



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

March 21, 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 010-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 3, 2008

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

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

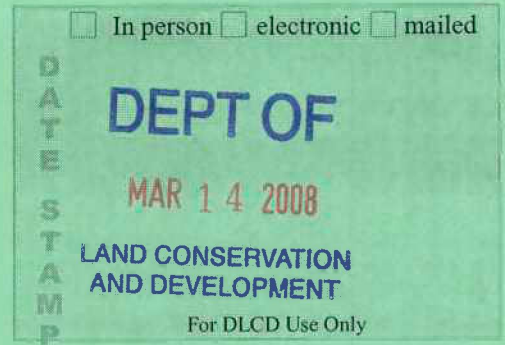
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya/email

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



Jurisdiction: **City of Hood River**

Local file number: **2007-65**

Date of Adoption: ~~3/13/2008~~ **3/11/2008**

Date Mailed: **3/13/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 12/19/2007

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation

- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

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

Rezone approximatly 38,775 square feet of 2827 W. Cascade Avenue (3N 10E 26CC #800) from R1 (Urban Low Density Residential) to R-3 (Urban High Density Residential), resulting in potential for approximately 12 additional dwelling units on the site.

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

Plan Map Changed from: **na**

to: **na**

Zone Map Changed from: **R1**

to: **R3**

Location: **2827 W. Cascade Avenue; 3N 10E 26CC**

Acres Involved: **0**

Specify Density: Previous: **na**

New: **na**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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 # 010-07 (16599)

DLCD file No. _____

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

City of Hood River, Oregon Department of Transportation

Local Contact: **Kevin Liburdy**

Phone: (541) 387-5224 Extension:

Address: **P.O. Box 27**

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

City: **Hood River**

Zip: **97031-**

E-mail Address: **kevin@ci.hood-river.or.os**

ADOPTION SUBMITTAL REQUIREMENTS

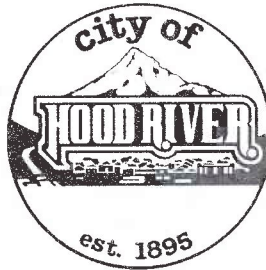
This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

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

Mayor
Linda Strach
Councilors:
President: Paul Cummings
Carrie Nelson
Paul Blackburn
Ann Frodel
Martin Campos Davis
Laurent Picard



301 OAK STREET
P.O. BOX 27
HOOD RIVER, OREGON 97031

(541) 386-1488

March 13, 2008

NOTICE OF CITY COUNCIL DECISION

TO: All Participating Parties
FROM: Cindy Walbridge, Planning Director
SUBJECT: Barclay Zone Change - Ordinance 1945.

Applicant: John Barclay; File No. 2007-65

Proposal: Ordinance Number 1945: (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 26CC Tax Lot 800 from Urban Low Density Residential (R-1) to Urban High Density Residential (R-3) on the southernmost 38,775-square feet of the subject property)

Description of Action: The City Council **approved** an ordinance at a public hearing on **Monday, February 25, 2008**. The decision was signed on **March 11, 2008**.

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

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

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

Sincerely,

Cindy Walbridge
Planning Director

ORDINANCE 1945

(An ordinance amending the City's Comprehensive Plan and Zoning Map for property located at 3N 10E 26CC Tax Lot 800)

WHEREAS, the City of Hood River Planning Commission opened and continued the scheduled public hearing on February 4, 2008, and held the public hearing on February 19, 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 26CC Tax Lot 800;

WHEREAS, the applicant requested a Plan and Zone Map change from Urban Low Density Residential (R-1) to Urban High Density Residential (R-3) on the southernmost 38,775-square feet of the subject property 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 December 19, 2007;

WHEREAS, following issuance of notice as required by the Hood River Municipal Code, the Hood River City Council held a public hearing on February 25, 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 February 20th, 2008, and approves the application for the requested Plan and Zone Map amendment.

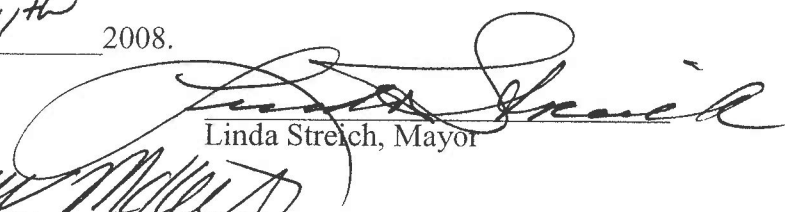
NOW, THEREFORE, the City of Hood River ordains as follows:

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 26CC Tax Lot 800 from Urban Low Density Residential (R-1) to Urban High Density Residential (R-3) on the southernmost 38,775-square feet of the subject property.

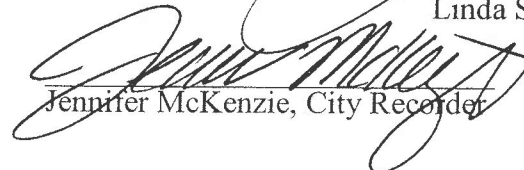
Read for the first time on February 25, 2008.

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

Signed March 11th 2008.


Linda Streich, Mayor

ATTEST:


Jennifer McKenzie, City Recorder

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: February 25, 2008

Subject: A request by John Barclay to amend the Hood River Comprehensive Plan and Zoning Map from R-1 (Urban Low Density Residential) to R-3 (Urban High Density Residential) on the southernmost 38,775-square feet of 3N 10E 26CC Tax Lot 800 (File #2007-65).

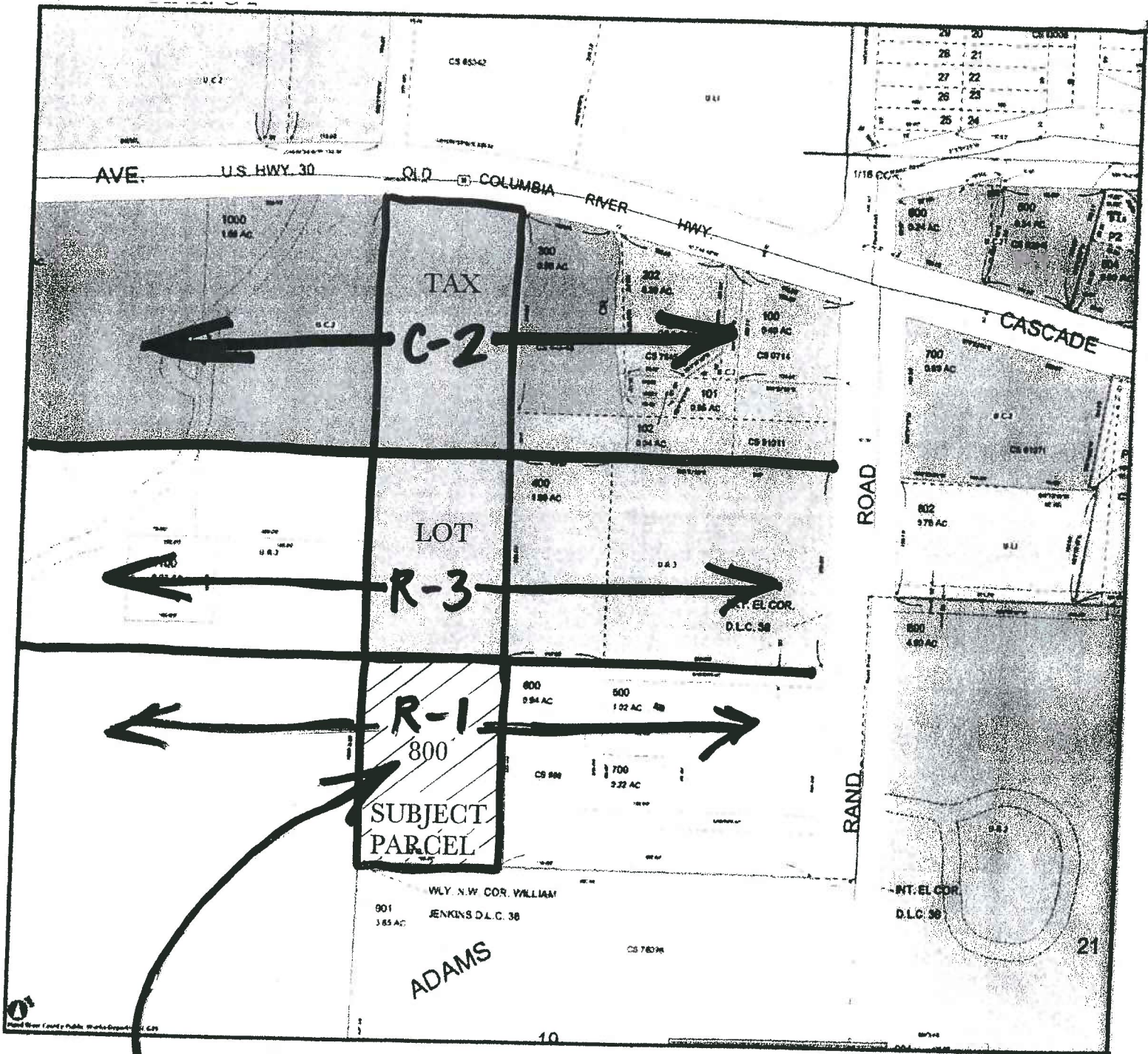
Background: The property is located on the south side of W. Cascade Avenue, west of Rand Road. The property is zoned C-2 at the northern end, R-3 in the middle, and R-1 at the southern end. The portion of the site that is the subject of the zone change is zoned R-1 and is adjacent to property zoned R-1 on the east, west and south. The Planning Commission conducted a public hearing on the above request on February 19, 2008. The applicant provided oral testimony and answered questions. No written or oral testimony was submitted opposition to the proposal.

Staff Recommendation: The Staff Report recommended approval. Based on the attached Findings and Decision (File #2007-65), the Planning Commission also recommends approval of the Plan and Zone Map amendment subject to Conditions of Approval.

Suggested Motion: I move that we read Ordinance #1945 for the first time by title only and adopt the Planning Commission's Findings of Fact and Conclusions of Law dated February 20, 2008.

Alternative: Denial of the application with an alternative set of Findings of Fact.

BARCLAY ZONE MAP CHANGE



EXISTING ZONING = R-1
PROPOSED ZONING = R-3

ATTACHMENT "A.2"
FILE #2007-65

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

In the Matter of a Plan and)
Zone Map amendment for) **FINDINGS AND DECISION**
John Barclay)

I. BACKGROUND INFORMATION:

- A. **REQUEST:** Rezone the southernmost 38,775-square feet of Tax Lot 800 from Urban Low Density Residential (R-1) to Urban High Density Residential (R-3). **File #2007-65 – Barclay Zone Change.** (See Attachment “A.2”.)
- B. **APPLICANT:** John Barclay
- C. **PROPERTY OWNERS:** Jeannie T. Jensen and Robert Barclay
- D. **PROPERTY LOCATION:** The site is located south of W. Cascade Avenue and west of Rand Road, 3N 10E 26CC Tax Lot 800.
- E. **PROPERTY SIZE:** Tax Lot 800 totals approximately 2.81 acres. The proposed Zone Change affects the southernmost 38,775-square feet of the parcel.
- F. **SITE ZONING AND LAND USES:** Prior to the zone change, Tax Lot 800 featured three zoning designations. The northern approximately 44,850-square feet of the site is zoned General Commercial (C-2). The middle approximately 38,775-square feet of the site is zoned Urban High Density Residential (R-3). The southern approximately 38,775-square feet of the site was zoned Urban Low Density Residential (R-1).
- G. **SURROUNDING ZONING AND LAND USES:**
 - 1. North: R-3 and C-2, currently vacant and forested (future location of Trebin Oaks PUD).
 - 2. South: R-1; vacant.
 - 3. West: R-1, R-3 and C-2; single family residential.
 - 4. East: R-1, R-3 and C-2; single-family residential and commercial business.
- H. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:**
 - 1. HRMC Section 17.03.010 – Urban Low Density Residential
 - 2. HRMC Section 17.03.030 – Urban High Density Residential
 - 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. No agency submitted comments in response to the notice.
- J. **ADJACENT PROPERTY OWNER COMMENTS:** Neighboring property owner James A. Holloway submitted comments in support of the Zone Change request.

K. HISTORY:

1. Application submitted for both Zone Change and Trebin Oaks Hollow Planned Unit Development (File #2007-56) submitted October 29, 2007
2. Application for both Zone Change and Planned Unit Development (File #2007-56) deemed incomplete November 28, 2007
3. Application for this Zone Change only (File #2007-65) submitted December 12, 2007
4. Application for this Zone Change deemed complete December 18, 2007
5. DLCD notice for Zone Change mailed December 19, 2007
6. Agency referrals for Zone Change mailed January 2, 2008
7. Notice of Planning Commission hearing mailed January 11, 2008 for hearing on February 4, 2008
8. Notice of new Planning Commission hearing date mailed to adjacent property owners January 31, 2008, for hearing on February 19, 2008
9. Planning Commission hearing opened on February 4, 2008, and continued to February 19, 2008
10. Public hearing before the Planning Commission for Zone Change February 19, 2008
11. City Council hearing February 25, 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, who is the authorized agent for the 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 will be held before the Planning Commission on February 19, 2008, and the Planning Commission forwarded 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 effect 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 R-1 and R-3 zones are that a greater variety of uses may be approved and greater density may be achieved in the R-3 zone. For example, professional offices and townhouse projects are conditional uses in the R-3 zone but are not allowed in the R-1 zone.

The subject site features three zoning designations including C-2, R-1 and R-3. The southernmost approximately 38,775-square feet of the site is zoned R-1. Based upon minimum lot size standards (i.e. 7,000 square feet), the existing portion of the site that is zoned R-1 may accommodate up to five single-family homes. If the proposed zone change is approved from R-1 to R-3, up to 24 dwelling units may be accommodated on this portion of the site resulting in an increase of the site's potential density by 19 dwelling units. Maximum density may increase further if development is approved through the Planned Unit Development process.

The applicant did in fact submit a separate application for a Planned Unit Development affecting the southern half of the site as well as the parcel to the east of the site (Trebin Oaks Hollow, File #2007-56). The Trebin Oaks Hollow PUD application features six detached single-family homes, one two-unit townhouse building and two three-unit townhouse buildings for a total of 14 dwelling units on the portion of the site that is proposed to be changed from R-1 to R-3. If this zone change is approved and

if the Trebin Oaks Hollow PUD is approved as proposed, nine more dwelling units would be located on this portion of the site than would be permitted under the existing R-1 zoning.

The additional density that may occur on the site as a result of the zone change is not expected to result in harmful effects or incompatibility between existing uses on neighboring properties and new uses on the subject site because there are no existing dwellings located immediately adjacent to the site, and because the owner of the parcel to the east of the site (Tax Lot 400) supports the zone change. Neighboring property owners did not submit comments in opposition to the proposed zone change.

The applicant does not assert that a mistake was made in the original zone designation. However, the applicant does assert there is a public need for the zone change because it will facilitate additional density which will allow him to develop more affordable housing (i.e. lower land cost per unit, and possibility of common-wall dwellings).

Public need is typically evaluated from a comprehensive standpoint, including review of adequacy of supply of land in various zoning districts. Public need does not include the need of individual property owners. The City's supplemental housing study states that there is a need for more land with high density residential (R-3) zoning within the City of Hood River (9.24 acres), and that there is no shortage of low density residential (R-1) zoned land. The housing inventory was done in 1997 and the need has increased since that time. Further, based upon the City's 2005 Community Visioning process, there is an identified public need for high density residential (R-3) land, affordable housing and workforce housing. Higher density residential zones are typically located near commercial services in order to facilitate more pedestrian and bicycle trips, thereby decreasing automobile trips. The subject site is in a good location for greater density because it is relatively close to an arterial street, W. Cascade Avenue, and commercial services. Greater density at this location would facilitate more pedestrian and bicycle trips. And, as indicated by the applicant, greater density on the site will allow the developer to construct more affordable housing (i.e. lower land cost per unit, and possibility of common-wall dwellings). Development of affordable housing has been identified as a high priority by the City Council. As such, there is a public need for the zone change.

More intense development is occurring on and near the subject site. The northern portion of Tax Lot 800 will be developed as the Trebin Oaks PUD which will feature approximately 14,200-square feet of commercial space, 4,400-square feet of "flex space" that may be used for commercial purposes or up to seven dwelling units, and twelve townhouses. The Village at Rand Hill PUD, located on the east side of Rand Road, will feature 30 new single-family homes. A traffic signal is planned for the intersection of Rand Road with W. Cascade Avenue and a proportionate share methodology was developed to pay for the signalization. As such, changing conditions in the area help to justify increased density on the site.

The proposed zone change complies with these standards because: 1) it will not be unreasonably harmful or incompatible with existing uses; 2) there is a public need for additional high density zoning closer to commercial services which is expected to result in fewer automobile trips and more affordable housing; and 3) conditions have changed within the affected area that make the proposed zoning more suitable.

- 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: As addressed above, an increase in density is appropriate based upon the character of the subject site and surrounding area. The subject site is suitable for residential use at a greater density due to its close proximity to commercial services and an arterial street. Additional density is not expected to affect the values of adjacent properties because there are no existing dwellings located immediately adjacent to the site and the owner of the parcel to the east of the site (Tax Lot 400) supports the zone change. No comments were submitted by neighboring property owners expressing concerns about the proposal. As such, these factors were considered in the evaluation of the proposed zone change.

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 affects only 38,775-square-feet of the site, it is not expected to effect transportation facilities in the area significantly. The proposed zone change is consistent with the function, capacity and level of service of affected transportation facilities. Any new streets constructed to serve the site will be in conformance with the Transportation System Plan. Development on the site will trigger a requirement for payment of a proportionate share of the cost of the future traffic signal at the intersection of Rand Road with W. Cascade Avenue. 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 affects only 38,775-square-feet of the 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).

Similarly, the City adopted a Historic Preservation Ordinance (HRMC 17.14) that applies to historic landmarks identified in the City's Cultural Resource Inventory and to all properties in designated Historic Districts.

There are no identified wetlands or historic resources on the site. Henderson Creek was placed in a culvert through the site by a previous property owner, but the creek is not identified as a significant riparian corridor and it is not regulated by HRMC 17.22.

The Hood River Valley Parks and Recreation District Master Plan identifies a conceptual linear park/off-street trail along Henderson Creek. Open space and off-street trails are proposed in association with the Trebin Oaks Hollow PUD (File #2007-56).

The proposed zone change will not adversely impact any identified Goal 5 resources. As such, 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: The Hood River Valley Parks and Recreation District Master Plan identifies a need for a neighborhood/mini park to the southwest of the subject site. However, the Plan does not identify a park on the subject site and this zone change will not directly affect the community's recreational needs. As such, the proposed zone change is consistent with the City's Goal 8 policies.

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 no direct impact on the City's economy because it does not include development of the parcel. However, Policy 6 promotes mixed-use developments that integrate business, office, commercial uses and residential uses.

The applicant submitted a separate application for a residential Planned Unit Development on the middle and southern portions of the site (Trebin Oaks Hollow, File #2007-56). In addition, the applicant has already received approval for a mixed use planned unit development on the northern approximately 1.5 acres of the site (Trebin Oaks PUD, File #2007-05). The applicant asserts that the additional density will allow development of affordable housing on the site (i.e. lower land cost per unit, and possibility of common-wall dwellings). Development of more affordable housing will help to promote a more livable community. 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: Policy 1 promotes development of a mixture of sound, adequate new housing types to meet the needs of all segments of the population. A zone change from R-1 to R-3 zone will increase the density potential on the site and allow a greater variety of housing types.

The applicant received approval for a mixed use planned unit development on the northern portion of the site that includes townhouses, commercial space and "flex-space" for either commercial or

residential use (Trebin Oaks PUD, File #2007-05). The applicant submitted a separate application for a residential Planned Unit Development on the southern portion of the site (Trebin Oaks Hollow, File #2007-56) which, if approved, will result in a greater variety of housing types and increased density which, according to the applicant, will allow development of more affordable housing.

As such, the proposed zone change is consistent 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. A traffic signal is planned for the intersection of Rand Road with W. Cascade Avenue to accommodate greater volumes of traffic in the area and a proportionate share methodology was developed to pay for the signalization. The developer(s) will be required to construct public facilities in accordance with the adopted Capital Facilities Plans and contribute a proportional share of the cost of the new traffic signal prior to construction of new uses on the site. 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: A traffic signal is planned for the intersection of Rand Road with W. Cascade Avenue to accommodate greater volumes of traffic in the area and a proportionate share methodology was developed to pay for the signalization. The developer(s) of the site will be required to construct transportation facilities in accordance with the Transportation System Plan and contribute a proportional share of the cost of the new traffic signal prior to construction of new uses on the site. As such, the proposed 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: This proposal is consistent with the intent of Policy #2 because it will facilitate greater density located near an arterial roadway, which will allow more residents to take advantage of alternative modes of transportation and thereby conserve energy. In addition, the R-3 zone allows common-wall housing which is consistent with Policy #5 because shared walls create a more energy-efficient design. 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 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.

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: The Hood River Valley Parks and Recreation District Master Plan identifies a need for a neighborhood/mini park to the southwest of the subject site. However, the Plan does not identify a park on the subject site and this zone change will not directly affect the community's recreational needs. The Park Plan is 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 proposed zone change is consistent with Statewide Planning Goal 8.

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 no direct impact on the State's economy. However, the R-3 zoning designation allows greater density and a wider variety of uses, which, when located near commercial services and arterial streets, can benefit a local economy. The economy of the State benefits when the local economy is strong. Greater density may also result in development of more affordable housing which helps to promote a health economy. The density and uses permitted in the R-3 zoning district 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 proposed zone change is consistent with Statewide Planning Goal 9.

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

FINDINGS: A zone change from R-1 to R-3 zone will increase the density potential on the site and allow a greater variety of housing types in relatively close proximity to commercial services. Greater density may result in more affordable housing (i.e. lower land cost per unit). The R-3 zone allows a variety of housing types and greater densities, and is 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 proposed zone change is consistent with Statewide Planning Goal 10.

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. A traffic signal is planned for the intersection of Rand Road with W. Cascade Avenue to accommodate greater volumes of traffic in the area and a proportionate share methodology was developed to pay for the signalization. The developer(s) of the site will be required to construct public facilities in accordance with the adopted Capital Facilities Plans and contribute a proportional share of the cost of the new traffic signal prior to construction of new uses on the site. The Capital Facilities Plans are consistent with the Comprehensive Plan which was acknowledged by the State of Oregon Department of Land Conservation and Development. As such, the proposed zone change is consistent with Statewide Planning Goal 11.

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

FINDINGS: A traffic signal is planned for the intersection of Rand Road with W. Cascade Avenue to accommodate greater volumes of traffic in the area and a proportionate share methodology was developed to pay for the signalization. The developer(s) of the site will be required to construct transportation facilities in accordance with the Transportation System Plan and contribute a proportional share of the cost of the new traffic signal prior to construction of new uses on the site. The Transportation System Plan is consistent with the Comprehensive Plan which was acknowledged by the State of Oregon Department of Land Conservation and Development. As such, the proposed zone change is consistent with the City's Goal 12 policies.

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

FINDINGS: This proposal will facilitate greater density located near commercial services. Provision of housing in close proximity to commercial services facilitates use of alternative modes of transportation and thereby conserves energy. 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: The proposed zone change from R-1 to R-3, affecting approximately 38,775-square-feet of the subject site, will not significantly affect transportation facilities in the vicinity of the site because it will result in a nominal increase in the site's density potential and because any developer of the site will be required to construct adequate transportation facilities in conformance with City standards. The zone change is consistent with the Transportation Planning Rule because provision of greater density near higher volume roadways and commercial services is encouraged in order to facilitate the use of alternative modes of transportation.

III. CONCLUSIONS: Based upon the above Findings of Fact, the Planning Commission hereby concludes that the applicant has met the burden of proof and demonstrated compliance with the applicable approval standards and the Commission recommends **APPROVAL** 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 from Urban Low Density Residential (R-1) to Urban High Density Residential (R-3) on the southernmost 38,775-square feet of the site (3N 10E 26CC Tax Lot 800).

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 Urban Low Density Residential (R-1) 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 Urban High Density Residential (R-3) Zone.

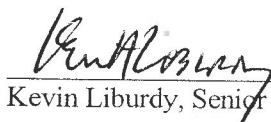
IV. DECISION: Commissioner Scott Kaden moved and Commissioner Ambler Harrison seconded a motion to recommend to the City Council approval of the Plan and Zone Map Amendment for John Barclay based on the above Findings of Fact and subject to the Conditions of Approval. The motion passed with a 5-1 vote.

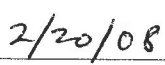
APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 19th day of February, 2008.


Kate McBride, Chair


Date

ATTEST:


Kevin Liburdy, Senior Planner


Date

City of Hood River
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Hood River, OR 97031



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