



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

12/31/2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Hood River County Plan Amendment
DLCD File Number 006-08

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, January 20, 2009

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: Michael Benedict, Hood River County
Doug White, DLCD Community Services Specialist

Gary Fish, DLCD Regional Representative

<paa> YA

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

DEPT OF

DEC 30 2008

LAND CONSERVATION AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: Hood River County

Local File No.: P-08-0061 (If no number, use none)

Date of Adoption: 12-15-08 (Must be filled in)

Date Mailed: 12-19-08 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 07-30-08

[X] Comprehensive Plan Text Amendment

[X] Comprehensive Plan Map Amendment

[] Land Use Regulation Amendment

[X] Zoning Map Amendment

[] New Land Use Regulation

[] Other: (Please Specify Type of Action)

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

This plan and map amendment added the remainder of a parcel that was split zoned (approx. Half of the parcel was within the Health Hazard Overlay Zone and the other half was not) into the Health Hazard Overlay Zone. The Background Document was updated to document the change.

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

Same.

Plan Map Changed from: Non Health Hazard to Health Hazard Overlay Zone

Zone Map Changed from: Non Health Hazard to Health Hazard Overlay Zone

Location: 2N 10E 3D tax lot #1500 Acres Involved: Approximately 4-acres

Specify Density: Previous: New:

Applicable Statewide Planning Goals: Goal 11

Was an Exception Adopted? Yes: No: X

DLCD File No.: 006-08 (17052)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes: X No:

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

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

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

Windmaster Sewer Special District, Windmaster Urban Renewal District.

Local Contact: Michael Benedict Area Code + Phone Number: 54-387-6840

Address: Planning Director, 601 State Street

City: Hood River Zip Code+4: 97031

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed to DLCD within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption≅ is sent to DLCD.
6. In addition to sending the ANotice of Adoption≅ to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

HOOD RIVER COUNTY
ORDINANCE NO. 293

AN ORDINANCE TO APPROVE LEGISLATIVE AMENDMENTS TO THE HOOD RIVER COUNTY COMPREHENSIVE PLAN THAT MODIFIES THE COUNTY BACKGROUND REPORT AND COUNTY ZONING MAPS BY ADDING THE REMAINING PORTION OF THE PARCEL DESCRIBED AS 2N 10E 3D, TAX LOT #1500 TO THE HEALTH HAZARD OVERLAY ZONE

WHEREAS, the above matter came before the Hood River County Board of Commissioners for a public hearing on December 15, 2008.

WHEREAS, in compliance with Article 62, Section 62.00 of the County Zoning Ordinance, the above matter was initiated by the County Planning Director in response to the need to include the subject parcel described as 2N 10E 3D, Tax lot #1500 within the Health Hazard Overlay Zone to preclude future ground water contamination from developments on that parcel.

WHEREAS, the property affected by this legislative amendment is zoned Light Industrial in addition to approximately one-half of the parcel already being within the Health Hazard Zone.

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

WHEREAS, testimony provided to the Board of Commissioners during the public hearing included, but was not limited to the Planning Commission's recommendation resulting from a public hearing held before that body on November 12, 2008, a written staff report, and an oral staff summary. No testimony was received from the public.

WHEREAS, based upon information provided in the staff report and the evidence and testimony presented at the hearing, the Board accepted the Findings of Fact and Conclusions of Law included in the Planning Commission's recommendation, dated November 12, 2008 and attached staff report, dated December 15, 2008, incorporated herein by this reference as Attachment "A."

NOW, THEREFORE, IT IS HEREBY ORDAINED that the above-described legislative amendments to the Hood River County Comprehensive Plan and Zoning Maps are hereby adopted.

DATED THIS 15th DAY OF DECEMBER 15, 2008.



Ron Rivers, Chair



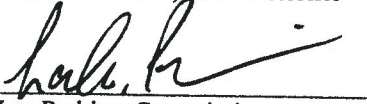
Barbara Briggs, Commissioner



Chuck Thomsen, Commissioner




Maui Meyers, Commissioner



Les Perkins, Commissioner

APPROVED AS TO FORM:


Wilford K. Carey, County Counsel

Health Hazard Overlay Amendment--Current Zoning 2N 10E 3D, Tax Lot #1500

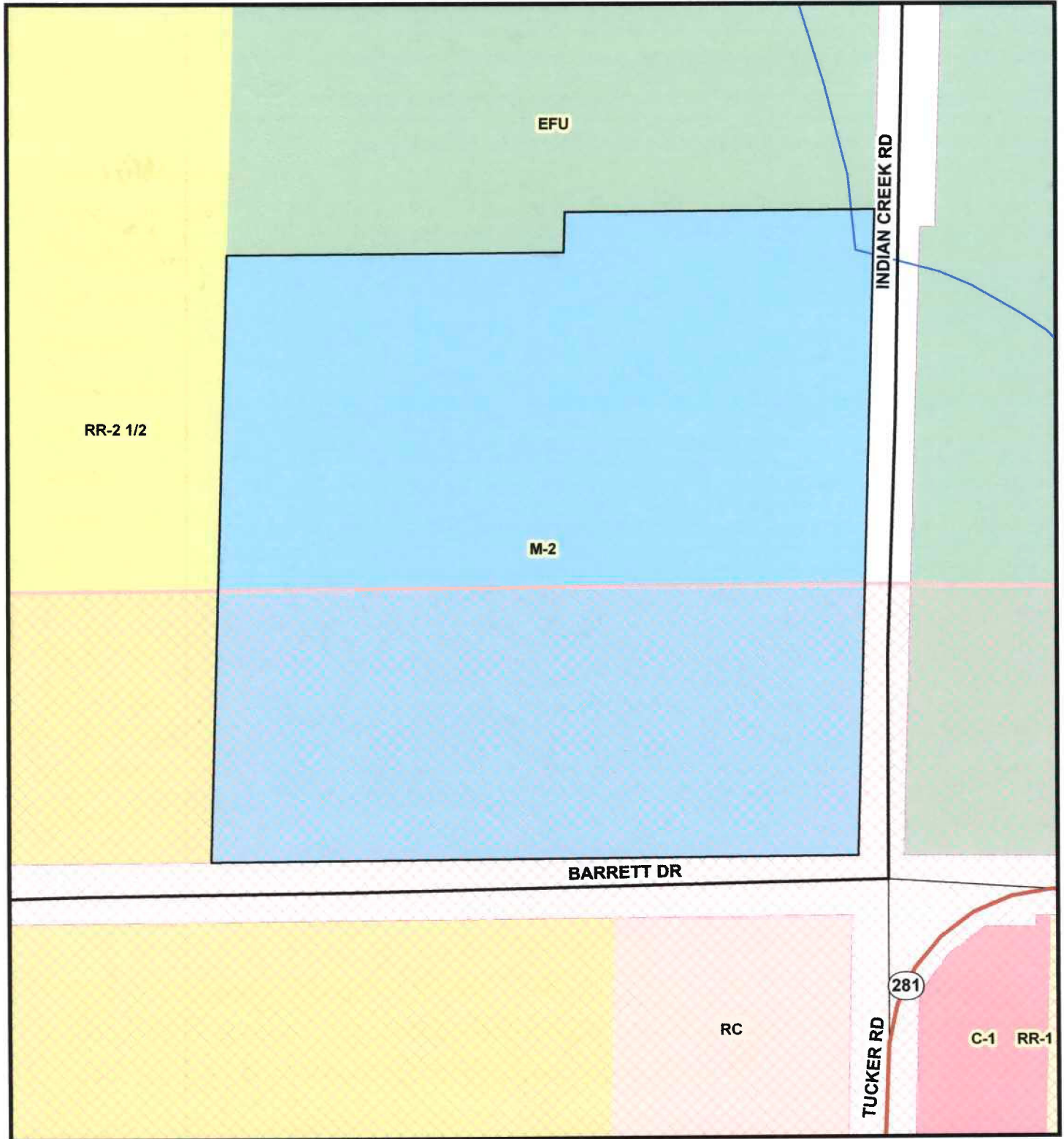


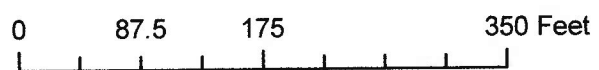


Exhibit B



Legend

-  Taxlots
-  Health Hazard Overlay



Health Hazard Overlay Amendment--Proposed Zoning 2N 10E 3D, Tax Lot #1500

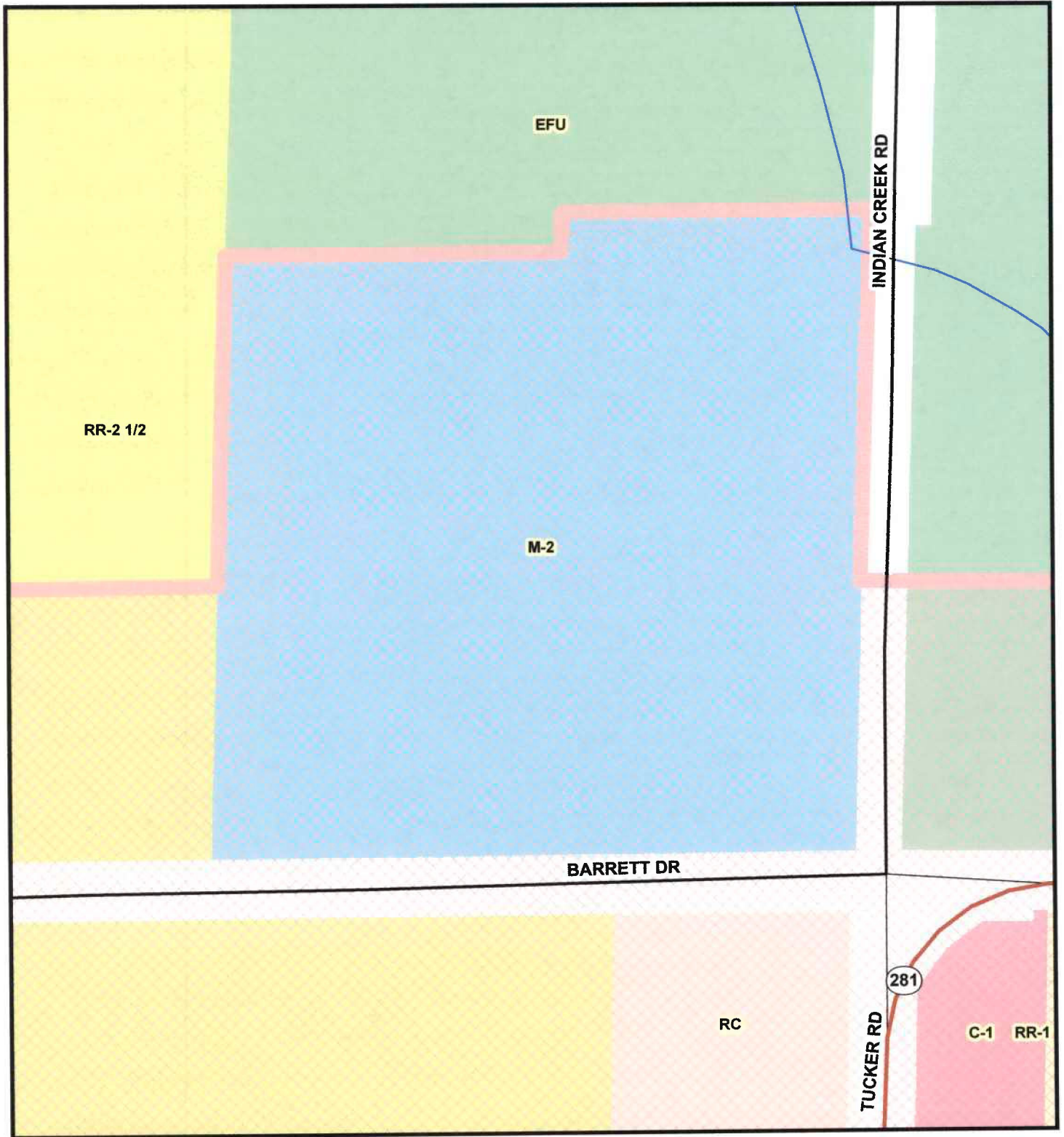


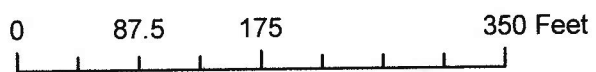


Exhibit B



Legend

-  Taxlots
-  Health Hazard Overlay



The following is proposed to be added to the Goal 11 portion of the County Background Document (new text indicated by boldface/underlined text):

4. Sewer Systems:

Both adequate water and sewerage facilities are necessary to provide a healthy living environment. In recent years countywide water and sewerage plans have been prepared which describe courses of action to meet present and future basic utility needs. These basic utility plans, entitled "Water Supply Systems for Hood River County" dated 1965, and "Comprehensive Sewerage Plan, Hood River County" dated 1969, supplement this Comprehensive Plan. The general findings of these utility plans are summarized below.

Sewer mains are normally laid in a trench underground in the center of the street, or close to the curb. They are usually built from cast iron or concrete pipe. Since the most economical method of sewage collection is by gravity flow, natural drainage basins should be used to establish service areas where possible. However, alternatives will become necessary due to the limitations imposed by jurisdictional boundaries, location and capacity of existing collection and treatment facilities, poor soil conditions, topography, and agricultural, recreational, and industrial growth.

At present public sewerage systems serve the City of Hood River and parts of the adjoining area, the City of Cascade Locks, and the Odell and Parkdale Sanitary Districts. Domestic sewage in the remainder of the County is generally handled by underground disposal methods (See Maps 2, 4 and 6). Public sewerage facilities, with the exception of those serving Hood River and its immediate vicinity, are adequate for the foreseeable future. The City of Hood River provides sewage collection and treatment facilities for both the City and adjoining areas.

The countywide sewerage plan describes the need for expanding the City treatment plant capacity and for providing secondary treatment. An expanded collection system is also indicated in order to keep pace with urban development in areas surrounding the City.

Eight sewer districts are presently in operation in the City of Hood River Westside community. The existing sewer system (see Map #1) is able to handle all domestic sewage in the urban service area and is maintained by the City of Hood River. The collection system is mainly gravity flow. It is the most economical sewage collection system. In addition to the gravity flow system,

there is a forced main collection system conducted from the Hood River Inn across the Hood River to the treatment plant. The sanitary sewer system consists of a network of interceptors, trunks, and main sewers which receive wastewater from smaller sewers and conduct it to the treatment plant, to the Columbia River.

The City of Hood River's sewer system is a self-supporting public utility and is financed by the property owners served. Extensions are allowed presently when domestic demand warrants and generally are made only at the request of the owners of the proposed service area. A sewer district is then established and owners within that district are assessed.

The City of Hood River presently charges a flat monthly service rate to its new customers. Monthly service charges, assessments and other fees are placed into the sewer utilities fund. Annual capital improvement operations, maintenance and administrative costs are paid from that fund. The City owns and is served by the City of Hood River Wastewater Treatment Plant. The City also owns and operates the Secondary Wastewater Treatment Plant with Diamond Fruit Company being the main industrial user and paying annual charges for services. Diamond Fruit and the City of Hood River engaged jointly to obtain a federal grant to construct the secondary plant.

Primary wastewater treatment plants normally remove 25 to 35 percent of the biochemical oxygen demand (BOD) or its organic content, and 50 percent of the suspended solids present in domestic wastewater. Secondary wastewater treatment removes 80 to 90 percent of the BOD and suspended solids. Hood River's wastewater treatment plant is both a primary and secondary plant. The main purpose of the treatment plant is to remove or alter objectionable constituents and render the wastewater less offensive and dangerous to receiving waters. Factors considered in locating sewage treatment facilities include land area requirements, land use of adjacent area, location of receiving stream, suitability for sewer access, availability and cost of land, site adaptability concerning topography, construction problems, groundwater, flooding, and capability for future expansion. Treatment facilities are designed on the basis of the nature, strength, and amount of sewage they are expected to receive and on the requirements for degree of treatment established by the Oregon State Department of Environmental Quality. The City of Hood River Wastewater Treatment Plant is presently in compliance with the existing sanitary codes.

The Odell Sanitary District (see Maps #3 and #4) operates the only public sewer service in the Central Valley. Completed in 1968, their system includes about 23,500 feet of 8 to 15 inch concrete pipe and a factor built secondary treatment

plant, designed for a population of 1,750 persons. (Source: Comprehensive Sewage Plan: Hood River County, CH2M., 1969¹)

There are plans for sewer line extensions within the Odell Sewer District. Grant applications have been sent. Any expansion will, of course, be required to conform with the Comprehensive Plan.

Until an extension is completed, extensive development in Odell will likely produce groundwater pollution. Relatively high septic tank density is ill-suited for the area due to the soil's poor drainage characteristics. Special concern must be given to the Odell area's sanitary facilities.

² "In the early 1990's, higher than normal counts of fecal coliform and e. colli were being found in drainage ditches in the vicinity of the County referred to as the Windmaster Corner Rural Center. Subsequent testing over a period of years identified a significant percentage of area septic systems as having failed or being marginal.

During the 1990's, the County let a number of contracts for analysis, studies and geotechnical testing of the area. Engineering contracts were also let to make initial recommendations for possible mitigation measures. All the reports and studies were consistent in the recognition of the problem and its root causes; those being unsafe levels of fecal coliform and e. colli caused by failing septic systems. The systems were failing at a higher than normal rate because of the high water table in the area exacerbated by the soil type that includes hardpan very near the surface. However, the County was unable to mitigate the problem for two primary reasons: lack of funding and the difficulty involved with attempting to install a sewer system outside the Urban Growth Area because of Statewide Planning Goals 11 and 14 restrictions.

In the year 2000, the status changed in that amendments to Goal 11 had been adopted to that allowed the installation of sewer systems outside the UGA to mitigate a public health hazard without going through the formal land-use exception process. In that year the County also became the partial recipient of a State and Tribal Assistance Grant that made mitigation conceivable.

In the year 2002, the County began the land-use legislative process to describe the health hazard area, create a health hazard overlay zone, and to adopt an implementing zoning ordinance for the overlay zone. The Windmaster public health hazard area is shown on Map #6 to this section along with an accompanying metes and bounds description.

¹ The CH2M, 1969, has been updated.

² HRC Ordinance #240, May 6, 2002 Health Hazard Overlay Windmaster

Although every septic system in this area is not currently failing, the County Sanitarian found that, because of the soil type and area history, that it is just a matter of time until the remaining systems fail and add to the health risks.

The land-use legislative process also tentatively identified the type of sewer system that would best mitigate the health hazard. The type of system identified is a (grinder pump) pressurized system that will connect with the City of Hood River's gravity flow system in the general vicinity of Hood River Valley High School. However, the County will issue a Request For Proposals for pre-engineering work; the response to that RFP might include proposals to build alternative or hybrid types of sewer systems that will serve better."

²In 2007 the County identified those properties that would be served by Phase I of the Windmaster Sewer District and a sewer special district was formed with the County Commissioners serving as its Board. The sewer district boundaries were drawn so to achieve the best economy of scale due to the limited funds and the relatively small number of district members. Concurrently, an urban renewal district was formed whose boundaries were the same as the Health Hazard Overlay Zone boundaries. Incremental funding generated from the urban renewal district was to be used only for the purpose of paying down the debt associated with the sewer system installation. Phase I installation of the sewer system was initiated in 2008.

During installation of the sewer system, it was recognized that the addition of one additional property to the health hazard overlay zone would be advantageous from several perspectives. The property is located at the northwest corner of the intersection of Tucker Road, Barrett Drive and Indian Creek Road. The property is zoned Light Industrial and currently contains a Diamond Fruit cold storage facility. The property is also described as 2N 10E 3D, tax lot #1500. The sewer main runs down the entire north-south and east-west property lines of this parcel. The advantages of adding this property to the Health Hazard Overlay Zone and ultimately to the sewer district and the urban renewal district are that it: 1) ensures that the current industrial uses do not contribute to the health hazard; 2) allows a valuable Light Industrial parcel to be fully developed; and 3) assists in lowering the overall system installation debt by adding relatively expensive industrial sewer hook-ups.

The southern one-half of the parcel was already within the Health Hazard Overlay Zone, but this amendment was necessary to add the remaining portion of the parcel into the HHO Zone and subsequently allow it to be annexed into

² HRC Ordinance # ____, December 15, 2008, amending the Health Hazard Overlay Zone and updating the Windmaster Sewer status

the sewer district and the urban renewal district. The fact that a portion of the parcel was already in the HHO Zone simplified the amendment process as findings had already been adopted under Goal 11 to allow the parcel to be in the HHO Zone. Public hearings were held and the Health Hazard Overlay Zone was amended in December 2008 to add the parcel.”



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

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

DEAN A. NYGAARD, BUILDING OFFICIAL
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E-mail: building@co.hood-river.or.us

December 17, 2008

Gary Fish
Department of Land Conservation and Development
635 Capitol Street, NE, Suite 150
Salem, OR 973012540

Re: DLCD Form-2 – Notice of Adoption

DEPT OF
DEC 30 2008
**LAND CONSERVATION
AND DEVELOPMENT**

Dear Gary:

Enclosed please find a copy of the recently adopted amendment to the Windmaster Health Hazard Overlay Zone in Hood River County. Approximately one-half of a parcel was added to the health hazard overlay zone via a Post Acknowledgment Plan Amendment. I have included a copy of the before and after zoning map of the subject parcel and a copy of the amendment to the Background Document which documents the amendment.

If you have any questions or concerns, I can be contacted at 541-387-6868 or by email at Mike.benedict@co.hood-river.or.us.

Sincerely,

Michael Benedict

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



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