant shall address noise control. Because of the noise involved, any business or work related to the installation, testing, or repair of car stereo, radio, or car alarm equipment shall be conducted wholly within an enclosed building upon completion of such expansion. The building shall be designed to be sound-proofed to the decibel level allowed in the County’s Noise Code (i.e., not exceeding 65dB, A-weighted, average sound level at any time of day) found in Ordinance No. 265. *(See Attachment B for that Ordinance.)*
- E. Prior to land use approval of a new or amended Commercial Land Use Permit on the subject property, the applicant shall plant an evergreen buffer/hedge that is at minimum 3 feet high at planting, and grow to a minimum of 6 feet high along the subject parcel’s north and west property lines for screening from the residential properties along those sides.
- F. A Commercial Land Use Permit shall be obtained prior to further commercial development, subject to the following conditions:
 - i. County Public Works and ODOT may require that a drainage plan be prepared by a licensed engineer, as part of their review.
 - ii. Access onto Tucker Road from the subject parcel shall be reviewed and approved by ODOT, which may require that a road approach permit be acquired. Factors such as safety, congestion, driveway spacing requirements, etc. will be considered as part of their review. Compliance with the requirements of ODOT is required.
 - iii. The on-site septic for the existing and proposed use shall be reviewed and approved by County Environmental Health. Compliance with the requirements of County Environmental Health is required.
 - iv. Compliance with the requirements of Farmers Irrigation District; Ice Fountain Water District; and West Side Rural Fire Protection District.
 - v. The proposed use shall be reviewed by the Planning Department in accordance with the requirements of Article 21 (“Commercial Zone”), Article 34 (“Airport Height Overlay Zone”), Article 51 (“Off-Street Parking and Loading”), and Article 64 (“Land Use Permits”) of the County Zoning Ordinance.
- G. The applicant is advised to contact the Hood River County Department of Records & Assessment to determine assessed value changes which may result because of the proposed action. Further, it is advised that the applicant review ORS 92.095 which addresses payment of taxes, interest or penalties before a subdivision or partition plat is recorded.

ATTACHMENT A

Comments:

- ❖ **Statement signed by adjacent property owners who live along Cherry Drive** *(received 05/15/08)*
- ❖ **Rick Brock, Farmers Irrigation District** *(received 05/09/08)*
- ❖ **Kristen Stallman, Oregon Department of Transportation (ODOT)** *(received 05/09/08)*
- ❖ **Statement signed by neighbors who live in the Mid-Columbia Mobile Estates** *(received 05/08/08)*
- ❖ **Jim Trammell, West Side Rural Fire Protection District** *(received 04/30/08)*
- ❖ **Mark Beam, Ice Fountain Water District** *(received 04/30/08)*
- ❖ **Gary Fish, Department of Land Conservation & Development** *(received 04/15/08 & 02/20/08)*

Exhibit I, p. 18

Attachment A

Hood River County Planning and Building Services
Attn: Josette Griffiths, Senior Planner

May 5, 2008

We received notification that Vicente Solario has applied for a Comprehensive Plan and Zone Change for the property known as 2N 10E 2DB, Tax Lot #2600. The property owners on Cherry Dr, which is adjacent to Mr. Solario's property, would like to request that Mr. Solario be required to put in an Evergreen buffer/hedge that is at minimum 3 feet high at planting, and grow to a minimum of 6 feet high on the North and West sides of the property to block the commercial business from the residential home owners. We, the undersigned neighbors, would like to note that Mr. Solario has been a good neighbor and has been respectful to us by not blocking our driveway with his customer's vehicles, and keeps the noise level down, and we hope to continue with a cordial relationship with Mr. Solario.

Thank you for your attention in this matter.

Truly,

Print Name	Address	Signature
<u>CHRIS BURZIO</u>	<u>3400 Cherry Dr., H.R.</u>	<u><i>Chris Burzio</i></u>
<u>JANETTE SKARDA</u>	<u>Same</u>	<u><i>J. Skarda</i></u>
<u>Margaret BECKER</u>	<u>3370 Cherry Dr</u>	<u><i>Margaret Becker</i></u>
<u>Michael Becker</u>	<u>HR, OR 97031</u>	<u><i>Michael R. Becker</i></u>
<u>Esteban Torres</u>	<u>Same</u>	<u><i>Esteban Torres</i></u>
<u>Theresa Perry</u>	<u>3377 Cherry Dr</u>	<u><i>Theresa M. Perry</i></u>
<u>Scott D. Perry</u>	<u>Hood River 97031</u>	<u><i>Scott D. Perry</i></u>
<u></u>	<u>3390 Cherry Dr HR</u>	<u></u>
<u></u>	<u>3390 Cherry Dr.</u>	<u></u>
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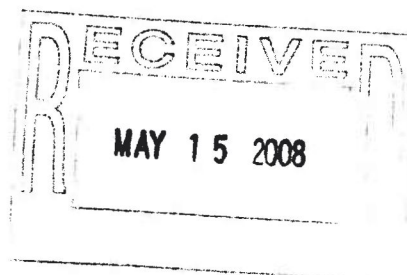


Exhibit I, p. 19

Attachment A

Farmers Irrigation District

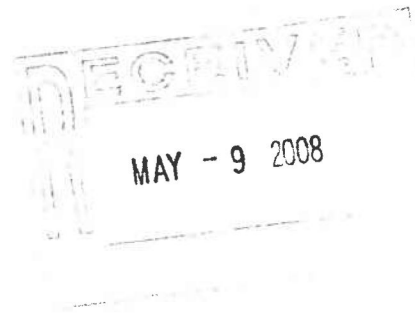
1985 Country Club Road, Hood River, Oregon 97031

541-386-3115 Phone; 541-386-9103 Fax;

fidhr@gorge.net email

4/30/2008

Josette Griffiths, Senior Planner
601 State Street
Hood River Oregon 97031



Re: Solario Comprehensive Plan & Zone Change #08-077 2N-10-2BB #2600

Dear Ms. Griffiths;

Farmers Irrigation District has reviewed the application for Vincent Solario. There are 1.10 water right acres on this property, if there is additional expansion or building, water rights will have to be removed from those areas.

At this time the Farmers Irrigation District has no further comments on this comprehensive plan & zone change.

Thank you for notification of this matter.

Sincerely,

Rick Brock
Water Rights Specialist
387-5263

Exhibit I, p. 20

Attachment A _____

Josette Griffiths

From: STALLMAN Kristen [Kristen.STALLMAN@odot.state.or.us]
Sent: Friday, May 09, 2008 4:08 PM
To: Josette Griffiths
Cc: JENSVOLD Martin R; TAYAR Abraham * Avi
Subject: ODOT Comments - Solario Rezone
Attachments: Solario Comments.dot

Josette - I reviewed this case with Marty today. He did not recommend a TIS. See comments attached.
<<Solario Comments.dot>>

Kristen Stallman
Scenic Area Coordinator
Oregon Department of Transportation, Region 1
123 NW Flanders St
Portland OR 97209-4037
(p) 503-731-4957
(c) 503-880-2446
(f) 503-731-8259
(e) kristen.stallman@odot.state.or.us

Exhibit I, p. 21

Attachment A



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 1 Land Use Planning

123 NW Flanders

Portland, Oregon 97209-4012

Telephone (503) 731-8219

Fax (503) 731-8259

Date: May 9, 2008

ODOT Response to Local Land Use Notification

Project Name: Solario Rezone	Applicant: Solario, Vicente
Jurisdiction: Hood River County	Case #: #08-077
Site Address: No Situs - Tucker Rd (Hood River Hwy)@ Guigard Dr Hood River, OR 97031	Legal Description: T02NR10ES02DB Tax Lot(s) 02600,
State Highway: 281, Tucker Road	Mileposts: 2.006- 2.019

The site is adjacent to the referenced state highway. ODOT has permitting authority for the state highway and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

ADDITIONAL COMMENTS: No Traffic Impact Study will be required for this development at this time. An approach permit may be needed when/if the property if there is a change of use or during the site plan review process.

Site access to the state highway is regulated by OAR 734.51. Until the ODOT approach permit review has been completed, we cannot make a determination on the number, location or design of the proposed approach(es) to the highway.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

Development Review Planner Kristen Stallman	Phone: (503) 731-4957
Traffic Contact: Martin Jensvold	Phone: (503) 731-8219
District 2C Contact: Michael Keyes	Phone: (503) 669-9314

Exhibit I, p. 22

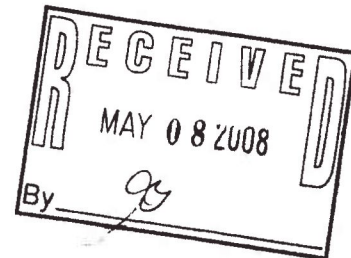
Attachment A

ODOT Log No: 939

Hood River County Planning & Building Serv.
601 State Street
Hood River, Or. 97031

To Planning & Zoning commission

Re: Vicente Solorio
1260 Tucker Road
Hood River, Oregon 97031



Doing Business as Car Stereo Store

Making application for plan & zone boundry adjustment.

Part of this application is to add a new shop with or adjacent to the now existing store.

As residents of the Mid-Columbia Mobile Estates_1267 Tucker Rd. Hood River, Oregon 97031, which lies directly east across Tucker from the car stereo Store , We would like to make the following proposal.

That Vicente Solorio put in a garage which is sound proof- so that he can install & test radios and stereos, car alarms so that we don't hear them being tested like we have in the past and present. We are senior citizens and find this noise very disturbing. We don't want to interfere in his business nor do we want his business to interfere with us.

- | | |
|------------------------|-------------------------|
| 1. Jay Henson | 2. VACANT |
| 3. Dorrie Campbell | 4. LL Hall |
| 5. HOSPITAL | 6. Shirley G. Gunnerson |
| 7. Gladys Castle | 8. Camilla Wishart |
| 9. Elizabeth H. Hester | 10. Francis Chambers |
| 11. Louise Hoffman | 12. Dorothy L. Miles |
| 13. Melvin L. Schock | 14. Verda M. Hart |
| 15. Erlene V. Suerka | 16. VACANT |
| 17. Duke Cain | 18. Esther P. Sharpes |
| 19. Charles A. Collins | 20. HOSPITAL |
| 21. | 22. Marie Johnston |
| 23. Joe L. J. J. J. | 24. TRAVELING |

NOTE: The numbers represent each person's residential unit.

Josette Griffiths

From: Jim Trammell [wsfd502@gorge.net]
Sent: Wednesday, April 30, 2008 9:09 AM
To: Josette Griffiths
Subject: 08-077

After a review of the application and site inspection the Fire District submits the following requirements and comments,

As this application pertains only to a zone change the Fire District has no comment, if in the future improvements are applied for Fire Code requirements will be need to be addressed.

JT

Exhibit I, p. 24

Attachment A



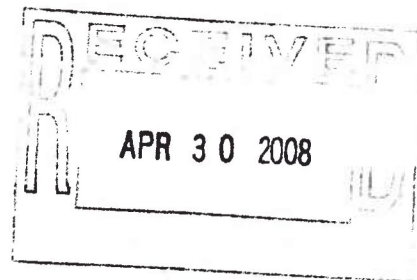
Hood River County Planning & Building Services
601 State Street, Hood River OR 97031

MICHAEL BENEDICT, DIRECTOR
(541) 387-6840 • FAX (541) 387-6873
E-mail: plan.dept@co.hood-river.or.us

DEAN A. NYGAARD, BUILDING OFFICIAL
(541) 386-1306 • FAX (541) 387-6878
E-mail: building@co.hood-river.or.us

April 28, 2008

To: Sandra Berry, County Records & Assessment
Dean Nygaard, County Building
Don Wiley, County Public Works
Randy Johnston, County Surveyor
Mike Matthews, County Environmental Health
Joseph Wampler, County Sheriff
Kevin Liburdy, Planning, City of Hood River
Gary Fish, Department of Land Conservation and Development
Jim Trammell, West Side Rural Fire Protection District
Mark Beam, Ice Fountain Water District
Rick Brock, Farmers Irrigation District
Mike Doke, Hood River Airport, Port of Hood River
Kristen Stallman, ODOT (Region 1), Development Review
Martin Jensvold, P.E., ODOT (Region 1), Traffic
Mike Keyes, ODOT (District 2C)
Anne Saxby, Hood River Soil & Water Conservation District
Jonathan Graca, Hood River Valley Residents Committee
Vicente Solorio, Applicant
Jay Sherrerd, Attorney for Applicant
Lyle Baxter, for Owner
Adjacent Property Owners



From: Josette Griffiths, Senior Planner *JG*

Re: Comprehensive Plan & Zone Change #08-077 (2N 10E 2DB, Tax Lot #2600)

Request: Vicente Solorio has applied for a Comprehensive Plan and Zone Change of a 1.18-acre parcel that is currently split-zoned Rural Residential (RR½) and Commercial (C-1). As proposed, that part of the subject parcel that is zoned Rural Residential (RR½) would be rezoned Commercial (C-1), so that the whole parcel would be zoned Commercial (C-1). (See attached application and maps.)

Location: The 1.18-acre parcel is located on the west side of Tucker Road, approximately 500 north of Tucker Road's intersection with Guignard Drive. (See attached map.) The property is further described as: 2N 10E 2DB, Tax Lot #2600.

Zoning: The property is currently split-zoned Commercial (C-1), Rural Residential (RR½), and Airport Height-Horizontal (AH) Overlay Zone. (See attached map.)

Exhibit I, p. 25

No Comment. Mtd T. Be 4-30-08

Manager IFWD

Attachment A

Josette Griffiths

From: Gary Fish [Gary.Fish@state.or.us]
Sent: Tuesday, April 15, 2008 2:14 PM
To: Josette Griffiths
Subject: Re: Solorio Rezone Request

Josette,

A revised notice should be fine. You will need to note the changes to the proposal when and if you submit the adoption notice.

Gary Fish
Regional Representative
Willamette Valley, Columbia & Hood River Counties
Oregon Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 373-0050, Ext. 254
FAX: (503) 378-5518
E-Mail: gary.fish@state.or.us

>>> "Josette Griffiths" <josette.griffiths@co.hood-river.or.us> 04/15/2008 12:53 PM >>>

Hi Gary,

I sent a 45-day notice to DLCD on March 20, 2008 that the Solorio application had been reapplied for (#08-077) since he applied to rezone that property (2N 10E 2DB, Tax Lot 2600) completely Commercial (C-1) and to partition it into two parcels. He has just recently revised the application again to remove the request to partition the property. So, now he is just proposing to rezone the property Commercial (C-1). Do I need to re-notice DLCD with a 45-day notice on that, or can I just amend the most recent 45-day notice that was provided to DLCDL on 03/20/08 to reflect that the partition is no longer requested? (If so, I may change the initial hearing date to May 28, 2008; or I may leave it as May 14 – I need to check notice reqs.)

Thanks,
Josette Griffiths
Senior Planner
Hood River County

Exhibit I, p. 26

Attachment A

Josette Griffiths

From: Gary Fish [Gary.Fish@state.or.us]
Sent: Wednesday, February 20, 2008 4:46 PM
To: Josette Griffiths
Cc: Eric Walker; Mike Benedict; wcarey@gorge.net
Subject: Re: FW: Solario rezone and partition

Josette,

OAR 660-004-0040 applies only to rural residential development. The 2-acre minimum lot size does not apply to rural commercial.

Rural commercial uses are limited by a size threshold of 3,500 square feet of floor area, which is/must be "less intensive" than would be allowed in an rural unincorporated community (4,000 sq ft). Our commission has reviewed this and decided that size is how they will determine what is urban and what is rural for rural commercial and industrial uses. It is sized to serve only the rural area. Rural industrial uses are limited to 35,000 square feet of floor area (40,000 sq ft in a rural unincorporated community). This all came out of a state supreme court decision that told us we must clearly determine what is a rural level of development and what is an urban level of development and limit accordingly. My recollection is that the Hood River County zoning code has not been updated to reflect this size limitation for rural commercial and rural industrial. Mike and I have discussed the need for this change in the past.

So, if the Solario parcel were all zoned rural commercial (your C-1), no exception to Goal 14 would be needed unless he wanted to exceed the 3,500 sq ft floor area threshold for the use. As I said early, lot size in rural commercial zoning is dependent on what is needed to accommodate the use and services (septic, well, drainfield, reserve area, etc.).

Gary Fish
Regional Representative
Willamette Valley, Columbia & Hood River Counties Oregon Department of Land Conservation and Development
635 Capitol St. NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 373-0050, Ext. 254
FAX: (503) 378-5518
E-Mail: gary.fish@state.or.us

>>> "Josette Griffiths" <josette.griffiths@co.hood-river.or.us>
>>> 2/20/2008 4:14 PM >>>

Gary,
So, if he applied to rezone the property all C-1; with a simultaneous request to partition it as proposed, then no Goal 14 exception would be required? That seems counter-productive given that fewer uses would be allowed on the proposed RR parcel, which already has a dwelling on it.

Thanks a lot for your input - we'll for sure discuss it.

Josette Griffiths
Senior Planner
Hood River County

Exhibit I, p. 27

Attachment A

Attachment B

BEFORE THE BOARD OF COMMISSIONERS HOOD RIVER COUNTY, OREGON

IN THE MATTER OF AMENDING THE)
HOOD RIVER COUNTY CODE)
TITLE 8, CHAPTER 12, "Noise Control")

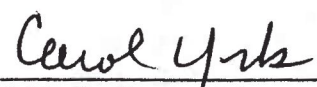
Ordinance No. 265

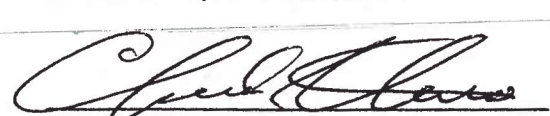
IT IS HEREBY ORDAINED that Hood River County Code Title 8, Chapter, 12 Sections 010, 020, 030, 040, 050, 060, 070, 080, 090, 100, 110 and 120 are repealed in their entirety and Title 8, Chapter 12 is amended to read as per the attached *Exhibit One*.

Adopted this the 16th day of May, 2005

Hood River County
Board of Commissioners


Rodger Shock, Chair


Carol York, Commissioner


Chuck Thomsen, Commissioner

Les Perkins, Commissioner

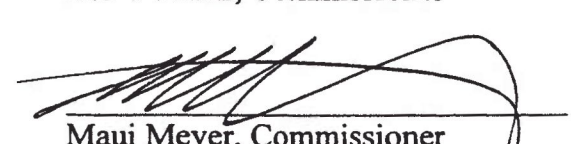

Maui Meyer, Commissioner

Exhibit I, p. 28

Attachment B

Chapter 8.12
NOISE CODE

8.12.015	Definitions.
8.12.025	Noise Levels Prohibited.
8.12.035	Sound Level Meters.
8.12.045	Exemptions.
8.12.055	Variances and Special Events Permits.
8.12.065	Variance and Permit Procedure.
8.12.075	Criteria for Issuance.
8.12.085	Issuance and Revocation.
8.12.095	Appeals.
8.12.105	Penalties.
8.12.115	Non-conforming Use.

8.12.015 Definitions

For the purposes of this Chapter, the following definitions apply:

- (1) "Average" means a sound level measured over the average of one or more seconds, as opposed to a peak sound level measure.
- (2) "A-weighted" means American National Standards Institute standard sound level measurements using the A-weighted scale, which is adjusted to correspond to human hearing.
- (3) "Board" means the Hood River County Board of Commissioners.
- (4) "County Administrator" means the administrator for Hood River County.
- (5) "Dwelling" means a residence, hotel, campground or other facility commonly used for sleep and shelter.
- (6) "Emergency Response" means any activity reasonably related to addressing a law enforcement, fire, health, safety, natural disaster, or public utility emergency or potential emergency.
- (7) "Event Site" means the contiguous property or properties, as legally described, on which an activity or event may be permitted.
- (8) "Lawfully sited" means located in accordance with the zoning and land use regulations of Hood River County or of a city within Hood River County.
- (9) "Noise Sensitive Facility" means a lawfully sited dwelling or a school, hospital, church or public library.
- (10) "Person" means any person, partnership, limited liability company, corporation, organization or other legal entity.
- (11) "Plainly Audible" means sound for which the average listener can discern its content or its source.
- (12) "Sheriff" means the Hood River County Sheriff or the Sheriff's deputies.

8.12.025 Noise Levels Prohibited.

- A. No person shall produce or permit the production of sound that, when measured within 20 feet of the Noise Sensitive Facility of another:

Exhibit I, p. 29

Attachment B

- (1) Exceeds 55 dB, A-weighted, average sound level between the hours of 10:00 p.m. and 7:00 a.m. the following day;
 - (2) Is plainly audible between the hours of 10:00 p.m. and 7:00 a.m. the following day; or
 - (3) Exceeds 65 dB, A-weighted, average sound level at any time of day.
- B. No person shall produce or permit the production of sound in violation of the terms and conditions of a variance or permit issued under this chapter.

8.12.035 Sound Level Meters

- A. Sound measuring equipment used in the enforcement of this chapter shall be:
- (1) Capable of accurate measurements of decibels on the A weighted scale;
 - (2) In good working order;
 - (3) Operated in accordance with the manufacturer's specifications; and
 - (4) Operated by personnel trained to use the equipment to produce accurate sound level readings.

8.12.045 Exemptions.

- A. The noise regulation set forth in this Chapter shall not apply to sounds caused by:
- (1) Emergency Response or by the ordinary use of emergency equipment or vehicles, whether such work is performed by public or private parties.
 - (2) Sources regulated as to sound production by federal law including railroads, aircraft, and commercially licensed watercraft operations;
 - (3) The lawfully sited commercial and industrial operations that are subject to separate general noise restrictions under state or county licenses, permits or regulations.
 - (4) Agricultural and timber management operations.
 - (5) Construction or household tools used between the hours of 7 a.m. and 7 p.m. of the same day.
 - (6) The annual Hood River County Fair.

8.12.055 Variances and Permits.

- A. Persons may apply to the Sheriff for a temporary variance from the application of 8.12.025.
- (1) Variances may be granted for activities that are reasonably necessary to address a problem brought about by factors outside the control of the applicant
 - (2) Variances may be granted for a reasonable time to address the problem, but for no more than 7 days, at which time the applicant must re-apply.
 - (3) The Sheriff or the Board may impose reasonable conditions to variances granted under this section.
- B. Persons may apply to the Sheriff for a permit to hold or conduct activities and events including, but not limited to, athletic, entertainment, recreational, social, educational, civic or religious activities or events.
- (1) All permits under this section shall establish a maximum permissible sound level that shall:

Exhibit I, p. 30

Attachment B

- (a) Prohibit the production of sound in excess of 75 dB, A-weighted, average sound level, as measured from the property line of the event site; or
 - (b) Prohibit the production of sound under terms and conditions set by the Board at a public hearing.
- (2) Permits under this section shall be may only be granted for times between the hours of 10:00 a.m. and 10:00 p.m. on Sundays through Thursdays, and 10:00 a.m. and 11:00 p.m. on Fridays and Saturdays.
- (3) Permits periods may be established as follows:
 - (a) Single Event Permits, which shall apply to activities or events lasting no more than five consecutive days;
 - (b) Annual Permits, which may apply to venues or locations hosting multiple events or activities throughout the calendar year; and
 - (c) On-going permits, which may be used for long-term events or activities, and
 - i. Shall be approved by the Board at a public hearing,
 - ii. Shall be limited to a term set by the Board, not to exceed five (5) years.
- (4) Permit under this section may be granted only for locations and venues generally designed, used or otherwise appropriate to host the activity or event in question, including but not limited to stadiums, parks, fairgrounds, clubs and amphitheaters.

8.12. 065 Variance and Permit Application.

- A. Application for variances or permits under this chapter shall be in writing and shall:
 - (1) Clearly state the nature of the activity requiring the variance or permit;
 - (2) Clearly state the necessity or reason for the variance or permit;
 - (3) Clearly define the geographical area which may be affected by the activity;
 - (4) Clearly state:
 - (a) The specific dates for which the variance or permits is sought;
 - (b) For an Annual Permit, the maximum number of activities or events anticipated during the calendar year; or
 - (c) For an On-going Permit, both the historic and anticipated annual usage of the location for activities or events requiring the permit.
 - (5) Clearly state the times of day that the activity will take place;
 - (6) State by affidavit that the residents or proprietors of all Noise Sensitive Facilities in the affected area have been provided notice of the application, at least 5 business days prior to filing the application; and
 - (7) Include the payment of any fee as required the Board under an approved fee schedule.
- B. Notice under this section shall be made by registered mail or by personal service on an adult member of the household, and shall include:
 - (1) A true copy of the application;

Exhibit I, p. 31

Attachment B

- (2) A clear statement that the Sheriff will accept written comment on the application for five (5) business days from date of submission; and
- (3) The mailing address of the Hood River County Sheriff.

8.12.075 Criteria.

In determining whether or not to grant a variance or permit the Sheriff or Board may consider:

- (1) The potential impact on the residents in the affected area including, but not limited to, all written responses received under 08.12.065(B)(2);
- (2) The nature, level, and duration of the anticipated sound;
- (3) Whether the variance or permit would produce a public benefit;
- (4) The necessity or reason giving rise to the request; and
- (5) The historic use of the property in question.

8.12.085 Issuance and Revocation.

- A. The Sheriff shall publish a decision on the application with fifteen (15) business days of its submission.
- B. The Sheriff or the Board may grant or deny an application, or may grant it subject to further conditions reasonably related to protecting the public from intrusive sound.
- C. Variances and permits granted under this section shall be in writing and shall:
 - (1) Clearly state the duration of the variance or permit;
 - (2) Clearly define the activity permitted;
 - (3) Clearly define the geographical area in which the activity may occur; and
 - (4) Clearly state all additional conditions, including any applicable restrictions imposed under 08.12.055(B)(1)(b).
- D. The Sheriff or the Board may revoke a variance or permit issued under this chapter at any time upon a finding of good cause.

8.12.095 Appeals.

- A. A decision by the Sheriff under this chapter may be appealed to the Board.
- B. Notice of appeal must be delivered to the Board within 30 days from the date of the Sheriff's decision.
- C. The Board shall review the application *de novo* within 30 days of filing of the notice to appeal, and shall issue an order within 10 days thereafter.

8.12.105 Penalty.

- A. Violation of 8.12.025 shall be a civil offense punishable by a fine of not more than \$500.00.
- B. Violation of the terms and conditions of a variance or permit shall be a civil offense punishable by a fine of not more than \$1000.00.
- C. Nothing in this section shall limit the authority of the County to pursue other remedies including but not limited to abatement, mandamus and injunction.

8.12.115 Non-Conforming Use

Exhibit I, p. 32

Attachment B

- A. Non-conforming uses lawfully in existence prior to the date of the adoption of this section of the Hood River County Code, shall be granted a three (3) month period within which to comply with its provisions.
- B Any person or facility not in compliance by the end of such three (3) month period may apply for a variance or permit, as set forth in section 8.12.055.
- C. This Section shall apply only to non-conforming uses already in existence, or for which work on improvements had commenced, prior to the date that this Code section went into effect.

EXHIBIT II

APPLICATION FOR ZONE CHANGE #08-077

JAQUES, SHARP, SHERRERD, FITZSIMONS & OSTRYE

B. GIL SHARP, P.C. ■
JERRY J. JAQUES, P.C.
JAY F. SHERRERD, P.C. ●
MICHAEL B. FITZSIMONS, P.C. ●
KAREN OSTRYE, P.C. ●

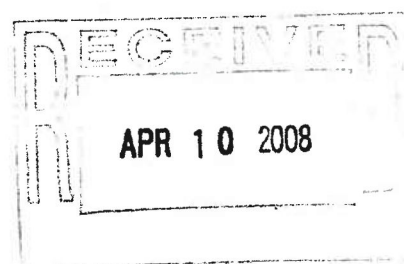
ATTORNEYS AT LAW
205 THIRD STREET ♦ PO BOX 457
HOOD RIVER, OREGON 97031
(541) 386-1311
FAX (541) 386-8771

E-MAIL: hrlaw@gorge.net

ALSO ADMITTED IN:
■ COLORADO
● WASHINGTON

April 9, 2008

Josette Griffiths
Senior Planner
Hood River County Planning
601 State Street
Hood River, OR 97031



**Re: Vicente Solorio
Application for Plan and Zone change**

Dear Josette:

I have enclosed the revised Application for Vicente Solorio to re-zone his split-zoned parcel on Tucker Road to be entirely C-1.

Please let me know if you have additional questions or comments.

Sincerely,

JAQUES, SHARP, SHERRERD, FITZSIMONS & OSTRYE

Monica Sherrerd
for Jay F. Sherrerd

JFS:ms

Enclosures

cc: Vicente Solorio

Exhibit II, p. 1

APPLICATION FOR COMPREHENSIVE PLAN AND ZONE / ZONE BOUNDARY ADJUSTMENT

Hood River County
Hood River, Oregon 97031
601 State Street
Phone: 541-387-6840
Fax: 541-387-6873

Application No. #08-077

Applicant's Name Vicente Solorio Township 2N

Address 1260 Tucker Road Range 10E

Hood River, Or 97031 Section 2DB

Telephone No. 541-387-3848 Tax Lot 2600

Owner's Name Lyle Baxter (seller) Present Zone C-1/RR

Address 12004 36th Ave. Requested Zone C-1

Vancouver, WA 98685 Comprehensive Plan

Note: If applicant is other than owner of the property, a letter from the owner stating his / her full knowledge and consent of this application shall be required prior to processing.

Describe projects and / or purpose of Zone Change in Detail (also complete site plan attached)

Replace split-zoning on parcel (RR and C-1) with entirely C-1 zone to
allow refinancing of property and also facilitate orderly future
development

Water Supply Source Ice Fountain Application Fee prev paid

Method of Sewerage Disposal Septic Collected By _____

Access Hwy. 281 on _____

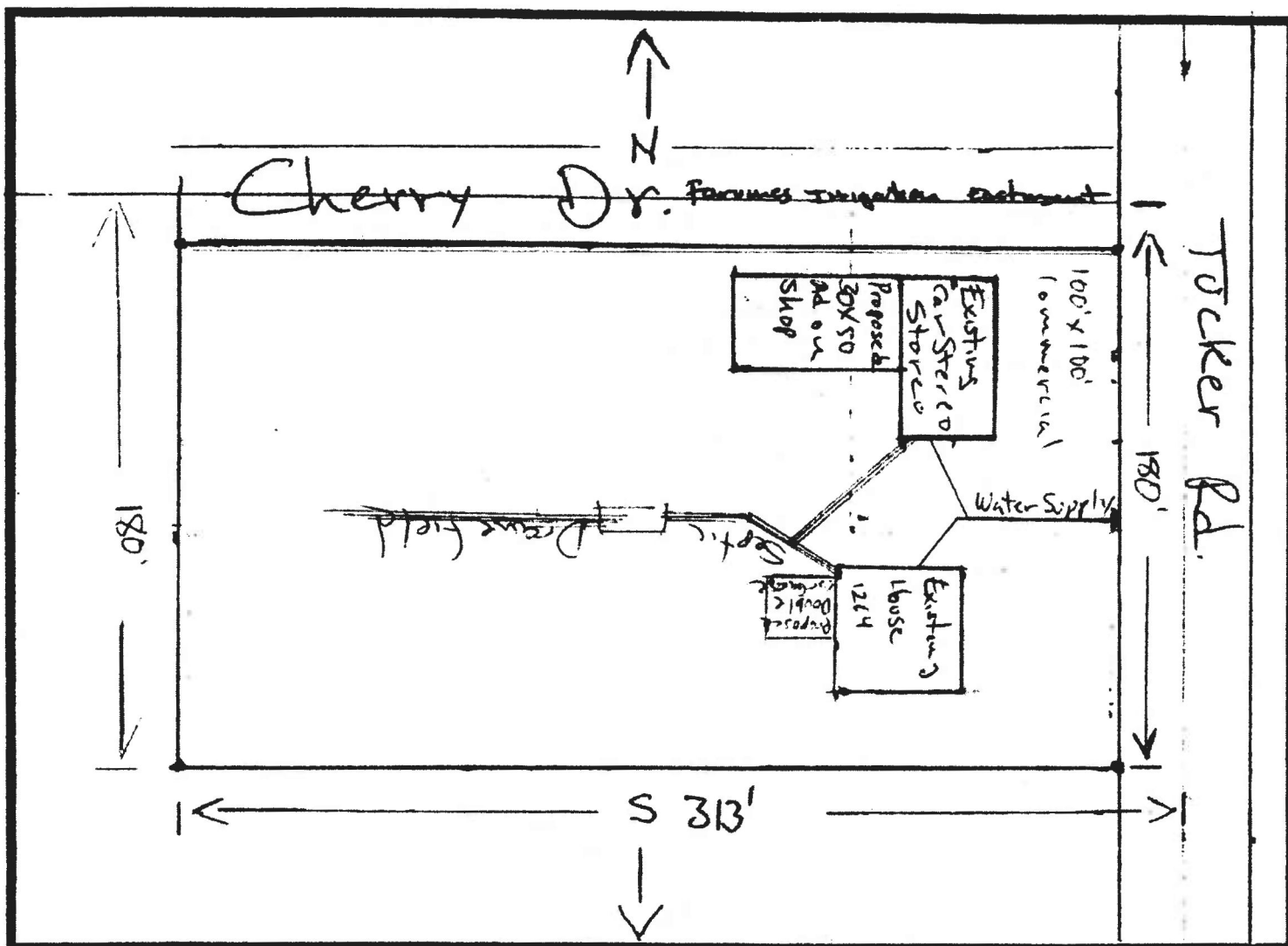
The above information and enclosed documents are true and correct to the best of my knowledge.

Vicente Solorio
Signature

SITE PLAN

PLEASE DRAW IN BLACK INK

A larger sheet of paper may be used and may be attached to your building plans.
***SITE PLANS NOT HAVING ALL THE REQUIRED INFORMATION CAN NOT BE PROCESSED.**



INDICATE ON SKETCH

- | | |
|---|--|
| 1. North arrow | 10. Sewage Drainfield |
| 2. Scale (1"=200' or better) | 11. Show parking, circulation and fire vehicle turnaround |
| 3. Size and location of all existing and proposed buildings | 12. Existing or proposed fencing and vegetative buffers |
| 4. Address of existing buildings | 13. Geographic features and elevation changes (design required for slopes exceeding 2 units horizontal to one unit vertical) |
| 5. Domestic water supply within 100 ft. | 14. Additions - show proposed additions in dotted lines |
| 6. Bodies of water within 200 ft. | 15. All easements (access, utility, irrigation, etc.) |
| 7. Property lines with exact dimensions and lot size | 16. Driveways |
| 8. Distance between buildings and property lines | 17. Porches/decks/carports/accessory buildings |
| 9. Adjacent roads (include names) and access roads | |

Application for Comprehensive Plan and Zone Change

Applicant: Vicente Solorio
Property: 2N-10E-2DB-2600
Date: March 18, 2008
Attorney: Jay F. Sherrerd

The applicant, Vicente Solorio, is the contract purchaser of the subject property. The seller, Lyle W. Baxter, has signed a consent to proceed with this land use application.

The property is a 1.18-acre split-zoned parcel. A very rough approximation from the map suggests that .2 acres is zoned C-1 and the remaining 1 acre, more or less, is zoned RR. There is an existing commercial building on the C-1 portion, and a residence on the RR portion. Applicant proposes to re-zone the parcel to be entirely C-1.

The property is served by Ice Fountain Water District and West Side Fire District. Sewer is not available. The two buildings currently share a septic system which is located almost entirely on the proposed north parcel.

No specific new use is proposed at this time, although the applicant intends to expand the commercial use (a retail car stereo store) by constructing a 1,500 square foot shop building on the north parcel, and including additional parking. Any use will be required to meet applicable development standards as part of a request for a Commercial Land Use Permit.

1. Burden of Proof.

The applicant submits that the proposal meets the burden of proof required by the Hood River County Zoning Ordinance, as set forth below:

- (a) Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.
 - The public's interest is manifested in the Comprehensive Plan. The proposal will create only a minimal departure from present land-use patterns, by allowing a modest expansion of an existing commercial use and a potential conversion of a residential use to a commercial use (although no such plans are contemplated at this time). The existing, nearby development along the west side of Tucker Road is mostly commercial with some residential infill and even some light industrial, making the existing residential use on applicant's property undesirable. Although the applicant intends to continue the residential use, its potential conversion to commercial use is consistent with the area. The request is consistent with the goals, policies, strategies, and standards of the Comprehensive Plan, as explained more completely below.
- (b) The proposed action is in compliance with the Comprehensive Plan.

The proposal is in compliance with applicable Comprehensive Plan provisions, as explained below.

- (c) The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:

- (i) The characteristics of the various areas of the County.

The existing, nearby development along the west side of Tucker Road is mostly commercial with some residential and even some light industrial. The subject parcel itself currently has a commercial use and a residential use. The proposal is consistent with existing, nearby development.

- (ii) The suitability of the subject area for the type of development in question.

The subject parcel is located adjacent to an arterial roadway. Excluding sewer, the subject parcel is located in an area that is served by public utilities and services. Future development options will be subject to septic approvals.

- (iii) Trends in land development.

Approval of this application will allow the use of the parcel in a similar fashion to the surrounding uses. The proposed zoning is consistent with existing surrounding development and zoning designations.

- (iv) Density of development.

The potential for future density on the subject parcel will not increase by approving this application.

- (v) Property values.

As the property has historically been used for commercial purposes, and many of the surrounding parcels are similarly used, the property values of nearby parcels should not be adversely impacted by the proposed development.

- (vi) The needs of economic enterprises in the future development of the County.

Approval of this application will provide additional employment opportunities for nearby residents.

- (vii) Access.

The subject parcel is adjacent to Tucker Road (Hwy 281). It is not anticipated that a modest expansion of the existing commercial use will increase traffic counts to adversely impact the safe and convenient use of nearby transportation facilities.

(viii) Natural resources.

There are no natural resources on or near the subject parcel that would be adversely impacted by the proposed request.

(d) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider.

The subject parcel has been used for residential and commercial purposes for decades, apparently. The proposed zoning would simply allow an expansion of the commercial use in an area that has seen increasing commercial uses over the years. Therefore, the proposed zoning would be consistent with surrounding development and uses.

2. Goal 2 - Land Use Planning.

The subject property is located outside of an urban growth boundary (UGB) or acknowledged unincorporated community and is, therefore, considered "rural" land. This proposal would simply expand the existing commercial designation.

According to DLCD, there is a 2-acre minimum lot size for new residential lots in this area unless an exception to Goal 14 is obtained. OAR 660-004-0040. Therefore, the existing residential lot is already nonconforming and DLCD objected to the partitioning of a smaller residential lot from this parcel. Therefore, rezoning the entire parcel commercial is consistent with state and local land use planning.

3. Goal 9 - Economic Development

The applicant is proposing to expand the existing commercial designation on the property. The request will not adversely impact the stability and health of the agricultural and forestry economic base of the County. The parcel is not only located in a developed setting, but the parcel is already partially developed with driveway, parking, buildings, and other structural improvements that would preclude it from reasonably being converted to resource use in the future.

As required in Goal 14, only rural types of development may be permitted outside of a UGB or acknowledged unincorporated community without a Goal 2 Exception to Goal 14. The county may condition development to ensure that it continues to be rural in nature.

Approval of this application would add land to the commercial land-base, thereby contributing to commercial growth and employment opportunities of the County. The subject parcel has been used for commercial uses for decades. The parcel is located near other existing commercial uses to north and south. The subject parcel is clustered amongst this existing development, as required by this policy.

4. Goal 11 - Public Facilities and Services.

Public facilities and services necessary to accommodate future commercial development on the subject parcel already exist on the parcel or are available in the area. Public sewer service is not available, however, the site has one approved septic drainfield location and room for more septic

PAGE 3 - SOLORIO ZONE CHANGE APPLICATION

systems, and holding tanks if necessary.

5. Goal 12 - Transportation.

The subject parcel abuts Tucker Road (Highway 281), an identified arterial roadway.

6. Goal 14 - Urbanization.

Under Goal 14, uses that would occur in areas of the County that are outside of an urban growth boundary or acknowledged unincorporated community must be rural in nature. Rural uses are not defined, but those commercial uses that would be allowed in a rural area, by inference, must be less intensive than those allowed within an unincorporated community. Commercial uses that are small-scale and low impact, are allowed under OAR 660, Division 22. Applying a condition limiting the size of commercial buildings can assure that the level of development is appropriate.

Potential Residential Development: In the C-1 zone, residential development is a permitted use, subject to the site development standards of the R-2 zone. In the R-2 zone, a residence may be allowed per 7,500 square feet. In this case, the existing residential use will be continued for the foreseeable future.

I, Lyle Baxter, am the contract seller of the real property being purchased by Vicente Solorio. I hereby consent to the land use application submitted by Mr. Solorio.

Dated this 19 day of MARCH, 2008.

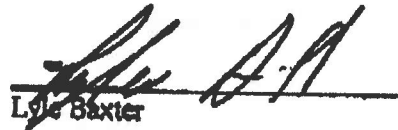

Lyle Baxter

Exhibit II, p. 8

Mar. 19 2008 01:20PM P2

FAX NO. : 360 576 1695

FROM : PORTABLE FAX & MACHINE

EXHIBIT III

NOTICE

AFFIDAVIT OF PUBLICATION

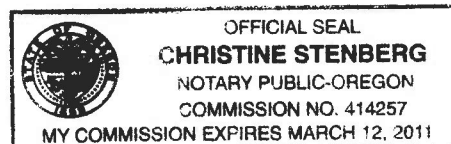
STATE OF OREGON
COUNTY OF HOOD RIVER

I, Joe Petshow, being first duly sworn, depose and say that I am the publisher of the Hood River News, a newspaper of general circulation printed and published at Hood River in the aforesaid county and state, as defined by ORS 193.010 and 193.020 and that SOLORIO #08-077, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 time in the following issues:
May 3, 2008

.....
Joe Petshow

Subscribed and sworn to before me this 9th
Day of May, 2008

.....
Christine Stenberg



**HOOD RIVER COUN-
TY PLANNING COM-
MISSION NOTICE OF
PUBLIC HEARING
SOLORIO COMPRE-
HENSIVE PLAN
& ZONE CHANGE
#08-077**

Vicente Solario has applied for a Comprehensive Plan and Zone Change of a 1.18-ac parcel that is currently split-zoned Rural Residential and Commercial. As proposed, that part of the subject parcel that is zoned Rural Residential would be rezoned Commercial, so that the whole parcel would be zoned Commercial.

The 1.18-ac parcel is located on the W side of Tucker Rd., approx. 500' N of Tucker Road's intersection with Guigard Dr. The property is further described as: 2N 10E 2DB, Tax Lot #2600.

The property is currently split-zoned Commercial, Rural Residential, and Airport Height-
Horizontal Overlay Zone.

Written or oral comments may be made up to and at the Planning Commission hearing. However, if you have any comments that you would like staff to consider during preparation of the staff report, please provide them to County Planning by 5:00 pm, Wed May 14, 2008.

This matter will be heard by the Planning Commission on Wed, May 28, 2008, at or after 7:00 p.m., in the 1st Floor Conference Room of the Hood River County Business Administration Building, 801 State St., Hood River, Oregon. All interested parties may appear and be heard.

Failure of an issue to be raised at the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Board of County Commissioners based on that issue.

For information regarding this application, please contact Josette Griffiths, Senior Planner, at the Hood River County Planning Department at (541) 387-6840. The application and supporting documents are available for review at the County Planning Department at no cost; copies may be purchased at 0.25¢ per page. A copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing, and will be provided upon request at a reasonable cost.

36-11

Exhibit III, p. 1

Affidavit Of Mailing

Applicant: Vicente Solorio
File Number(s): 08-077 ZC/mw.

I, Cecelia Hardman, hereby swear that on the 28th day of April 2008,
I caused to be mailed on the above date a copy of the attached

Adjacent Property Owner Notification

To the agencies/individuals on the attached list.

(Signed)

Cecelia Hardman



FILE COPY
Hood River County Planning & Building Services
601 State Street, Hood River OR 97031

MICHAEL BENEDICT, DIRECTOR
(541) 387-6840 • FAX (541) 387-6873
E-mail: plan.dept@co.hood-river.or.us

DEAN A. NYGAARD, BUILDING OFFICIAL
(541) 386-1306 • FAX (541) 387-6878
E-mail: building@co.hood-river.or.us

April 28, 2008

To: Sandra Berry, County Records & Assessment
Dean Nygaard, County Building
Don Wiley, County Public Works
Randy Johnston, County Surveyor
Mike Matthews, County Environmental Health
Joseph Wampler, County Sheriff
Kevin Liburdy, Planning, City of Hood River
Gary Fish, Department of Land Conservation and Development
Jim Trammell, West Side Rural Fire Protection District
Mark Beam, Ice Fountain Water District
Rick Brock, Farmers Irrigation District
Mike Doke, Hood River Airport, Port of Hood River
Kristen Stallman, ODOT (Region 1), Development Review
Martin Jensvold, P.E., ODOT (Region 1), Traffic
Mike Keyes, ODOT (District 2C)
Anne Saxby, Hood River Soil & Water Conservation District
Jonathan Graca, Hood River Valley Residents Committee
Vicente Solorio, Applicant
Jay Sherrerd, Attorney for Applicant
Lyle Baxter, for Owner
Adjacent Property Owners

From: Josette Griffiths, Senior Planner *JG*

Re: **Comprehensive Plan & Zone Change #08-077 (2N 10E 2DB, Tax Lot #2600)**

Request: Vicente Solorio has applied for a Comprehensive Plan and Zone Change of a 1.18-acre parcel that is currently split-zoned Rural Residential (RR½) and Commercial (C-1). As proposed, that part of the subject parcel that is zoned Rural Residential (RR½) would be rezoned Commercial (C-1), so that the whole parcel would be zoned Commercial (C-1). *(See attached application and maps.)*

Location: The 1.18-acre parcel is located on the west side of Tucker Road, approximately 500 north of Tucker Road's intersection with Guignard Drive. *(See attached map.)* The property is further described as: 2N 10E 2DB, Tax Lot #2600.

Zoning: The property is currently split-zoned Commercial (C-1), Rural Residential (RR½), and Airport Height-Horizontal (AH) Overlay Zone. *(See attached map.)*

Exhibit III, p. **3**

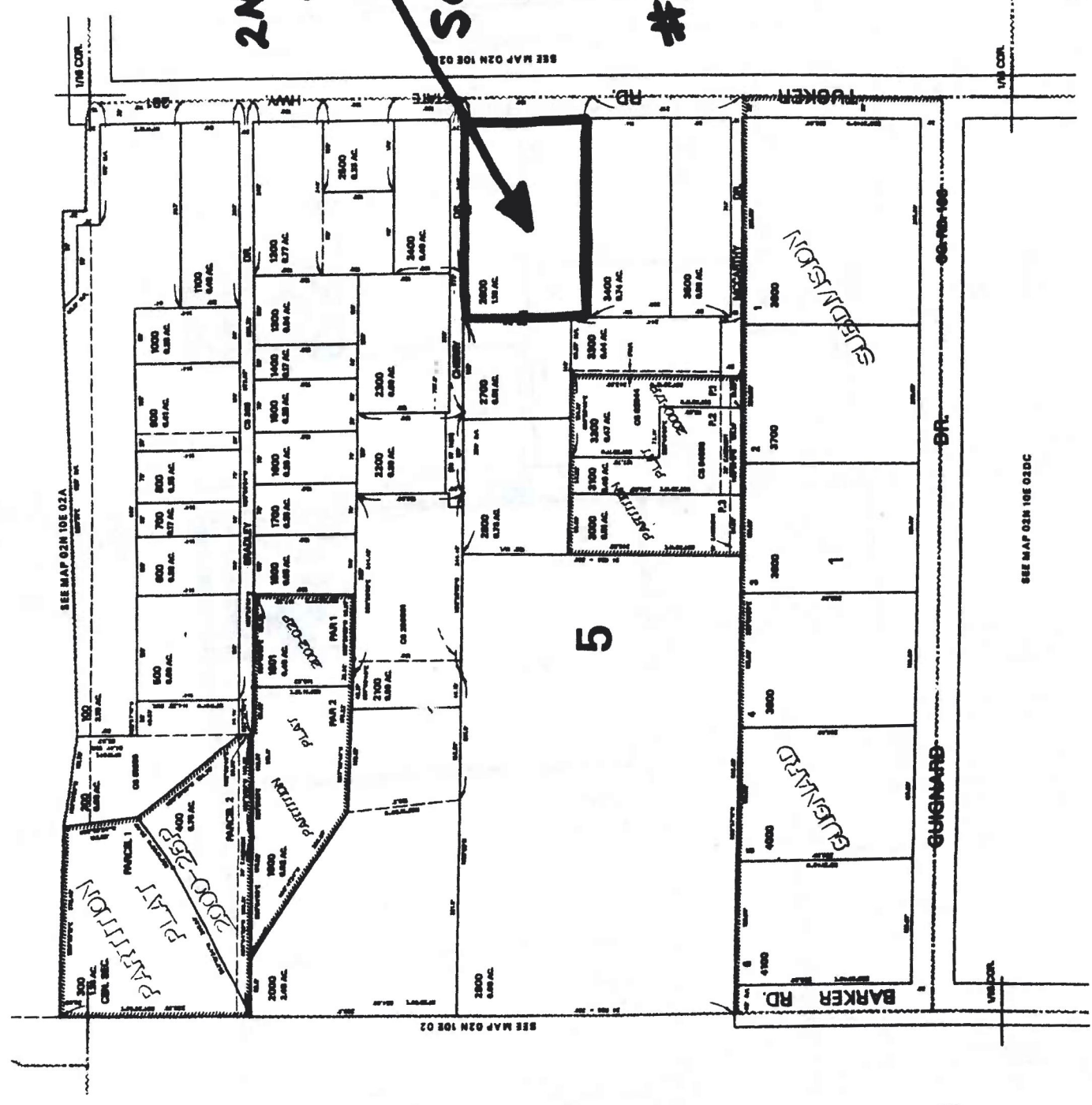
- Applicable Criteria:** The application will be reviewed pursuant to Article 21 ("Commercial Zone"), Article 34 ("Airport Height Combining Zone"), and Article 60 ("Administrative Procedures") of the Hood River County Zoning Ordinance; the Hood River County Comprehensive Plan, including the County Policy Document; applicable Statewide Planning Goals; and Oregon Administrative Rules, pertaining to Goal 14.
- Response:** Written or oral comments may be made up to and at the Planning Commission hearing. However, if you have any comments that you would like staff to consider during preparation of the staff report, please provide any comments to me by **5:00 pm, Wednesday, May 14, 2008**. *(Please note: if you are providing written comments at the hearing, please make at least 10 copies to ensure that the members of the Planning Commission, staff, and the applicant receive a copy of your comments.)*
- Hearing Date:** This matter will be heard by the Planning Commission at their regularly scheduled meeting on **Wednesday, May 28, 2008, at or after 7:00 p.m.**, in the 1st Floor Conference Room of the Hood River County Business Administration Building, 601 State Street, Hood River, Oregon. All interested parties may appear and be heard.
- Hearing's Procedure:** Failure of an issue to be raised at the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Board of County Commissioners based on that issue.
- Available Information:** For additional information regarding this application, please contact Josette Griffiths, Senior Planner, at the Hood River County Planning Department at (541) 387-6840. The application and supporting documents are available for review at the County Planning Department at no cost; copies may be purchased at 0.25¢ per page. A copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing, and will be provided upon request at a reasonable cost.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

HOOD RIVER COUNTY



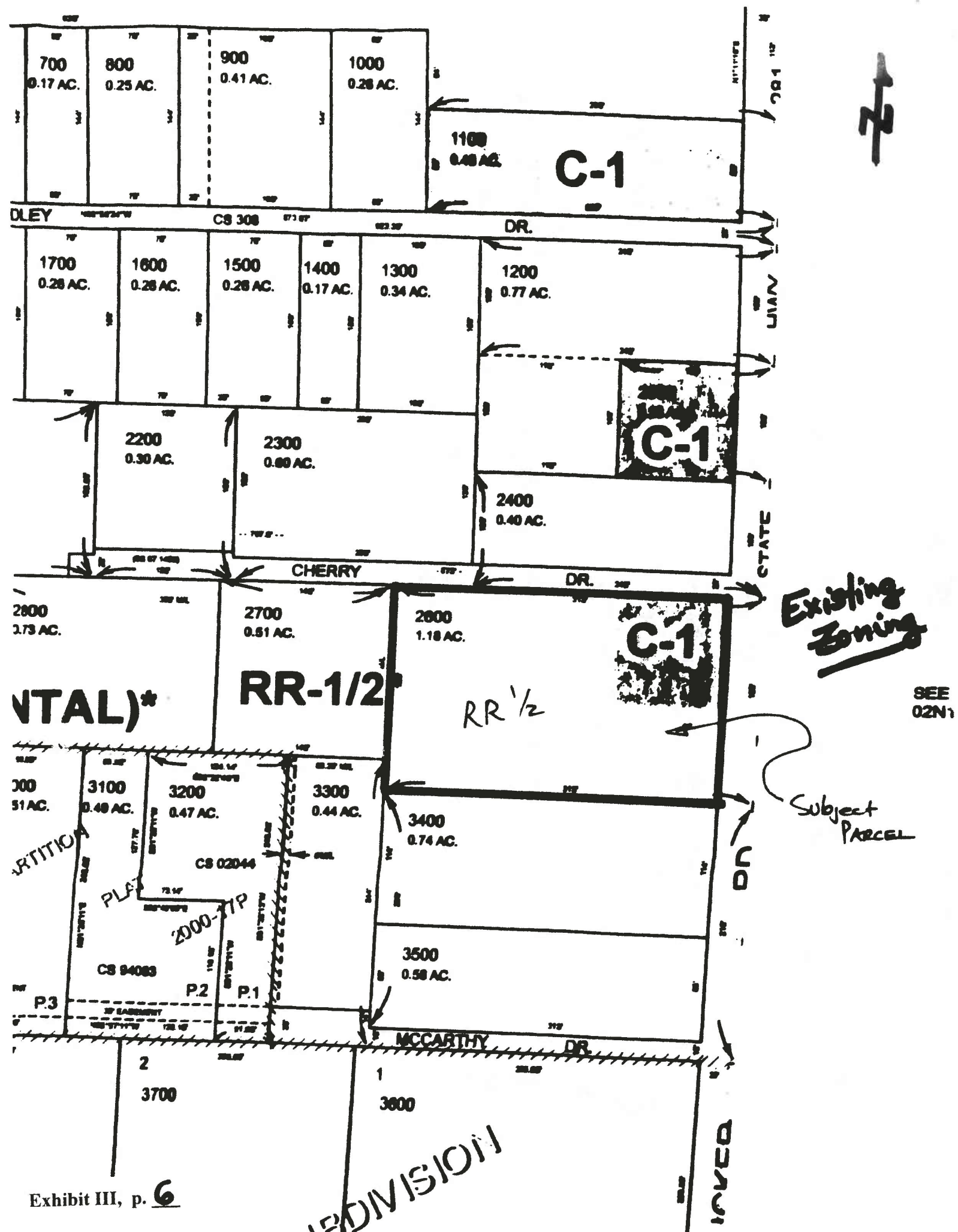
N ↑



2N 10E 2DB,
TL 2600
SOLORIO
ZONE
CHANGE
#08-077

JAN 15 2003
Exhibit III, p. 5

REVIEWER: JD
DATE: 01/15/03
02N 10E 02DB

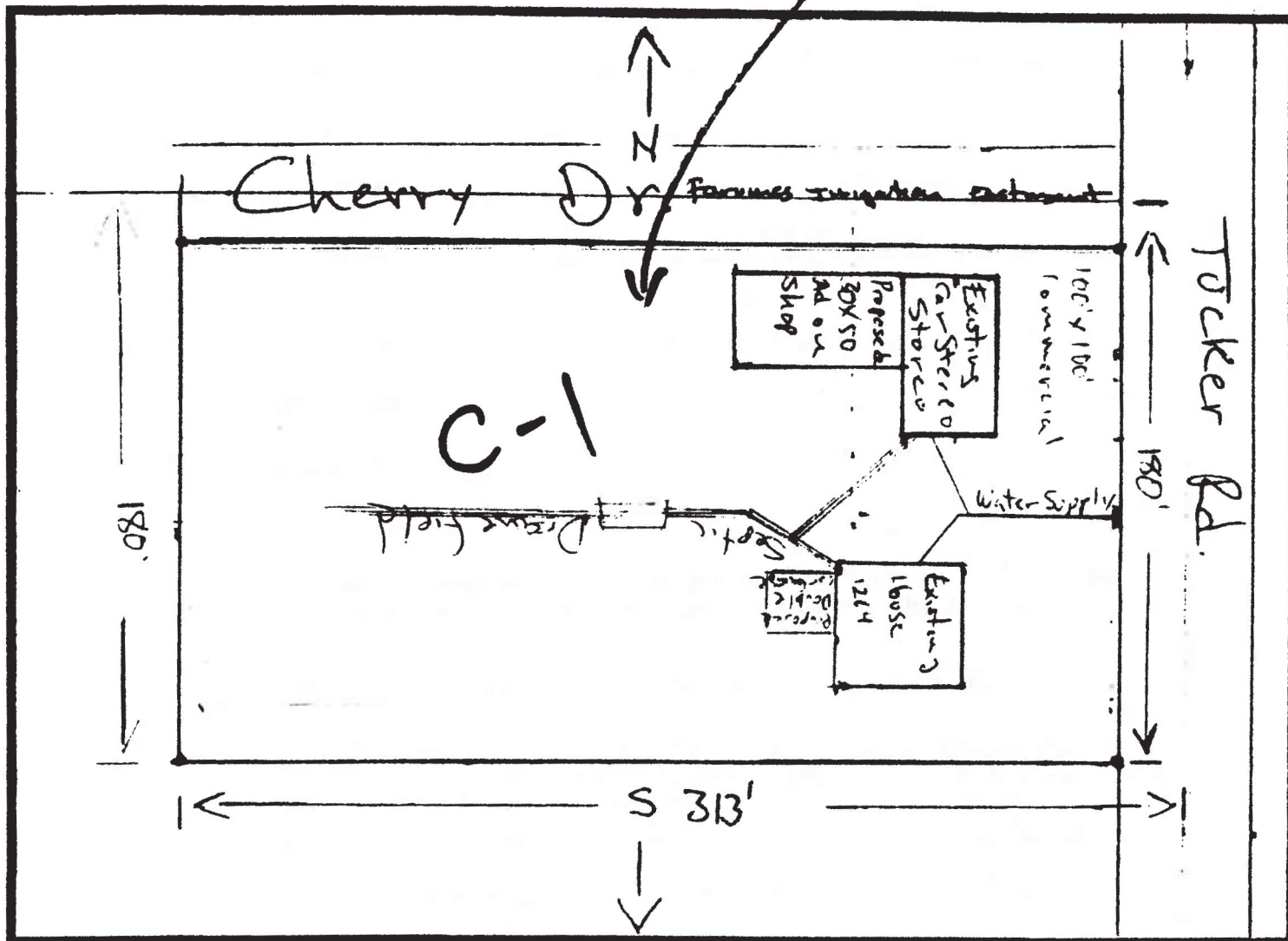


SITE PLAN

PLEASE DRAW IN BLACK INK

Proposed Zoning

A larger sheet of paper may be used and may be attached to your building plans.
*SITE PLANS NOT HAVING ALL THE REQUIRED INFORMATION CAN NOT BE PROCESSED.



INDICATE ON SKETCH

- | | |
|---|--|
| 1. North arrow | 10. Sewage Drainfield |
| 2. Scale (1"=200' or better) | 11. Show parking, circulation and fire vehicle turnaround |
| 3. Size and location of all existing and proposed buildings | 12. Existing or proposed fencing and vegetative buffers |
| 4. Address of existing buildings | 13. Geographic features and elevation changes (design required for slopes exceeding 2 units horizontal to one unit vertical) |
| 5. Domestic water supply within 100 ft. | 14. Additions - show proposed additions in dotted lines |
| 6. Bodies of water within 200 ft. | 15. All easements (access, utility, irrigation, etc.) |
| 7. Property lines with exact dimensions and lot size | 16. Driveways |
| 8. Distance between buildings and property lines | 17. Porches/decks/carports/accessory buildings |
| 9. Adjacent roads (include names) and access roads | |

APPLICATION FOR COMPREHENSIVE PLAN AND ZONE / ZONE BOUNDARY ADJUSTMENT

Hood River County
Hood River, Oregon 97031
601 State Street
Phone: 541-387-6840
Fax: 541-387-6873

Application No. #08-077

Applicant's Name Vicente Solorio Township 2N
Address 1260 Tucker Road Range 10E
Hood River, Or 97031 Section 2DB
Telephone No. 541-387-3848 Tax Lot 2600

Owner's Name Lyle Baxter (Seller) Present Zone C-1/RR
Address 12004 36th Ave. Requested Zone C-1
Vancouver, WA 98685 Comprehensive Plan

Note: If applicant is other than owner of the property, a letter from the owner stating his / her full knowledge and consent of this application shall be required prior to processing.

Describe projects and / or purpose of Zone Change in Detail (also complete site plan attached)
Replace split-zoning on parcel (RR and C-1) with entirely C-1 zone to
allow refinancing of property and also facilitate orderly future
development

Water Supply Source Ice Fountain Application Fee prev paid
Method of Sewerage Disposal Septic Collected By _____
Access Hwy 281 on Rec 1 4-10-08

The above information and enclosed documents are true and correct to the best of my knowledge.

Vicente Solorio
Signature

Application for Comprehensive Plan and Zone Change

Applicant: Vicente Solorio
Property: 2N-10E-2DB-2600
Date: March 18, 2008
Attorney: Jay F. Sherrerd

The applicant, Vicente Solorio, is the contract purchaser of the subject property. The seller, Lyle W. Baxter, has signed a consent to proceed with this land use application.

The property is a 1.18-acre split-zoned parcel. A very rough approximation from the map suggests that .2 acres is zoned C-1 and the remaining 1 acre, more or less, is zoned RR. There is an existing commercial building on the C-1 portion, and a residence on the RR portion. Applicant proposes to re-zone the parcel to be entirely C-1.

The property is served by Ice Fountain Water District and West Side Fire District. Sewer is not available. The two buildings currently share a septic system which is located almost entirely on the proposed north parcel.

No specific new use is proposed at this time, although the applicant intends to expand the commercial use (a retail car stereo store) by constructing a 1,500 square foot shop building on the north parcel, and including additional parking. Any use will be required to meet applicable development standards as part of a request for a Commercial Land Use Permit.

1. Burden of Proof.

The applicant submits that the proposal meets the burden of proof required by the Hood River County Zoning Ordinance, as set forth below:

- (a) Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.

The public's interest is manifested in the Comprehensive Plan. The proposal will create only a minimal departure from present land-use patterns, by allowing a modest expansion of an existing commercial use and a potential conversion of a residential use to a commercial use (although no such plans are contemplated at this time). The existing, nearby development along the west side of Tucker Road is mostly commercial with some residential infill and even some light industrial, making the existing residential use on applicant's property undesirable. Although the applicant intends to continue the residential use, its potential conversion to commercial use is consistent with the area. The request is consistent with the goals, policies, strategies, and standards of the Comprehensive Plan, as explained more completely below.

- (b) The proposed action is in compliance with the Comprehensive Plan.

The proposal is in compliance with applicable Comprehensive Plan provisions, as explained below.

(c) The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:

(i) The characteristics of the various areas of the County.

The existing, nearby development along the west side of Tucker Road is mostly commercial with some residential and even some light industrial. The subject parcel itself currently has a commercial use and a residential use. The proposal is consistent with existing, nearby development.

(ii) The suitability of the subject area for the type of development in question.

The subject parcel is located adjacent to an arterial roadway. Excluding sewer, the subject parcel is located in an area that is served by public utilities and services. Future development options will be subject to septic approvals.

(iii) Trends in land development.

Approval of this application will allow the use of the parcel in a similar fashion to the surrounding uses. The proposed zoning is consistent with existing surrounding development and zoning designations.

(iv) Density of development.

The potential for future density on the subject parcel will not increase by approving this application.

(v) Property values.

As the property has historically been used for commercial purposes, and many of the surrounding parcels are similarly used, the property values of nearby parcels should not be adversely impacted by the proposed development.

(vi) The needs of economic enterprises in the future development of the County.

Approval of this application will provide additional employment opportunities for nearby residents.

(vii) Access.

The subject parcel is adjacent to Tucker Road (Hwy 281). It is not anticipated that a modest expansion of the existing commercial use will increase traffic counts to adversely impact the safe and convenient use of nearby transportation facilities.

(viii) Natural resources.

There are no natural resources on or near the subject parcel that would be adversely impacted by the proposed request.

(d) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider.

The subject parcel has been used for residential and commercial purposes for decades, apparently. The proposed zoning would simply allow an expansion of the commercial use in an area that has seen increasing commercial uses over the years. Therefore, the proposed zoning would be consistent with surrounding development and uses.

2. Goal 2 - Land Use Planning.

The subject property is located outside of an urban growth boundary (UGB) or acknowledged unincorporated community and is, therefore, considered "rural" land. This proposal would simply expand the existing commercial designation.

According to DLCD, there is a 2-acre minimum lot size for new residential lots in this area unless an exception to Goal 14 is obtained. OAR 660-004-0040. Therefore, the existing residential lot is already nonconforming and DLCD objected to the partitioning of a smaller residential lot from this parcel. Therefore, rezoning the entire parcel commercial is consistent with state and local land use planning.

3. Goal 9 - Economic Development

The applicant is proposing to expand the existing commercial designation on the property. The request will not adversely impact the stability and health of the agricultural and forestry economic base of the County. The parcel is not only located in a developed setting, but the parcel is already partially developed with driveway, parking, buildings, and other structural improvements that would preclude it from reasonably being converted to resource use in the future.

As required in Goal 14, only rural types of development may be permitted outside of a UGB or acknowledged unincorporated community without a Goal 2 Exception to Goal 14. The county may condition development to ensure that it continues to be rural in nature.

Approval of this application would add land to the commercial land-base, thereby contributing to commercial growth and employment opportunities of the County. The subject parcel has been used for commercial uses for decades. The parcel is located near other existing commercial uses to north and south. The subject parcel is clustered amongst this existing development, as required by this policy.

4. Goal 11 - Public Facilities and Services.

Public facilities and services necessary to accommodate future commercial development on the subject parcel already exist on the parcel or are available in the area. Public sewer service is not available, however, the site has one approved septic drainfield location and room for more septic

systems, and holding tanks if necessary.

5. Goal 12 - Transportation.

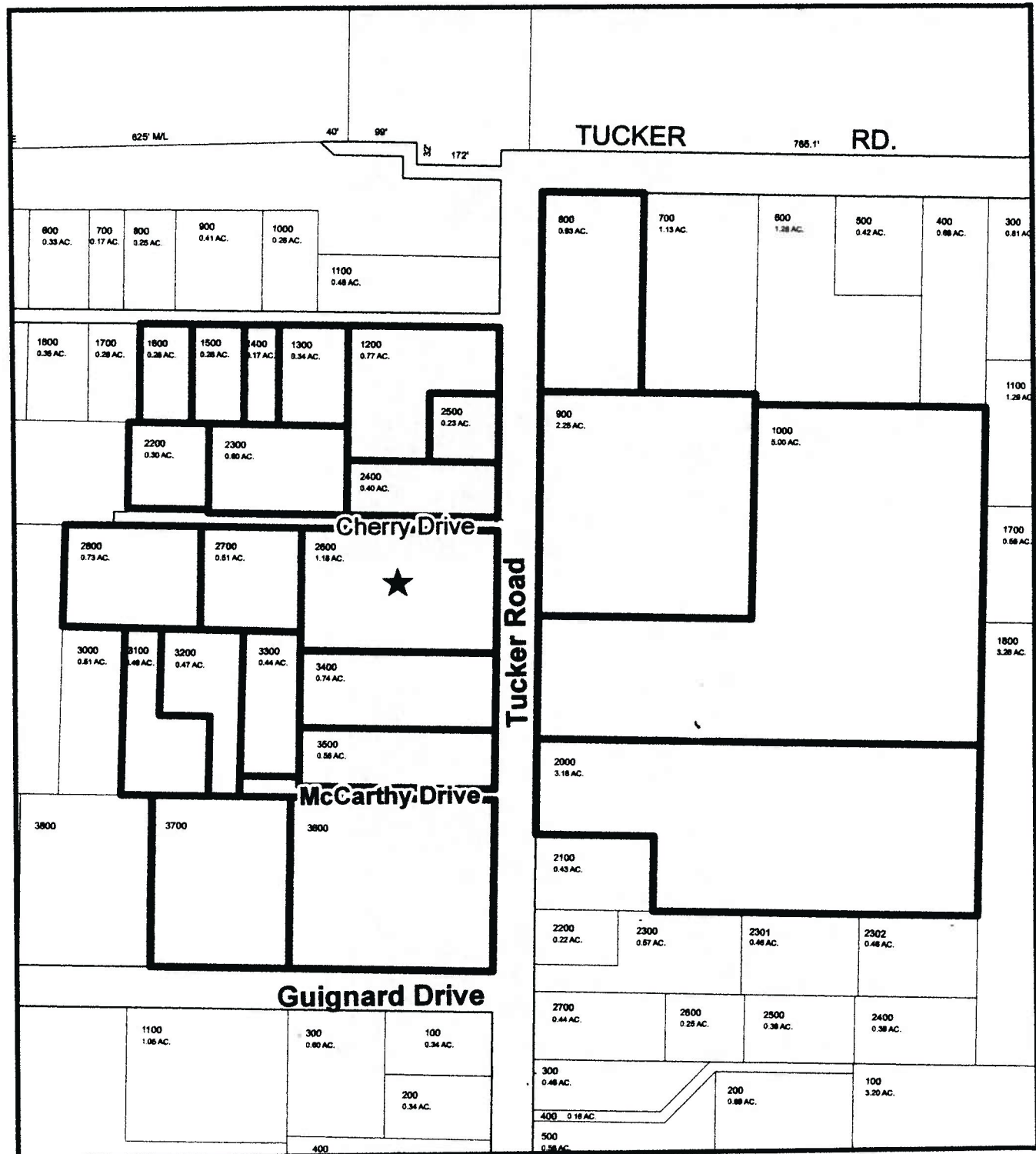
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Potential Residential Development: In the C-1 zone, residential development is a permitted use, subject to the site development standards of the R-2 zone. In the R-2 zone, a residence may be allowed per 7,500 square feet. In this case, the existing residential use will be continued for the foreseeable future.

Solorio Zone Change #08-077
Notice to APOs within 250' of 2N 10E 2DB, TL 2600



Solorio Zone Change #08-077

MAP	TAX LOT	OWNER	ADDRESS	CITY	STATE	ZIP
02N10E02DA	800	CATHOLIC CHURCH OF SAINT MARY	1501 BELMONT	HOOD RIVER	OR	97031
02N10E02DA	900	MT VIEW MEMORIAL CEMETERY, INC.	1235 TUCKER ROAD	HOOD RIVER	OR	97031
02N10E02DA	1000	JOHNSTON, TERRY L TRUSTEE U-2	PO BOX 567	WOODBURN	OR	97071
02N10E02DA	2000	DYE, LLOYD JR & MARGARET L	3223 GRAVENSTEIN DRIVE	HOOD RIVER	OR	97031
02N10E02DB	1200	TUCKER, A NORMAN & PRISCILLA A	PO BOX 1462	RICHLAND	WA	99352
02N10E02DB	1300	CHAVARRIA, SAUL ET AL	PO BOX 287	ODELL	OR	97044
02N10E02DB	1400	JENKINS, SHARI L	3890 BELMONT	HOOD RIVER	OR	97031
02N10E02DB	1500	HUBLER, ROBERT FORREST & VICTORIA E	PO BOX 1212	HOOD RIVER	OR	97031
02N10E02DB	1600	WYMORE, AARON C.	3391 BRADLEY DRIVE	HOOD RIVER	OR	97031
02N10E02DB	2200	PERRY, SCOTT D & THERESA M	3390 CHERRY DR	HOOD RIVER	OR	97031
02N10E02DB	2300	BECKER, MICHAEL R & MARGARET P	3370 CHERRY DR.	HOOD RIVER	OR	97031
02N10E02DB	2400	ZORZA, STEVEN J & KAZUKO	1250 TUCKER ROAD	HOOD RIVER	OR	97031
02N10E02DB	2500	ORTIZ, JUAN ET AL	1240 TUCKER	HOOD RIVER	OR	97031
02N10E02DB	2600	FOSTER, LILLIAN W	12004 NW 36 AVE	VANCOUVER	WA	98685
02N10E02DB	2700	TORRES, SERAFIN	2725 EASTSIDE RD	HOOD RIVER	OR	97031
02N10E02DB	2800	BOUCHARD, MICHAEL	PO BOX 87321	VANCOUVER	WA	98667
02N10E02DB	3100	KOESTER, RANDALL P	3390 MC CARTHY DR	HOOD RIVER	OR	97031
02N10E02DB	3200	KOESTER, RANDALL P	3390 MC CARTHY DR	HOOD RIVER	OR	97031
02N10E02DB	3300	HERMAN, ANNETTE M	5636 ALBER RD 3376 Mc Carthy	HOOD RIVER	OR	97031
02N10E02DB	3400	GAYLORD, JANIS S AND ROY, TR.	920 COLUMBIA STREET	HOOD RIVER	OR	97031
02N10E02DB	3500	CONLEY, STANLEY & AUGUSTA	1280 TUCKER RD	HOOD RIVER	OR	97031
02N10E02DB	3600	PACIFIC POWER & LIGHT CO	920 SW 6TH AVE, RM 506C PSB	PORTLAND	OR	97204-1236
02N10E02DB	3700					

02N10E02DA, TL 800
CATHOLIC CHURCH OF SAINT MARY
1501 BELMONT
HOOD RIVER, OR 97031

02N10E02DA, TL 900
MT VIEW MEMORIAL CEMETERY, INC.
1235 TUCKER ROAD
HOOD RIVER, OR 97031

02N10E02DA, TL 1000
JOHNSTON, TERRY L TRUSTEE U-2
PO BOX 567
WOODBURN, OR 97071

02N10E02DA, TL 2000
DYE, LLOYD JR & MARGARET L
3223 GRAVENSTEIN DRIVE
HOOD RIVER, OR 97031

02N10E02DB, TL 1200
TUCKER, A NORMAN & PRISCILLA A
PO BOX 1462
RICHLAND, WA 99352

02N10E02DB, TL 1300
CHAVARRIA, SAUL ET AL
PO BOX 287
ODELL, OR 97044

02N10E02DB, TL 1400
JENKINS, SHARI L
3890 BELMONT
HOOD RIVER, OR 97031

02N10E02DB, TL 1500
HUBLER, ROBERT & VICTORIA
PO BOX 1212
HOOD RIVER, OR 97031

02N10E02DB, TL 1600
WYMORE, AARON C.
3391 BRADLEY DRIVE
HOOD RIVER, OR 97031

02N10E02DB, TL 2200
PERRY, SCOTT D & THERESA M
3390 CHERRY DR
HOOD RIVER, OR 97031

02N10E02DB, TL 2300
BECKER, MICHAEL R & MARGARET P
3370 CHERRY DR.
HOOD RIVER, OR 97031

02N10E02DB, TL 2400
ZORZA, STEVEN J & KAZUKO
1250 TUCKER ROAD
HOOD RIVER, OR 97031

02N10E02DB, TL 2500
ORTIZ, JUAN ET AL
1240 TUCKER
HOOD RIVER, OR 97031

02N10E02DB, TL 2600
FOSTER, LILLIAN W
12004 NW 36 AVE
VANCOUVER, WA 98685

02N10E02DB, TL 2700
TORRES, SERAFIN
2725 EASTSIDE RD
HOOD RIVER, OR 97031

02N10E02DB, TL 2800
BOUCHARD, MICHAEL
PO BOX 87321
VANCOUVER, WA 98667

02N10E02DB, TL 3100 & 3200
KOESTER, RANDALL P
3390 MC CARTHY DR
HOOD RIVER, OR 97031

02N10E02DB, TL 3300
HERMAN, ANNETTE M
~~5635 ALDER RD~~ 3376 McCarthy Dr
HOOD RIVER, OR 97031

02N10E02DB, TL 3400
GAYLORD, JANIS & ROY, TR.
920 COLUMBIA STREET
HOOD RIVER, OR 97031

02N10E02DB, TL 3500
CONLEY, STANLEY & AUGUSTA
1280 TUCKER RD
HOOD RIVER, OR 97031

~~02N10E02DB, TL 3600 & 3700~~
~~PACIFIC POWER & LIGHT CO~~
~~920 SW 6TH AVE, RM 506C PSB~~
~~PORTLAND, OR 0~~

02N10E02DB, TL 3600 & 3700
PACIFIC POWER & LIGHT CO
825 NE MULTNOMAH
PORTLAND, OR 97232

Jay F. Sherrerd, Esq.
Jaques, Sharp, Sherrerd, Fitzsimons
Attorneys at Law
P.O. Box 457
Hood River, OR 97031

Lyle Baxter
12004 36th Ave.
Vancouver, WA 98685

Vicente Solorio
1260 Tucker Road
Hood River, OR 97031

Vicente Solorio
2750 Prospect
Hood River, OR 97031

Solorio #08-077 - Requested Notice

Exhibit III, p. 16

Owner	Address	Street	City	State	Zip
Jay Hanson	Mid-Columbia Mobile Estates, Unit 1	1267 Tucker Road	Hood River	OR	97031
	Mid-Columbia Mobile Estates, Unit 2	1267 Tucker Road	Hood River	OR	97031
Wayne Campbell	Mid-Columbia Mobile Estates, Unit 3	1267 Tucker Road	Hood River	OR	97031
Lloyd Holland	Mid-Columbia Mobile Estates, Unit 4	1267 Tucker Road	Hood River	OR	97031
Hazel Flosy	Mid-Columbia Mobile Estates, Unit 5	1267 Tucker Road	Hood River	OR	97031
Shirley Gunnerson	Mid-Columbia Mobile Estates, Unit 6	1267 Tucker Road	Hood River	OR	97031
Gladys Castle	Mid-Columbia Mobile Estates, Unit 7	1267 Tucker Road	Hood River	OR	97031
James & Camilla Wishart	Mid-Columbia Mobile Estates, Unit 8	1267 Tucker Road	Hood River	OR	97031
Betty Walters	Mid-Columbia Mobile Estates, Unit 9	1267 Tucker Road	Hood River	OR	97031
Francis Chambers	Mid-Columbia Mobile Estates, Unit 10	1267 Tucker Road	Hood River	OR	97031
Mary Hoffman	Mid-Columbia Mobile Estates, Unit 11	1267 Tucker Road	Hood River	OR	97031
Doti Miles	Mid-Columbia Mobile Estates, Unit 12	1267 Tucker Road	Hood River	OR	97031
Melvin Schok	Mid-Columbia Mobile Estates, Unit 13	1267 Tucker Road	Hood River	OR	97031
Verda Hart	Mid-Columbia Mobile Estates, Unit 14	1267 Tucker Road	Hood River	OR	97031
Bob Smith	Mid-Columbia Mobile Estates, Unit 15	1267 Tucker Road	Hood River	OR	97031
	Mid-Columbia Mobile Estates, Unit 16	1267 Tucker Road	Hood River	OR	97031
Dude & Audrey Cain	Mid-Columbia Mobile Estates, Unit 17	1267 Tucker Road	Hood River	OR	97031
Easter Sharp	Mid-Columbia Mobile Estates, Unit 18	1267 Tucker Road	Hood River	OR	97031
Bud & Connie Collins	Mid-Columbia Mobile Estates, Unit 19	1267 Tucker Road	Hood River	OR	97031
Melvin Kenworthy	Mid-Columbia Mobile Estates, Unit 20	1267 Tucker Road	Hood River	OR	97031
Francis Kirkwood	Mid-Columbia Mobile Estates, Unit 21	1267 Tucker Road	Hood River	OR	97031
Marie Johnston	Mid-Columbia Mobile Estates, Unit 22	1267 Tucker Road	Hood River	OR	97031
John James	Mid-Columbia Mobile Estates, Unit 23	1267 Tucker Road	Hood River	OR	97031
Glen Horst	Mid-Columbia Mobile Estates, Unit 24	1267 Tucker Road	Hood River	OR	97031
Chris Burzio		3400 Cherry Drive	Hood River	OR	97031

Jay Hanson
Mid-Columbia Mobile Estates, Unit 1
1267 Tucker Road
Hood River, OR 97031

Mid-Columbia Mobile Estates, Unit 2
1267 Tucker Road
Hood River, OR 97031

Wayne Campbell
Mid-Columbia Mobile Estates, Unit 3
1267 Tucker Road
Hood River, OR 97031

Lloyd Holland
Mid-Columbia Mobile Estates, Unit 4
1267 Tucker Road
Hood River, OR 97031

Hazel Flosy
Mid-Columbia Mobile Estates, Unit 5
1267 Tucker Road
Hood River, OR 97031

Shirley Gunnerson
Mid-Columbia Mobile Estates, Unit 6
1267 Tucker Road
Hood River, OR 97031

Gladys Castle
Mid-Columbia Mobile Estates, Unit 7
1267 Tucker Road
Hood River, OR 97031

James & Camilla Wishart
Mid-Columbia Mobile Estates, Unit 8
1267 Tucker Road
Hood River, OR 97031

Betty Walters
Mid-Columbia Mobile Estates, Unit 9
1267 Tucker Road
Hood River, OR 97031

Francis Chambers
Mid-Columbia Mobile Estates, Unit 10
1267 Tucker Road
Hood River, OR 97031

Mary Hoffman
Mid-Columbia Mobile Estates, Unit 11
1267 Tucker Road
Hood River, OR 97031

Doti Miles
Mid-Columbia Mobile Estates, Unit 12
1267 Tucker Road
Hood River, OR 97031

Melvin Schok
Mid-Columbia Mobile Estates, Unit 13
1267 Tucker Road
Hood River, OR 97031

Verda Hart
Mid-Columbia Mobile Estates, Unit 14
1267 Tucker Road
Hood River, OR 97031

Bob Smith
Mid-Columbia Mobile Estates, Unit 15
1267 Tucker Road
Hood River, OR 97031

Mid-Columbia Mobile Estates, Unit 16
1267 Tucker Road
Hood River, OR 97031

Dude & Audrey Cain
Mid-Columbia Mobile Estates, Unit 17
1267 Tucker Road
Hood River, OR 97031

Easter Sharp
Mid-Columbia Mobile Estates, Unit 18
1267 Tucker Road
Hood River, OR 97031

Bud & Connie Collins
Mid-Columbia Mobile Estates, Unit 19
1267 Tucker Road
Hood River, OR 97031

Melvin Kenworthy
Mid-Columbia Mobile Estates, Unit 20
1267 Tucker Road
Hood River, OR 97031

Francis Kirkwood
Mid-Columbia Mobile Estates, Unit 21
1267 Tucker Road
Hood River, OR 97031

Marie Johnston
Mid-Columbia Mobile Estates, Unit 22
1267 Tucker Road
Hood River, OR 97031

John James
Mid-Columbia Mobile Estates, Unit 23
1267 Tucker Road
Hood River, OR 97031

Glen Horst
Mid-Columbia Mobile Estates, Unit 24
1267 Tucker Road
Hood River, OR 97031

Chris Burzio
3400 Cherry Drive
Hood River, OR 97031

FOR

1

REVISED

DLCD Notice of Proposed Amendment

in person ☐ electronic ☐ mailed ☐

FILE COPY

THIS FORM **MUST BE RECEIVED** BY DLCD AT LEAST
45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING
PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

For DLCD Use only

Jurisdiction: Hood River County

Local file number: #08-077

Date First Evidentiary hearing: 5/28/2008

Date of Final Hearing: 7/7/2008

Is this a revision to a previously submitted proposal? ☒ Yes ☐ No Date submitted: 3/20/2008

☒ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):

Vicente Solario has applied for a Comprehensive Plan and Zone Change of a 1.18-acre parcel that is currently split-zoned Rural Residential (RR½) and Commercial (C-1). As proposed, that part of the subject parcel that is zoned Rural Residential (RR½) would be rezoned Commercial (C-1), so that the whole parcel would be zoned Commercial (C-1). [The modification to the request is that the applicant has withdrawn his request to partition the subject parcel.] *The property is 2010 E 2DB, TL 2600.*

Has sufficient information been included to advise DLCD of the effect of proposal? Select one

Plan map changed from: Rural Residential

To: Commercial (C-1)

Zone map changed from: Rural Residential

To: Commercial (C-1)

Location of property (do not use Tax Lot): W side of Tucker Rd., approx. 500' N of Tucker Rd's intersection with Guignard Drive

Previous density: 2 acre

New density: C-1 Zone has no minimum lot size.

Acres involved: 1.18 ac.

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

Is an exception to a statewide planning goal proposed? ☐ YES ☒ NO Goals:

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies. DLCD only reports this information.):

ODOT; City of Hood River; Port of Hood River; West Side Rural Fire District; Ice Fountain Water District; Farmers Irrigation District; Hood River Soil & Water Conservation District

Local Contact: Josette Griffiths, Senior Planner

Phone: (541) 387-6840 Extension:

Address: County Plg, 601 State Street

Fax Number: 541-387-6873

City: Hood River, OR

Zip: 97031-

E-mail Address: josette.griffiths@co.hood-river.or

DLCD File No. #001-08

Exhibit III, p. 18

DLCD file No. CC1-08

SUBMITTAL REQUIREMENTS

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing per ORS 197.610 and OAR Chapter 660, Division 18

1. This form must be submitted by local jurisdictions only (not by an applicant).
2. When submitting, please print this form on light green paper.
3. Send this Form and **TWO COPIES** of the proposed amendment to:

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

4. **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.
5. Unless exempt by ORS 197.610(2), proposed amendments must be received at the DLCD's Salem office at least 45 days before the first evidentiary hearing on the proposal. (The clock begins on the day DLCD receives your proposal.) The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
6. Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the effect of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
7. Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map should be legible and on 8½ x 11 inch paper. Please provide the specific location of property, such as an address and/or tax lot number. Include text regarding background and/or the justification for the change, such as the application accepted by the local government.
8. Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
9. **Do not submit this form without supporting documentation.**
10. **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.



Hood River County Planning & Building Services
601 State Street, Hood River OR 97031

MICHAEL BENEDICT, DIRECTOR
(541) 387-6840 • FAX (541) 387-6873
E-mail: plan.dept@co.hood-river.or.us

DEAN A. NYGAARD, BUILDING OFFICIAL
(541) 386-1306 • FAX (541) 387-6878
E-mail: building@co.hood-river.or.us

April 28, 2008

To: Sandra Berry, County Records & Assessment
Dean Nygaard, County Building
Don Wiley, County Public Works
Randy Johnston, County Surveyor
Mike Matthews, County Environmental Health
Joseph Wampler, County Sheriff
Kevin Liburdy, Planning, City of Hood River
Gary Fish, Department of Land Conservation and Development
Jim Trammell, West Side Rural Fire Protection District
Mark Beam, Ice Fountain Water District
Rick Brock, Farmers Irrigation District
Mike Doke, Hood River Airport, Port of Hood River
Kristen Stallman, ODOT (Region 1), Development Review
Martin Jensvold, P.E., ODOT (Region 1), Traffic
Mike Keyes, ODOT (District 2C)
Anne Saxby, Hood River Soil & Water Conservation District
Jonathan Graca, Hood River Valley Residents Committee
Vicente Solorio, Applicant
Jay Sherrerd, Attorney for Applicant
Lyle Baxter, for Owner
Adjacent Property Owners

From: Josette Griffiths, Senior Planner *JG*

Re: **Comprehensive Plan & Zone Change #08-077 (2N 10E 2DB, Tax Lot #2600)**

Request: Vicente Solorio has applied for a Comprehensive Plan and Zone Change of a 1.18-acre parcel that is currently split-zoned Rural Residential (RR½) and Commercial (C-1). As proposed, that part of the subject parcel that is zoned Rural Residential (RR½) would be rezoned Commercial (C-1), so that the whole parcel would be zoned Commercial (C-1). *(See attached application and maps.)*

Location: The 1.18-acre parcel is located on the west side of Tucker Road, approximately 500 north of Tucker Road's intersection with Guignard Drive. *(See attached map.)* The property is further described as: 2N 10E 2DB, Tax Lot #2600.

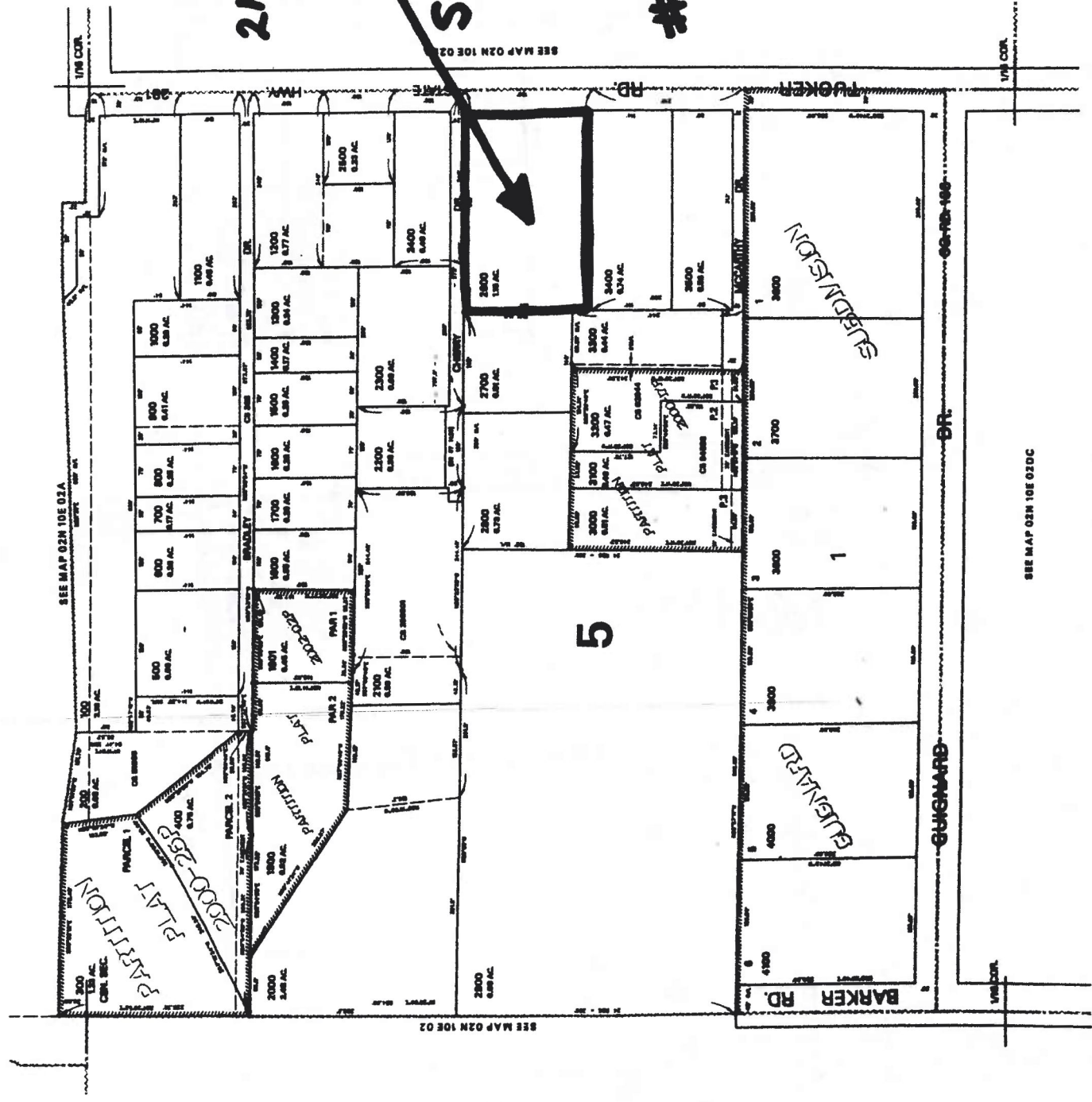
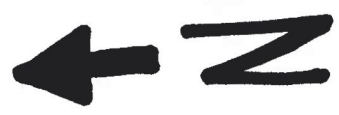
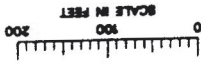
Zoning: The property is currently split-zoned Commercial (C-1), Rural Residential (RR½), and Airport Height-Horizontal (AH) Overlay Zone. *(See attached map.)*

- Applicable Criteria:** The application will be reviewed pursuant to Article 21 ("Commercial Zone"), Article 34 ("Airport Height Combining Zone"), and Article 60 ("Administrative Procedures") of the Hood River County Zoning Ordinance; the Hood River County Comprehensive Plan, including the County Policy Document; applicable Statewide Planning Goals; and Oregon Administrative Rules, pertaining to Goal 14.
- Response:** Written or oral comments may be made up to and at the Planning Commission hearing. However, if you have any comments that you would like staff to consider during preparation of the staff report, please provide any comments to me by **5:00 pm, Wednesday, May 14, 2008**. *(Please note: if you are providing written comments at the hearing, please make at least 10 copies to ensure that the members of the Planning Commission, staff, and the applicant receive a copy of your comments.)*
- Hearing Date:** This matter will be heard by the Planning Commission at their regularly scheduled meeting on **Wednesday, May 28, 2008, at or after 7:00 p.m.**, in the 1st Floor Conference Room of the Hood River County Business Administration Building, 601 State Street, Hood River, Oregon. All interested parties may appear and be heard.
- Hearing's Procedure:** Failure of an issue to be raised at the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Board of County Commissioners based on that issue.
- Available Information:** For additional information regarding this application, please contact Josette Griffiths, Senior Planner, at the Hood River County Planning Department at (541) 387-6840. The application and supporting documents are available for review at the County Planning Department at no cost; copies may be purchased at 0.25¢ per page. A copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing, and will be provided upon request at a reasonable cost.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

HOOD RIVER COUNTY

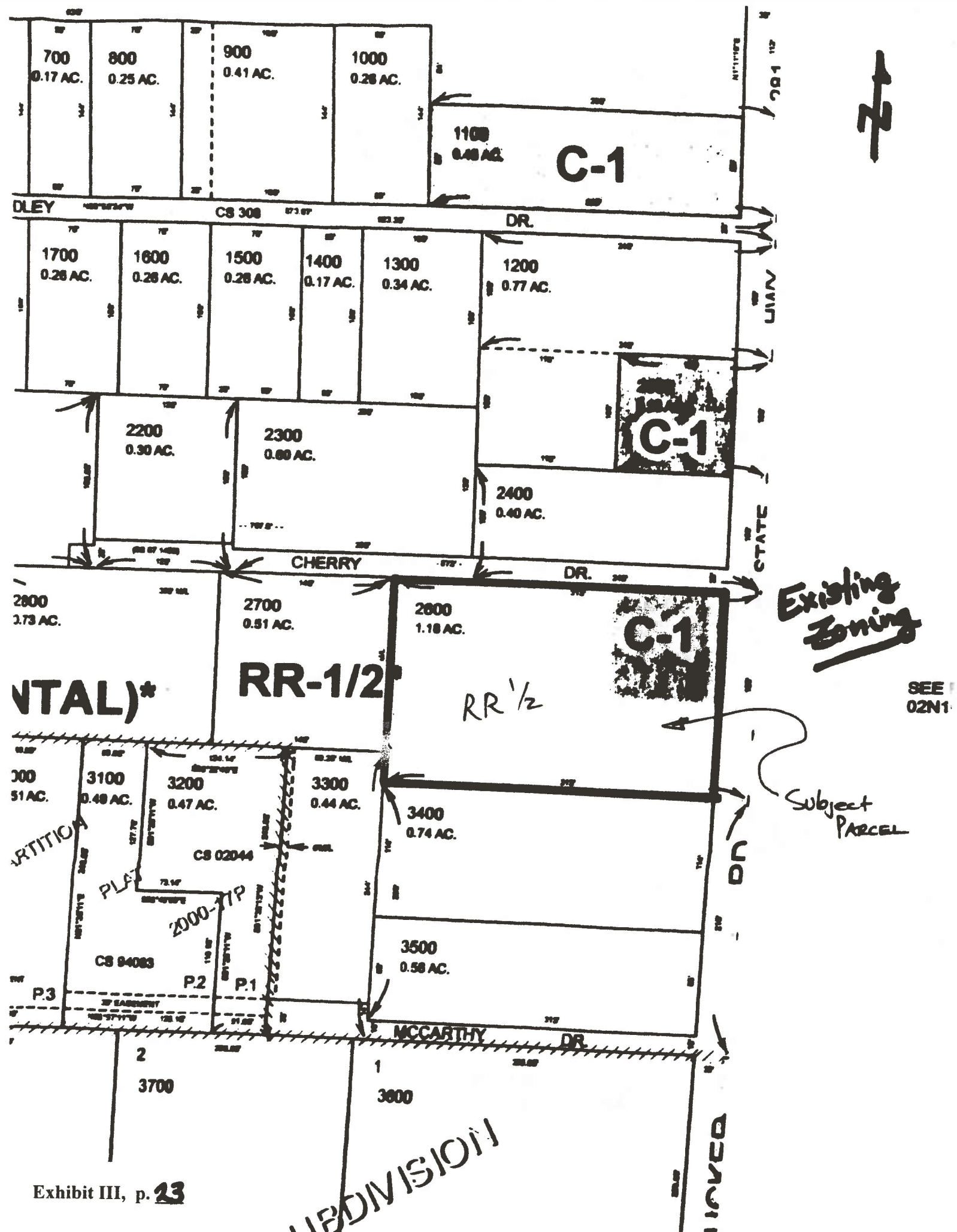


2N 10E 2DB,
TL 2600
SOLORIO
ZONE
CHANGE
#08-077

JAN 15 2003

Exhibit III, p. 22

REVISED: JD
01/15/03
02N 10E 02DB

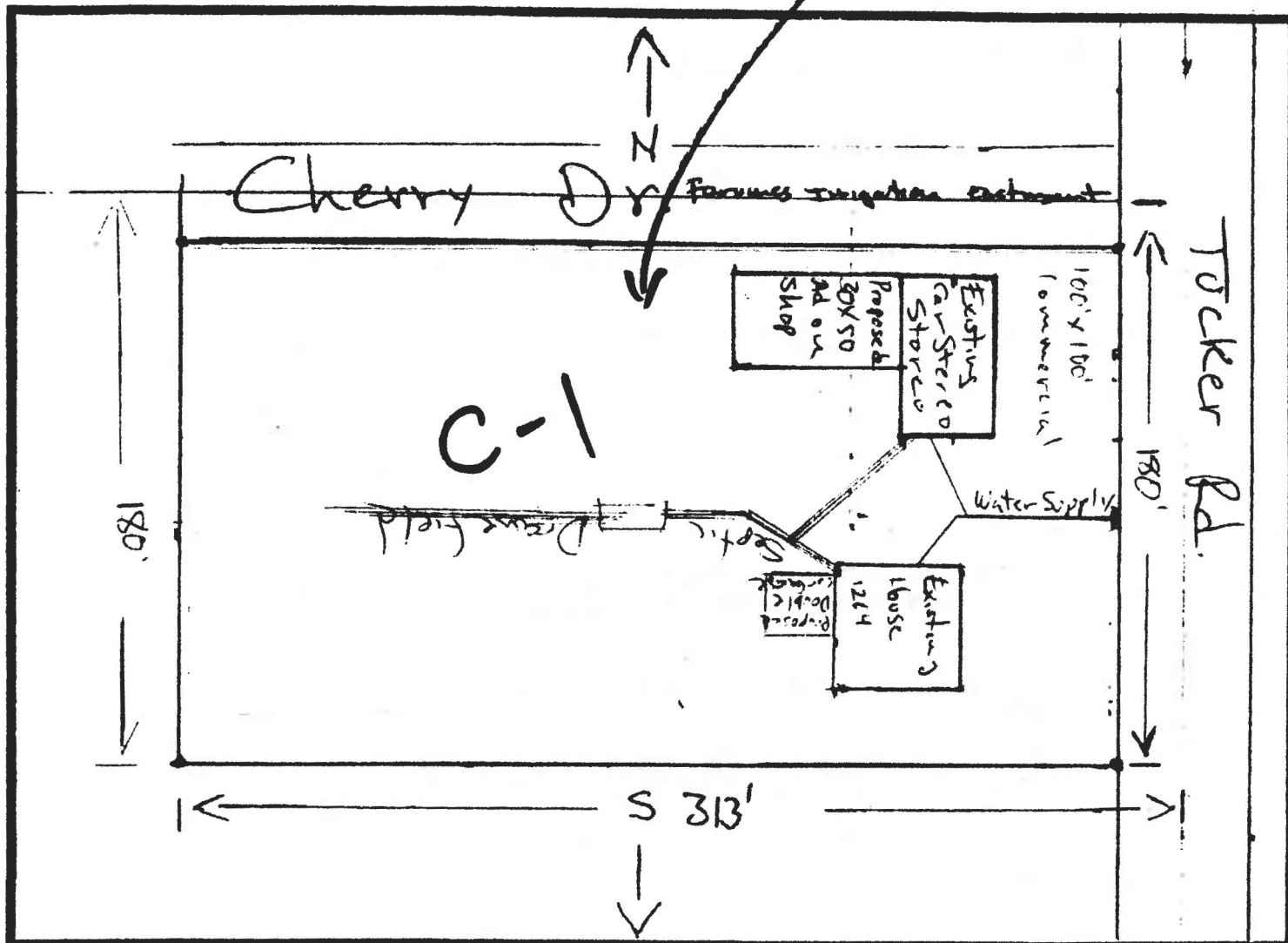


SITE PLAN

PLEASE DRAW IN BLACK INK

Proposed Zoning

A larger sheet of paper may be used and may be attached to your building plans.
*SITE PLANS NOT HAVING ALL THE REQUIRED INFORMATION CAN NOT BE PROCESSED.



INDICATE ON SKETCH

- | | |
|---|--|
| 1. North arrow | 10. Sewage Drainfield |
| 2. Scale (1"=200' or better) | 11. Show parking, circulation and fire vehicle turnaround |
| 3. Size and location of all existing and proposed buildings | 12. Existing or proposed fencing and vegetative buffers |
| 4. Address of existing buildings | 13. Geographic features and elevation changes (design required for slopes exceeding 2 units horizontal to one unit vertical) |
| 5. Domestic water supply within 100 ft. | 14. Additions - show proposed additions in dotted lines |
| 6. Bodies of water within 200 ft. | 15. All easements (access, utility, irrigation, etc.) |
| 7. Property lines with exact dimensions and lot size | 16. Driveways |
| 8. Distance between buildings and property lines | 17. Porches/decks/carports/accessory buildings |
| 9. Adjacent roads (include names) and access roads | |

APPLICATION FOR COMPREHENSIVE PLAN AND ZONE / ZONE BOUNDARY ADJUSTMENT

Hood River County
Hood River, Oregon 97031
601 State Street
Phone: 541-387-6840
Fax: 541-387-6873

Application No. #08-077

Applicant's Name Vicente Solorio Township 2N

Address 1260 Tucker Road Range 10E

Hood River, Or 97031 Section 2DB

Telephone No. 541-387-3848 Tax Lot 2600

Owner's Name Lyle Baxter (Seller) Present Zone C-1/RR

Address 12004 36th Ave. Requested Zone C-1

Vancouver, WA 98685 Comprehensive Plan

Note: If applicant is other than owner of the property, a letter from the owner stating his / her full knowledge and consent of this application shall be required prior to processing.

Describe projects and / or purpose of Zone Change in Detail (also complete site plan attached)

Replace split-zoning on parcel (RR and C-1) with entirely C-1 zone to
allow refinancing of property and also facilitate orderly future
development

Water Supply Source Ice Fountain Application Fee prev paid

Method of Sewerage Disposal Septic Collected By _____

Access Hwy. 281 on Road 4-10-08

The above information and enclosed documents are true and correct to the best of my knowledge.

Vicente Solorio
Signature

Application for Comprehensive Plan and Zone Change

Applicant: Vicente Solorio
Property: 2N-10E-2DB-2600
Date: March 18, 2008
Attorney: Jay F. Sherrerd

The applicant, Vicente Solorio, is the contract purchaser of the subject property. The seller, Lyle W. Baxter, has signed a consent to proceed with this land use application.

The property is a 1.18-acre split-zoned parcel. A very rough approximation from the map suggests that .2 acres is zoned C-1 and the remaining 1 acre, more or less, is zoned RR. There is an existing commercial building on the C-1 portion, and a residence on the RR portion. Applicant proposes to re-zone the parcel to be entirely C-1.

The property is served by Ice Fountain Water District and West Side Fire District. Sewer is not available. The two buildings currently share a septic system which is located almost entirely on the proposed north parcel.

No specific new use is proposed at this time, although the applicant intends to expand the commercial use (a retail car stereo store) by constructing a 1,500 square foot shop building on the north parcel, and including additional parking. Any use will be required to meet applicable development standards as part of a request for a Commercial Land Use Permit.

1. Burden of Proof.

The applicant submits that the proposal meets the burden of proof required by the Hood River County Zoning Ordinance, as set forth below:

- (a) Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.

The public's interest is manifested in the Comprehensive Plan. The proposal will create only a minimal departure from present land-use patterns, by allowing a modest expansion of an existing commercial use and a potential conversion of a residential use to a commercial use (although no such plans are contemplated at this time). The existing, nearby development along the west side of Tucker Road is mostly commercial with some residential infill and even some light industrial, making the existing residential use on applicant's property undesirable. Although the applicant intends to continue the residential use, its potential conversion to commercial use is consistent with the area. The request is consistent with the goals, policies, strategies, and standards of the Comprehensive Plan, as explained more completely below.

- (b) The proposed action is in compliance with the Comprehensive Plan.

The proposal in is compliance with applicable Comprehensive Plan provisions, as explained below.

- (c) The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:

- (i) The characteristics of the various areas of the County.

The existing, nearby development along the west side of Tucker Road is mostly commercial with some residential and even some light industrial. The subject parcel itself currently has a commercial use and a residential use. The proposal is consistent with existing, nearby development.

- (ii) The suitability of the subject area for the type of development in question.

The subject parcel is located adjacent to an arterial roadway. Excluding sewer, the subject parcel is located in an area that is served by public utilities and services. Future development options will be subject to septic approvals.

- (iii) Trends in land development.

Approval of this application will allow the use of the parcel in a similar fashion to the surrounding uses. The proposed zoning is consistent with existing surrounding development and zoning designations.

- (iv) Density of development.

The potential for future density on the subject parcel will not increase by approving this application.

- (v) Property values.

As the property has historically been used for commercial purposes, and many of the surrounding parcels are similarly used, the property values of nearby parcels should not be adversely impacted by the proposed development.

- (vi) The needs of economic enterprises in the future development of the County.

Approval of this application will provide additional employment opportunities for nearby residents.

- (vii) Access.

The subject parcel is adjacent to Tucker Road (Hwy 281). It is not anticipated that a modest expansion of the existing commercial use will increase traffic counts to adversely impact the safe and convenient use of nearby transportation facilities.

(viii) Natural resources.

There are no natural resources on or near the subject parcel that would be adversely impacted by the proposed request.

- (d) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider.

The subject parcel has been used for residential and commercial purposes for decades, apparently. The proposed zoning would simply allow an expansion of the commercial use in an area that has seen increasing commercial uses over the years. Therefore, the proposed zoning would be consistent with surrounding development and uses.

2. Goal 2 - Land Use Planning.

The subject property is located outside of an urban growth boundary (UGB) or acknowledged unincorporated community and is, therefore, considered "rural" land. This proposal would simply expand the existing commercial designation.

According to DLCD, there is a 2-acre minimum lot size for new residential lots in this area unless an exception to Goal 14 is obtained. OAR 660-004-0040. Therefore, the existing residential lot is already nonconforming and DLCD objected to the partitioning of a smaller residential lot from this parcel. Therefore, rezoning the entire parcel commercial is consistent with state and local land use planning.

3. Goal 9 - Economic Development

The applicant is proposing to expand the existing commercial designation on the property. The request will not adversely impact the stability and health of the agricultural and forestry economic base of the County. The parcel is not only located in a developed setting, but the parcel is already partially developed with driveway, parking, buildings, and other structural improvements that would preclude it from reasonably being converted to resource use in the future.

As required in Goal 14, only rural types of development may be permitted outside of a UGB or acknowledged unincorporated community without a Goal 2 Exception to Goal 14. The county may condition development to ensure that it continues to be rural in nature.

Approval of this application would add land to the commercial land-base, thereby contributing to commercial growth and employment opportunities of the County. The subject parcel has been used for commercial uses for decades. The parcel is located near other existing commercial uses to north and south. The subject parcel is clustered amongst this existing development, as required by this policy.

4. Goal 11 - Public Facilities and Services.

Public facilities and services necessary to accommodate future commercial development on the subject parcel already exist on the parcel or are available in the area. Public sewer service is not available, however, the site has one approved septic drainfield location and room for more septic

systems, and holding tanks if necessary.

5. Goal 12 - Transportation.

The subject parcel abuts Tucker Road (Highway 281), an identified arterial roadway.

6. Goal 14 - Urbanization.

Under Goal 14, uses that would occur in areas of the County that are outside of an urban growth boundary or acknowledged unincorporated community must be rural in nature. Rural uses are not defined, but those commercial uses that would be allowed in a rural area, by inference, must be less intensive than those allowed within an unincorporated community. Commercial uses that are small-scale and low impact, are allowed under OAR 660, Division 22. Applying a condition limiting the size of commercial buildings can assure that the level of development is appropriate.

Potential Residential Development: In the C-1 zone, residential development is a permitted use, subject to the site development standards of the R-2 zone. In the R-2 zone, a residence may be allowed per 7,500 square feet. In this case, the existing residential use will be continued for the foreseeable future.

SE1/4 Sec 2 T2N R10E WM
Hood River County
This has
: Old
1" = 200'

Exhibit III, p. 34

Hood River County Zoning Map

Ordinance #133 Adopted 12/17/04

CANCELLED NO

TL 7 00

6501

1300
6400

Head River County Planning Director

See Map 2N 10 2A

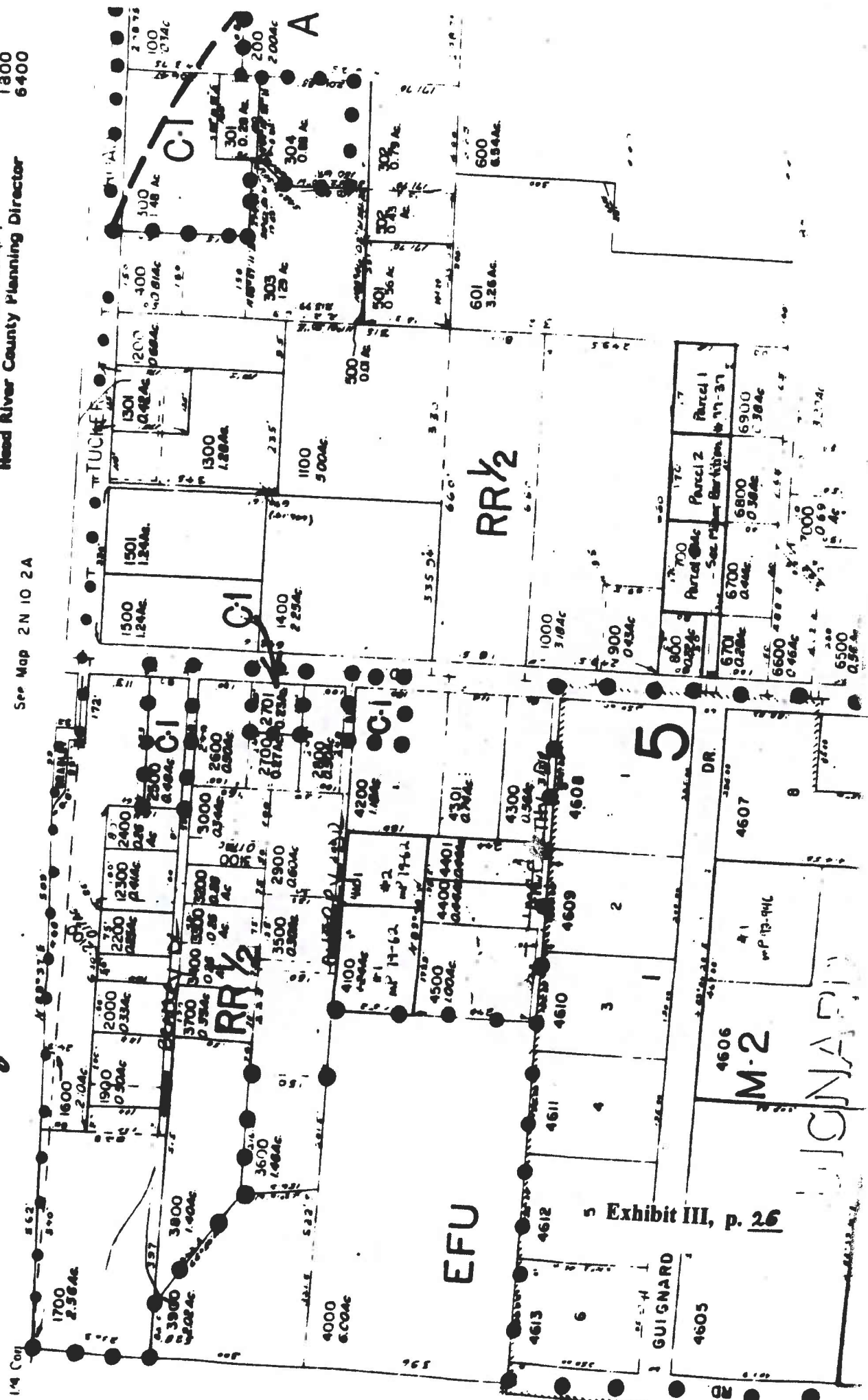


EXHIBIT IV

**PRE-APPLICATION SUMMARY
& CORRESPONDENCE
WITH THE APPLICANT**

Josette Griffiths

From: Josette Griffiths
Sent: Thursday, December 06, 2007 4:04 PM
To: 'Jay F. Sherrerd'
Subject: V. Solario pre-application

Jay,

Attached is a copy of the summary of the pre-application conference that was held with Vicente Solario on 10/03/07 regarding 2N 10E 2DB, TL 2600. Initially, he was interested in applying to do a zone change for the complete parcel (which is now split-zoned RR and C-1) to rezone it completely C-1. In more recent discussions at the counter, he has expressed an interest in doing both a zone change and partitioning the property in two - to expand the Commercial part of the property (which would comprise the northern parcel) and having the southern parcel be RR (with the existing house on it).

After reading the comments from ODOT, dated 10/08/07 (attached with the summary), Vicente said that he spoke with Martin Jensvold, P.E., ODOT, and he said that ODOT indicated that if the trip count would not exceed a certain # for the commercial use, that he may not have to do the traffic study referenced in their 10/08/07 comments. (I have not been in touch with ODOT again, myself, to confirm this.)

In addition to the summary, please review the following (attached) - please note these OARs date to the fall (you may wish to go on-line to get the most current):

- OAR 660-022-0030(4) and OAR 660-022-0030(10) of the "Unincorporated Community" Rule for the type of commercial uses allowed in an unincorporated community (which this property is not in - but it should provide some context for the comments of Gary Fish, DLCD, where he references that any potential rezone to C-1 should be limited to 3,500 sq ft for any buildings).

- OAR 660-004-0040 ("Application of Goal 14 - Urbanization - to Rural Residential Areas" from "Interpretation of Goal 2, Exception Process") - This seems like an important one to address, if he intends to partition, given the 2-acre minimum lot size requirement for RR land located outside of an unincorporated community. It suggests that an exception to Goal 14 would be required to partition such land smaller than 2-acres. [Perhaps instead it could be conditioned that the C-1 parcel be limited to commercial uses (i.e., no dwelling - which is typically an allowed use in the C-1 Zone)?]

- OAR 660-014-0040 - ("Application of the Statewide Planning Goals to Newly Incorporated Cities, Annexation, and Urban Development on Rural Lands") - but as long as "urban" development is not proposed, this may not be very pertinent. As I understand it, "urban" development would exceed the 3,500 sq ft building size limit.

- OAR 660-015-0000(14) ("State-wide Planning Goal 14: Urbanization")

Since the County Policy Document is fairly large, I will mail that to you, instead.

Please call or e-mail me if you have any questions.

Thanks,

Josette Griffiths
Senior Planner
Hood River County
Tel: (541) 387-6840

Exhibit IV, p. 1

12/6/2007



Hood River County Planning & Building Services

601 State Street, Hood River OR 97031

MICHAEL BENEDICT, DIRECTOR
(541) 387-6840 • FAX (541) 387-6873
E-mail: plan.dept@co.hood-river.or.us

DEAN A. NYGAARD, BUILDING OFFICIAL
(541) 386-1306 • FAX (541) 387-6878
E-mail: building@co.hood-river.or.us

October 3, 2007

- Request:** A pre-application conference was held with applicant, Vicente Solario, regarding a split-zoned parcel that is zoned Rural Residential (RR½) and Commercial. The applicant would like to rezone the Rural Residential (RR½) part of a 1.18-acre parcel to Commercial (C-1) in order to expand his commercial business (which sells car stereo equipment), which is located on the C-1 part of the property. Senior Planner Josette Griffiths and Vicente Solario attended the conference.
- Location:** The 1.18-acre parcel tract is located on the west side of Tucker Road, approximately 500 north of Tucker Road's intersection with Guignard Drive. The property is further described as: 2N 10E 2DB, Tax Lot #2600.
- Zoning:** The property is split-zoned Commercial (C-1) and Rural Residential (RR½, which has a 2-acre minimum lot size for new parcel creation) and Airport Height-Horizontal (AH) Overlay Zone.
- Legal Parcel Status:** It is a separate legal parcel, created by deed (Deed Book 70, page 165) prior to the effective date of the County Subdivision Ordinance.
- Prior Land Use Actions:**
- ENF #06-256 – A complaint about vehicles on the property.
 - mP #00-395 – An application for a Minor Partition of the property to separate the Rural Residential from the Commercial – it was not completed, and has since expired.
 - CLUP #98-474 – Commercial Land Use Permit for the car stereo store.
 - LUP #97-015 – Land use permit for an addition to the dwelling.

Staff received comments from the following agencies:

- **Jim Trammell, West Side Rural Fire Protection District**, wrote: "I will not be able to attend this meeting. After a review of the application and a site inspection, the Fire District submits the following requirements and comments. It would be in the prevue of the building official but it should be noted this could be a change of occupancy and should meet occupancy requirements for its type of use. No other comments or requirements." (From an e-mail to staff, dated September 24, 2007.)
- **Mark Beam, Ice Fountain Water District** indicated that he had "no comments" on the request in a note to staff, dated October 2, 2007.
- **Rick Brock, Farmers Irrigation District (EFID)**, wrote: "Farmers Irrigation District has reviewed the application for Vincent Solario. There are water rights on this property. If there is additional expansion or building, water rights will have to be removed from those areas. At this time, Farmers Irrigation District has no further comments on this zoning issue. Thank you for notification of this matter." (From letter to staff, dated September 25, 2007.)
- **Kristen Stallman, Oregon Department of Transportation (ODOT)** – E-mailed comments, dated October 3, 2007, which were passed out at the meeting (attached). Note: she e-mailed staff

comments, on 10/08/07 (after the conference), which staff provided to the applicant at the counter (also attached).

- **Mike Matthews, County Environmental Health** - He indicated in an e-mail to staff that he had no objections to the request to rezone. He noted that if they desire to change to a use that would increase wastewater, Environmental Health would require that the applicant demonstrate it could be disposed of according to OAR 340 divisions 071 & 073. This would apply at the time that a Commercial Land Use Permit was applied for.

He wrote, "I would not have concern for the rezoning as long as the commercial use is not high wastewater producing. As long as he uses the property for the car stereo equipment business he should be using less water than a residence. Should they wish to change the commercial use in the future to something like a restaurant or carwash I would have concern." (*From e-mail to staff, dated October 2, 2007.*)

- **Gary Fish, Oregon Department of Land Conservation and Development** - He sent an e-mail to staff on September 24, 2007, and wrote: "The department is concerned that the county's Commercial (C-1) zone has not been updated to comply with Statewide Planning Goal 14 and the Supreme Court decision interpreting that goal in 1000 Friends of Oregon v. LCDL (Curry County). For the most part the size/floor area limitation for uses allowed in the Commercial (C-1) zone does not comply with Goal 14 and the 1986 Supreme Court ruling in 1000 Friends of Oregon v. LCDL (Curry County). The goal states that: "In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14..." Most commercial uses in rural unincorporated communities are limited to 4,000 square feet.

The department and the Commission have approved rural commercial zones and uses as small-scale, low impact in other counties as complying with Goal 14 that apply a 3,500 square foot maximum building size (floor area) provision for new commercial uses. We believe that a distinction of at least 500 square feet between the floor area requirement for new commercial uses located inside rural unincorporated communities (i.e., 4,000 square feet) and the floor area standard for rural commercial uses located outside unincorporated communities (at least 3,500 square feet) is required to satisfy Goal 14 under Curry County.

The size of the use could be limited by application of a limited use overlay zone. My recollection from previous discussions is that Hood River County does not currently have a limited use overlay zone provision, so perhaps this could be handled in a manner similar to the Assembly of God church rezone condition of approval written by Mike Robinson in that other case. I recall this proved acceptable.

Otherwise, an exception to Goal 14 would be needed for the use to exceed 3,500 square feet of floor area."

- **Don Wiley, County Engineer** - "If the applicant were to divide the property, the owner should be aware that the Commercial Road standards would apply, which are rather rigorous: which means curbs, gutter, and sidewalk. If did it to County Rural Commercial standard, the lots could not be less than ½ acre, and slightly lesser standard would apply. Otherwise, could look to see if they could do a shared driveway off of Tucker Road, if ODOT would allow."

I. How to Apply for a Zone Change / Comprehensive Plan Amendment

- A. Address Article 60 ("Administrative Procedures") - "Burden of Proof" Criteria in Sec. 60.10
- B. Address the Goals in the *County Policy Document*
- C. Address how this is a Rural Commercial, not an Urban Commercial Zone change (requires addressing OARs and State-wide Planning Goal 14)

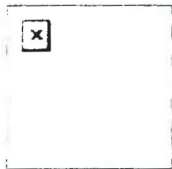
Fee: \$3,000 for a Comprehensive Plan and Zone Change; the \$125 pre-application fee will apply to the application fee, if it is made within one year of the pre-application conference, held 10/03/07.

Josette Griffiths

From: STALLMAN Kristen [Kristen.STALLMAN@odot.state.or.us]
Sent: Monday, October 08, 2007 1:16 PM
To: Josette Griffiths
Cc: JENSVOLD Martin R; KEYES Michael E
Subject: ODOT Comments on the Solario Pre- Ap.

*ODOT comments
provided by staff
to Mr. Solario over the
counter after pre-app.*

Josette - Please share these comments with the applicant. Upon further review it appears that a TIS would be required. See Attached letter. Thank you.
Kristen



Oregon Department of Transportation
ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

Date: October 8, 2007

ODOT Response to Pre- Application Notification

Project Name: Solario Rezone	Applicant: Solario, Vicente
Jurisdiction: Hood River County	Case #:
Site Address: No Situs - Tucker Rd (Hwy 281) @ Guigard Dr Hood River, OR	Legal Description: T2NR10ES2DB Tax Lot(s) 2600 ,
State Highway: Tucker Road, OR 281	Mileposts: 2.006- 2.019

The site is adjacent to the referenced state highway. ODOT has permitting authority for the state highway and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

ADVISORY COMMENTS

Off-premise signs require a permit through the ODOT Outdoor Advertising Sign program (ORS 377.725). To determine whether or not a sign will be on or off premise contact Amy Joyce (503-986-3546).

IMPACTS ON THE STATE HIGHWAY

ODOT recommends that the applicant be required to submit a traffic impact analysis to assess the impacts of the proposed use on the State highway system. The analysis must be conducted by a Professional Engineer registered in Oregon. **Contact the ODOT Traffic representative identified below to scope the study.**

USE OF STATE HIGHWAY RIGHT OF WAY

Private signs are not permitted in the State highway right of way (ORS 377.700-377.840).

PROPOSED ACCESS TO STATE HIGHWAY

Site access to the state highway is regulated by OAR 734.51. Until the ODOT approach permit review has been completed, we cannot make a determination on the number, location or design of the proposed approach(es) to the highway.

Exhibit IV, p. 4

ODOT RECOMMENDED LOCAL CONDITIONS OF APPROVAL

An ODOT approach permit(s) for access to the state highway or written determination (e-mail, fax or mail acceptable) from ODOT that the existing approach(es) are legal for the proposed use is required and must be obtained.

An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way.

An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

ADDITIONAL COMMENTS:

Presently less than 1/4 acre of the 1.18 acre site is currently zoned commercial, in which case roughly an acre of land would go from rural residential to commercial with the proposed zone change. As such ODOT will request a Traffic Impact Study to determine whether the highway (in particular the Cherry Drive intersection) is adequate to accommodate the added traffic demands.

ODOT has jurisdiction of this State highway facility and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a District Ruralhighway and the performance standard is 0.8 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments local governments must make findings that the proposed amendment complies with the Transportation Planning Rule (TPR) OAR 660-012-0060. There must be substantial evidence in the record to either make the finding of "no significant effect" on the transportation system, or if there is a significant effect assurance that the allowed land uses are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests the JURISDICTION require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon. The analysis should address the following:

1. A comparison between the land use with the highest trip generation rate allowed outright under the proposed zoning/comp plan designation with the land use with the highest trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

Note: It is important that the applicant's transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the "reasonable worst case" traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis particularly if the applicant chooses to perform their analysis using a trip generation rate determined by any means other than from ITE *Trip Generation*.

2. The analysis can rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - local/county capital improvement plans (CIP),
 - financially constrained Regional Transportation System Plan (RTP)

- Washington County Major Streets Transportation Improvement Program MSTIP. (OAR 660-012-0060)
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over a planning horizon of the adopted local transportation system plan or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
 4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not planned within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).
 5. The analysis should not have any existing or proposed approaches on the highway unless the
[1]
proposed site is landlocked. If landlocked, the analysis should only use one approach to the highway.

Prior to commencing the TIS, the applicant should contact **Martin Jensvold PE**, ODOT Region 1 Traffic Analyst at (503) 731-8219 to obtain ODOT concurrence with the scope of the study. Thank you for providing ODOT the opportunity to participate in this land use review. If you have any further questions regarding this matter, please contact me at (503) 731-8219.

Please send a copy of the Notice of Decision including conditions of approval to:

**ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209**

Development Review Planner Kristen Stallman	Phone:
Traffic Contact: Martin Jensvold PE	Phone: (503) 731-8219
District 2C Contact: Michael Keyes	Phone: (503) 669-9314

[1]

A parcel is considered 'landlocked' if it has no other reasonable access other than to a state highway. Burden of proof is on the applicant to provide justification as to why access to a road other than a state highway is not reasonable.

August 8, 2000

Page 1 of 2

Josette Griffiths

Original comments, provided at

From: STALLMAN Kristen [Kristen.STALLMAN@odot.state.or.us]
Sent: Wednesday, October 03, 2007 8:17 AM
To: Josette Griffiths
Subject: 939615655.doc

*pre-app meeting
on 10-03-'07.*

Josette - Here is a letter I found regarding the original partition for this property. Some of the comments may be pertinent to your pre-app. Kristen

December 12, 2000

PLA9-1-2C -281
Proposal Number: 939

Hood River County
Planning Department
309 State St.
Hood River, OR 97031-2093

Attn: Eric Walker, Sr. Planner

**Subject: Solorio Minor Partition 00-395 Solorio Partition
OR 281 (Tucker Rd)**

Dear Mr. Walker:

We have reviewed the applicant's proposal to partition the subject parcel. The site is located adjacent to OR 281 (Tucker Road) and Cherry Drive, approximately 500 feet north of Guignard Drive. We have no objections to the County approval of the partition provided that provisions for access to Cherry Road for Parcel 2 is made a condition of approval.

[1]

According to the Oregon Highway Plan (1999) OR 281 (Tucker Road) is classified as a District Rural highway. The posted speed in this section is 40 miles per hour. Based on this speed and classification, the access spacing standard is 500 ft. The mobility standard is 0.8 volume to capacity (v/c). ODOT has permitting

[2]

authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

The site has an existing circular driveway onto Tucker Road that serves the car stereo store on proposed Parcel 1, and existing house on Parcel 2. If and when the current land uses change, new approach (driveway)

[3]

[4]

permits will be required. The rule specifically states that ODOT shall not approve a *deviation* from the standards if the inability to meet the access standard is the result of a *self created hardship*; the proposed partition plat cuts off *reasonable alternative access* to Cherry Drive for Parcel 2 that is now available to the parent parcel and, therefore, ODOT would not be obligated to approve an approach to Tucker Road.

ODOT will not allow the creation of any new driveways (approaches) onto Tucker Road. The existing approaches to Tucker Road may need to be removed at the time of a future *change of use* of either parcel because the circular drive is sub-standard. The driveways are extremely close to one another and to the Cherry Drive intersection, which presents potential safety concerns.

Exhibit IV, p. 7

We recommend that the County impose a condition of approval requiring that access to Cherry Drive be provided for both Parcel 1 and Parcel 2. If this is provided in the form of an easement, the easement must be shown on the final partition map and recorded with both properties. The access easement width shall be per

10/3/2007

August 8, 2000

Page 2 of 2

County standards. An alternative would be to reconfigure the partition map to create a 'flag' for Parcel 2 out to Cherry Drive.

Please contact me at 731-8282 if you have questions regarding the above recommendation. I would appreciate being forwarded a copy of the Decision with findings when it has been issued.

Sincerely,

Sonya Kazen,
Development Review Coordinator

cc: Michael Keyes, ODOT District 2C
Glen Fleming, Traffic, ODOT Region 1
Vincente Solorio
L. Foster

[1]

The 1999 Oregon Highway Plan is an element of the Oregon Transportation Plan, which was adopted by the Oregon Transportation Commission on March 18, 1999.

[2]

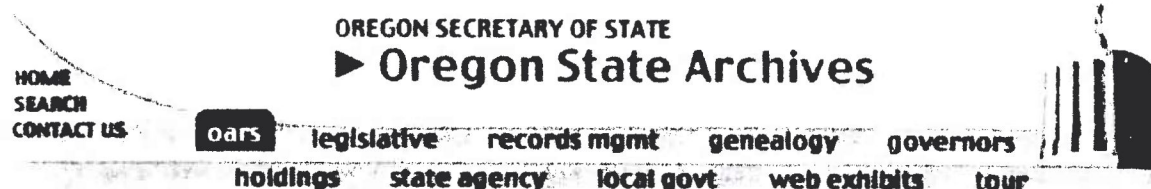
Oregon Administrative Rule (OAR) 734-051, see the following web site for the rule's exact language:
http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

[3]

OAR 734.51.0110 Change of Use of an Approach

[4]

OAR 734.51.0330 Processing Requests for Deviations



The Oregon Administrative Rules contain OARs filed through September 14, 2007

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 22

UNINCORPORATED COMMUNITIES

660-022-0000

Purpose

(1) The purpose of this division is to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities.

(2) This division interprets Goals 11 and 14 concerning urban and rural development outside urban growth boundaries and applies only to unincorporated communities defined in OAR 660-022-0010.

(3) This division does not apply to areas approved as destination resorts under the destination resort statute, ORS 197.435 through 197.467.

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94

660-022-0010

Definitions

Exhibit IV, p. 1

For purposes of this division, the definitions contained in ORS 197.015 and the statewide planning goals (OARChapter 660, Division 15) apply. In addition, the following definitions apply:

(1) "Commercial Use" means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals, or wholesale distribution centers.

- (2) "Community Sewer System" means a sewage disposal system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community.
- (3) "Community Water System" means a system that distributes potable water through pipes to at least 15 permanent dwelling units, including manufactured homes within the unincorporated community.
- (4) "Industrial Use" means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods, or materials. It does not include commercial uses.
- (5) "Permanent residential dwellings" includes manufactured homes, but does not include dwellings primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or campground.
- (6) "Resort Community" is an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes: and
- (a) Includes residential and commercial uses; and
 - (b) Provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.
- (7) "Rural Community" is an unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.
- (8) "Rural Service Center" is an unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings.
- (9) "Urban Unincorporated Community" is an unincorporated community which has the following characteristics:
- (a) Include at least 150 permanent residential dwellings units;
 - (b) Contains a mixture of land uses, including three or more public, commercial or industrial land uses;
 - (c) Includes areas served by a community sewer system; and
 - (d) Includes areas served by a community water system.
- (10) "Unincorporated Community" means a settlement with all of the following characteristics:
- (a) It is made up primarily of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;
 - (b) It was either identified in a county's acknowledged comprehensive plan as a "rural community", "service center", "rural center", "resort community", or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development's January 30, 1997 "Survey of Oregon's Unincorporated Communities";
 - (c) It lies outside the urban growth boundary of any city;
 - (d) It is not incorporated as a city; and **Exhibit IV, p. 10**

(e) It met the definition of one of the four types of unincorporated communities in sections (6) through (9) of this rule, and included the uses described in those definitions, prior to the adoption of this division (October 28, 1994).

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDC 1-1997, f. & cert. ef. 2-27-97

660-022-0020

Designation of Community Areas

(1) Except as provided in OAR 660-022-0070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-022-0010. Counties may amend these designations as circumstances change over time.

(2) Counties shall establish boundaries of unincorporated communities in order to distinguish lands within the community from exception areas, resource lands and other rural lands. The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included.

(3) Only land meeting the following criteria may be included within an unincorporated community boundary:

(a) Land which has been acknowledged as a Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:

(A) Commercial, industrial, or public uses; and/or

(B) Dwelling units and associated residential lots at a greater density than exception lands outside rural communities.

(b) Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule.

(4) Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met:

(a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;

(b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;

(c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and

(d) The land remains planned and zoned under Goals 3 or 4.

Exhibit IV, p. 11

(5) Site specific unincorporated community boundaries that are shown on an acknowledged plan map on October 28, 1994, are deemed to comply with subsections (2) and (3) of this rule unless the boundary includes

land designated for farm or forest use that does not meet the criteria in section (4) of this rule.

(6) Communities which meet the definitions in both OAR 660-022-0010(6) and (9) shall be classified and planned as either resort communities or urban unincorporated communities.

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDC 1-1997, f. & cert. ef. 2-27-97

660-022-0030

Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Expansion of a use existing on the date of this rule;

(c) Small-scale, low impact uses;

(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);

(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;

(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

(A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;

(B) That such uses would not rely upon a work force employed by uses within urban growth boundaries; and

(C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.;

(g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:

(A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or

(B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Small-scale, low impact uses;

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:

(a) Any number of new motel and hotel units may be allowed in resort communities;

(b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;

(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.

(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

(10) For purposes of subsection (b) of section (4) of this rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space.

Exhibit IV, p. 13

(11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 2-2003(Temp) f. & cert. ef. 3-28-03 thru 9-23-03; LCDD 3-2003, f. 9-23-03, cert. ef. 9-24-03; LCDD 4-2003, f. & cert. ef. 9-26-03; LCDD 8-2005, f. & cert. ef. 12-13-05

660-022-0040

Urban Unincorporated Communities

(1) Counties with qualifying communities shall adopt plans and land use regulations for urban unincorporated communities (UUC's). All statewide planning goals applicable to cities shall also apply to UUC's, except for those goals provisions relating to urban growth boundaries and related requirements regarding the accommodation of long-term need for housing and employment growth.

(2) Counties may expand the boundaries of those UUC's with the following characteristics in order to include developable land to meet a demonstrated long-term need for housing and employment:

(a) The UUC is at least 20 road miles from an urban growth boundary with a population over 25,000; and

(b) The UUC is at least 10 road miles from an urban growth boundary with a population of 25,000 or less.

(3) To expand the boundary of a UUC, a county shall demonstrate a long-term need for housing and employment in the community. The county shall base its demonstration upon population growth estimates from a reputable forecast service (such as Portland State University). The county shall coordinate its estimates with those for other cities and communities in the county. The county shall consider:

(a) Plans to extend facilities and services to existing community land; and

(b) The infill potential of existing land in the community.

(4) If a county determines that it must expand the boundary of a UUC to accommodate a long-term need for housing and employment, it shall follow the criteria for amendment of an urban growth boundary in statewide planning Goal 14 and shall select land using the following priorities:

(a) First priority goes to that developable land nearest to the UUC which is identified in an acknowledged comprehensive plan as exception area or nonresource land;

(b) If land described in subsection (a) of this section is not adequate to accommodate the need demonstrated pursuant to section (3) of this rule, second priority goes to land designated in a comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use, with designated marginal land considered the lowest capability (highest priority for selection);

(c) Land described in subsection (4)(b) of this section may be included if land of higher priority is inadequate to accommodate the need projected according to section (3) of this rule for any one of the following reasons:

Exhibit IV, p. 14

- (A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or
 - (B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or
 - (C) Maximum efficiency of land use within the UUC requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.
- (5) Counties shall apply plans and land use regulations to ensure that land added to a UUC:
- (a) Is used only to satisfy needs identified pursuant to section (3) of this rule; and
 - (b) Is provided with sewer and water services at the time of development; and
 - (c) Is planned and zoned according to the requirements of this division; and
 - (d) If designated for residential use, meets the requirements of statewide planning Goal 10 and ORS 197.314; and
- (6) Counties shall not rely upon the use of land included within a UUC as the basis for determining that nearby land designated in compliance with goals relating to agriculture or forestry is committed to nonresource use as defined in OAR 660-004-0005(3).
- (7) Counties shall include findings of fact and conclusions of law demonstrating compliance with the provisions of this rule in their comprehensive plans.
- (8) For purposes of this rule, "developable land" shall have the meaning given that term in OAR 660-021-0010 (5).
- (9) For purposes of this rule, "long-term need" means needs for the UUC anticipated for the next 10 years.

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 4-2006, f. & cert. ef. 5-15-06

660-022-0050

Community Public Facility Plans

- (1) In coordination with special districts, counties shall adopt public facility plans meeting the requirements of OAR 660, division 11, and include them in the comprehensive plan for unincorporated communities over 2,500 in population. A community public facility plan addressing sewer and water is required if the unincorporated community is designated as an urban unincorporated community under OAR 660-022-0010 and 660-022-0020. For all communities, a sewer and water community public facility plan is required if:
- (a) Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state or federal standards; or
 - (b) The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community

Exhibit IV, p. 15

http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_022.html

facilities and services; or

(c) The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or

(d) Land in the community has been declared a health hazard or has a history of failing septic systems or wells.

(2) A community public facility plan shall include inventories, projected needs, policies and regulations for the water and sewerage facilities which are existing or needed to serve the unincorporated community, including:

(a) An inventory of the condition and capacity of existing public facilities and services;

(b) An assessment of the level of facilities and services needed to adequately serve the planned buildout within the community area boundary; and

(c) Coordination agreements consistent with ORS chapter 195.

(3) If existing community facilities and services are not currently adequate to serve the development allowed in the plan and zoning ordinance, the community public facility plan shall contain either:

(a) Development restrictions to ensure development will not exceed the capacity of the land to absorb waste and provide potable water and will not exceed the capacity of public facilities; or

(b) A list of new facilities, and improvements for existing public facilities, necessary to adequately serve the planned buildout in the unincorporated community, including the projected costs of these improvements and an identification of the provider or providers of these improvements; and

(c) A discussion of the provider's funding mechanisms and the ability of these and possibly new mechanisms to fund the development of each community public facility project; and

(d) A requirement that development not occur until the necessary public facilities are available for that development.

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 4-2006, f. & cert. ef. 5-15-06

660-022-0060

Coordination and Citizen Involvement

(1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs.

(2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:

(a) How residents of the community and surrounding area will be informed about the proposal;

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- (b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;
- (c) Which citizen advisory committees will be notified of the proposal.
- (3) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task.
- (4) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement.
- (5) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-022-0040(2).

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94

660-022-0070

Applicability

For each unincorporated community in the county, by January 1, 1998, or a date specified in a periodic review work program, all counties shall:

- (1) Plan for unincorporated communities under the requirements of this division; or
- (2) Demonstrate that all uses authorized by acknowledged comprehensive plans and land use regulations for unincorporated communities are rural, in compliance with statewide planning Goals 11 and 14; or
- (3) Amend acknowledged comprehensive plans and land use regulations to limit uses to those which are rural in compliance with statewide planning Goals 11 and 14; or
- (4) Adopt exceptions to statewide planning Goal 14, and Goal 11 if necessary, to allow urban uses on rural land.

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94

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as part of a plan amendment, or the failure to take a required exception when amending a plan, may be appealed to the Board, pursuant to ORS 197.620 and OAR chapter 660, division 18.

(3) After acknowledgment, an exception taken as part of a periodic review work task submitted under OAR 660-025-0130, or failure to take a required exception when amending a plan, may be appealed to the Commission pursuant to ORS 197.633 and OAR 660-025-0150 and 0160.

Stat. Auth.: ORS 197

Stats. Implemented ORS 197.610 - 197.625, 197.732 & 197.830

Hist.: LCDC 5-1982, f. & ef. 7-21-82; LCDC 9-1983, f. & ef. 12-30-83; LCDD 3-2004, f. & cert. ef. 5-7-04

660-004-0040

Application of Goal 14 (Urbanization) to Rural Residential Areas

(1) The purpose of this rule is to specify how Statewide Planning Goal 14, *Urbanization*, applies to rural lands in acknowledged exception areas planned for residential uses.

(2)(a) This rule applies to lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Statewide Planning Goal 3, (*Agricultural Lands*), Goal 4 (*Forest Lands*), or both has been taken. Such lands are referred to in this rule as *rural residential areas*.

(b) Sections (1) to (8) of this rule do not apply to the creation of a lot or parcel, or to the development or use of one single-family home on such lot or parcel, where the application for partition or subdivision was filed with the local government and deemed to be complete in accordance with ORS 215.427(3) before the effective date of Sections (1) to (8) of this rule.

(c) This rule does not apply to types of land listed in (A) through (H) of this subsection:

(A) land inside an acknowledged urban growth boundary;

(B) land inside an acknowledged unincorporated community boundary established pursuant to OAR Chapter 660, Division 022;

(C) land in an acknowledged urban reserve area established pursuant to OAR Chapter 660, Division 021;

(D) land in an acknowledged destination resort established pursuant to applicable land use statutes and goals;

(E) resource land, as defined in OAR 660-004-0005(2);

(F) nonresource land, as defined in OAR 660-004-0005(3);

(G) marginal land, as defined in ORS 197.247, 1991 Edition;

(H) land planned and zoned primarily for rural industrial, commercial, or public use.

(3)(a) This rule shall take effect on the effective date of an amendment to Goal 14 to provide for development of all lawfully created lots and parcels created in rural residential areas prior to the effective date of the amendment to Goal 14.

(b) Some rural residential areas have been reviewed for compliance with Goal 14 and acknowledged to comply with that goal by the department or commission in a periodic review, acknowledgment, or post-

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http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_004.html

acknowledgment plan amendment proceeding that occurred after the Oregon Supreme Court's 1986 ruling in *1000 Friends of Oregon v. LCDC*, 301 Or 447 (Curry County), and before the effective date of this rule. Nothing in this rule shall be construed to require a local government to amend its acknowledged comprehensive plan or land use regulations for those rural residential areas already acknowledged to comply with Goal 14 in such a proceeding. However, if such a local government later amends its plan's provisions or land use regulations that apply to any rural residential area, it shall do so in accordance with this rule.

(4) The rural residential areas described in Subsection (2)(a) of this rule are rural lands. Division and development of such lands are subject to Statewide Planning Goal 14, *Urbanization*, which prohibits urban use of rural lands.

(5)(a) A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres.

(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.

(c) For purposes of this section, "rural residential zone currently in effect" means a zone applied to a rural residential area, in effect on the effective date of this rule, and acknowledged to comply with the statewide planning goals.

(6) After the effective date of this rule, a local government's requirements for minimum lot or parcel sizes in rural residential areas shall not be amended to allow a smaller minimum for any individual lot or parcel without taking an exception to Goal 14 pursuant to OAR 660, Division 014.

(7)(a) The creation of any new lot or parcel smaller than two acres in a rural residential area shall be considered an urban use. Such a lot or parcel may be created only if an exception to Goal 14 is taken. This subsection shall not be construed to imply that creation of new lots or parcels two acres or larger always complies with Goal 14. The question of whether the creation of such lots or parcels complies with Goal 14 depends upon compliance with all provisions of this rule.

(b) Each local government must specify a minimum area for any new lot or parcel that is to be created in a rural residential area. For the purposes of this rule, that minimum area shall be referred to as the minimum lot size.

(c) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size of two acres or more, the area of any new lot or parcel shall equal or exceed that minimum lot size which is already in effect.

(d) If, on the effective date of this rule, a local government's land use regulations specify a minimum lot size smaller than two acres, the area of any new lot or parcel created shall equal or exceed two acres.

(e) A local government may authorize a planned unit development (PUD), specify the size of lots or parcels by averaging density across a parent parcel, or allow clustering of new dwellings in a rural residential area only if all conditions set forth in paragraphs (7)(e)(A) through (7)(e)(H) are met:

(A) The number of new dwelling units to be clustered or developed as a PUD does not exceed 10.

(B) The number of new lots or parcels to be created does not exceed 10.

(C) None of the new lots or parcels will be smaller than two acres.

- (D) The development is not to be served by a new community sewer system.
- (E) The development is not to be served by any new extension of a sewer system from within an urban growth boundary or from within an unincorporated community.
- (F) The overall density of the development will not exceed one dwelling for each unit of acreage specified in the local government's land use regulations on the effective date of this rule as the *minimum lot size* for the area.
- (G) Any group or cluster of two or more dwelling units will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices there.
- (H) For any open space or common area provided as a part of the cluster or planned unit development under this subsection, the owner shall submit proof of nonrevocable deed restrictions recorded in the deed records. The deed restrictions shall preclude all future rights to construct a dwelling on the lot, parcel, or tract designated as open space or common area for as long as the lot, parcel, or tract remains outside an urban growth boundary.
- (f) Except as provided in subsection (e) of this section, a local government shall not allow more than one permanent single-family dwelling to be placed on a lot or parcel in a rural residential area. Where a medical hardship creates a need for a second household to reside temporarily on a lot or parcel where one dwelling already exists, a local government may authorize the temporary placement of a manufactured dwelling or recreational vehicle.
- (g) In rural residential areas, the establishment of a new mobile home park or manufactured dwelling park as defined in ORS 446.003(32) shall be considered an urban use if the density of manufactured dwellings in the park exceeds the density for residential development set by this rule's requirements for minimum lot and parcel sizes. Such a park may be established only if an exception to Goal 14 is taken.
- (h) A local government may allow the creation of a new parcel or parcels smaller than a minimum lot size required under subsections (a) through (d) of this section without an exception to Goal 14 only if the conditions described in paragraphs (A) through (D) of this subsection exist:
- (A) The parcel to be divided has two or more permanent habitable dwellings on it;
- (B) The permanent habitable dwellings on the parcel to be divided were established there before the effective date of this rule;
- (C) Each new parcel created by the partition would have at least one of those permanent habitable dwellings on it; and
- (D) The partition would not create any vacant parcels on which a new dwelling could be established.
- (E) For purposes of this rule, "habitable dwelling" means a dwelling that meets the criteria set forth in ORS 215.283(t)(A)-(t)(D).
- (i) For rural residential areas designated after the effective date of this rule, the affected county shall either:
- (A) Require that any new lot or parcel have an area of at least ten acres, or
- (B) Establish a minimum size of at least two acres for new lots or parcels in accordance with the requirements for an exception to Goal 14 in OAR 660, Division 014. The minimum lot size adopted by the county shall be consistent with OAR 660-004-0018, "Planning and Zoning for Exception Areas."

(8)(a) Notwithstanding the provisions of Section 7 of this rule, divisions of rural residential land within one mile of an urban growth boundary for any city or urban area listed in paragraphs (A) through (E) of this subsection shall be subject to the provisions of subsections (8)(b) and (8)(c).

(A) Ashland;

(B) Central Point;

(C) Medford;

(D) Newberg;

(E) Sandy.

(b) If a city or urban area listed in Subsection (8)(a):

(A) has an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021; or

(B) is part of a regional growth plan that contains at least a twenty-year regional reserve of land beyond the land contained within the collective urban growth boundaries of the participating cities, and that has been acknowledged through the process prescribed for Regional Problem Solving in ORS 197.652 through 197.658; then any division of rural residential land in that reserve area shall be done in accordance with the acknowledged urban reserve ordinance or acknowledged regional growth plan.

(c) Notwithstanding the provisions of Section 7 of this rule, if any part of a lot or parcel to be divided is less than one mile from an urban growth boundary for a city or urban area listed in Subsection (8)(a), and if that city or urban area does not have an urban reserve area acknowledged to comply with OAR 660, Division 021, or is not part of an acknowledged regional growth plan as described in Subsection (b), Paragraph (B), of this section, the minimum area of any new lot or parcel there shall be ten acres.

(d) Notwithstanding the provisions of Section 7, if the Portland metropolitan service district has an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021, any division of rural residential land in that reserve area shall be done in accordance with the acknowledged urban reserve ordinance.

(e) Notwithstanding the provisions of Section 7, if any part of a lot or parcel to be divided is less than one mile from the urban growth boundary for the Portland metropolitan area and is in a rural residential area, and if the Portland metropolitan area does not have an urban reserve area that contains at least a twenty-year reserve of land and that has been acknowledged to comply with OAR 660, Division 021, the minimum area of any new lot or parcel there shall be twenty acres. If the lot or parcel to be divided also lies within the area governed by the Columbia River Gorge National Scenic Area Act, the division shall be done in accordance with the provisions of that act.

(f) Notwithstanding the provisions of Section 7 and Subsection (8)(e), a local government may establish minimum area requirements smaller than twenty acres for some of the lands described in Subsection (8)(e). The selection of those lands and the minimum established for them shall be based on an analysis of the likelihood that such lands will urbanize, of their current parcel and lot sizes, and of the capacity of local governments to serve such lands efficiently with urban services at the densities set forth in the Metro 2040 plan. In no case shall the minimum area requirement set for such lands be smaller than 10 acres.

(g) A local government may allow the creation of a new parcel, or parcels, smaller than a minimum lot size required under subsections (a) through (f) of this section without an exception to Goal 14 only if the conditions

described in paragraphs (A) through (E) of this subsection exist:

- (A) The parcel to be divided has two or more permanent, habitable dwellings on it;
- (B) The permanent, habitable dwellings on the parcel to be divided were established there before the effective date of OAR 660-004-0040;
- (C) Each new parcel created by the partition would have at least one of those permanent, habitable dwellings on it;
- (D) The partition would not create any vacant parcels on which new dwellings could be established; and
- (E) The resulting parcels shall be sized to promote efficient future urban development by ensuring that one of the parcels is the minimum size necessary to accommodate the residential use of the parcel.
- (F) For purposes of this rule, habitable dwelling means a dwelling that meets the criteria set forth in ORS 215.283(1)(t)(A) - (D).
- (9) The development, placement, or use of one single-family dwelling on a lot or parcel lawfully created in an acknowledged rural residential area is allowed under this rule and Goal 14, subject to all other applicable laws.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 197.175 & 197.732

Hist.: LCDD 7-2000, f. 6-30-00, cert. ef. 10-4-00; LCDD 3-2001, f. & cert. ef. 4-3-01; LCDD 3-2004, f. & cert. ef. 5-7-04

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LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 14

**APPLICATION OF THE STATEWIDE PLANNING GOALS TO
NEWLY INCORPORATED CITIES, ANNEXATION, AND
URBAN DEVELOPMENT ON RURAL LANDS**

OAR 660-014-0040 - Establishment of New Urban Development on Undeveloped Rural Lands

- (1) As used in this rule, "undeveloped rural land" includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.
- (2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.
- (3) To approve an exception under section (2) of this rule, a county must also show:
 - (a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;
 - (b) That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:
 - (A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and
 - (B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.
 - (c) That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:
 - (A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and
 - (B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured.
 - (d) That an appropriate level of public facilities and services are likely to be provided in a timely and efficient manner; and
 - (e) That establishment of an urban growth boundary for a newly incorporated city or establishment of new urban development on undeveloped rural land is coordinated with comprehensive plans of affected jurisdictions and consistent with plans that control the area proposed for new urban development.

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- (4) Counties are not required to justify an exception to Goal 14 in order to authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in exception areas that were planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

Stat. Auth.: ORS 197

Stats. Implemented: ORS 197.040

Hist.: LCDC 5-1983(Temp), f. & ef. 7-20-83; LCDC 11-1983, f. & ef. 12-30-83; LCDD 4-2004, f. & cert. ef. 5-17-04; LCDD 8-2005, f. & cert. ef. 12-13-05

Oregon's Statewide Planning Goals & Guidelines

GOAL 14: URBANIZATION

OAR 660-015-0000(14)

(Effective April 28, 2006)

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year

population forecast coordinated with affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

(1) Efficient accommodation of identified land needs;

(2) Orderly and economic provision of public facilities and services;

(3) Comparative environmental, energy, economic and social consequences; and

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

Unincorporated Communities

In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by commission rules which ensure such uses do not adversely affect agricultural and forest operations and interfere with the efficient functioning of urban growth boundaries.

Single-Family Dwellings in Exception Areas

Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:

- (a) Was lawfully created;
- (b) Lies outside any acknowledged urban growth boundary or unincorporated community boundary;
- (c) Is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and
- (d) Is planned and zoned primarily for residential use.

Rural Industrial Development

Notwithstanding other provisions of this goal restricting urban uses on rural

land, a county may authorize industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, on certain lands outside urban growth boundaries specified in ORS 197.713 and 197.714, consistent with the requirements of those statutes and any applicable administrative rules adopted by the Commission.

GUIDELINES**A. PLANNING**

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account (1) the growth policy of the area; (2) the needs of the forecast population; (3) the carrying capacity of the planning area; and (4) open space and recreational needs.

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors

which should be utilized to direct urban expansion.

2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.

3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

5. Additional methods and devices for guiding urban land use should include but not be limited to the following: (1) tax incentives and disincentives; (2) multiple use and joint development practices; (3) fee and less-than-fee acquisition techniques; and (4) capital improvement programming.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

Josette Griffiths

From: Josette Griffiths
Sent: Thursday, December 06, 2007 4:09 PM
To: 'Jay F. Sherrerd'
Subject: Solario - e-mail #2

Jay,
Attached with this mailing is a copy of Article 60 ("Administrative Procedures") and Article 21 ("Commercial Zone") of the Hood River County Zoning Ordinance. Also attached is a copy of the staff report and Board's final order on the Zone Change request for the Tucker Road property (where the drive-in movie theater was), just as an example.
Josette Griffiths
Senior Planner
Hood River County
Tel: (541) 387-6840

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12/6/2007

ARTICLE 60 - ADMINISTRATIVE PROCEDURES
(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 60.00 - Definition, Initiative, Type

- A. An "Administrative Action" means a proceeding pursuant to this article.
- B. Action on all administrative actions shall be initiated by a property owner or contract purchase, Board or Planning Commission Order. The initial action shall be to file an application on forms provided for that purpose in the Planning Department.
- C. Administrative action includes actions on: variances, conditional use permits, zone changes, exceptions¹, and change of or reinstatement of non-conforming uses.

Section 60.01 - Planning Commission Review Procedure

The Planning Commission shall be the hearings body and make decisions on the following actions: (1) Zone Changes; (2) Comprehensive Plan Amendments; (3) Appeal of Director's Decision; (4) Review of Director's Decision (hearings process); (5) Review of Historic Preservation Applications (hearings process); (6) Initial Planned Unit Development (PUD) approval; (7) Initial Subdivision approval; (8) Delegation of Planning Commission authority to a hearings officer; and (9) Transportation improvements described in Article 55, Section 55.60(C) of the County Zoning Ordinance.

Section 60.02 - Planning Director's Review Procedures

The Planning Director shall review and make decisions regarding the following administrative actions pursuant to provisions in Article 72 - Planning Director's Review Procedures: (1) Variances; (2) Dependent relative mobile home permits, and other temporary uses; (3) Non-farm dwellings; (4) Conditional Use Permits; (5) Reinstatement of discontinued nonconforming uses and enlargement of nonconforming uses; (6) Non-forest Partitions; (7) Major and Minor Partitions; (8) Plan and Zone Boundary Adjustments; (9) Land Use Permits; (10) Final Subdivision Plat Approval; (11) Final Planned Unit (PUD) Plan approvals; (12) Alteration or repair of a nonconforming use; (13) Transportation improvements described in Article 55, Section 55.60(B) of the County Zoning Ordinance; (14)¹ Exceptions and Hardship Variances under the Stream Protection Overlay Zone; and (15) Other responsibilities and authorities presented in the County Administrative Code, the County Subdivision /Zoning Ordinances, or directives of the Hood River County Board of Commissioners.

Section 60.03 - Hearings Officer

The Planning Commission, upon affirmative vote of four (4) members may delegate the authority of the Planning Commission for all or portion of all administrative actions to a Hearings Officer. The Hearings Officer shall be subsequently selected by the Board of Commissioners.

¹ Amended as part of HRC Ordinance #253, Riparian Corridor, adopted 2-17-04 (effective 3-19-04)

Section 60.04 - Content of Notices of Initial Hearings on Proposed Actions

Notice of the hearing before the Planning Commission or subcommittee thereof, or hearings officer shall contain the following information:

- A. The date, time and place of the hearing.
- B. A description of the property reasonably calculated to give notice to its actual location.
- C. The nature of the proposed action.
- D. A notice that all interested parties may appear and be heard.
- E. A notice that the hearing shall be held pursuant to the Rules of Procedure by the Body conducting the hearing.

Additional Matters in Notice - Where the application is made for a zone change, the Planning Director shall have the discretion to include in the notice of hearing that the hearing body may consider other zoning classifications other than that for which the application is made.

Section 60.06 - Notification of Hearing or Proposed Action

The following notification shall be made:

- A. Notice shall be given in a newspaper of general circulation in the area affected at least ten (10) days prior to the date of hearing.
- B. The following shall receive personal notice by regular mail:
 - 1. The applicant.
 - 2. All property owners within 250 feet of the property which is the subject of the application.
 - 3. Affected local, state and federal agencies, the cities of Hood River and Cascade Locks, and individuals who request such notice. Persons who request and pay the fee established by the Director shall receive notice.

For the purpose of personal notification, the records of the Department of Records and Assessments shall be used. Only those names appearing on the last tax rolls need be notified of the proposed action. The failure of the property owner to receive notification shall not invalidate the proceedings, providing a good faith attempt was made to notify persons entitled to personal notice.

Section 60.07 - Continuation of Hearings

The hearing may be continued from time to time as necessary to gather additional information and no additional notice be given if the hearing is continued to a date certain.

Section 60.08 - Hearings on Proposed Action

- A. Hearings on proposed actions shall be in accordance with the Rules of Procedure adopted by the hearings body for the conduct of hearings pursuant to this ordinance.
- B. The majority of the hearings body or the hearings officer shall render a decision within 60 days from the receipt of the application unless such time has been extended upon mutual consent of the applicant and the hearings body, or hearings officer.
- C. The action may be to approve the application as submitted, to deny the application or to conditionally approve the application with conditions as may be necessary to carry out the Comprehensive Plan and as provided in Section 60.14. In all cases, the hearings body or officer shall state its decision upon the close of the hearing or upon continuance of the matter to a time certain.

Section 60.10 - The Burden of Proof

The Burden of Proof is placed on the applicant seeking an action pursuant to the provisions of this ordinance. Unless otherwise provided for in this article, such burden shall be to approve:

- A. Granting the request is in the public interest; the greater departure from present land use patterns, the greater the burden of the applicant.
- B. The public interest is best carried out by granting the petition for the proposed action, and that interest is best served by granting the petition at this time.
- C. The proposed action is in compliance with the Comprehensive Plan.
- D. The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:
 - 1. The characteristics of the various areas of the County.
 - 2. The suitability of the subject area for the type of development in question.
 - 3. Trends in land development.
 - 4. Density of development.
 - 5. Property values.
 - 6. The needs of economic enterprises in the future development of the County.
 - 7. Access.
 - 8. Natural resources.
 - 9. Public need for healthful, safe and aesthetic surroundings and conditions.

- E. Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to consider. In all cases, the hearings body or officer shall enter findings based upon the record before it, to justify its decision.

Section 60.12 - No New Application

If the application is denied, either initially or upon review by the Board or action by the courts affirming denial, no new application for the same or substantially similar action shall be filed for at least one year from the date of final order on the action denying the application.

Section 60.14 - Conditions of Approval

The following limitations shall be applicable to conditional approval:

- A. Conditions shall be fulfilled within the time set forth in the approval.
- B. Such conditions shall be reasonably conceived to fulfill public needs.
- C. Changes or alterations of conditions shall be processed as a new administrative action.
- D. Such conditions may be set forth in a contract executed between the Board, acting by and through its Chairman, and the property owner and any contract purchasers. If a contract is required, no building permit for the use applied for shall issue nor shall the use applied for be deemed approved until such properly executed contract is filed with the Director of Records and Assessments of Hood River County. Such a contract shall be properly signed and executed within 30 days after approval provided, however, that the Board may grant reasonable extensions in cases of practical difficulty. Such contract shall be enforceable against the signing parties, their heirs, successors and assigns by Hood River County by appropriate action in law or suit in equity.
- E. Failure to fulfill any condition within the time provided may be grounds for initiation of enforcement provision in Article 70, or revocation of the permit as provided in Article 68.
- F. A bond, in a form acceptable to the Planning Director, cashier's check or a cash deposit from the property owners or contract purchasers in such amount as will assure compliance with the conditions imposed pursuant to this article may be required. Such bond shall be posted at the same time the contract containing the conditions to approval is filed with the Director of Records and Assessments.

Section 60.15 – Evidence

All evidence offered and not objected to may be received unless excluded by the hearings body or officer on its or his own motion. Evidence received at any hearing shall be of the quality that reasonable persons rely upon the conduct of everyday affairs. Evidence shall be received and notice may be taken of those facts in a manner similar to that provided for a contested case before state administrative agencies pursuant to ORS 183.450 except as otherwise provided herein.

All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be returned when the period for review has expired but shall otherwise be preserved by the Planning Director. Evidence may be reserved subject to a later ruling as to its administer ability.

Section 60.16 - Oath

The hearings body or officer may place any person submitting testimony under oath or affirmation.

Section 60.17 - Records

A verbatim record of the proceedings shall be made by oral, written or mechanical means, the record need not be transcribed except on review of the record.

Section 60.18 - Time Limits for Oral Presentation

The hearings body or officer may set reasonable time limits for oral presentation to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing and he or it may exclude or limit cumulative, repetitive or immaterial matter.

Section 60.20 - Ex-Parte Contact

Members of the hearings body or hearings officer shall not:

- A. Communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate; nor
- B. Take notice of any communication, reports, staff memoranda, or other materials prepared in connection with the particular case unless all parties are afforded an opportunity to contest the material so noticed; nor
- C. Inspect the site with any party or his representative unless all parties are given an opportunity to be present.

ARTICLE 21 - COMMERCIAL ZONE (C-1)
(Revised 07-21-03 as part of TSP adoption, effective 8-22-03)

Section 21.10 - Uses Permitted Outright

In a C-1 Zone, the following uses and their accessory uses are permitted outright:

- A. Any use permitted in a R-2 zone, including those listed as conditional uses, excluding there from single-wide mobile homes and mobile home parks.
- B. Retail trade establishment.
- C. Commercial and professional service establishments unless otherwise listed.
- D. Signs and billboards.
- E. A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years. Applicable provisions in Article 16 shall apply.

Section 21.20 - Conditional Uses Permitted

In the C-1 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60:

- A. Animal hospital.
- B. Trailer park. Mobile home parks shall comply with applicable provisions in Article 16.
- C. Mobile homes for a dependent relative (temporary use) shall comply with provisions in Article 16, Section 16.25.

Section 21.30 - Limitations on Use

In a C-1 zone, the following conditions shall apply:

- A. All business, service, repair, processing, storage and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development. Screening shall allow for vision clearance at driveways. Screening shall be located outside of public right-of-way.
- B. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential or farm properties.
- C. Light from a sign shall be directed away from a lot in a farm or residential zone.
- D. Dwellings shall comply with the lot size, setbacks, height and lot coverage requirements of an R-2 zone.

Exhibit IV, p. 84

Section 21.40 - Lot Coverage Requirements

In the C-1 zone buildings, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.

Section 21.50 - Setback Requirements

In the C-1 zone, setbacks shall be as follows:

- A. No building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or 20 feet, whichever is greater.
- B. No building shall be constructed closer to the centerline of a street than 50 feet.
- C. Vision clearance setbacks from all street intersections shall be 35 feet.

Section 21.60 - Site Design Standards¹

At the time of new development, or change of use, the applicant shall demonstrate:

- A. Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.
- B. The storm drainage or natural drainage system will handle the increased runoff created by the new development.
- C. No new building site shall be located within the 100-year floodplain without a floodplain permit.

Section 21.65 - Street Design Standards

- A. The following street design standards for Urban Commercial/Industrial Roads only apply outside of the Urban Growth Areas and shall apply to new streets built within the C-1, M-1 and M-2 zones for new developments with a proposed or potential average lot size of one-half acre or less:

ROW	Roadway	Travel lanes	Center lane	Bike Lanes	Parking	Planting strip	Sidewalk	Utility easement*
60'-70'	30'-42' ¹	Two 11'	12' min., if needed.	None	8' one or both sides	See note 2	Two 6'-8'	One or two 5'-10'

- 1. 42' with center turn lane
- 2. 4'-6' wide planting strip, or tree wells with 8 foot sidewalk
- * = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

¹ Locational Criteria are listed in the County Policy Document under Goal 9 (Economy of the State) and apply at the time of a Plan or Zone Change to C-1.

- B. The following street design standards for Rural Commercial/Industrial Roads shall apply to new streets built within the C-1, M-1, and M-2 zones for new developments outside the Urban Growth Areas with a proposed or potential average lot size of more than one-half acre:

ROW	Roadway	Travel lanes	Center lane	Shoulder	Parking	Planting strip	Sidewalk	Utility easement*	Other/ Comments
60'-68'	32'- 40'	Two 12'	None	None	8' one or both sides	None	None	One or two 5'-10'	2' gravel shoulder both sides; 12' ditch one or both sides

* = Optional

Standards are illustrated in diagrams in the County TSP and Road Design Standards document.

Section 21.70 – Access Management

Access management guidelines are addressed in Article 19 (Access Management Standards) of the Hood River County Zoning Ordinance.

Exhibit IV, p. 56

FILE COPY

HOOD RIVER COUNTY
ORDINANCE NO. 235

AN ORDINANCE TO CHANGE THE ZONING DESIGNATION OF A PARCEL, OWNED BY TUCKER ROAD PROPERTIES, FROM RURAL RESIDENTIAL (RR1) TO COMMERCIAL (C-1) AND LIGHT-INDUSTRIAL (M-2).

WHEREAS, The above matter came before the Hood River County Board of Commissioners during a public hearing on September 17, 2001.

WHEREAS, the subject parcel is located at the old Trail drive-in movie theater property on the south and east sides of Tucker Road (Hwy. 281), approximately 300 feet south of its intersection with Barrett Drive and Indian Creek Road. The parcel is further described as Township 2 North, Range 10 East, W.M., Section 11B, Tax Lot #1700.

WHEREAS, due notice was given of the hearing before the Board of Commissioners and written and oral testimony was provided .

WHEREAS, based upon information provided in the staff report and the evidence and testimony presented at the hearing, the Board of Commissioners hereby adopts the Findings of Fact and Conclusions of Law set forth in the amended staff memorandum dated August 22, 2001, attached hereto as Exhibit A, and by this reference incorporated herein.

NOW, THEREFORE, IT IS HEREBY ORDAINED that the application of Tucker Road Properties for a Plan and Zone Change to convert the zoning of their 8.11 acre parcel, as shown on their submitted site plan, from Rural Residential to Commercial and Light-Industrial is hereby adopted, subject to the following recommended conditions:

1. On commercial zoned portions of the subject parcel, only those uses that are either authorized under Goal 3 and 4 or "small-scale, low impact uses," shall be allowed, unless modified when the County completes its periodic review work task concerning Goal 14. Commercial uses that may be allowed under Goal 3 and 4 include but are not be limited to: farm stands, home occupations, commercial activities in conjunction with farm use, dog kennels, private hunting and fishing operations, private parks and campgrounds, and firearms training facilities.

Exhibit IV, p. 4

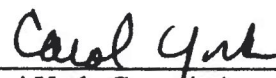
2. On industrial zoned portions of the subject parcel, only those uses that are either authorized under Goal 3 and 4 or "small-scale, low impact uses," shall be allowed, unless modified when the County completes its periodic review work task concerning Goal 14. Industrial uses that may be allowed under Goal 3 and 4 include but are not be limited to: commercial processing of farm crops, wineries, utility facilities necessary for public service, operations for extraction and bottling of water, facilities for the primary processing of forest products, and logging equipment repair and storage.
3. The maximum footprint size for a building or multiple buildings that contain a "small-scale, low impact" commercial use is 3,000 square feet, unless this size limitation is modified when the County completes its periodic review work task concerning Goal 14.
4. The maximum allowable footprint size for a building or multiple buildings that contain a "small-scale, low impact" industrial use is 7,500 square feet, unless this size limitation is modified when the County completes its periodic review work task concerning Goal 14.
5. Any parcel created or used for residential purposes shall be at least two (2) acres in size.
6. Prior to commencing any future development or land division, the applicant and/or subsequent owners will be required to submit drainage plans, prepared by an engineer(s) licensed in the state of Oregon, that confirm that storm water and drainage can be controlled and maintained on the subject parcel without adversely impacting nearby property.
7. At the time of future development or land division, Ice Fountain Water District will require the applicant to extend an existing 12 inch water mainline from the Indian Creek Road/Barrett Drive/Tucker Road intersection to the most northeast corner of the subject parcel.
8. The location of future access onto Tucker Road from the subject parcel must be determined and approved by ODOT at the time a road approach permit is acquired. Factors such as safety, congestion, driveway spacing requirements, etc. will be considered as part of their review. Compliance with the requirements of ODOT is required.
9. Only one access point onto Tucker Road shall be permitted for egress and ingress to the subject parcel, including future parcels. If permitted by ODOT, a second access may be used for "exit only." Additionally, alternative access may be available and should be sought from an existing paved private road located east of the subject parcel.
10. Future development may warrant the construction of a separate left-turn lane on Tucker Road at the approved access point. If or when required, it will be responsibility of the applicant/property owner to construct and pay for such road improvements.
11. No on-street parking shall be provided along Tucker Road. Future off-street parking shall be provided in compliance with the requirements of Article 51 – Off-Street Parking and Loading.

12. Sewer service shall be reviewed and approved by the County Sanitarian and/or Department of Environmental Quality prior to any future development or land dividing effecting the subject parcel. Compliance with the requirements of the County Sanitarian and/or Department of Environmental Quality is required.
13. The north boundary of the subject parcel may contain a wetland. No development or ground disturbing activities may occur in this area without review and approval from the Division of State Lands (DSL). To comply with DSL requirements, the applicant and/or subsequent owners may be required to complete a wetland delineation, obtain a removal/fill permit, and comply with regulating conditions. If required, the County is not responsible for any delays in obtaining state or federal permits.
14. Any future development shall be reviewed and approved by the Planning Department in accordance with the requirements of Article 21 (Commercial zone) or Article 32 (Light Industrial zone) and Article 64 (Land Use Permits).

DATED this 17 day of September, 2001.

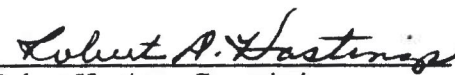
**BOARD OF COMMISSIONERS FOR
HOOD RIVER COUNTY, OREGON**


John R. Arens, Chair


Carol York, Commissioner


Chuck Thomsen, Commissioner


Les Perkins, Commissioner


Robert Hastings, Commissioner

APPROVED AS TO FORM:


Wilford K. Carey, County Counsel

Exhibit IV, p. 22

EXHIBIT V

EXCEPTION 2B

HOOD RIVER COUNTY EXCEPTIONS DOCUMENT

1984

(Amended 12/17/84)

Exhibit V, p. 1

BACKGROUND DATA

SITE NAME OR NUMBER: 2B - City/Westside (MAP #3)

A. Location: 2N 10 2D #100, 200, 302, 303, 400, 500, 501, 502, 600, 601, 700, 800, 900, 1000, 1100, 1200, 1300, 1301, 1400, 1500, 1501, 1600, 1700, 1702, 1900, 2000, 2100, 2200, 2300, 2400, 2600, 2700, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3700, 3800, 4100, 4200, 4300, 4301, 4400, 4401, 4500, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 6000, 6100, 6200, 6300, 6500, 6600, 6700, 6701, 6800, 6900, 7000, 7200, and portions of 304, 2800, 3600, 5900, 5901, and 7300; 2N 10 1 #800, 900, 1000, and portion of 600. (See Attachment "A").

B. Exception; Existing: City/Westside (see Attachment "B").

C. Plan/Zoning: Rural Residential/RR-1/2

D. Land Use:

1. Site: There are 47 houses on 38 parcels. Density average is one house per 2.11 acres. Considering current land uses, maximum parcelization would create 105 additional parcels/dwellings.

Conditional uses within the area include the Westside Fire Station/Ice Fountain Water District Office (1.28 acres), two cemeteries (1.24, 2.25 acres), and a mobile home park (5.0 acres). Vacant land is in pasture or remains undeveloped.

There are mixtures of land uses in the area to include mobile home courts, cemeteries, offices for the Westside Rural Fire Protection District and Farmers Irrigation District, sporting goods store, RV sales lot, car sales lot, bowling alley, churches, 47 single-family dwellings, veterinary clinic, garage and body shop. Existing commercial uses are planned and zoned commercial because they are built out and committed.

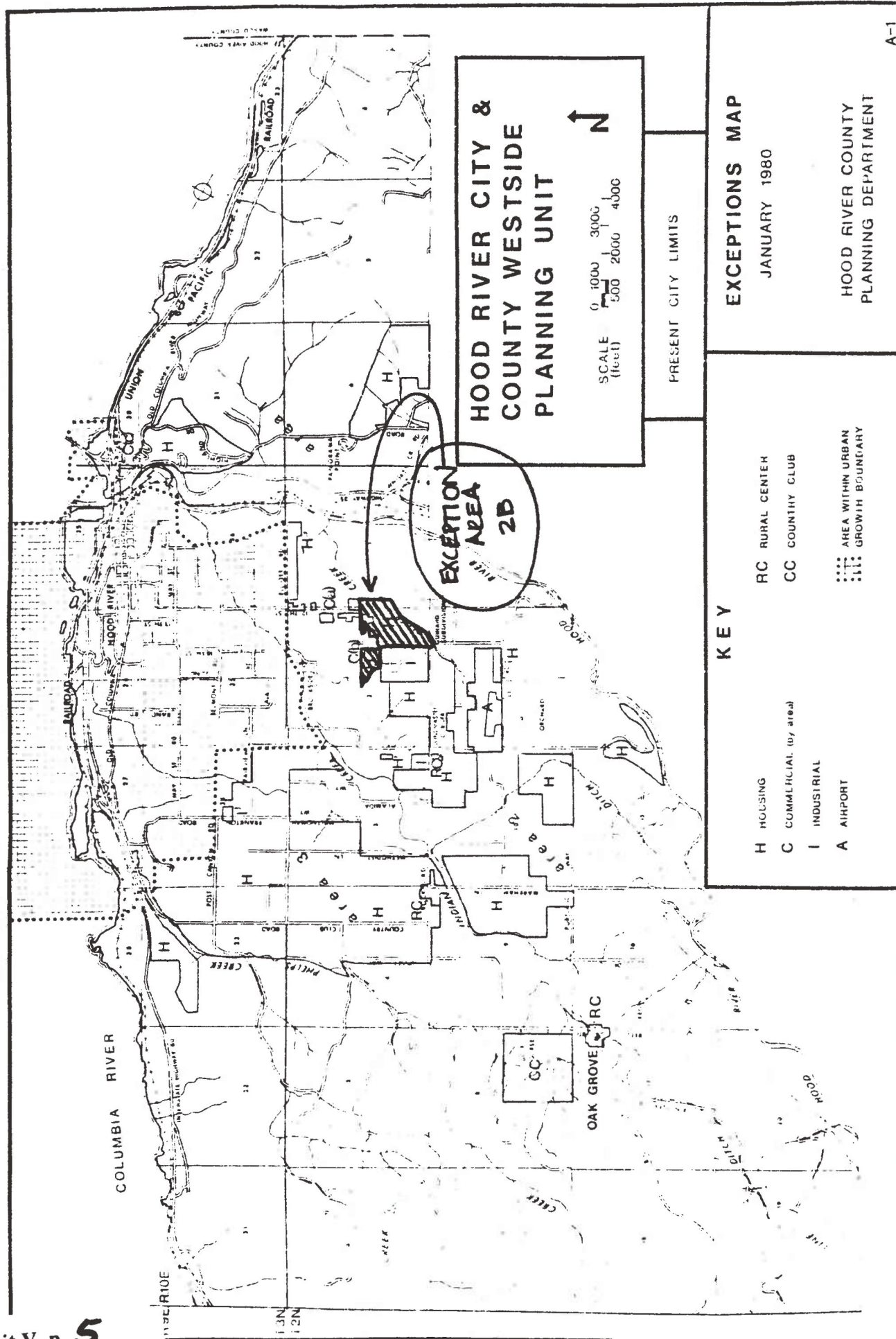
Alder Creek borders the area to the east and south.

2. Adjacent: Several commercial uses exist to the west and north along Tucker Road. Industrial uses also exist to the west where lands are planned and zoned Industrial. Lands south, east, and north are planned and zoned Exclusive Farm Use. Average parcel size to the north and east, 12+ acres and 94% of the land is receiving farm deferral. Farms (orchard) to the south of Alder Creek. Parcels average 3.55 acres and 54% of the land is receiving farm deferral. State Experiment Station and Hood River County ownership is on land to the east.

- E. Soils: Wind River fine sandy loams (0-12% slopes).
1. Forest: Not suitable.
 2. Agricultural: Class IIIs (majority), IVe.
- F. Deferral status: No deferrals.
- G. Acreage:
1. Site: 99+ acres.
 2. Parcel sizes: 0-0.99 acres, 50; 1.0-1.49 acres, 8; 1.50-1.99 acres, 1; 2.0-2.49 acres, 4; 2.50-4.99 acres, 5; greater than 5 acres, 6.
 3. Average Parcel Size: 1.29+ acres.
- H. Ownership Pattern:
1. Site: Generally single ownership. Public ownerships include: K&P Cemetery (2N 10 2D #1500, 1.24 acre); Hood River Memorial Cemetery (2N 10 2D #1400, 2.25 acre) Westside Rural Fire Protection District (2N 10 2D #1300, 1.28 acre); Hood River County (2N 10 2D #1501, 1.24 acre).
 2. Contiguous Ownerships: 2N 10 2D #5900, 5901, and 7300 are contiguous with larger acreages outside the area. Alder Creek divides these parcels.
 3. Large Ownerships: Largest parcels are 10.52, 6.54, and 5.0 acres. These parcels have not been partitioned.
- I. Partitions: Four parcels have previously been partitioned, but have not changed ownership. Potential for one new parcel (three parcels with a variance).
- J. Public Services:
1. Sewer: Septic Tank/Drainfield
 2. Water: Ice Fountain Water District or wells.
 3. School: Busing available; schools are within one mile.
 4. Fire: Westside Rural Fire Protection District
 5. Access: Tucker Road (arterial), Bradley, Cherry, McCarthy, and Experiment Station Drive (local streets). Comprehensive Transportation Plan indicates a connector street is planned between Tucker Road and Indian Creek Road (collector) at the northern edge of the Exception Area.
 6. Mail: Delivery available.
- K. Natural Boundaries: Alder Creek along southeastern edge of area, Indian Creek at northwestern corner.

- L. Neighborhood and Regional Characteristics: Commercial land uses and zoning to the north and within the area. Orchards to the east, southeast; rural residential and pasture uses in the Exception Area to the west; Industrial (M-2) between the two residential exception areas.
- M. Recommendation: The Background Data presents additional justification that the area is primarily committed to development. In filling can accommodate projected population growth.

The additional information noted above to be incorporated into the existing Exception.



The southern "Rural Residential" designation in area 1 is southeast of the County Park at Panorama Point. It is on Class IV - VII soils. Forest site classes are 4 - 6. Virtually all of the land has in excess of 20 percent slopes. There are no orchards in this Rural Residential designation.

The two "Rural Residential" designations in area 1 have been so designated because they are the least productive agricultural lands as compared to surrounding lands, based on SCS and Oregon State University Extension Service data. They will help accomodate the need for Rural Residential housing while not significantly interfering with agricultural practices on nearby lands.

Moving to area 2, we have designated several areas for rural housing. The Plan Map designates a strip along the south side of Eliot Drive for "Medium Density" housing. This area is already committed to dense housing. There are very few lots that are not already built upon. The area is adjacent to the Urban Growth Boundary. Average lot size in the area is less than 20,000 square feet.

21

The Plan Map designates an area immediately to the east and an area immediately to the north of the Guignard Subdivision (designated "Light Industrial" - see Plan Map) as "Rural Residential". The Plan Map designates lands in a roughly semi-circular pattern to the west of the aforementioned lands as "Rural Residential".

All of the lands mentioned thus far in area 2 are located on Class II and III soils. Average lot size in the area is 5 - 10 acres. Areas built upon are scattered throughout the housing designations, thus making commercial farming impracticable. Orchard lands are generally excluded from the rural housing designations; the orchards to the north of the rural housing designations have been protected by a "Farm" designation. Because of the very small amount of commercial agricultural land within the aforementioned rural housing designations, the loss to the economy will be minimal. These rural housing areas are located on or in close proximity to Tucker Road, the arterial with the most traffic that connects Hood River and the Upper Hood River Valley. The area is close to schools, shopping, and employment opportunities. As such, designating the area for housing will help meet the Energy Conservation Goal.

The "Rural Residential" designation near the Tucker Road Bridge across the Hood River is located on Class II and III soils, most of which are wet or subject to erosion. No orchard activity is presently taking place on these lands. The lands are adjacent to Tucker Road, and largely committed to rural housing at the present time.

The three remaining "Rural Residential" designations in area 2 are: (1) the vicinity of Markham Road and Portland Drive,

Exhibit V, p. 8

ATTACHMENT "B"

EXHIBIT VI

**INFORMATION PROVIDED BY STAFF TO
THE PLANNING COMMISSION AT THE
PUBLIC HEARING ON 05/28/08**



**PLANNING & COMMUNITY
DEVELOPMENT**

SCOTT P. REVELL, DIRECTOR

309 STATE STREET, ROOM 101
HOOD RIVER, OREGON 97031-2093
PHONE 541-387-6840
FAX 541-387-6873

November 3, 1998

Vincinte Solorio
2750 W. Prospect Ave.
Hood River, OR 97031

Re: Application #98-474, for property described as 2N 10E 2D Tax Lot #4200.

Dear Mr. Solorio:

Pursuant to Article 21 of the Hood River County Zoning Ordinance (Commercial Zone C-1) your request to use the existing retail space as a stereo store to sell, service and install car stereo equipment has been approved by the Planning Department subject to the submitted site plan.

The requirements of Article 21 will need to met should future construction be proposed and necessary building permits will need to be obtained. Article 51 - Off-Street Parking requires that the proposed use have 7.5 parking spaces. The site plan depicts 6 parking spaces in front of the building with extra parking in the back. It appears that the parking requirements can be met.

Please do not hesitate to contact Nickie Cowart, Planning Technician, at (541) 387-6840 should you have any questions.

Sincerely,

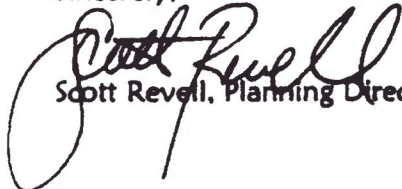

Scott Revell, Planning Director

Exhibit VI, p. 1

APPLICATION FOR COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY LAND USE PERMIT

Hood River County Courthouse
Hood River, Oregon 97031
386-1306

Application No. 474

Applicant's Name Vicente A. Solario Township 2N
Address 2750 W Prospect Av. Range 10E
Hood River Or. 97031 Section 2D
Telephone No. 386-1461 Tax Lot 4200

Owner's Name NORVAL FOSTER Zone C1/R.S
Address 264 Tacker Rd Comprehensive Plan
Hood River Or 97031

NOTE: If applicant is other than owner of the property, a letter from the owner stating his/her full knowledge and consent of this application shall be required prior to processing.

Describe Project in Detail (also complete site plan attached)

To be used as a retail Stereo store to sell
services, and installation of car stereo equipment.
Also, installation of car alarms and accessories.

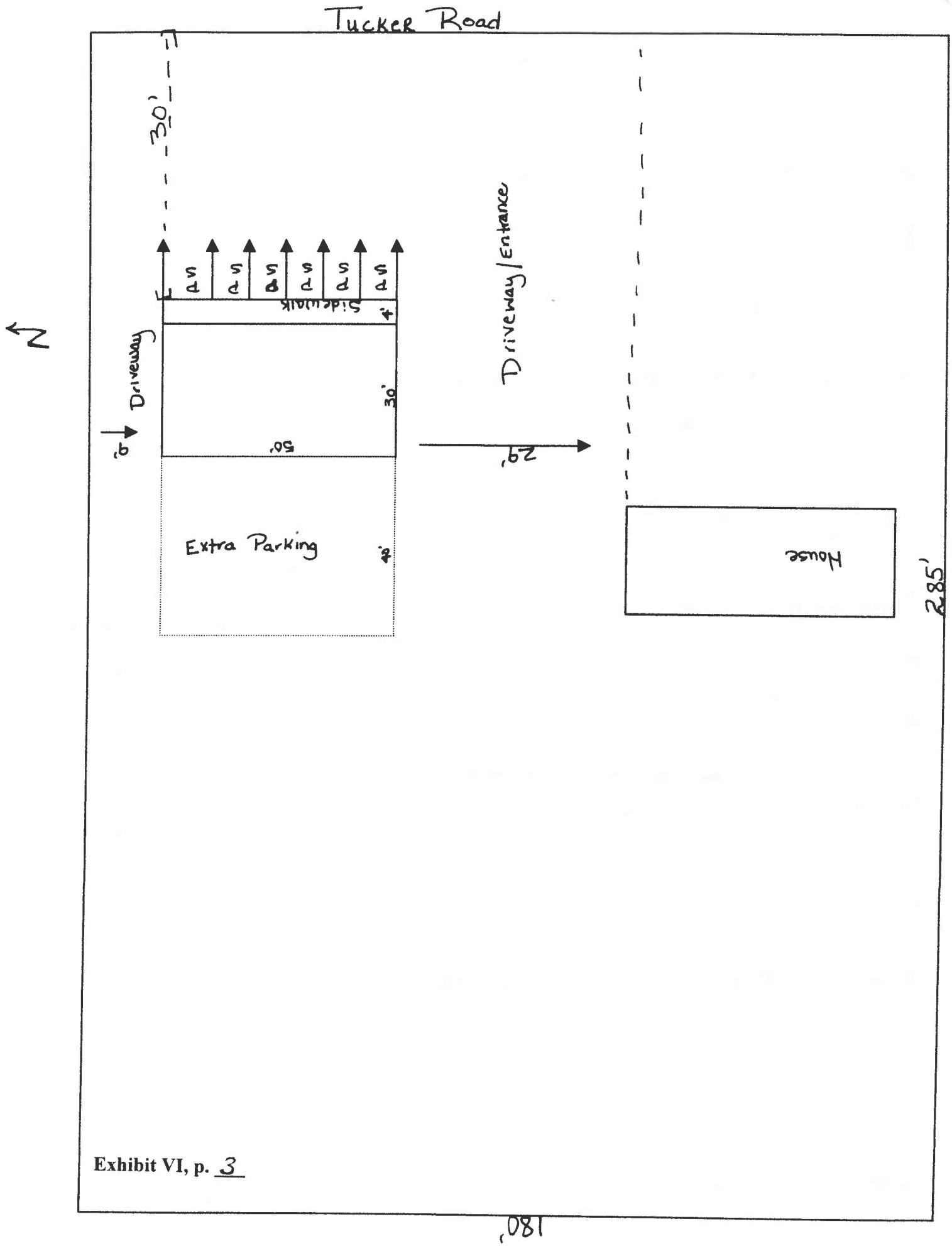
Water Supply Source Re FOUR TANK also Farmer's irrigation Application Fee \$80.00

Method of Sewerage Disposal SEPTIC TANK Collected By _____

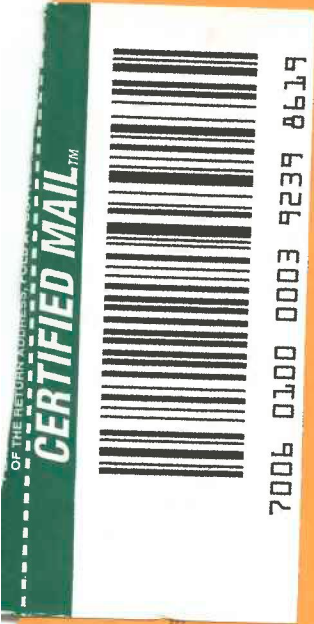
Access _____ On Tacker Rd

I agree to comply with the above description and to abide by the conditions set on approval. I recognize that if the project is not started within 365 days of approval or abandoned for one year, the permit becomes null and void.

Vicente Solario
Signature



Hood River County
Planning & Building Services
601 State Street
Hood River, OR 97031



Attn: Mara Ulloa
Dept. of Land Conservation & Develop.
635 Capital Street NE, Suite 150
Salem, OR 97301-2540