



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/24/2008

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 004-08

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, December 09, 2008

This amendment was submitted to DLCD for review 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

<paa> YA/

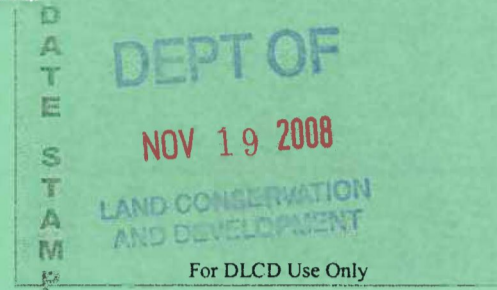
MRP 2

DLCD

Notice of Adoption

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

In person electronic mailed



Jurisdiction: **City of Hood River**

Local file number: **2008-30**

Date of Adoption: **11/17/2008**

Date Mailed: **11/18/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **8/13/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
rezoned the western 12.5 acres of tax lot 1200 from General Commercial (C2) to Light Industrial (LI).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **na**

to: **na**

Zone Map Changed from: **General Commercial (C2)** to: **Light Industrial (LI)**

Location: **3N 10E 27D #1200**

Acres Involved: **12.5**

Specify Density: Previous: **na**

New: **na**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 004-08 (17077)

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

ODOT, City of Hood River

Local Contact: **Cindy Walbridge**

Phone: (541) 387-5217 Extension:

Address: **p.o. box 27**

Fax Number: **541-387-5289**

City: **Hood River**

Zip: **97031-**

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

ORDINANCE 1964

(An ordinance amending the City's Comprehensive Plan and Zoning Map for property located at 3N 10E 27D – westernmost 12.50 acres of tax lot #1200)

WHEREAS, the City of Hood River Planning Commission the scheduled public hearing on October 6, 2008, to consider an application for a quasi-judicial Plan and Zone Map amendment in conformance with Hood River Municipal Code Chapter 17.08 to change the zoning designation on a portion of the property located at **3N 10E 27D – westernmost 12.50 acres of tax lot #1200**;

WHEREAS, the applicant requested a Plan and Zone Map change to Light Industrial (LI) on the easternmost 12.50 acres from General Commercial (C-2) and the Planning Commission recommended approving the request;

WHEREAS, the City of Hood River notified the Department of Land Conservation and Development in writing on August 13, 2008;

WHEREAS, following issuance of notice as required by the Hood River Municipal Code, the Hood River City Council held a public hearing on October 13, 2008, at which time the Council considered the Planning Commission's record and recommendation, the Planning Director's Staff Report, and testimony presented, if any;

WHEREAS, the Hood River City Council adopts the Planning Commission's Findings of Fact and Conclusions of Law signed October 9th, 2008, and approves the application for the requested Plan and Zone Map amendment.

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

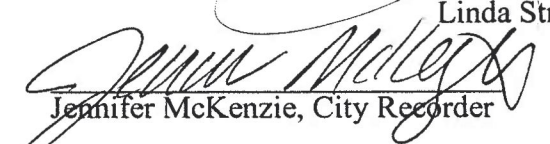
The Comprehensive Plan and Zoning Maps of the City of Hood River are hereby amended by changing the zoning designation of property located at **3N 10E 27D – westernmost 12.50 acres of tax lot #1200** to Light Industrial (LI) from General Commercial (C-2) and the
Read for the first time on Oct 13, 2008.

Read for the second time and approved on Nov 10, 2008, to become effective 30 days hence.

Signed November 17 2008.


Linda Streich, Mayor

ATTEST:


Jennifer McKenzie, City Recorder

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

In the Matter of a Plan and)
Zone Map amendment for)
Hood River Juice)

FINDINGS AND DECISION

I. BACKGROUND INFORMATION:

- A. **REQUEST:** Rezone the western 12.5 acres of Tax Lot 1200 from General Commercial (C-2) to Light Industrial (LI) **File #2008-30 –Hood River Juice Zone Change.**
- B. **APPLICANT:** Hood River Juice Company
- C. **PROPERTY OWNERS:** World Gospel Mission/Ladd Henderson
- D. **PROPERTY LOCATION:** The site is located at 3N 10E 27DTax Lot 1200.
- E. **PROPERTY SIZE:** Tax Lot 1200 totals approximately 27.25 acres.
- F. **SITE ZONING AND LAND USES:** The site is currently zoned General Commercial (C-2) and still has remnants of the previous RV/Mobile Home Park.
- G. **SURROUNDING ZONING AND LAND USES:**
1. North: I-84 right of way
 2. South: R-1; vacant.
 3. West: C-2; owned by Wal-Mart, currently vacant and on the market.
 4. East: C-2; Timbercrest condominiums and vacant commercial properties.
- H. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:**
1. HRMC Section 17.03.050 – General Commercial
 2. HRMC Section 17.03.060 – Light Industrial
 3. HRMC Section 17.08.040 – Quasi-Judicial Zone Change Criteria.
 4. HRMC Section 17.08.050 – Transportation Planning Rule (Quasi-Judicial)
 5. HRMC Section 17.09.040 – Quasi-Judicial Review Procedures
- I. **AGENCY COMMENTS:** City departments, as well as ODOT and DLCD representatives, were notified of this request. The City Engineering Department, the Hood River County Economic Development Director, and ODOT all support the down zone of this property. Bill Fashing, County Economic Development Director's letter has been incorporated into these findings.
- J. **ADJACENT PROPERTY OWNER COMMENTS:** One letter was received from Craig Stephenson – 105 Country Club (Timbercrest Condominiums). His comments are addressed in this report on Pg.4.
- K. **HISTORY:**
1. Neighborhood Meeting held on July 31, 2008.
 2. Application submitted for Zone Change August 8, 2008.
 3. DLCD notice for Zone Change mailed August 13, 2008.
 4. Agency referrals for Zone Change mailed August 19, 2008
 5. Notice of Planning Commission hearing mailed September 11, 2008.
 6. Public hearing before the Planning Commission for Zone Change October 6, 2008.
 7. City Council hearing – scheduled for October 13, 2008.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- 1) **Section 17.08.030 – Quasi- Judicial Zone Changes and Plan Amendments:** A quasi-judicial zone or plan change may be initiated only by the application(s) of the owner(s) or authorized agent of the subject property.
- A. **An application for a quasi-judicial zone or plan change shall be submitted to the City Planning Department. The application shall include:**
1. The applicable fee.
 2. A statement by the applicant explaining the proposed zone or plan change, including existing zoning and proposed zoning.
 3. The tax map of the area being considered for a zone or plan change, indicating boundaries, existing zoning, and existing comprehensive plan designation;
 4. A copy of a document showing ownership of the subject property, and if the applicant is not the owner, a letter of authorization from the owner;
 5. A vicinity map showing the subject property and the surrounding parcels, together with their current zoning;
 6. The reason(s) for requesting the zone change;
 7. Existing site conditions, including but not limited to: topography, public facilities and services, natural hazards, natural areas, open space, scenic and historic areas, transportation, and present use of the site;
 8. An explanation of how the zone change complies with the Comprehensive Plan and criteria in this chapter;
 9. A statement of the potential effect(s) of the zone or plan change on the site; and
 10. If an exception to a goal is required, applicant shall submit documentation establishing compliance with Oregon Revised Statute ORS 197.732 and any applicable Oregon Administrative Rules.

FINDINGS: The applicant, Hood River Juice, with signature of the property owners, submitted an application in conformance with these requirements.

- B. **The Planning Director shall schedule at least one (1) public hearing on the application for zone or plan changes before the Planning Commission. The Planning Commission shall forward its recommendation to the City Council, which shall approve, approve with conditions, or deny the application.**

FINDINGS: A public hearing was held before the Planning Commission on October 6, 2008, and the Planning Commission forwards a recommendation of approval to the City Council subject to conditions of approval. The City Council will approve, approve with conditions, or deny the application in accordance with these requirements.

- C. **The application shall not be approved unless the proposed zone or plan change would be in compliance with the Comprehensive Plan and the criteria set forth in this chapter.**

FINDINGS: Findings regarding compliance with the Comprehensive Plan and applicable criteria are addressed in this decision.

- D. **Hearings under this chapter may be held only after required notification and shall be conducted in conformance with the *Review Procedures* (Chapter 17.09).**

FINDINGS: Notices were mailed to affected property owners and agencies including the Department of Land Conservation and Development in conformance with the Review Procedures of HRMC 17.09.040 (G).

2) Section 17.08.040 - Quasi-Judicial Zone Changes and Plan Amendment Criteria:

- A. Quasi-Judicial zone or plan changes may be approved if the change will not be unreasonably harmful or incompatible with existing uses and one or more of the following exist:
1. A mistake was made in the original zone or plan designation; or
 2. There is a public need for the change, and this identified need will be served by changing the zone or plan designation for the subject property(ies); or
 3. Conditions have changed within the affected area, and the proposed zone or plan change would therefore be more suitable than the existing zone or plan designation.

FINDINGS: These criteria require evaluation of the outcome of allowing new uses and greater density as a result of the zone change on existing uses on nearby properties. Typically, the City defines the surrounding area to include all properties entitled to notice of the subject application. The notice area, which in this case includes all properties within 250 of the subject property, is appropriate because the impacts of the proposed zone change primarily will affect neighboring properties most significantly.

The primary differences between the C-2 and LI zones is that C-2 is defined by the Hood River Municipal Code as any activities involving the sale of goods or services that do not involve the manufacturing, processing, warehousing, or outside storage. Industrial use, on the other hand, means any activity involving the manufacturing, processing, warehousing, or outside storage of products to be transported elsewhere for retail sale. The C-2 Zone also allows residential uses whereas the LI Zone does not.

The applicant does not claim that a mistake was made in the original zone designation. However, the applicant does believe there is a public need for the zone change because it will facilitate the expansion of Hood River Juice.

Public need is typically evaluated from a comprehensive standpoint, including review of the existing supply of land in various zoning districts. Public need does not include the need of individual property owners.

A letter from Bill Fashing, Economic Development Coordinator for Hood River County expressed support of the zone change. "I am writing to support the Hood River Juice Company rezoning request. Hood River Juice is a vibrant growing company with significant land constraints that are limiting its ability to grow. The current Hood River Juice facility is located on farm land and their growth opportunity is limited by zoning regulations. This coupled with the limited supply of industrial lands in the county is leading the company to request this rezoning. Hood River Juice pays above average wages. There is an available workforce to fill the positions that will be created as a result of the Hood River Juice Company expansion. The location has easy access to I – 84 which will facilitate transportation of product and employees to this new facility. The facility will provide a significant economic boost to the local economy and the tax base of the city and county."

During public testimony Fashing added the average size of the vacant industrial parcel in the City is 2 acres or less. He stated there are at least seven or eight industrial businesses already in Hood River who have expansion needs greater than 2 acres. Allowing this 12.50 acre parcel to be rezoned to LI will provide a needed large, contiguous piece of land.

The proposed change is consistent with the specific need identified in the City's Goal 9 Inventory and Analysis, adopted in 1999. The City of Hood River adopted a 10 acre need for its 20-year inventory. Currently there are approximately 39 available acres of Light Industrial/Industrial lands in the City of

Hood River. Almost all of the existing industrial lands are in the ownership of the Port of Hood River. The addition of the 12.50 acres to the inventory in private ownership will help broaden the potential for industrial, family wage development.

The commercial inventory and analysis indicated a 16 acre need for commercial lands over the 20 year period. There are approximately 86 acres of vacant or underutilized commercially zoned land in the City/UGA. Since the inventory, the college, the Hood River Shopping Center (by Wal-Mart) and a few smaller uses have reduced the inventory, however, removal of 12.50 acres will not eliminate the supply.

Development of family wage employment industries has been identified as a high priority by the City Council. As such, there is a public need for the zone change.

Conditions have not necessarily changed within the affected area; however there has been only minor commercial development and the characteristics of this property for industrial use present a strong argument for the rezone. Those attributes include current non residential zone designation, proximity to I-84, elimination of the need for trucks to go up the hills of Hood River (noted in the findings of the adopted Goal 9 report in support of industrial lands at the I-84 elevation), contiguous acreage for an industrial development, and need to have lands available for existing industrial expansion (also noted in the Goal 9 Analysis and Findings). Additionally, the 50,000 square foot maximum size of commercial building in the City has lessened the need for large commercial parcels.

Based on the above findings of facts, the zone change is consistent with the public need provision.

- B. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to:**
- 1. The character of the area involved;**
 - 2. It's peculiar suitability for particular uses;**
 - 3. Conservation of property values; and**
 - 4. The direction of building development.**

FINDINGS: The four factors have been incorporated into the zone change criteria analysis, to include the character of the area, suitability, property values and direction of building development as follows:

- Location of property at the less developed west end of Hood River.
- Location of property adjacent to a federal highway.
- Large contiguous parcel of land.
- Need for family wage jobs as identified in the adopted Goal 9.

The letter from Craig Stephenson, owner of two units at Timbercrest condominiums stated that the hearing body in taking into consideration the factors to consider challenged the Commission to make findings that the zone change would not greatly affect the property and would not decrease property values. The Planning Commission discussed the letter and made these additional findings:

- Timbercrest is located in a Commercial, rather than a Residential Zone, so development of the adjacent properties as either commercial or industrial is inevitable.
- Conflicts will be addressed, and conditions to screen and/or buffer through the site plan review or conditional use process for any proposed uses can be imposed.
- The proposed LI zone designation is on the westernmost side of the subject property. The 14.75 acres between Timbercrest and the proposed LI Zone will remain C-2.

3.) Section 17.08.050 – Transportation Planning Rule (Legislative or Quasi-Judicial)

- A. **Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**
1. **Limiting allowed land uses to be consistent with the planned function of the transportation facility;**
 2. **Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
 3. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

FINDINGS: Because the proposed zone change is considered a down zone producing fewer vehicle trips, it is not expected to effect transportation facilities in the area significantly. The intersection of Cascade and Country Club is over burdened now. The zone change will not affect an increase in load on the intersection, but subsequent development will and development on the site will require completion of a traffic analysis. As such, the proposed zone change is consistent with these standards.

- B. **A plan or land use regulation amendment significantly affects a transportation facility if it:**
1. **Changes the functional classification of an existing or planned transportation facility;**
 2. **Changes standards implementing a functional classification system;**
 3. **Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or,**
 4. **Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.**

FINDINGS: The proposed zone change from commercial to light industrial is for 12.50 acres of an approximate 27.25 acre site. The zone change will not result in a change to the functional classification of any existing or planned transportation facility; will not change standards that implement the functional classification system; will not allow types or levels of land use that will result in levels of travel or access that are inconsistent with the functional classification of the transportation facility; and will not reduce the level of service of any identified facility below the minimum acceptable level identified in the TSP. As such, the proposed zone change is not expected to significantly affect transportation facilities.

C. CITY OF HOOD RIVER COMPREHENSIVE PLAN

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

FINDINGS: The subject application is being processed in accordance with all applicable notice and public hearing procedures, as detailed in HRMC 17.09.040. As such, the application is consistent with the City's Goal 1 policies.

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

FINDINGS: The policies for "Plan Review and Revisions" discuss the process and criteria for revisions and changes to the comprehensive plan (including the zone map). After careful review and discussion with the City Attorney, the criteria under Section "D" are found to relate specifically to legislative revisions to the comprehensive plan rather than quasi-judicial changes. Legislative revisions

are broad in scope and can be initiated only by the Planning Commission or City Council, while quasi-judicial changes are narrow in scope and can be initiated by the property owner. Quasi-judicial changes are evaluated pursuant to HRMC Sections 17.08.020 through 17.08.050. As addressed in this report, the application is consistent with HRMC Sections 17.08.020 through 17.08.050 and is therefore consistent with the City's Goal 2 policies.

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

FINDING: There are no designated Agricultural Lands within the city. As such, this Goal is not applicable.

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

FINDING: There are no designated Forest Lands within the city. As such, this Goal is not applicable.

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

FINDINGS: The City adopted a study of Goal 5 resources along the Columbia River waterfront, as well as a Local Wetland Inventory and a Riparian Corridor Inventory for the entire city. Land use regulations have been adopted to address development impacts to the identified resources (HRMC 17.22, Natural Resources Overlay).

There are possible wetlands identified on the site, and subsequent development of the site shall include delineation of the wetlands and review of the development by the Division of State Lands. The proposed zone change will not adversely impact any identified Goal 5 resources. Because the zone change does not result in development, the application is consistent with the City's Goal 5 policies.

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

FINDINGS: This zone change request will not increase or decrease the air, water and land resource qualities of the site or surrounding area. As such, the proposed zone change is consistent with the City's Goal 6 policies.

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

FINDINGS: The subject site is not in a floodplain, does not contain any environmental protection areas and has no designated geologic hazard areas within its boundaries. This zone change request will not be affected by natural disasters. As such, the proposed zone change is consistent with the City's Goal 7 policies.

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

FINDINGS: There are no recreation resources identified on the subject parcel, and the LI Zone does not allow for recreational uses.

9. **GOAL 9 - ECONOMY: A.) To diversify and improve the economy of the Hood River planning area. B.) To preserve and promote a livable community. C.) To better utilize all commercial and**

industrial lands, including underutilized lands. D.) To have adequate public facilities for anticipated economic growth. E.) To have economic development that is consistent with availability of long-term human natural resources. F.) To continue to recognize the City's role in the Hood River planning area, county and beyond. G.) To accommodate the need for expansion of new and existing businesses.

FINDINGS: This zone change request will have a direct impact on the City's economy because it will increase the industrial land base by 12.50 acres, potentially utilize underutilized land, and allow for an existing business to expand and recognize the need for lands to accommodate industries providing family wage jobs. As such, the proposed zone change is consistent with the City's Goal 9 policies.

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

FINDINGS: The commercial zone allows residential uses; however, the commercial acreage is not included in the vacant residential lands inventory because commercial uses can be developed in place of the residential. The housing needs of the residents of Hood River are provided for on lands designated as residential. As such, the proposed zone change is not inconsistent with the City's Goal 10 policies.

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

FINDINGS: Public facilities including City water and sewer are available to serve the subject site. Streets must be constructed on the site in order to provide access to any new development, and storm-water facilities also will need to be constructed. The developer(s) will be required to construct public facilities in accordance with the adopted Capital Facilities Plans. As such, the proposed zone change is consistent with the City's Goal 11 policies.

12. GOAL 12 - TRANSPORTATION: To provide and encourage a balanced, livable, safe, efficient, accessible, convenient and economic transportation system, maximizing mobility for the citizens of the community.

FINDINGS: The zone change will not add an additional load to the Cascade/Country Club intersection which is currently failing. The applicant's consultant testified that according to the Institute of Transportation Engineers (ITE) trip generation handbook, a down zone from commercial to industrial will reduce vehicle trips by one-third. Without development (and the developer's contribution), however, the intersection cannot be relocated and/or improved. Subsequent development on both the remaining C-2 and the proposed LI zoned land will be required to address the transportation system and can develop only when the system is safe and efficient. As such, the zone change is consistent with the City's Goal 12 policies.

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

FINDINGS: Industrial land use shall be permitted in areas located with good access to transportation, public services, and raw materials. As such, the proposed zone change is generally consistent with the City's Goal 13 policies.

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

FINDINGS: The proposed zone change will have no direct affect on the urban growth boundary and, as such, this Goal is not applicable.

D. STATEWIDE PLANNING GOALS & GUIDELINES

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

FINDINGS: The subject application is being processed in accordance with all applicable notice and public hearing procedures, as detailed in HRMC 17.09.040. The City's notice and public hearing procedures are consistent with the policies of the Comprehensive Plan which was acknowledged by the State of Oregon Department of Land Conservation and Development. As such, the proposal is consistent with Statewide Planning Goal 1.

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

FINDINGS: Quasi-judicial changes are evaluated pursuant to HRMC Sections 17.08.020 through 17.08.050. As addressed above the application is consistent with HRMC Sections 17.08.020 through 17.08.050. The City's zone change procedures are consistent with the policies of the Comprehensive Plan which was acknowledged by the State of Oregon Department of Land Conservation and Development. As such, the proposal is consistent with Statewide Planning Goal 2.

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

FINDINGS: There are no designated Agricultural Lands in the city. As such, this goal is not applicable.

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

FINDINGS: There are no designated Forest Lands in the city. As such, this goal is not applicable.

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

FINDINGS: The proposed zone change will not adversely impact any identified Goal 5 resources. The City's Natural Resource Overlay (HRMC 17.22) and Historic Preservation (HRMC 17.14) ordinances are consistent with the policies of the Comprehensive Plan which was acknowledged by the State of Oregon Department of Land Conservation and Development. As such, the application is consistent with Statewide Planning Goal 5.

There are possible wetlands identified on the site, and subsequent development shall include delineation of the wetlands and review by the Division of State Lands. The proposed zone change will not adversely impact any identified Goal 5 resources. Because the zone change does not result in development, the application is consistent with the City's Goal 5 policies.

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

FINDINGS: This zone change request will not increase or decrease the air, water and land resource qualities of the site or surrounding area. As such, the proposed zone change is consistent with Statewide Planning Goal 6.

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

FINDINGS: The subject site is not in a floodplain, does not contain any environmental protection areas and has no designated geologic hazard areas within its boundaries. This zone change request will not be affected by natural disasters. As such, the proposed zone change is consistent with Statewide Planning Goal 7.

8. **GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

FINDINGS: There are no recreation resources identified on the subject parcel, and the LI Zone does not allow for recreational uses.

9. **GOAL 9 - ECONOMY: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

FINDINGS: This zone change request will have a direct impact on the City's economy because it will increase the industrial land base by 12.50 acres, potentially utilize underutilized land, and allow for an existing business to expand and recognize the need for lands to accommodate industries providing family wage jobs. As such, the proposed zone change is consistent with the City's Goal 9 policies.

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

FINDINGS: The commercial zone allows residential uses; however, the commercial acreage is not included in the vacant residential lands inventory because commercial uses can be developed in place of the residential. The housing needs of the residents of Hood River are provided for on lands designated as residential. As such, the proposed zone change is not inconsistent with the City's Goal 10 policies.

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

FINDINGS: Public facilities including City water and sewer are available to serve the subject site. Streets must be constructed on the site in order to provide access to any new development, and storm-water facilities also will need to be constructed. The developer(s) will be required to construct public facilities in accordance with the adopted Capital Facilities Plans. As such, the proposed zone change is consistent with the City's Goal 11 policies.

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

FINDINGS: The zone change will not add an additional load to the Cascade/Country Club intersection which is currently failing. The applicant's consultant testified that according to the Institute of Transportation Engineers (ITE) trip generation handbook, a down zone from commercial to industrial will reduced vehicle trips by one-third. Without development (and the developer's contribution), however, the intersection cannot be relocated and/or improved. Subsequent development on both the remaining C-2 and the proposed LI zoned land will be required to address the transportation system and can develop only when the system is safe and efficient. As such, the zone change is consistent with the City's Goal 12 policies.

As such, the proposed zone change is consistent with the City's Goal 12 policies.

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

FINDINGS: Industrial land use shall be permitted in areas located with good access to transportation, public services, and raw materials. As such, the proposed zone change is generally consistent with the City's Goal 13 policies. As such, the proposed zone change is consistent with the Statewide Planning Goal 13.

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

FINDINGS: The proposed zone change will have no direct affect the urban growth boundary and, as such, this Goal is not applicable.

E. TRANSPORTATION PLANNING RULE: According to Oregon Administrative Rule (OAR) 660-12-060 (1) and (2):

1. **Amendments to comprehensive plans, functional plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility.**
2. **A land use regulation amendment significantly affects a transportation facility if it:**
 - a) **Changes the functional classification of an existing or planned transportation facility;**
 - b) **Changes standards implementing a functional classification system;**
 - c) **Allows types of levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or**
 - d) **Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**

FINDINGS: Because the proposed zone change is considered a down zone producing fewer vehicle trips, it is not expected to effect transportation facilities in the area significantly. The intersection of Cascade and Country Club is over burdened now. The zone change will not affect an increase in load on the intersection, but subsequent development will and development on the site will require completion of a traffic analysis. As such, the proposed zone change is consistent with these standards.

III. CONCLUSIONS: Based upon the above Findings of Fact, the Planning Commission recommends that the applicant has met the burden of proof and demonstrated compliance with the applicable approval standards and recommends **APPROVAL to the City Council** of the Plan and Zone Map Amendment application subject to the following Conditions of Approval:

1. Approval is for a Comprehensive Plan and Zoning Map Amendment of the western 12.5 acres of 3N 10E 27DTax Lot 1200 from General Commerical (C-2) to Light Industrial (LI).

2. Any development or change of use on the portion of the site affected by this zone change that occurs **prior** to the effective date of this amendment, if approved by the City Council, shall comply with the standards of the General Commercial (C-2) Zone.
3. Any development or change of use on the portion of the site affected by this zone change that occurs **after** the effective date of this amendment, if approved by the City Council, shall comply with the standards of the Light Industrial (LI) Zone.

IV. DECISION: Commissioner Scott Kaden moved and Commissioner Kramer seconded a motion to recommend to the City Council approval of the Plan and Zone Map Amendment for Hood River Juice/Ladd Henderson/World Gospel Mission based on the above Findings of Fact and subject to the Conditions of Approval. The motion passed with a 4-1 vote.

APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION this 7th day of October, 2008.


Kate McBride, Chair

10/09/08
Date

ATTEST:


Cindy Walbridge, Planning Director

10/09/08
Date

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