



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

January 30, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment
DLCD File Number 001-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without text.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 16, 2006

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

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Mark Darienzo, DLCD Flood Map Modernization Program Coordinator
Jennifer Donnelly, City of Hood River

<paa> ya/email



FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

JAN 27 2006

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

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: City of Hood River Local File No.: 2005-30
(if no number, use none)

Date of Adoption: 1-23-06 Date Mailed: 1-26-06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 5-16-05

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

(Please Specify Type of Action)

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

Add Additional Goal 5 language to the Comprehensive Plan that Reflects recent amendments. Revise part of the ESEE for the Columbia River Waterfront Area

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from: N/A to _____

Zone Map Changed from: N/A to _____

Location: N/A Acres Involved: _____

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: Goal 5

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 601-05
(14383)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Port of Hood River

Local Contact: Jennifer Donnelly Area Code + Phone Number: (541) 387-5224

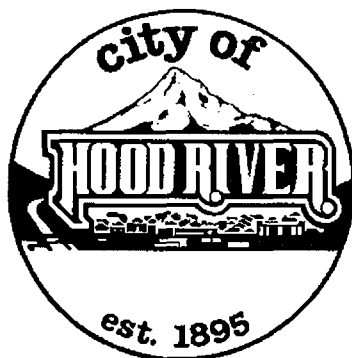
Address: City of HR P.O. Box 27 City: Hood River

Zip Code+4: 97031 Email Address: jennifer@ci.hood-river.or.us

ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



Mayor:
Linda Rauches

Councilors:
President: Paul Cummings
Carrie Nelson
Paul Blackburn
Ann Frodel
Martin Campos-Davis
Laurent Picard

NOTICE OF CITY COUNCIL DECISION

Date: January 25, 2006

TO: City Council
Interested Persons

FROM: Jean M. Hadley, City Recorder

SUBJECT: Amendments to certain sections of Goal 5 Ordinance 1863.

Applicant: City of Hood River Staff

Ordinance notice: Pursuant to City of Hood River Comprehensive Plan, HRMC, and Oregon Revised Statutes.

Proposal Description: Amending Goal 5 of the Comprehensive Plan and the ESEE background report, Title 17 of the City of Hood River municipal code to include revised Requirements for Riparian Corridors and Natural Resources Overlay for the Columbia River Waterfront and a portion of the Hood River.

Description of Action: A public hearing was held on July 6, 2005 before the Planning Commission and they made recommendations to Council. A public hearing was held before the City Council on August 8, 2005 and on August 22, 2005. Ordinance 1874 was read for the 1st time by title only on August 22, 2005 and on January 23, 2006 was read for the 2nd time by title only and passed.

A copy of the findings of fact, as well as a copy of all documents and evidence in the record on which the decision is based, are available for inspection at no cost and copies will be provided at the cost of \$.33 per page at the City Planning Department, 301 Oak Street, between the hours of 8 a.m. and 5 p.m. Monday through Friday.

The decision of the City Council shall be final unless the decision is appealed to the Land Use Board of Appeals within 21 days from the date of this notice.

If you have questions, please call Senior Planner Jennifer Donnelly (541) 387-5224.

ORDINANCE NO. 1874

(An ordinance of the City of Hood River amending Goal 5 of the Comprehensive Plan and the ESEE background report, Title 17 of the City of Hood River municipal code to include revised Requirements for Riparian Corridors and Natural Resources Overlay for the Columbia River Waterfront and a portion of the Hood River.)

WHEREAS, the City of Hood River Periodic Review Work Task 2 requires compliance with state environmental rules pursuant to Statewide Planning Goal 5;

WHEREAS, the City Council adopted Ordinance 1863 last August 2005 and the City is in compliance with the state Goal 5 requirements;

WHEREAS, on 8 March 2005, Ordinance 1863 was referred to the voters and the referendum passed. However, the referendum was of no legal effect because it was not made in compliance with the City's Comprehensive Plan or the Statewide Goals;

WHEREAS, upon adoption of Ordinance 1863, the City Council directed staff to re-evaluate specific portions of the ESEE portion of the Ordinance for greater protection of natural resources;

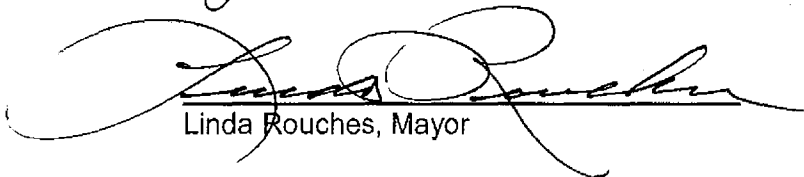
WHEREAS, the City of Hood River provided public notice consistent with Chapter 17.09 Review Procedures prior to the public hearings held on 6 July 2005 and 8 August 2005;

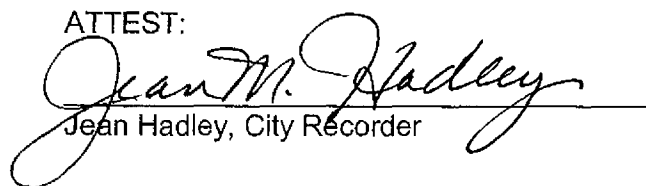
WHEREAS, the City Council has determined that is necessary to amend portions of the ESEE in order to provide greater protection of natural resources;

WHEREAS, the City Council finds the proposed amendments are in compliance with the City's Comprehensive Plan, the City's Development and Zoning Code, the Statewide Planning Goals and Oregon Administrative Rules, as set forth in the Staff Report, attached hereto as Exhibit 1.

Read for the first time: 22 August 2005.

Read for the second time and passed: Jan. 23, 200~~6~~, to become effective thirty (30) days hence.


Linda Rouches, Mayor

ATTEST:

Jean Hadley, City Recorder

SUPPLEMENTAL FINDINGS
ORDINANCE 1874

These supplemental findings address the effect of stormwater runoff into the Columbia River from two reaches—CO-R 6 and CO-R 2. The ESEE analysis has already evaluated the relative importance of the resources to be protected against the possible impacts from the type of development that could occur along these reaches. With the adoption of Ordinance 1863, the Council imposed no restrictions on development along those two reaches.

The Council has not changed the ordinance with respect to these two reaches under Ordinance 1874 and continues to support the ESEE and its previous findings in support of Ordinance 1863. In response to expressed concern in testimony regarding stormwater runoff, the Council did add language to CO-R 6 (Boat Basin West) requiring stormwater runoff to meet Oregon Department of Environmental Quality (DEQ) standards. Although not added to CO-R 2, DEQ standards must nevertheless be met as well for development on this reach.

The Council recognizes that DEQ does not have separately adopted standards anywhere in Oregon for stormwater runoff into the Columbia River. This is because DEQ has found that reliance on the federal Clean Water Act provides effective protection. In addition, development of more than 1 acre in size is required under the federal Clean Water Act to obtain an NPDES permit. Moreover, development of any size in Hood River will be required to go through site plan review which requires a separate finding of minimal adverse impact on water quality, regardless of setback.

Based on the above, the Council finds that the Columbia River is effectively protected from stormwater runoff in CO-R 2 and CO-R 6.

LEGISLATIVE FINDINGS

17 August 2005

Re: **Revision to Goal 5 - Natural Resource Overlay**

I. REQUEST

When the City Council adopted Chapter 17.22 and Goal 5 amendments to the City's Comprehensive Plan last year, Council directed staff and the Planning Commission to re-look at resource protection provided by the Economic, Social, Environmental, and Energy (ESEE) portion of Chapter 17.22 for specific reaches of the waterfront area. Based on the Council's direction, the Planning Commission had a work session in April 2005 to review the ESEE and made recommendations to amend the ESEE to provide greater resource protection. The Council directed the Planning Commission to hold a public hearing on those recommendations, which it did in July 2005. Following that public hearing, the Planning Commission revised its recommendation to eliminate the ESEE and replace it with a setback of one hundred feet from top of bank for the entire study area with the ability to encroach twenty five feet with a conditional use permit. The City Council held a public hearing in August 2005 and decided to retain the ESEE with further modifications and amend Goal 5 of the City's Comprehensive Plan, as set forth in Ordinance 1874.

II. LEGISLATIVE REVIEW

A. **17.09.050 – Legislative Actions**

- (1) *Section 17.09.050 – Legislative Actions: Legislative zone changes or plan amendments may be initiated by the City Council or the Planning Commission.*

The City Council approved inclusion of Work Task 5 on the City's Periodic Review Work Program in March 1997. Work Task 5 addresses Goal 5 – Riparian Corridors and Wetlands. The City Council adopted Goal 5 September 2005 and directed staff to take another look at the ESEE. These plan amendments were initiated by the Council.

- (2) *Section D – Public Hearings*

A public hearing was held before the Planning Commission on 6 July 2005. At the close of the hearing, a recommendation was made to the City Council to abandon the ESEE and put a 100 foot setback for all the reaches with the ability to encroach 25 feet with a Conditional Use Permit. A public hearing was held before City Council on 8 August 2005. The City Council adopted a revised ESEE for the Columbia River waterfront area that was consistent with their original direction last September.

- (3) *Section E – Notice*

Notice of the public hearing was published in the *Hood River News* on 22 June 2005, more than 20 days prior to the date of the hearing. Measure 56 Notification was sent to property owners and notice was sent by mail to parties of record local, state, and federal agencies and individuals requesting such notice.

III. **CONSISTENCY WITH THE GOAL 5 PLANNING RULE (OAR 660-023)** (Rules are in italics – only those rules directly relevant are addressed.)

A. OAR 660-023-0060 - Notice and Land Owner Involvement

Local governments shall provide timely notice to landowners and opportunities for citizen involvement during the ESEE process. Notification and involvement of landowners, citizens, and public agencies should occur at the earliest possible opportunity whenever a Goal 5 task is undertaken in the periodic review or plan amendment process. A local government shall comply with its acknowledged citizen involvement program, with statewide goal requirements for citizen involvement and coordination, and with other applicable procedures in statutes, rules, or local ordinances

Findings:

- City of Hood River's Citizen Participation Policy is outlined in Goal 1 of the City's Comprehensive Plan.
- The following efforts were aimed at fostering citizen involvement:
 - Publicizing the Planning Commission Public Hearing for the revised ESEE:
 - Notice of the PC Public Hearing was sent to the mailing list on 31 May 2005.
 - Notice of the PC Public Hearing was published on the 22 June 2005 edition of the *Hood River News*.
 - News releases provided to local media.
 - Materials have been available for public review at City Planning, including the Revised Natural Resource Overlay and revised Comprehensive Plan, ordinance and the revised ESEE analysis and maps.
- The City provided timely notice to landowners and opportunities for citizen involvement during the inventory and ordinance development process as demonstrated by the above-listed citizen involvement activities. Notification and involvement of landowners, citizens, and public agencies occurred at the earliest possible opportunity.
- The City complied with its acknowledged citizen involvement program which is specified in the Hood River City Citizen Participation Policy outlined in Goal 1 of the City Policy Document as demonstrated by the above-listed citizen involvement activities.
- The City complied with statewide goal requirements for citizen involvement and coordination as outlined in Goal 1 (Citizen Involvement) of the statewide planning goals as demonstrated by the above-listed citizen involvement activities.

CONCLUSION: The City has complied with the procedures and requirements in OAR 660-023-0060.

C. OAR 660-023-0040 – ESEE

An ESEE analysis is an analysis of the potential Economic, Social, Environmental, and Energy (ESEE) consequences of prohibiting, limiting, or permitting conflicting uses to occur on resources that have been determined to be significant under Statewide Land Use Goal 5.

The intent of Statewide Land Use Goal 5 is, "to protect natural resources conserve scenic and historic areas and open spaces." Goal 5 resources covered in the analysis are those determined to be significant by the City. The purpose of this ESEE analysis is to develop a basis for general planning policies and implementing measures adopted to provide adequate levels of protection to the Columbia River shoreline along Hood River's waterfront.

This analysis addresses the land use consequences of protecting Goal 5 resources in the City of Hood River's Columbia River Infill Waterfront Area or the allowance of these resources to be reduced or lost. In compliance with Goal 5 the City adopted through the legislative process, the Hood River Waterfront Riparian Inventory.

After significant resources are inventoried and identified through State Planning Goal 5 process, local governments are required to provide protection measures. Local governments are directed to either implement the safe harbor process (OAR 660-023-0090) or the ESEE Decision Process (OAR 660-023-0040). After completing the natural resource inventory process, the City determined that safe harbor would be applied to all designated significant resources within the City except those in the Columbia River Infill Waterfront Area as identified in the Waterfront Area map (attached as Exhibit A). Safe harbor was not applied to these resources because of the potential conflicts with abutting development around almost all of the inventoried sites. Therefore, the City chose to implement the ESEE process and analyze the consequences for protection of the significant sites in the Columbia River Infill Waterfront Area. This area is defined as the infill area within City limits north of I-84.

The City Council retains the analysis and findings in support of its determination of significant riparian corridors in Ordinance 1863, and incorporates those findings by reference. The reaches determined to be significant include the following: CO-R1, CO-R3, CO-R4, CO-R6, CO-R7, CO-R8, CO-R9, CO-R10, HO-R1R, HO-R1R, HO-R1L and HO-R2L. The following chart provides a summary of the resource protection measures adopted in Ordinance 1863 and as amended by Ordinance 1874.

Columbia River Reaches	Ord. 1863; Adopted ESEE	City Council's modifications to the ESEE
CO-R1	No setback. Only 75 foot impact area ¹ – 3:1 mitigation for development.	75 foot setback; specific uses allowed.
CO-R2 Marina	No restrictions. No setbacks.	No change except language to express high priority of the pedestrian access way.
CO-R3	No restrictions. No setbacks.	No change.
CO-R4	No setback. Only 75 foot impact area – 3:1 mitigation for development.	75 foot setback; specific uses allowed.
CO-R5 Boat Basin	No restrictions. No setbacks.	No change.
CO-R6 Slack water beach	No restrictions. No setbacks.	No change; add storm water language.
CO-R7	50 foot setback – development from 50 to 75 feet requires 3:1 mitigation.	75 foot setback; specific uses allowed.
CO-R8	No development allowed.	No change.
CO-R9	No setback. Only 75 foot impact	75 foot setback; specific uses

¹ 75 foot impact area allows building to the top of bank.

	area – 3:1 mitigation for development.	allowed.
CO-R10	No setback. Only 75 foot impact area – 3:1 mitigation for development.	75 foot setback; specific uses allowed.
Hood River Reaches		
HO-R1L	No setback. Only 75 foot impact area – 3:1 mitigation for development.	75 foot setback; specific uses allowed. Language for an access road parallel to I-84 to be included.
HO-R2L	No setback. Only 75 foot impact area – 3:1 mitigation for development.	75 foot setback; specific uses allowed.
HO-R1R	No setback. Only 75 foot impact area – 3:1 mitigation for development.	100 foot set back from top of bank; conditional use permit for development to be up to 75 feet of top of bank. Expansion of the museum permitted except to the west. Language for an access road parallel to I-84 to be included.
HO-R2R	No setback. Only 75 foot impact area – 3:1 mitigation for development.	100 foot set back from top of bank; conditional use permit for development to be up to 75 feet of top of bank.

The Council retains and adopts by reference the analysis and findings for Ordinance 1863 addressing the consequences of permitting, limiting, or prohibiting conflicting uses, and further finds that the proposed amendments to the ESEE are consistent with those findings and conclusions, as supplemented here. The Council finds that the variety and extent of intermediate and environmental goods warrant greater protection in the impact area. The Council finds that by creating a setback with limited uses for the identified reaches, the environmental goods are protected while not negatively altering the consequences with respect to social values, environmental values, or economic values. Specifically, the setback with limited uses allows for recreation and minimizes scenic or cultural impacts; it allows for uses supporting potential adjacent development which retains property values; and it minimizes impact on environmental resources.

CONCLUSION: The City has complied with the requirements for the ESEE Decision Process in OAR 660-023-0040.

IV. CONSISTENCY WITH THE STATEWIDE GOALS AND CITY'S COMPREHENSIVE PLAN

The Council retains and incorporates by reference its findings in support of consistency with the Statewide Goals and the City's Comprehensive Plan. These findings continue to apply because the amendments to the ESEE provide greater resource protection, and the Goal 5 amendments _____-[what do they do?].

V. TOP OF BANK v. BANKFUL STAGE

Prior to the Planning Commission's July 2005 hearing, the City's wetland consultant suggested that the City change its terminology to be consistent with the revised Department of State Lands (DSL)

terminology, which does not use "top of bank" anymore. The City Council discussed the merits of adopting DSL terminology, or retaining the existing terminology in Chapter 17.22 and definition of "top of bank." Because the areas to which the term applies are located in a controlled waterway, the Council finds that the most accurate way to measure the setback is to retain the term "top of bank" defined as "the break in slope between the bank and the surrounding terrain". However, when top of bank is hard to determine, meaning that there is not a clear break in slope, top of bank will be defined as "bankfull stage," as defined in Chapter 17.22.

**Hood River Waterfront
Goal 5 Economic, Social, Environmental, and Energy Analysis**

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City of Hood River
Columbia River Infill Waterfront Area ESEE Analysis

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OVERVIEW

An ESEE analysis is an analysis of the potential Economic, Social, Environmental, and Energy (ESEE) consequences of prohibiting, limiting, or permitting conflicting uses to occur on resources that have been determined to be significant under Statewide Land Use Goal 5.

The intent of Statewide Land Use Goal 5 is, “to protect natural resources conserve scenic and historic areas and open spaces.” Goal 5 resources covered in the analysis are those determined to be significant by the City. The purpose of this ESEE analysis is to develop a basis for general planning policies and implementing measures adopted to provide adequate levels of protection to the Columbia River shoreline along Hood River’s waterfront.

This analysis addresses the land use consequences of protecting Goal 5 resources in the City of Hood River’s Columbia River Infill Waterfront Area or the allowance of these resources to be reduced or lost. In compliance with Goal 5 the City adopted through the legislative process, the Hood River Waterfront Riparian Inventory (*Figure 1*).

After significant resources are inventoried and identified through State Planning Goal 5 process, local governments are required to provide protection measures. Local governments are directed to either implement the safe harbor process (OAR 660-023-0090) or the ESEE Decision Process (OAR 660-023-0040). After completing the natural resource inventory process, the City determined that safe harbor would be applied to all designated significant resources within the City except those along the Columbia River waterfront as identified in the Waterfront Area map, the areas outside of the identified reaches shall be subject to safe harbor. Safe harbor was not applied to these resources because of the potential conflicts with abutting development around almost all of the inventoried sites. Therefore, the City chose to implement the ESEE process and analyze the consequences for protection of the significant sites in the Columbia River Infill Waterfront Area. This area is defined as the infill area within City limits north of I-84.

OAR 660-023-0040(1) states that the ESEE analysis need not be lengthy or complex, but shall enable reviewers to gain a clear understanding of the conflicts and the consequences expected.

DETERMINATION OF SIGNIFICANT RIPARIAN CORRIDORS

Criteria for identifying significant riparian corridors using the standard inventory process were developed by the City based on recommendations by Wetland Consulting and the Technical Advisory Committee (TAC). Objectives for the criteria were:

- To identify riparian corridors that provide medium or high levels of one or more riparian corridor functions.

- To identify riparian corridors that provide habitat for rare, threatened, endangered or sensitive species or are important fish and wildlife habitat.
- To minimize the affect of riparian corridor setbacks on property owners while still protecting riparian corridor functions.

Criterion 1: Reaches with a medium or high ranking for one or more functions are significant.

Rationale: Riparian corridors are part of an integrated hydrological system. All reaches that contribute to riparian corridor functions are important components of the hydrological system.

Criterion 2: Reaches that provide fish habitat are significant and shall include riparian area setbacks as specified in the safe harbor approach.

Rationale: Fisheries are a major component of the ecosystem and an important cultural, economic, and recreational resource. Steelhead, Chinook and chum salmon in the Columbia River are listed as threatened under the Federal endangered species act (ESA). Coho salmon are a candidate for federal listing. Steelhead and bull trout in the Hood River are listed as threatened under the federal ESA. Protection of fish habitat are necessary to protect and restore fish population.

Criterion 3: Reaches that provide habitat for rare, threatened, endangered or sensitive species are significant.

Rationale: Protection of rare, threatened, endangered or sensitive species to maintain biological diversity is a community objective as well as a responsibility under the state and Federal ESA. Protection of the habitat these species depend on is essential to maintaining and restoring viable populations.

ESEE ANALYSIS

The ESEE analysis for the Hood River waterfront will be conducted on 12 riparian reaches that were determined to be significant using the significance criteria approved by the City. The reaches determined to be significant include the following: CO-R1, CO-R2, CO-R3, CO-R4, CO-R6, CO-R7, CO-R8, CO-R9, CO-R10, HO-R1R, HO-R1R, HO-R1L and HO-R2L, and will be evaluated further in this document.

EXISTING USES

According to the Goal 5 Administrative Rule, a conflicting use is one that if allowed, could negatively impact a significant resource site. To identify such conflicts, the rule directs local governments to examine the uses allowed within broad zoning categories (e.g., mixed use, open space). As part of the project current zoning and proposed zoning designations were used to examine potential uses. The analysis considers uses allowed

by right, uses subject to limitations or conditions (i.e., conditional uses) and certain uses that may not be allowed in a base zone but may be permitted by recognition of legal nonconforming status or a temporary activity. Existing land uses, including legal nonconforming uses are also examined.

In an effort to determine uses that are in conflict or are compatible with the significant resources the City has identified the zoning designations of the subject, abutting and adjacent properties. The location of the proximity of a resource to the subject, abutting or adjacent properties may be impacted by uses on these properties.

Significant Resource	Resource Feature	Zoning Designation	Proposed Zoning Change
CO-R1	Columbia River	General Commercial (C-2)	No change
CO-R2	Columbia River	General Commercial (C-2) and Open Space/Public Facilities (OS)	
CO-R3	Columbia River	Open Space/Public Facilities (OS/PF)	No change
CO-R4	Columbia River	Industrial (I)	Recreational Commercial
CO-R5	Columbia River	Industrial (I)	
CO-R6	Columbia River	Industrial (I)	Waterfront Zone
CO-R7	Columbia River	Light Industrial (LI) Columbia River Recreational/Commercial (RC)	Waterfront Zone for a portion of the area
CO-R8	Columbia River	Light Industrial (LI)	Recreational/Commercial
CO-R9	Columbia River	Light Industrial (LI)	Recreational/Commercial
CO-R10	Columbia River	Light Industrial (LI), Open Space/Public Facility (OS/PF)	Waterfront Zone Recreational/Commercial
HO-R1R	Hood River	Open Space/Public Facility (OS/PF)	No change
HO-R2R	Hood River	Open Space/Public Facility (OS/PF)	No change
HO-R1L	Hood River	Industrial (I)	Recreational/Commercial
HO-R2L	Hood River	Industrial (I)	Recreational/Commercial

Industrial Zone (I)

A. Permitted Uses.

1. Caretaker's residence for an on-site industrial use
2. Temporary uses not exceeding thirty (30) days
3. Transportation Facilities pursuant to 17.20.050(1)

B. Conditional Uses.

Public facilities and uses, including change of use

Light Industrial Zone (LI)

A. Permitted Uses.

1. Temporary uses not exceeding thirty (30) days
2. Caretaker's residence for an on-site industrial use
3. Transportation facilities pursuant to 17.20.050(1)

B. Conditional Uses.

Public facilities and uses, including change of use

Columbia River Recreational/Commercial Zone (RC)

A. Permitted Uses.

1. Wildlife viewing area
2. Public bike and jogging paths
3. Windsurfing launch sites
4. Swimming beaches
5. Fishing sites
6. Boardwalks
7. Transient vending carts
8. Recreational and cultural events
9. Open space
10. Restrooms

General Commercial Zone (C-2)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Townhouse projects
3. Duplexes and triplexes
4. Rooming and boarding houses
5. Manufactured homes
6. Home occupations
7. Bed and breakfast
8. Family day care
9. Residential care facility
10. Group residential, if less than 15 persons
11. Transportation facilities pursuant to 17.20.050(1)

B. Conditional Uses.

1. Hospitals, sanitariums, rest homes, nursing or convalescent home
2. Schools and day care facilities
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches
6. Planned unit developments
7. Public facilities and uses
8. Hostels

Open Space/Public Facility Zone (OS/PF)

A. Permitted Uses.

1. Public parks, playgrounds, temporary concessions incidental to and serving park/recreation user, swimming pools, and tennis courts.
2. Municipal and governmental services and functions.

Waterfront Zone (WZ)

~~A. Permitted Uses.~~ The following uses are permitted in the WZ subject to site plan review, unless the base zone of the subject property has not been rezoned to WZ, in which case the uses and standards of the base zone apply:

Residential

Live-work townhouse
Live-work apartment
Multi-family dwellings (e.g., townhouses with four (4) or more units)
No single-family dwellings

Civic (Institutional)

Basic utilities
Schools, public or private
Technology
Research facilities

Community/Recreation

Parks and open space
Waterfront recreational uses
Exposition
Pedestrian Access Way (PAW)
Public access
Cultural institutions (e.g., museums)
Day care
Municipal and governmental services and functions
Emergency services (e.g., police and fire facilities)

Commercial

Recreation/tourist-oriented:
Hotel/extended-stay lodging
Convention and exposition facilities
Destination resort
Eating and Drinking Establishments
Transient vending carts
Lessons, rentals, schools

General Retail

Sales-oriented (No drive-thru)
Service-oriented (No drive-thru)
Motor vehicle related
— Service/repair
— Fuel sales

Office

Medical and dental offices
Professional offices
Low-rise office
High-rise office
Business office park

Industrial

Light industrial
Business park

Other

Parking lots
Other uses approved by the Planning Director which are similar in nature to those listed above.

~~B. Non-Conforming Uses and Development.~~ The following standards apply to ~~non-conforming uses and structures lawfully established prior to adoption of the Waterfront ordinance:~~

- ~~1. The use may continue.~~
- ~~2. The use may be changed to an allowed use in the zone subject to the HRMC.~~
- ~~3. The use may be changed to another non-conforming use if within the existing original structures.~~
- ~~4. The original non-conforming use may be expanded and structures may be enlarged, but within the setback required by the zone, but cannot exceed standards of the zone.~~
- ~~5. Non-conforming use and structure changes or expansions shall be reviewed as administrative actions.~~

COMPATIBLE USES

The Goal 5 significant natural resources in the City of Hood River waterfront are riparian areas¹. The essential functions that are being provided by riparian areas include, but are not limited to, water quality, fish habitat, and erosion control/bank stabilization. Human disturbance or alteration can further impair riparian functions. Determination of compatible uses that do not impair the structure and integrity of riparian areas is the goal for the implementation of protection measures.

Compatible uses are those that can be conducted in a manner that will not degrade the resource or resource area. Human disturbance that impairs the structure and integrity of the resource is not compatible. Examples of compatible uses are the following:

- Educational use of a natural area by individuals, groups, and schools.
- Aesthetic enjoyment of natural areas from existing roads, sidewalks, trails, and paths.
- Passive, low impact recreation that does not disturb native soil and vegetation; including trails and paths.
- Restoration and enhancement of resource sites to native vegetation.

CONFLICTING USES

Conflicting uses are those which are incompatible with natural resource protection, but allowed under current City zoning designations. Conflicting uses negatively impact the resource. A healthy functional resources, such as a wetland or riparian area would include intact soil conditions, diverse native vegetation, and structural diversity. Disturbances by development or redevelopment could adversely affect a resource area. All of the permitted uses identified above require human disturbance, development or redevelopment of property or land to some degree. If uncontrolled commercial,

¹ Riparian areas are areas adjacent to a river, stream, lake, or pond consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. Riparian areas provide fish and wildlife and wildlife habitat.

industrial, mixed use or their accessory uses occur as permitted by City zoning, it could impair or degrade the natural resource or its function.

Activities associated with all permitted development/redevelopment that are generally detrimental to wetlands and riparian areas and their function include, but are generally limited to:

- Construction of impervious surface
- Reduction and removal of vegetation
- Filling, grading, or altering topography
- Deterioration and erosion of banks
- Replacement of existing vegetation with exotic and ornamental landscape materials.
- Introduction of pollutants such as fertilizers, pesticides, herbicides, and insecticides from managed yards and gardens.

Activities associated with industrial, commercial, mixed use, open space/public facility would have similar effects on the resource, although it is recognized that some development types may have greater impacts than others based on the intensity of the use and large site modification.

CONSEQUENCES OF PERMITTING, LIMITING OR PROHIBITING CONFLICTING USES

The analysis for each reach (i.e., the comparison of impacts on development and on resource values) was repeated for three development level assumptions: allowing conflicting uses, limiting conflicting uses, and prohibiting conflicting uses.

For each development level assumption, the impact on conflicting use development and the impact on the resource were evaluated using a set of standard assumptions and calculations. Each reach is given one of three assessments: negative, neutral, or positive. A comparison of the different levels of development (allowing, limiting, and prohibiting) for the reach provides the basis for the impact determination.

The first step of the analysis determines the consequences of fully allowing conflicting uses on parcels within the site that contain significant resources. As a result of this action, some or all of the significant resources may be destroyed or degraded and their various resource values would be lost. A determination is made on the type and quantity of values and functions that are at risk with the loss of these resources.

The next step of the analysis determines the impact of limiting conflicting uses. In this case, the conflicting uses are not expected to completely degrade the significant resources within a site. However, in situations where any conflicting use activity would degrade the resource, the consequences could be as severe as fully not allowing the conflicting uses. In other situations, limiting the conflicting uses creates fewer impacts or could

improve the resource by controlling erosion, restoring vegetation, and treating stormwater runoff.

The last step of the analysis determines the impact of prohibiting conflicting uses. As a result of prohibiting conflicting uses, the resource would remain unchanged or could be enhanced without the interference of a conflicting use.

Protection Benefits/Development Costs – Development in wetland and riparian areas generally require costs that are higher than for development of land outside of a resource area. The development costs are reflected in the factors discussed below and result in higher costs to the consumer for residential, commercial and industrial space.

Protection Costs/Development Benefits – The development of property that contains or abuts a natural resource site would result in benefit from the City and its citizens. If these same benefits did not occur because protection measures were implemented for natural resource sites it would result in a cost to the City and its citizens.

The ESEE analysis focused on how the individual conflicting uses contributes to create positive or negative economic consequences. Each reach has a table that assesses the impacts on the resource. For each reach there is a discussion of the specific uses and economic consequences.

IMPACT AREA

OAR 660-023-0040(3) states that local government shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resources. *The impact area will include the riparian area and 75 feet landward from the top of the bank² on resource site property and properties which abut the resource site.*

ECONOMIC CONSEQUENCES

In order to provide a consistent economic analysis, existing and potential conflicting uses for each site were identified. Specific economic factors considered in the evaluation include:

- total parcel acreage;
- total parcel acreage within 75 of the top of the bank
- parcel zoning
- development potential
- parcel characteristics (e.g., vacant or developed)

² Top of bank definition shall be the the break in slope between the bank and the surrounding terrain; where top of bank is not clear defer to bankfull stage as defined in 17.22.020. -shall be the ORS-660-023-0090(G) definition.

- proposed zoning

It is important to separate the economic consequences on conflicting uses that exist due to physical constraints and those associated with protecting significant resources. In determining the economic consequences of protecting significant resources, it is first necessary to define value with respect to a significant resources. Many of the benefits of environmental policies are not readily apparent in the form of immediate monetary gains. The benefits are found more in an increase in the quality of life than in any increment to a region's economic output.

Environmental features have been shown to increase property values as they provide aesthetic and recreational pleasures and more livable environment. As a result, properties next to these features have higher property values and produce greater tax revenues.

Infrastructure Costs

Development that is displaced because of protection measures may still be constructed outside of the resource site. If it takes the form of clustered development it could result in a more efficient provision of facilities and services (water, sewer, etc) with less cost for infrastructure.

Property Value and Tax Base

The Columbia River is an economic amenity to commercial development. Protecting the view of the Columbia River and access to it will provide a higher property value, which will have a positive consequence to the City tax base. However, providing resource protection could directly affect the development potential. Property values are largely based on market demand. Market demand is influenced by a number of factors including infrastructure, development potential, aesthetics, surrounding development, character, and access.

Property value translates into the City taxes, which result in income for the City. Developed property in many cases adds to the property value and hence the tax base of the City. As property values fluctuate, property taxes will vary proportionally. Therefore, natural resource sites that are protected and lost to development in some cases may not add value to the property or tax base. Environmental resources have "irreversibility" properties. If the resource is not preserved, it is likely to be eliminated with little or no chance of regeneration in any meaningful timeframes, if ever. Many environmental resources are considered "positive undepletable externalities" or public goods. If one person increases their consumption of the good, it does not preclude or reduce its availability to others.

Some benefits from significant resources can be found beyond the immediate resource area. For example, the capacity for shallow water habitat to provide refuge may benefit an entire Evolutionally Significant Unit of a listed salmonid species. As a result, the market price per acre of riparian habitat does not fully reflect a true exchange value relative to other goods. In fact, most environmental resources are not priced because they

have no direct market when they are bought and sold like other products. This makes the establishment of value difficult. Therefore, it is necessary to use other methods of identifying value in order to perform economic analysis, such as valuing environmental goods in terms of intermediate goods, final goods, and future goods.

Intermediate Goods. When environmental resources provide goods or services that are part of a production process and have commercial value, they are considered intermediate goods. These goods include factors that support commercial fisheries, water storage, and the assimilation of wastes. Intermediate goods also include environmental resources that contribute to damage prevention such as a pollution reduction, water purification, slope stabilization, and erosion control. An example of an intermediate good is the wetland included in reach HO-R1R which provides flood control and bank stabilization.

Final Goods. Environmental resources also provide final goods. These good include recreational opportunities such as fishing, boating, windsurfing, and bird watching. In addition, the amenities produced by environmental resources (e.g., scenic views, proximity to wildlife habitat, educational opportunities) are reflected in increases in residential and commercial property values, cleaner water supply and better fish habitat. A good example of a final good is the fish habitat located at the Hood, Reaches CO-8, CO-9, C-10.

Future Goods. Environmental resources could potentially provide yet undiscovered benefits or benefits to future generations in the form of future goods and services. Although there is a high level of uncertainty for future goods, it is important to consider them in determining the resource values. The future presence of fish habitat is an example of future good.

The following table classifies the resource values into their respective environmental goods categories.

Resource Value	Nature of the Environmental Good
Fish Habitat	Intermediate Good Final Goods and Services Future Goods and Services
Slope/Soil Stabilization	Intermediate Good
Water Quality	Intermediate Good Future Goods and Services
Flood Storage and Desynchronization	Intermediate Good
Historic and Cultural	Final Goods and Services Future Goods and Services
Education	Final Goods and Services Future Goods and Services
Recreation	Final Goods and Services Future Goods and Services
Aesthetics/Scenic Amenity	Final Goods and Services

	Future Goods and Services
Buffering Land Uses	Intermediate Good

Economic costs associated with fully allowing the conflicting uses are greatest when the resource provides a variety of intermediate goods (alternative substitutes for commercial services). For example, the Hood River and associated wetlands provide irreplaceable fish habitat, pollution assimilation/water purification services and flood attenuation and storage functions. In addition, the functions provided by the wetland area represent a large cost savings over a traditional treatment system.

Land Loss/Erosion

Erosion of shorelines can result in a loss of stream bank and land area. Stream bank alterations that result in cuts can cause soil erosion and may reduce the actual square footage of a parcel that abuts a riparian area. The loss of land may affect potential or existing development.

Employment Growth

The development of commercial and industrial property may result in the creation of sustainable job opportunities for the City. If the full land area of a parcel cannot be developed because of protection measures it may affect the size of the business and its ability to provide employment. Most residential and commercial properties plan for as much density as the zoning permits to maximize efficiency of a site. Therefore, a reduction in land area may directly affect development potential. The actual development of residential, commercial, and industrial property also contributes to employment during the construction process. Although job opportunities may be created both short and long term, there is no guarantee of employment for the citizens of Hood River.

Development Potential

Development potential relates to the amount of development that can be placed on property. The protection of natural resources such as wetlands and riparian areas may reduce development potential, if there are no other development alternatives. Existing developed sites may be restricted or prevented from re-development or additional development, if protection measures are in place. According to the buildable lands inventory for Hood River, resource lands (the area 75 feet land ward of the top of the bank) are not necessary to meet the housing lands needs, and the industrial land base has been justified for reduction in the staff analysis for the Waterfront Plan and Zone Change.

SOCIAL

The social analysis evaluated the social consequences of prohibiting, limiting, or allowing conflicting uses for each resource site. Allowing, limiting, or prohibiting conflicting uses can have social consequences in several ways. These include:

- Changes to the value of the site for recreation and education. A large portion of the recreational and educational value of a natural area can be attributed to the existence of fish, wildlife, and other environmental values.
- Changes to the quantity and nature of employment opportunities.
- Changes to the historic and cultural values of the site.
- Changes to the health, safety, and welfare benefits provided by resources. Resource areas can serve to stabilize slopes, provide flood storage, and water quality. Alteration of a stable slope or shoreline can lead to bank failure during storm events.
- Changes in the area's scenic qualities. Trees, landscaped corridors and certain types of development can add to the scenic qualities of a site (for example by increasing visual variety or enhancing view points and corridors) or detract for the scenic values of a site (placing structures in view corridors or removing scenic natural features such as trees).

The ESEE analysis focuses on how the individual conflicting uses contribute to the changes discussed above and whether they create positive or negative social consequences to each reach.

ENVIRONMENTAL

The environmental analysis is based on the inventory of the location, quantity, and quality of significant resources contained in the inventory report. Riparian resource values considered in the evaluation include:

- water quality
- threatened and endangered salmonid habitat
- wetlands
- riparian vegetation
- wildlife habitat

Wetlands and riparian areas in a natural or restored state provide necessary food, buffer, migration corridors, food chain support and reproduction habitat for fish and wildlife in the form of vegetation and water. Development or encroachment into natural resource areas may eliminate the habitat or the ability of the habitat to function.

Water temperature affects the ability of a stream or water body to support viable populations of certain aquatic organisms. High water temperature is detrimental to some plant and animal species. Healthy plant material (native trees and shrubs) in riparian areas and wetland help to shade and moderate temperature in adjacent water resources. Development in wetland and riparian areas may result in the removal of shade producing vegetation and increase water temperature.

Riparian areas and wetlands filter sediment, fix and cycle many nutrients by trapping and assimilating them through plant material. Some nutrients are actually beneficial and used by the plants. A loss of wetland and riparian area vegetation and soil structure due to development results in more sediment and pollutants running off into waterbodies.

Urban landscapers use chemicals in the forms of pesticides, herbicides, and fertilizers for horticulture needs. Some of these chemicals can be filtered out in wetlands and riparian areas, prior to entering a stream or river.

A degraded riparian area that has been invaded by non-native species or currently has eroding banks, that is protected from development may not provide beneficial functions. In cases such as these, management of the natural resource would prevent the spread of non-native plant species or further degrading the resource.

All vegetation to some degree absorbs carbon dioxide (a pollutant) and produces oxygen (a human requirement). Vegetation also acts to collect air particulate matter on its leaves and branches, which is deposited to the ground during rainfall. When vegetation is removed, air quality may be affected negatively.

ENERGY

Energy analysis focuses on transportation, infrastructure, and the heating and cooling of structures. The assumption was made that energy use would be similar for all potential future uses within each reach.

Reach CO-R1

Basin: Columbia River
Size of Site: 0.74 acres
Location: East end of the water front, stretching from I-84 to the east opening of the marina.

Description of Resource:

CO-R1 is the shoreline of the Columbia River that extends from I-84 at the east end of the study area west to the marina. This reach is 1,895 feet long. The shoreline and riparian area are composed of fill material that was placed after construction of the Bonneville Dam in the 1930s. The entire riparian area is developed with a hotel, restaurants, parking lots, and access roads. The only vegetation is limited to mowed lawn and a few ornamental plants. The ornamental shrubs are primarily in front of the restaurants and are pruned to prevent them from growing too tall to obstruct views.

Existing and Proposed Uses:

- Hood River Inn Hotel- Current use is a commercial business. Possible expansion in the future.
- Windsurfing school- Operates seasonally at the sandy beach on the east end of the reach. Public trail- Exists along the top of the rip rap.
- Public access for event staging.

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
C-2	<ul style="list-style-type: none"> • loss of capitalized amenity values from water features • reduces employment opportunities • reduces expansion opportunities for recreation uses • retains the screening and buffering benefits • protects the functional value of the resource • preserves water quality • preserves fish habitat • loss of flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • conserves functional value of resource • improves water quality • limits habitat loss and possibly improves habitat quality • supports visual variety and impact • supports increase screening and buffering benefits • allows for maintenance of existing facility • supports educational and recreational values • provides for flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • retains development flexibility • supports services and employment opportunities • supports recreational values • decreases screening and buffering • detracts from site's scenic qualities • vegetation removal and increased impervious surfaces degrade water quality and quantity • soil erosion and bank destabilization • loss of sediment trapping capacity • habitat fragmentation and fish habitat loss

CONCLUSION

The amenities of the Columbia River are extremely valuable from an economic, social, and environmental perspective. The Columbia River is an economic amenity to commercial development. Protecting the view of the Columbia River and access to it will provide a higher property value, which will have a positive consequence to the City tax base. However, providing resource protection could directly affect the development potential.

The public trail and water access provides recreational and education opportunities. Expansion of the trail and adding amenities would provide an opportunity for the community to explore the recreation and education potential of the resource. The opportunity to provide educational and visual opportunities would be lost if development were allowed to occur without limits.

The Columbia River supports several listed salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site would result in increased run-off, pollutant loading and sedimentation to the Columbia River, which would negatively impact fish populations.

Prohibiting conflicting uses would have a negative social and economic consequence to the City of Hood River. These uses shall be allowed to continue with limits placed on them to protect the environment and provide for visual, recreation and education opportunity growth.

ESEE DECISION

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Columbia River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- A public trail and water access shall be provided for recreational and educational opportunities.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.
- There shall be a 75 foot setback for all structures from top of bank with the exception of structures associated with these specific uses; non-motorized water sport schools and rentals and landscaping.
- ~~All development within 75 feet of the top of the bank will require riparian enhancement within this reach at a 3:1 replacement to loss ratio. Enhancement shall include, but not be limited to planting native riparian vegetation, placement of large woody debris, or controlling erosion.~~

Reach CO-R2

Basin: Columbia River
Size of Site: 0.085 acres
Location: The marina.

Description of Resource:

CO-R2 is the shoreline of the Columbia River that is the marina. This reach is 3,727 feet long. The shoreline and riparian area are composed of fill material that was placed after construction of the Bonneville Dam in the 1930s. A portion of the riparian area is developed with office buildings, boat launch, parking lots, access roads and pedestrian way. The only vegetation is limited to mowed lawn and a few ornamental plants. The northern area of the reach is undeveloped dirt road and the SternWheeler docking area.

Existing Uses:

- Port of Hood River office buildings, a commercial building that used to be Mid-Columbia Marina, and other office buildings.
- Marina.
- Public trail- Exists along the top of the rip rap.
- Public access for boat launching.
- Docking area for the Sternwheeler.

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

<u>Conflicting Use</u>	<u>Prohibit</u>	<u>Limit</u>	<u>Allow</u>
<u>C-2/Open Space/Public Facilities OS</u>	<ul style="list-style-type: none"> • <u>loss of capitalized amenity values from water features</u> • <u>reduces employment opportunities</u> • <u>reduces expansion opportunities for recreation uses</u> • <u>protects the functional value of the resource</u> • <u>preserves water quality</u> • <u>preserves fish habitat</u> • <u>loss of flexibility for new development or redevelopment</u> 	<ul style="list-style-type: none"> • <u>conserves functional value of resource</u> • <u>improves water quality</u> • <u>limits habitat loss and possibly improves habitat quality</u> • <u>supports visual variety and impact</u> • <u>supports increase screening and buffering benefits</u> • <u>allows for maintenance of existing facility</u> • <u>supports educational and recreational values</u> • <u>provides for flexibility for new development or redevelopment</u> 	<ul style="list-style-type: none"> • <u>retains development flexibility</u> • <u>supports services and employment opportunities</u> • <u>supports recreational values</u> • <u>decreases screening and buffering</u> • <u>detracts from site's scenic qualities</u> • <u>vegetation removal and increased impervious surfaces degrade water quality and quantity</u> • <u>loss of sediment trapping capacity</u> • <u>habitat fragmentation and fish habitat loss</u>

CONCLUSION

The amenities of the Columbia River are extremely valuable from an economic, social, and environmental perspective. The Columbia River is an economic amenity to commercial development. Protecting the view of the Columbia River and access to it will provide a higher property value, which will have a positive consequence to the City tax base. However, providing resource protection could directly affect the development potential.

The Columbia River supports several listed salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site would result in increased run-off, pollutant loading and sedimentation to the Columbia River, which would negatively impact fish populations.

Prohibiting conflicting uses would have a negative social and economic consequence to the City of Hood River. These uses shall be allowed to continue with limits placed on them to protect the environment and provide for visual, recreation and education opportunity growth.

ESEE DECISION

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- Any bank stabilization or bank alteration will be done using bio-engineering techniques.

- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Columbia River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- A public trail and water access shall be provided for recreational and educational opportunities.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.

REACH: CO-R3

Basin: Columbia River
Size of Site: 0.92 acres
Location: Port Marina Park

Description of Resource:

CO-R3 is the shoreline of the Columbia River that extends from the Marina west to the Hood River. This reach is 1,742 feet long. The shoreline and riparian area are composed of fill material that was placed after construction of the Bonneville Dam in the 1930s. The entire riparian area is developed and the top of the slope consists of an access road. Two jetties were created with the placement of the fill that has resulted in three swimming beaches. The western most area is the largest and has developed a pretty wide beach. Vegetation is limited to weeds and one Ponderosa pine tree. The top of the slope is well-compressed fill and gravel. The area outside of the city limits is not subject to this analysis.

Existing and Proposed Uses:

- Park- Current use is a public park with an access road, parking, picnic areas, bathroom facilities, swimming beaches, lesson and rental stands, and windsurfing launch sites.

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
<i>OS/PF</i>	<ul style="list-style-type: none"> • decreases recreation opportunities • retains the screening and buffering benefits • maintains the functional value of the resource • maintains water quality • loss of flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • conserves functional value of resource • reduces impact on water quality • supports educational and recreational values • limits habitat loss and possibly improves habitat quality • supports visual variety and impact • supports increase screening and buffering benefits • allows for maintenance of existing facility • provides flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • retains development flexibility • decreases screening and buffering • detracts from site's scenic qualities • vegetation removal and increased impervious surfaces degrade water quality and quantity • impacts to shallow water fish habitat

CONCLUSION

There are currently no user fees at the Port Marina Park, therefore it does not generate revenue. Imposing limits on development or limiting park expansion would have a negative economic consequence by making development more expensive. Allowing expansion of park facilities without limits would have a neutral impact on economics.

The Port Marina Park is a public park that provides recreational opportunities to the community. Prohibiting development would limit expansion of these facilities and may have a negative social consequence.

The Columbia River supports several listed salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site could result in increased run-off, pollutant loading and sedimentation to the Columbia River, which would negatively impact fish populations.

Prohibiting conflicting uses to occur would have a negative social consequence to the community, and neutral economic and environmental consequences. These uses shall be allowed with limits placed on them to protect the environment and provide for recreation and educational opportunities.

ESEE DECISION

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- Pedestrian safety shall be provided for in accordance with the Transportation System Plan.
- Dust control shall be provided for.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Columbia River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- A public trail and water access shall be provided for recreational and educational opportunities.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.

REACH: CO-R4

Basin: Columbia River
Size of Site: 0.67 acres
Location: The east bank of the abandoned boat works basin.

Description of Resource:

This reach is 1,064 feet long. The shoreline and riparian areas are composed of fill material that was placed after construction of the Bonneville Dam in the 1930s. The entire riparian area is developed and the top of the slope consists of an access road. The slope consists of an immature forested riparian community consisting of red-osier dogwood, black cottonwood, red alder, and Himalayan blackberry.

Existing and Proposed Uses:

- Industrial- this area is currently zoned light industrial but no development currently occurs within this reach.
- ~~Waterfront- this area is currently proposed to be rezoned Recreational Commercial.~~
- Water Recreation- boating and jet skiing.
- Public Access- a gravel road runs along the entire length of the spit.

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
<i>Industrial/RC</i>	<ul style="list-style-type: none"> • reduces employment opportunities • loss of flexibility for new development or redevelopment • loss of capitalized amenity values from water features • enhances recreation opportunities • retains the screening and buffering benefits • protects the functional value of the resource • preserves water quality • preserves fish habitat 	<ul style="list-style-type: none"> • conserves functional value of resource • reduces impact on water quality • limits habitat loss and possibly improves habitat quality • supports visual variety and impact • supports increase screening and buffering benefits • allows for maintenance of existing facility • supports educational and recreational values • provides for flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • retains development flexibility • supports services and employment opportunities • supports educational and recreational values • decreases screening and buffering • detracts from site's scenic qualities • vegetation removal • soil erosion and bank destabilization • loss of sediment trapping capacity • fish habitat loss

CONCLUSION

Well established vegetation riparian habitat along the Columbia River is limited. The riparian vegetation along the east bank is becoming well established and hangs over the water in places, providing shade and nutrients in the form of leaf litter. The Columbia River supports several listed salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site would result in increased run-off, pollutant loading and sedimentation to the Columbia River, which would negatively impact fish populations.

Prohibiting development to occur would have a negative economic consequence, a neutral social consequence and a negative environmental consequence. Allowing the conflicting uses to occur with limits would have positive social and economic consequences. The jetty itself is relatively narrow (less than 100 feet wide) which limits its development potential and economic feasibility.

ESEE DECISION

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- Safe pedestrian passage needs to be provided in compliance with the Transportation System Plan.
- A public trail and water access shall be provided for recreational and educational opportunities.
- Future development needs to provide for dust control.
- Vegetation removal from the water's edge to the top of the bank shall be prohibited.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Columbia River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.
- There shall be a 75 foot setback for all structures from top of bank with the exception of structures associated with these specific uses; non-motorized water sport schools and rentals and landscaping.
- ~~All development within 75 feet of the top of bank will require riparian enhancement within this reach at a 3:1 replacement to loss ratio. Enhancement shall include, but not be limited to planting native riparian vegetation, placement of large woody debris, or controlling erosion.~~

REACH: CO-R6

Basin: Columbia River
Size of Site: 0.04 acres
Location: The west bank of the abandoned boat works marina.

Description of Resource:

This reach is 1,776 feet long. The shoreline and riparian area are composed of fill material that was placed after construction of the Bonneville Dam in the 1930s. The entire riparian area is developed and the majority of the reach has sheet piling along the banks. There is a boat launch at the north end. No vegetation is growing along the shoreline. The top of the bank consists of either asphalt or well-compressed fill and gravel.

Existing and Proposed Uses:

- Industrial- part of this reach is zoned industrial. Current development includes a vacant building and a gas station.
- ~~Waterfront- this area is currently proposed to be rezoned Waterfront~~
- ~~Water Recreation- boat ramp, boating and jet skiing~~
- Open Space- event site and park with access roads

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
OS/PF	<ul style="list-style-type: none"> • loss of capitalized amenity values from water features • decreases recreation opportunities • maintains the functional value of the resource • maintains water quality • loss of flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • conserves functional value of resource • improves water quality • limits habitat loss and improves habitat quality • supports educational and recreational values • supports visual variety and impact • supports increase screening and buffering benefits • allows for maintenance of existing facility • provides flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • retains development flexibility • decreases screening and buffering • detracts from site's scenic qualities • vegetation removal and increased impervious surfaces degrade water quality and quantity • soil erosion and bank destabilization

Conflicting Use	Prohibit	Limit	Allow
<i>I</i> WF	<ul style="list-style-type: none"> • loss of capitalized amenity values from water features • reduces employment opportunities • maintains the functional value of the resource • maintains water quality • preserves fish habitat • loss of flexibility for new development or redevelopment • reduces recreation opportunities 	<ul style="list-style-type: none"> • conserves functional value of resource • improves water quality • limits habitat loss and possibly improves habitat quality • supports educational and recreational values • supports visual variety and impact • supports increase screening and buffering benefits • allows for maintenance of existing facility • supports educational and recreational values • provides for flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • retains development flexibility • supports services and employment opportunities • decreases screening and buffering • detracts from site's scenic qualities • vegetation removal and increased impervious surfaces degrade water quality and quantity • soil erosion and bank destabilization

CONCLUSION

The amenities of the boat works basin are extremely valuable from an economic and social perspective. In Hood River, the only industrial land with water access to the Columbia is the boat works basin. This provides significant economic and social opportunities to the City and surrounding region. In the current regulatory environment, getting the required environmental approvals to construct a new marina along the Columbia would be very expensive and lengthy, with no guarantee of approval. Allowing development to occur would provide revenue, property taxes, and industrial job opportunities. Putting limits on development would result in higher development costs and could have a negative economic impact.

This area contains the area locally know as slackwater beach. This is an unimproved area that is moderately used for launching jet skis and small boats.

The Columbia River supports several listed salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site would result in increased run-off, pollutant loading and sedimentation to a man-made basin on the Columbia River. This could negatively impact fish populations using the boat works basin.

ESEE DECISION

The riparian habitat along this reach is heavily degraded. The economical and social opportunities this site provides are unique within the City limits and outweigh the

environmental consequences. Development shall be allowed to occur with minimal limits. ~~without additional limits.~~

- A public trail and water access shall be provided for recreational and educational opportunities.
- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- Safe pedestrian passage needs to be provided in compliance with the Transportation System Plan.
- Future development needs to provide for dust control.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Columbia River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.

Reach: CO-R7

Basin: Columbia River
Size of Site: 2.8 acres
Location: The shoreline of the Columbia River that extends from the abandoned boat works basin west to the hook.

Description of Resource:

This reach is 4,639 feet long. The shoreline and riparian area are composed of fill material that was placed after construction of the Bonneville Dam in the 1930s. The entire riparian area consists of industrial development, parking lots, and a gravel jetty with an access road. The vegetation is limited to five Douglas fir trees growing at the top of the bank.

Existing and Proposed Uses:

- ~~Waterfront- this area is currently proposed to be re-zoned under the Waterfront plan to Waterfront zone.~~
- Recreational/Commercial- this includes the Event center which has bathroom facilities, parking lots, picnic areas, and water access.
- Light Industrial- there are currently two light industrial developments along this reach which includes the building and parking areas. ~~The western industrial site is proposed to be rezoned to Waterfront Zone.~~
- Water recreation- windsurfing, swimming and kiteboarding.

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
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Conflicting Use	Prohibit	Limit	Allow
LI WF	<ul style="list-style-type: none"> • reduces employment opportunities • loss of capitalized amenity values from water features • enhances recreation opportunities • maintains the functional value of the resource • maintains water quality • preserves fish habitat • loss of flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • conserves functional value of resource • improves water quality • limits habitat loss and possibly improves habitat quality • supports educational and recreational values • supports visual variety and impact • supports increase screening and buffering benefits • allows for maintenance of existing facility 	<ul style="list-style-type: none"> • retains development flexibility • supports services and employment opportunities • decreases screening and buffering • detracts from site's scenic qualities • increased impervious surfaces degrade water quality and quantity • soil erosion and bank destabilization • loss of sediment trapping capacity
RC/OS	<ul style="list-style-type: none"> • retains the screening and buffering benefits • maintains the functional value of the resource • maintains water quality • loss of flexibility for new development or redevelopment • maintains recreation opportunities • loss of development and redevelopment flexibility 	<ul style="list-style-type: none"> • conserves functional value of resource • improves water quality • limits habitat loss and possibly improves habitat quality • supports educational and recreational values • supports increase screening and buffering benefits • allows for maintenance of existing facility • provides for flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • retains development flexibility • decreases screening and buffering • supports recreation opportunities • vegetation removal • soil erosion and bank destabilization • loss of sediment trapping capacity

CONCLUSION

There are currently user fees at the event center which generates revenue for the Port. Imposing limits on development or limiting expansion would have a negative economic consequence. Allowing expansion of park facilities without limits would have a neutral impact on economics. The same is true for the proposed park along the waterfront. Putting development limits and standards that need to be met would cause development to be more expensive.

Prohibiting a development of a new waterfront park would have a negative social impact to the community. Prohibiting or limiting development of industrial land would impact

the development potential. The Columbia River supports several listed salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site could result in increased run-off, pollutant loading and sedimentation to the Columbia River, which would negatively impact fish populations.

ESEE DECISION

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- There shall be a 5075 foot setback for all structures from the top of bank with the exception of structures associated with these specific uses: non-motorized water sport schools and rentals and landscaping for a park on lot 6.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Columbia River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- A public trail and water access shall be provided for recreational and educational opportunities.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.
- ~~All development within 75 feet of the top of the bank will require riparian enhancement within this reach at a 3:1 replacement to loss ratio. Enhancement shall include, but not be limited to planting native riparian vegetation, placement of large woody debris, or controlling erosion.~~

Reach: CO-R8

Basin: Columbia River
Size of Site: 0.5 acres
Location: The hook at the end of the man-created jetty.

Description of Resource:

This reach is 499 feet long and consists of a mature forested point that appears to be on a native or natural landform of very large boulder. The vegetation is dense, with extensive coverage by Himalayan blackberry in the shrub layer.

Existing and Proposed Uses:

- Natural area- heavily used wintering waterfowl area.
- Water recreation- swimming, windsurfing lessons.

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Use	Prohibit	Limit	Allow
<i>L/RC</i>	<ul style="list-style-type: none"> • retains the screening and buffering benefits • maintains the functional value of the resource • maintains water quality • loss of flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • loss of functional value of resource • habitat loss • supports educational and recreational values 	<ul style="list-style-type: none"> • retains development flexibility • supports recreation opportunities • vegetation removal • soil erosion and bank destabilization • loss of sediment trapping capacity • habitat loss

CONCLUSION

This is the only stretch of natural riparian vegetation that is remaining along the waterfront. This is a natural landform covered with dense vegetation. Well established vegetation riparian habitat along the Columbia River is limited.

ESEE DECISION

Protect the resource at the highest level. Conflicting uses shall not be allowed on the subject property.

REACH: CO-R9 & CO-R10

Basin: Columbia River
Size of Site: 1.27 acres
Location: CO-R9 is the interior shoreline of the hook and CO-R10 is the interior, east shoreline of the hook

Description of Resource:

CO-R9 is 905 feet long. The shoreline and riparian area are composed of fill material that was placed after construction of the Bonneville Dam in the 1930s. This man-created jetty is heavily used by people and has resulted in limited vegetation able to become established. Vegetation is limited to black cottonwood, red-osier dogwood, willow, and a few weeds.

CO-R10 is 1,329 feet long. The shoreline and riparian area are composed of fill material that was placed after construction of the Bonneville Dam in the 1930s. This portion of the shoreline has not been as impacted by recreational uses as the western portion. At the toe of the rip rap slope is a 25 foot wide wetland bench that is vegetated by black cottonwood, Himalayan blackberry, willow, cattail, and reed canary grass.

Existing and Proposed Uses:

- Water recreation- swimming, windsurfing lessons.
- Light Industrial- most of this area is currently zoned light industrial although there is currently no light industrial development along this reach.
- Open Space/Public Facility- the Hood River Wastewater Treatment Plant is located at the eastern end of CO-R10.
- ~~Waterfront- this area is currently proposed to be re-zoned Recreational/Commercial with a small portion rezoned to Waterfront Zone.~~
- Natural area- heavily used winter waterfowl area.

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
<i>LI OS/PF WF/RC</i>	<ul style="list-style-type: none"> • reduces recreation opportunities • retains the screening and buffering benefits • protects the functional value of the resource • preserves water quality • preserves fish habitat • loss of flexibility for new development or redevelopment • may reduce employment 	<ul style="list-style-type: none"> • improves water quality • supports educational values • supports increase screening and buffering benefits • allows for maintenance of existing facility • provides for flexibility for new development or redevelopment • conserves functional value of resource • limits habitat loss and possibly improves habitat quality • improves recreational 	<ul style="list-style-type: none"> • retains development flexibility • decreases screening and buffering • vegetation removal • soil erosion and bank destabilization • loss of sediment trapping capacity • supports services and employment opportunities • detracts from site's scenic qualities

	opportunities	opportunities	
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CONCLUSION

This area is currently zoned LI and is proposed to be zoned WF. This area is currently undeveloped and heavily used by the community for recreational purposes. There is no formal access to the water, and bank erosion is occurring in places that are heavily used.

The hook itself is a relatively narrow (less than 100 feet wide), land form which limits its development potential and economic feasibility.

Because this area is a heavily used recreation area, prohibiting development to occur or causes a major change in how this area is used would have a negative social consequence.

The interior of the hook provides off-channel, shallow water habitat that is limited along this reach of the Columbia River. In-water or over-water development would have a negative impact on listed salmonid species.

ESEE DECISION

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- There shall be a 75 foot setback for all structures from top of bank with the exception of structures associated with specific uses; non-motorized water sport school and rentals and landscaping.
- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Columbia River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- A public trail and water access shall be provided for recreational and educational opportunities.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.
- Safe pedestrian passages shall be provided for in accordance with the Transportation System Plan.
- Future development shall provide for dust control.
- Educational interpretive signs shall be posted that emphasize the ecologically sensitive nature of the site.
- In-water or over-water development shall be prohibited.
- ~~All development within 75 feet of the top of the bank will require riparian enhancement within this reach at a 3:1 replacement to loss ratio. Enhancement~~

~~shall include, but not be limited to planting native riparian vegetation, placement of large woody debris, controlling erosion, or providing formalized access points to the water to control erosion problems and reduce impacts to vegetation.~~

REACH: HO-R1R and HO-R2R

Basin: Hood River
Size of Site: 1.09 acres
Location: HO-R1R is the east side of the Hood River and extends from I-84 north a forested sandbar. HO-R2R is the east side of the Hood River and extends from a forested sandbar to the confluence with the Columbia River.

Description of Resource:

HO-R1R includes a forested wetland that has become established on a naturally occurring sandbar. Behind the sandbar, fill material has been placed. The wetland is dominated by a canopy of black cottonwood trees, and a shrub layer of red-osier dogwood, Himalayan blackberry, and willow. The ground cover consists of reed canary grass and horsetail. The wetland is 92 feet wide.

The shoreline of HO-R2R is fill material that was placed after Columbia River levels were raised following construction of the Bonneville Dam. The shoreline is a steep, rip rapped bank that includes part of the Port of Marina Park. Vegetation is limited to a rush species growing along the edge of the water and three ornamental trees that have become colonized. The top of the bank is an asphalt access road to the park.

Existing and Proposed Uses:

- Park- Current use is a public park with an access road, parking, picnic areas, bathroom facilities, swimming beaches, lesson and rental stands, and windsurfing launch sites.
- Museum- maintenance road, museum building and parking lot.
- Water Recreation- fishing, kayaking, wildlife viewing

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
<i>OS/PF</i>	<ul style="list-style-type: none"> • loss of capitalized amenity values from water features • decreases recreation opportunities • retains the screening and buffering benefits • maintains the functional value of the resource • maintains water quality • loss of flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • conserves functional value of resource • supports educational and recreational values • reduces impact on water quality • limits habitat loss and possibly improves habitat quality • supports visual variety and impact • supports increase screening and buffering benefits • allows for maintenance of existing facility • provides flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • retains development flexibility • decreases screening and buffering • detracts from site's scenic qualities • vegetation removal and increased impervious surfaces degrade water quality and quantity • soil erosion and bank destabilization • loss of sediment trapping capacity

CONCLUSION

There are currently no user fees at the Port Marina Park, but the museum does ask for a donation to cover operation and maintenance costs. Imposing limits on development or limiting park expansion would have a negative economic consequence by making development more expensive. Allowing expansion of park facilities without limits would have a neutral impact on economics.

The Port Marina Park is a public park that provides recreational opportunities to the community. Prohibiting development would limit expansion of these facilities and have a negative social consequence.

The Hood River supports listed salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site could result in increased run-off, pollutant loading and sedimentation to the Columbia River, which would negatively impact fish populations.

ESEE DECISION

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- There shall be a 100 foot setback for all structures from top of bank with the exception of structures associated with specific uses; non-motorized water sport schools and rentals and landscaping. A conditional use permit may be applied for development up to 75 feet of top of bank.
- Expansion of the museum, for museum purposes only, to the east, south or north may be permitted with a conditional use permit.
- Development shall not occur below the top of bank.

- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Hood River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- A public trail and water access shall be provided for recreational and educational opportunities.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.
- Educational interpretive signs shall be posted that emphasize the ecologically sensitive nature of the site.
- A frontage road is be allowed in this reach parallel to I-84 with a bridge across the Hood River with the proper permitting from the City, State and Federal government, if applicable.
- ~~All development within 75 feet of the top of the bank will require riparian enhancement within this reach at a 3:1 replacement to loss ratio. Enhancement shall include, but not be limited to planting native riparian vegetation, placement of large woody debris, or controlling erosion.~~

REACH: HO-R1L

Basin: Hood River
Size of Site: 0.94 acres
Location: HO-R1L is the west bank the Hood River and extends from I-84 to the confluence with the Columbia River.

Description of Resource:

The shoreline is fill material that was placed after Columbia River levels were raised following construction of the Bonneville Dam. The shoreline is a steep, rip rapped bank. Vegetation along the bank is sparse and limited red-osier dogwood and cascara. Willows and slough sedge are growing at the edge of the water. The top of the bank is an access road to the end of the jetty that is composed of well-compacted fill and gravel.

Existing and Proposed Uses:

- Industrial- this area is currently zoned industrial but it is currently undeveloped.
- Water Recreation- fishing, swimming kayaking.
- Public Access- unpaved road to access the point and unpaved, unmarked parking lot.
- ~~This area is being rezoned to Recreational/Commercial.~~

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
<i>IRC</i>	<ul style="list-style-type: none"> • retains the screening and buffering benefits • protects the functional value of the resource • preserves water quality • preserves fish habitat • loss of flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • reduces impact on water quality • supports educational and recreational values • supports increase screening and buffering benefits • provides for flexibility for new development or redevelopment • conserves functional value of resource • limits habitat loss and possibly improves habitat quality • improves access to the river • controls bank erosion 	<ul style="list-style-type: none"> • retains development flexibility • decreases screening and buffering • vegetation removal • soil erosion and bank destabilization • loss of sediment trapping capacity • supports services and employment opportunities • detracts from site's scenic qualities

CONCLUSION

This area is currently zoned Industrial. This area is currently undeveloped and heavily used by the community for recreational purposes. There is no formal access to the water, and bank erosion is occurring in places that are heavily used.

The jetty itself is relatively narrow (less than 100 feet wide) which limits its development potential and economic feasibility.

This area is a heavily used recreation area. Allowing development to occur or causes a change in how this area used would have a negative social consequence.

The Hood River supports several salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site could result in increased runoff, pollutant loading and sedimentation to the Columbia River, which would negatively impact fish populations.

ESEE Decision

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- There shall be a 75 foot setback for all structures from the top of bank with the exception of structures associated with specific uses: non-motorized water sport schools and rentals and landscaping.
- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for the Hood River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- A public trail and water access shall be provided for recreational and educational opportunities.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.
- Safe pedestrian passages shall be provided for in accordance with the Transportation System Plan.
- Future development shall provide for dust control.
- A frontage road is be allowed in this reach parallel to I-84 with a bridge across the Hood River with the proper permitting from the City, State and Federal government, if applicable.
- ~~All development within 75 feet of the top of the bank will require riparian enhancement within this reach at a 3:1 replacement to loss ratio. Enhancement shall include, but not be limited to planting native riparian vegetation, placement~~

of large woody debris, or controlling erosion by providing formalized access points to the water.

Reach: HO-R2L

Basin: Hood River
Size of Site: 0.44 acres
Location: End of jetty on west bank of Hood River

Description of Resource:

HO-R2L consists of scrub shrub wetland that as developed at the confluence of the Hood River and Columbia River from the fill placed along the west bank of the Hood River. Dominant vegetation species included willow, red-osier dogwood, slough sedge, reed canary grass and cattail.

Existing and Proposed Uses:

- Industrial- this area is currently zoned industrial but is currently undeveloped.
- Water Recreation- fishing, swimming and kiteboarding.
- Public Access- unpaved road to access the point and unpaved, unimproved parking lot.
- ~~This area is proposed to be rezoned to Recreational/Commercial.~~

ESEE ANALYSIS

The following table indicates the impacts on the resource of fully allowing the conflicting uses to occur, limiting the conflicting use, or prohibiting the conflicting use.

Conflicting Use	Prohibit	Limit	Allow
<i>I/R/C</i>	<ul style="list-style-type: none"> • reduces recreation opportunities • protects the functional value of the resource • preserves water quality • preserves fish habitat • loss of flexibility for new development or redevelopment 	<ul style="list-style-type: none"> • reduces impact on water quality • supports educational and recreational values • supports increase screening and buffering benefits • allows for maintenance of existing facility • provides for flexibility for new development or redevelopment • conserves functional value of resource • limits habitat loss 	<ul style="list-style-type: none"> • retains development flexibility • vegetation removal • soil erosion and bank destabilization • loss of sediment trapping capacity • supports employment opportunities • decreases screening and buffering • detracts from site's scenic qualities • high value habitat loss

CONCLUSION

This area is currently zoned I. This area is currently undeveloped and heavily used by the community for recreational purposes. There is no formal access to the water, and bank erosion is occurring in places that are heavily used.

The jetty itself is relatively narrow (less than 100 feet wide) which limits its development potential and economic feasibility.

This area is a heavily used recreation area locally known as Kiteboard Beach. Allowing development to occur or a change in how this area used would have a negative social consequence.

The Hood River supports listed salmonid species. Fish habitat generally deteriorates as land use becomes more intensive. Development of this site could result in increased runoff, pollutant loading and sedimentation to the Columbia River, which would negatively impact fish populations.

ESEE DECISION

Development shall be allowed to occur with certain limits. In addition to meeting current development standards, conflicting uses shall be allowed to occur provided the following limits are met to protect the resource:

- There shall be a 75 foot setback for all structures from the top of bank with the exception of structures associated with these specific uses; non-motorized water sport schools and rentals and landscaping.
- No development shall occur below the top of the bank.
- Educational interpretive signs shall be posted that emphasize the ecologically sensitive nature of the site. Signs and pasture fencing shall be placed around the wetland area to educate people about the ecologically sensitive nature of the area and to keep people out.
- Any bank stabilization or bank alteration will be done using bio-engineering techniques.
- Stormwater runoff from all new impervious surfaces needs to be treated to DEQ stormwater discharge standards for both the Columbia River and the Hood River prior to discharge off of the site.
- Public view points, benches and educational information shall be provided at regular intervals with a minimum of every 0.5 miles of trail.
- A public trail and water access shall be provided for recreational and educational opportunities.
- The use of herbicides and pesticides shall be limited to non-persistent, biodegradable products that are used according to the manufacture's recommendations.
- Safe pedestrian passages shall be provided for in accordance with the Transportation System Plan.

- Specific beach access ways shall be provided to help prevent further erosion of the bank.
- Future development shall provide for dust control.
- ~~All development within 75 feet of the top of the bank will require riparian enhancement within this reach at a 3:1 replacement to loss ratio. Enhancement shall include, but not be limited to planting native riparian vegetation, placement of large woody debris, or controlling erosion by providing formalized access points to the water.~~

Old Goal 5 Language:
GOAL 5
OPEN SPACES
SCENIC AND HISTORIC AREAS
AND NATURAL RESOURCES

~~**GOAL:** To conserve open space and protect natural, historic, and scenic resources.~~

POLICIES:

1. ~~“Open Space” applies to any land area which would, if preserved and contained in its present use:
 - a. ~~Conserve and enhance natural or scenic resources.~~
 - b. ~~Protect air, streams, and rivers, or water supply.~~
 - c. ~~Promote conservation of soils, wetlands, beaches, or tidal marshes.~~
 - d. ~~Enhance the value to the public of abutting or neighboring parks, forests, or other open space.~~
 - e. ~~Conserve landscaped areas, such as public parks or golf courses, that reduce air pollution and provide a buffer between different types of land use development.~~
 - f. ~~Promote orderly urban development.~~~~
2. ~~Lands now zoned Open Space/Public Facilities will be preserved.~~
3. ~~When areas are annexed into the City, lands determined to be desirable or needed for open space will be preserved.~~
4. ~~The unique fish and wildlife habitats identified in the Background Report along the Columbia River shoreline (see Plan Map) will be preserved and protected.~~
5. ~~The riparian habitats along the Hood River and Indian Creek floodplains will be protected and preserved, both as a fish and wildlife habitat, and as an open space resource.~~
6. ~~The Oregon State Department of Fish and Wildlife, along with other individuals, groups, and businesses or governmental agencies with expressed interest, will be provided the opportunity to review and comment on development affecting fish and wildlife resources.~~

- ~~7. Existing water quality and quantity will be maintained or improved to meet "fishable" standards as defined by the Oregon Department of Fish and Wildlife and Water Quality Management Plan (303e Plan).~~
- ~~8. The City will promote a visually attractive, aesthetically pleasing urban environment while preserving significant natural and historic resources.~~
- ~~9. A major consideration in land conservation and development decisions shall be the carrying capacity of the air, land, and water resources.~~
- ~~10. The City will pursue a program of identifying and preserving historic resources to promote historical awareness and tourism attraction.~~
- ~~11. Buildings on the National Register of Historic Places will be preserved to maintain their original character, unless it is clearly demonstrated after a public hearing by the Landmarks Review Board that the condition of the building has deteriorated beyond reasonable repair.~~
- ~~12. Buildings not on the National Register of Historic Places that are identified in the Background Report to be of architectural or historical significance will require Landmarks Review Board approval prior to the issuance of a permit for new construction, demolition and/or significant alteration that will alter the appearance of the historic landmark.~~
- ~~13. The City will cooperate with Hood River County, Oregon Department of Transportation Parks and Recreation Division, and local residents to find the most suitable site for a pedestrian trail which will connect to the Columbia Gorge Trail.~~
- ~~14. Wherever possible, areas of standing trees and shrubs will remain connected, particularly along natural drainage courses.~~
- ~~15. That portion of Wells Island located within the City of Hood River and designated Open Space/Public Facilities is owned by the National Forest Service, and located within the Columbia River Gorge National Scenic Area. The City will not issue permits for future use of that portion of Wells Island within the City limits which would be inconsistent with the National Scenic Area Management Plan. (Ord 1657, 1992).~~
- ~~16. The City will encourage public education, understanding and appreciation of its history and culture.~~

IMPLEMENTATION STRATEGIES:

- ~~1. The Zoning Ordinance will be updated to implement the policies and intent~~

~~of this Plan in regard to Environmental Protection Floodplain, and Geologic Hazard overlay zones.~~

- ~~2. The Environmental Protection zone will be applied to the Columbia River Unique Shoreline (from the UGB along the mainland shoreline to a point just west of the Hood River Sewage Treatment Plant site) as described in the Background Report and will extend from the high water line inland for a distance of 50 feet.~~
- ~~3. When an area is annexed into the City, an assessment shall be made by the Planning Commission to determine if the area contains land needed or desirable for open space.~~
- ~~4. Natural vegetation shall be preserved for a minimum of 50 feet on either side along the Hood River, Indian Creek, and where applicable, the Columbia River.~~
- ~~5. The City will encourage and cooperate with volunteer residents and groups who are interested in promoting historical awareness and preservation through public workshops, brochures, walking tours, grants and other similar projects.~~
- ~~6. A building permit for demolition, new construction, or significant alteration of a historic landmark identified in the Background Report shall be reviewed by the Landmarks Review Board prior to issuance.~~
- ~~7. The City will encourage and promote private restoration, rehabilitation and maintenance of historically or architecturally significant resources for compatible uses, and the installation of appropriate plaques or markers.~~
- ~~8. The City shall designate a Landmarks Review Board to advise the Planning Commission and City Council about the City's historic landmarks according to the Historic Preservation Ordinance.~~

Proposed new language for Goal 5:
GOAL 5
OPEN SPACES
SCENIC AND HISTORIC AREAS
AND NATURAL RESOURCES

I. HISTORIC AREAS

GOAL: *To conserve historic and scenic resources.*

POLICIES:

1. The City will promote a visually attractive, aesthetically pleasing urban environment while preserving significant natural and historic resources.
2. The City will pursue a program of identifying and preserving historic resources to promote historical awareness and tourism attraction.
3. Buildings on the National Register of Historic Places will be preserved to maintain their original character, unless it is clearly demonstrated after a public hearing by the Landmarks Review Board that the condition of the building has deteriorated beyond reasonable repair.
4. Buildings not on the National Register of Historic Places that are identified in the Background Report to be of architectural or historical significance will require Landmarks Review Board approval prior to the issuance of a permit for new construction, demolition and/or significant alteration that will alter the appearance of the historic landmark.
5. The City will encourage public education, understanding and appreciation of its history and culture.

IMPLEMENTATION STRATEGIES:

1. The City will encourage and cooperate with volunteer residents and groups who are interested in promoting historical awareness and preservation through public workshops, brochures, walking tours, grants and other similar projects.
2. A building permit for demolition, new construction, or significant alteration of a historic landmark identified in the Background Report shall be reviewed by the Landmarks Review Board prior to issuance.
3. The City will encourage and promote private restoration, rehabilitation and maintenance of historically or architecturally significant resources for compatible uses, and the installation of appropriate plaques or markers.

4. The City shall designate a Landmarks Review Board to advise the Planning Commission and City Council about the City's historic landmarks according to the Historic Preservation Ordinance.

II. OPEN SPACES

GOALS

Open space and natural areas are an integral part of the City of Hood River's livability. A wide range of types and sizes of open space and natural areas within the urban area should provide; diverse plant and animal habitat, visual and special breaks from urban uses and places for recreation, facilities for community events, trails for pedestrian and bicycle transportation and sports activities. Open space and natural areas may be in the form of; parks, public school grounds, trails, natural areas and areas of special interest, river and stream corridors, open space easements and right-of-way, and lands excluded from development.

Maintaining open space and natural areas in an urban area is a difficult task, and one that becomes more complex during periods of rapid growth. However, providing open space in the urban area for the benefit of existing and future residents is important. The following goals are intended to enhance, create and protect the City of Hood River's open space and natural areas:

1. to provide land for recreational uses such as windsurfing, kite boarding, bicycling, jogging and fishing;
2. to preserve water resources, riparian, and wildlife habitats;
3. to establish trails, greenways and wildlife corridors that are interconnected;
4. to encourage environmental awareness so that citizens will become stewards of our natural resources;
5. to soften the appearance of street corridors with planter and median strips; and
6. to support coordinated efforts of public agencies, private organizations and individuals to preserve and enhance the area's natural features and open space.

IMPLEMENTATION STRATEGIES

The City will evaluate their codes to provide incentives or encourage developers to preserve natural features. Such code changes may include, but are not limited to, the following:

1. more flexible subdivision lot and street standards typical of Planned Unit Development (PUD);
2. a new "cluster housing" subdivision option specifically aimed at preserving natural features; and

3. flexible minimum residential density standards on sensitive lands to protect natural features;
4. create a separate zone for open space;
5. rezone the "hook", including the island and the "spit" on both sides to Open Space.

Local governments and special districts can also preserve or conserve natural areas through several non-regulatory measures. They can:

1. seek donations or gifts of land from private parties;
2. purchase land using revenue from bonds, system development charges, or other fees;
3. obtain conservation easements along the river or other sensitive areas to protect wildlife habitat;
4. include natural features and open space in the design of public facilities;
and
5. locate transportation and utility systems to avoid natural features.

Natural areas can also be retained in private ownership in a variety of ways without adversely affecting the density or development potential of a site. The City encourages the private sector to preserve natural areas within subdivisions and other developments. This can be achieved by:

1. including them within common areas in Planned Unit Developments or subdivisions;
2. including them within the undeveloped street right-of-ways;
3. adjusting lot lines and street patterns to leave them in the non-buildable setback areas; and
4. making them part of the required landscape areas in commercial, industrial, and multi-family projects.

III. NATURAL RESOURCES

Wetland and riparian areas have a variety of native plant species that are adapted to growing in locations where the soils are wet during all or part of the year. Well established wetlands and riparian areas provide a complex ecosystem that support a diverse combination of plants and animals.

Wetlands and riparian areas within Hood River and the Urban Growth Area were inventoried and evaluated in July 2003 as part of the Local Wetland Inventory, a required Periodic Review update for Goal 5. The Port of Hood River conducted and Economic, Social, Environment and Energy Analysis (ESEE) for the Columbia River Waterfront area in May 2004 to allow for greater flexibility for development along that area of the Columbia River.¹

¹ These documents are incorporated into the Comprehensive Plan as back ground reports: Hood River Local Wetlands Inventory and Wetlands Significance Determinations, prepared by Wetlands Consulting – July 2003; Hood River Riparian Corridors Inventory and Riparian Corridors Significance Determinations, prepared by Wetlands Consulting – July 2003; Goal 5 Inventory for the Columbia River

The riparian areas along the Columbia River, Hood River, Indian Creek and Phelps Creek are considered a significant resource under Statewide Planning Goal 5.

GOALS

1. It is important to conserve and improve the wetlands and riparian areas along the Columbia River, Hood River, Indian Creek and Phelps Creek in Hood River City and Urban Growth Area. These areas serve several functions that protect and enhance the quality of both animal and human life within the urban area in many ways:
 - Reduce stream velocities that can erode or damage stream banks and property;
 - Provide storage for water during peak flows and flooding conditions;
 - Trap or filter sediment and runoff water from upland areas and impervious surfaces;
 - Provide shade over rivers and creeks that helps water quality by reducing the warm water temperatures that produce algal blooms;
 - Provide shade to help moderate water temperatures to support fish and other aquatic animals;
 - Provide vegetation and woody debris that serve as habitat and nesting areas for a variety of aquatic animals, birds and mammals;
 - Provide a safe corridor for birds, amphibians and mammals that live and feed along the river; and
 - Provide a transition areas between aquatic and upland habitat areas during animal migration.
2. The City will look at adopting an Uplands Wildlife Habitat Ordinance.
3. Lands zoned as Open Space will be preserved as open space.
4. The City will explore adopting a setback for non fish bearing streams.
5. The City shall update Goal 6 to comply with Department of Environmental Quality, specifically the Total Maximum Daily Load TMDL implementation of the Western Hood Sub-basin and pervious surface alternatives for parking areas and driveways to protect the water and land quality.

IMPLEMENTATION STRATEGIES

1. The City shall seek opportunities to retain the banks of the Columbia River and the Hood River as public or private open space throughout its entire length within the planning area;
2. The City shall promote and support educational programs on riparian natural history, river maintenance and courtesies, impacts of habitat alterations, and habitat disturbance by domestic animals and human activity;

3. Wetland areas that are significant Goal 5 resources to be protected through the city's riparian corridor standards are those areas listed and mapped in the wetland inventory;
4. The City may require public access for any land use action adjacent to the identified significant rivers and creeks. Access may be limited to foot traffic only; other non-motorized traffic may be negotiated by the city; and
5. When an area is annexed into the City, an open space/recreational assessment shall be made by the Planning Commission to determine if the area contains land needed for a park area identified in the Parks and Recreation Master Plan or a desirable open space needs to be preserved.

NET LOSS means a permanent loss of riparian corridor area or function resulting from a development action despite mitigation measures having been taken.

NON-CONFORMING means a structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion, re-construction, or substantial improvement may be regulated

RIPARIAN AREA means the area adjacent to a river, stream, lake, or pond consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

RIPARIAN CORRIDOR means the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian corridor boundary.

STREAM means a channel that carries flowing surface water and was created naturally by geological and hydrological processes, including channels that would be natural but for human-caused disturbances (e.g., channelized, rerouted or culverted streams, or impounded waters), including perennial streams and intermittent streams with defined channels, and excluding irrigation and drainage channels that are human-created.

STREAM OR POND EDGE means bankfull stage elevation.

STRUCTURE: A building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, which are not customarily regulated through zoning ordinances.

TOP OF BANK means the break in slope between the bank and the surrounding terrain (Division of State Lands Water definitions). Where top of bank is not clear defer to bankfull stage.

WATER AREA means the area between the banks of a lake, pond, river, or perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

WETLAND means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

17.22.030 Columbia River Infill Waterfront Area

- A. **Purpose.** The Columbia River Infill waterfront Area and portions, identified on the Columbia River Infill Waterfront map, within the City of Hood River are valuable economic, recreational, scenic and natural resources for the community. The Columbia River Waterfront Infill Area is intended to conserve and enhance the natural resource values of areas along the Columbia River and a portion of the Hood River within the city by;
1. Conserving and restoring habitat for wildlife, fish and other aquatic life;
 2. Protecting and enhancing water quality for human use and aquatic life;
 3. Controlling erosion;
 4. Improving coordination between the city and agencies regarding development activities near waterways;
 5. Promoting development that is compatible with the purpose of the Columbia River Infill waterfront Area;
 6. Promoting the preservation and restoration of native riparian vegetation;
 7. Conserving and protecting property values; and
 8. Encouraging development, preservation and enhancement of reasonable public access to major waterways for recreational use and visual enjoyment.
- B. **Applicability.** Provisions of this section apply to all property within the boundaries of the Columbia River Infill waterfront Area within the City of Hood River, as identified on the Columbia River Infill Waterfront Map. Many parcels within the Columbia River Infill waterfront Area are affected by more than one sub-zone. Where this is the case, applicable development standards for each sub-zone shall apply within that sub-zone's boundaries. Standards of this section shall apply in addition to applicable standards of the underlying zone. Where there are conflicts between sub-zone standards, the more restrictive standard shall apply.
- C. **Permitted Uses.** The following uses are permitted outright in the Columbia River Infill waterfront Area:
1. Resource enhancement and restoration activities.
 2. Land divisions, subject to requirements in Title 16.
 3. Removal of non-native or invasive vegetative species.
 4. ~~Dedication of right-of-ways.~~ Maintenance of existing roads.
 5. Temporary emergency procedures necessary for the protection of property.
 6. Actions taken by the City to correct or abate a nuisance.
 7. Approved storm water discharge.
 8. Existing lawn within the riparian area may be maintained, but not expanded into the resource area.
 9. Existing utility lines.
 10. Existing legal non-conforming structures. Replacement of non-conforming structures shall comply with this title.