



Oregon

Theodore R. Kubongski, 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

10/6/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: Hood River County Plan Amendment
DLCD File Number 002-10

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: Wednesday, October 20, 2010

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Eric Walker, Hood River County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Katherine Daniels, DLCD Farm/Forest Specialist

<paa> YA/l



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

SEP 30 2010

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Hood River County**

Local file number: **#10-0113**

Date of Adoption: **September 27, 2010**

Date Mailed: **September 29, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: **5/26/10**

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".

A request made by David Logsdon for a Comprehensive Plan and Zone Change to convert the designation of his 10 acre from Primary Forest to Farm and to change its zoning from Primary Forest (F-2) to Exclusive Farm Use (EFU) – Non High Value Farmland.

Does the Adoption differ from proposal?

No.

Plan Map Changed from: **Primary Forest**

to: **Farm**

Zone Map Changed from: **Primary Forest**

to: **Exclusive Farm Use (EFU) – Non High Value Farmland**

Location: **1N 10E 11 #800 (NE Corner of Booth Hill/Neal Creek Roads)** Acres Involved: **10 acres**

Specify Density: Previous: **80 acres**

New: **80 acres**

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. 002-10 (18331) [16352]

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

Hood River County, Dept. of Land Conservation and Development, Oregon Dept. of Forestry, Oregon Dept. of Agriculture, Oregon Liquor Control Commission, Oregon Dept. of Environmental Quality, etc.

Local Contact: **Eric Walker, Principal Planner**

Phone: **(541) 387-6840** Extension:

Address: **601 State Street**

Fax Number: **541-387-6873**

City: **Hood River**

Zip: **OR**

E-mail Address: **eric.walker@co.hood-river.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

HOOD RIVER COUNTY
ORDINANCE NO. 303

AN ORDINANCE TO APPROVE A REQUEST BY DAVID LOGSDON FOR A COMPREHENSIVE PLAN AND ZONE CHANGE TO CONVERT THE DESIGNATION OF HIS 10-ACRE PARCEL FROM PRIMARY FOREST TO FARM AND TO CHANGE ITS ZONING FROM F-2 TO EFU (NON-HIGH VALUE FARMLAND).

A public hearing was held before the Hood River County Board of Commission (*hereinafter referred to as the "Board"*) on September 20, 2010, at 6:00 p.m. in the County Board of Commissioners' Conference Room (*1st floor*), 601 State Street, Hood River, Oregon, to consider the above-described application.

Due notice was given of the public hearing before the Board. A quorum was present. County Counsel described the rules and procedure of the hearing. The qualifications of the members of the Board were then determined and all of the commissioners present participated in the hearing.

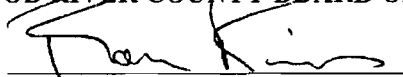
The Board was first provided a staff summary outlining the Planning Commission's record and then received testimony from the applicant. No one else in attendance provided testimony.

Based upon the record before it, the staff report, and testimony received, and being fully advised in the premises, the Board accepted the Findings of Fact, Conclusions of Law, and Recommendation provided as part of the record of the Planning Commission, dated August 13, 2010, attached hereto as Exhibit A and incorporated herein by this reference.

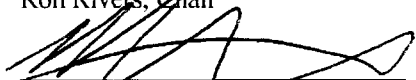
NOW, THEREFORE, IT IS HEREBY ORDAINED that the above-mentioned Comprehensive Plan and Zone Change application of David Logsdon is hereby approved.

DATED THIS 27th DAY OF September, 2010.

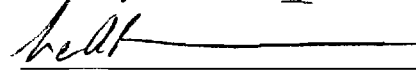
HOOD RIVER COUNTY BOARD OF COMMISSIONERS




Ron Rivers, Chair




Maui Meyers, Commissioner



Les Perkins, Commissioner

Chuck Thomsen, Commissioner


Barbara Briggs, Commissioner

Approved as to Form: 

Wilford K. Carey, County Counsel

Before the County Planning Commission
for Hood River County

In the Matter of the Application from David Logsdon for a Comprehensive Plan and Zone Change. [File #10-0114])
) **RECOMMENDATION**

A public hearing was held before the Hood River County Planning Commission on August 11, 2010, at 7:00 p.m. in the County Board of Commissioners' Conference Room (1st floor), 601 State Street, Hood River, Oregon, to consider an application filed by David Logsdon for a Comprehensive Plan and Zone Change to convert the designation of his 10 acre parcel from Primary Forest to Farm and change its zoning from Primary Forest (F-2) to Exclusive Farm Use (EFU) – Non High Value Farmland.

Due notice was given of the public hearing before the Planning Commission. A quorum was present. The qualifications of the members of the Planning Commission were determined and all of the commissioners present participated in the hearing. The Chair of the Planning Commission, who presided at the hearing, then described the rules and procedure of the hearing.

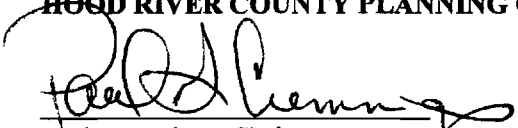
The Planning Commission was first provided a staff summary and then received testimony from the applicant. No one else in attendance provided testimony.

Based upon the record before it, the staff report, and testimony received, and being fully advised in the premises, the Planning Commission accepted the Findings of Fact, Conclusions of Law, and Recommendation provided as part of the staff report, dated July 7, 2010, attached hereto as Exhibit A and incorporated herein by this reference.

Based upon the accepted Findings of Fact and Conclusions of Law, it is **HEREBY RECOMMENDED** to the Hood River County Board of Commissioners that the above-mentioned Comprehensive Plan and Zone Change application of David Logsdon be approved.

DATED THIS 13th DAY OF AUGUST, 2010.

HOOD RIVER COUNTY PLANNING COMMISSION


Paul Cummings, Chair

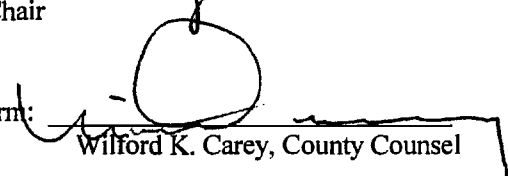
Approved as to Form: 
Wilford K. Carey, County Counsel

EXHIBIT “A”

RECORD OF THE PLANNING COMMISSION

Comprehensive Plan and Zone Change #10-0113 (Logsdon)

*(This Exhibit includes the July 7, 2010 staff recommendation
and supporting attachments.)*

August 13, 2010

Hood River County Planning Commission
County Administrative Building
601 State Street
Commissioners Conference Room
August 11, 2010

MINUTES

PRESENT

Chair: Paul Cummings; Commissioners: Patrick Moore, Stan Benson, Bill Uhlman and Kathie Alley

Non-voting members of Commission: Mike Benedict, Director, and Will Carey, County Council
County Staff: Eric Walker, Principal Planner and Kim Paulk, Office Manager

- A. Call to Order**
Chair Cummings opened the meeting at 7:07 P.M.
- B. Meeting Minutes:** Commissioner Moore moved and Commissioner Alley second to approve the minutes of June 9, 2010. A vote was called and the minutes were approved.
- C. Director's Report:** Mr. Benedict indicated that he has been busy working on the economic dev plan.
- D. Land Use Counsel's Report:** Mr. Carey introduced Samantha Benton, a law student who is interning at his office.
- E. Unscheduled Items:**
a. From the General Public: None
b. From Commissioners: None
- F. Continued Hearing #1: Logsdon Comprehensive Plan & Zone Change #10-0113:**
Dave Logsdon has made application for a Comprehensive Plan and Zone Change to convert the zoning of his 10 acre parcel from Primary Forest (F-2) to Exclusive Farm Use (EFU) – Non High Value Farmland.

Chair Cummings read into record how the hearing was to proceed.

Staff Report: Eric Walker gave a brief description of the applicants request & comments received. See staff report "Comprehensive Plan and Zone Change #P-10-0113" for more detailed information.

Applicant: David Logsdon, 4785 Booth Hill Road, stated that Mr. Walker covered the details in regards to his zone change request. Logsdon showed the Commissioners how his property was situated on a map and its relationship to other uses of surrounding property. He indicated that his property has been used as farm land since the early 1900s. He explained that he believes the zone change will allow him to bring a better value to the crops he grows on the farm.

Proponents: None

Opponents: None

Public testimony: None

Interested Public Agencies: None

Questions from the Planning Commission: None

Planning Commission deliberations:

Commissioner Uhlman stated that the requested zone change makes sense to him and is in support of the change.

Commissioner Alley agreed with Commissioner Uhlman.

Commissioner Moore also agreed with Uhlman’s statement.

Chair Cummings stated that he is also in favor of granting the zone change because the property is consistent with the zoning and use of other outlining properties.

Commissioner Moore moved that the Planning Commission recommend to the County Board of Commissioners approval of the Comprehensive Plan and Zone Change application made by David Logsdon to convert the designation of his 10 acre parcel from Primary Forest to Farm and to change its zoning from F-2 to EFU – Non High Value Farmland; subject to the findings of fact and conclusions of law proposed as part of the staff report, dated July 7, 2010. Commissioner Moore stated that he also moved that the Chair be allowed to sign the recommendation on behalf of the Commission. Commissioner Uhlman seconded the motion.

<u>Chair Cummings</u> called for a vote:	Commissioner Moore	Yes
	Commissioner Alley	Yes
	Commissioner Uhlman	Yes
	Chair Cummings	Yes

Motions approved.

Continued Hearing #2: Logsdon Conditional Use Permit #10-0114:

Mr. Logsdon is also applying for a Conditional Use Permit to establish an organic brewery in conjunction with an existing onsite farm use.

Staff Report: Eric Walker gave a description of Mr. Logsdon’s request and comments received. See staff report “Comprehensive Plan and Zone Change #P-10-0114” for more detailed information.

Applicant: David Logsdon, 4785 Booth Hill Road – Hood River, OR. Logsdon began based on a question from Commissioner Uhlman by explaining that the yeast he grows is related to the fungus family and is not a bacteria. He explained that he started this process a while ago and, by going through the application process, he was able to better understand the details involved and has a fuller understanding of how to comply with the conditions of the County and other agencies. He described how he planned to meet these requirements and how important it was for him to work with the surrounding farms. Mr. Logsdon concluded by stating he will be using local farm products in the production of his beer and part of his goal is to create a smaller footprint for the operations by making a sustainable operation that works well within the community and with other local farmers, while providing a product from Hood River County that anybody can be proud of.

Proponents: None

Opponents: None

Rebuttals: None

Interested Public Agencies: None

Questions by the decision-makers: There was discussion regarding clarifications and process.

Deliberations:

Commissioner Moore stated he had no problems with the application.

Commissioner Alley stated she had no problems with the application.

Commissioner Uhlman stated the application was well argued and he supports it.

Commissioner Cummings agreed with the other Commissioners.

Commissioner Uhlman moved to approve the Conditional Use Permit application made by David Logsdon to establish a brewery in conjunction with an onsite farm use to be approved, subject to the findings of fact, conclusions of law, and conditions of approval recommended in the staff report, dated July 7, 2010. Commissioner Uhlman also moved that the Chair be allowed to sign the final order on behalf of the Commission. Commissioner Moore seconded the motions.

<u>Chair Cummings</u> called for a vote:	Commissioner Uhlman	Yes
	Commissioner Alley	Yes
	Commissioner Moore	Yes
	Chair Cummings	Yes

Motions approved.

Meeting adjourned at 7:57 P.M.



Hood River County Community Development

Planning, Building Codes, Veterans' Services, Economic Development and Information Systems
601 State Street, Hood River OR 97031

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

To: Hood River County Planning Commission

From: Michael Benedict, Director of Community Development Dept.
Eric D. Walker, Principal Planner *lhw*

Date: July 7, 2010 (*For July 14, 2010 Public Hearing*)

Attachments: "A" – Written Comments Received (as of July 7, 2010)
"B" – Submitted Comprehensive Plan and Zone Change Application and Supporting Material
"C" – Miscellaneous Information

RE: Comprehensive Plan and Zone Change #10-0113

I. Background:

- A. Request: David Logsdon has made application for a Comprehensive Plan and Zone Change to convert the zoning of his 10 acre parcel from Primary Forest (F-2) to Exclusive Farm Use (EFU) – Non High Value Farmland.
- As part of this request, Mr. Logsdon is also applying for a Conditional Use Permit (CUP) to establish an organic brewery in conjunction with an existing onsite farm use. (*See CUP #10-0114*)
- B. Location: The subject parcel is located at the northeast corner of Booth Hill and Neal Creek Roads. The parcel is further described as 1N 10E, Section 11, Tax Lot #800.
- C. Zoning: The subject parcel is currently zoned F-2.
- D. Legal Parcel Size: 10.00 acres. The subject parcel was lawfully created by warranty deed (#72-0879) in 1972, which pre-dates the effective date of the County Subdivision Ordinance.
- E. On-site Land Use: The subject parcel contains a single family dwelling, loft barn (*location of the proposed brewery*), machine shed, and approximately 9.25 acres of assessed farmland.
- F. Adjacent Land Use: **North:** 160 acre tract zoned EFU and F-2. Contains a SFD about ½ mile north of the subject parcel. Land immediately adjacent to the subject parcel (*except for that portion west of Booth Hill Road*) is zoned F-2, managed as forestland, and has been logged within the last 10 years; **South and East:** 144.60 acre tract zoned EFU and F-2. The land closest to the subject parcel is zoned EFU and contains a newly planted cherry orchard and pasture for livestock. The property is improved with a residence; and, **West:** Residential enclave west and south of the subject parcel. Multiple residences within a quarter mile of the property.
- G. Prior Actions: In 1992, the County Planning Department authorized the applicant to use an existing accessory building on his property for the propagation of yeast cultures for sale to commercial

breweries, wineries, and home brewing & winemaking supply stores. At that time, the Planning Department concluded that the cultivation, harvesting, and selling of fermentation cultures for beer and wine making was consistent with the ORS definition of "farm use," which is outright allowed in the F-2 zone. In 2001, the yeast propagation facility was relocated to the Weber Business Park in Odell; however, the applicant has indicated that some yeast production has continued out of the building ever since. Last January, the applicant submitted an application to convert the yeast propagation facility into a brewery (*Land Use Permit #10-0012*); however, this request was denied based on findings that brewing beer is not a viable farm use. The Director's decision was appealed to the Planning Commission (*Appeal #10-0049*). On April 28, 2010 a public hearing was held to consider the appeal, which resulted in the Planning Commission upholding the Planning Director's denial of the application.

- H. Soils: 45% #6C – Culbertson loam, 8 to 12 percent slopes; Class III; forest cubic foot site class rating of 120.
42% #9B – Dee silt loam, 0 to 8 percent slopes; Class II; no forest cubic foot site class rating.
13% #6E – Culbertson loam, 20 to 30 percent slopes; Class IV; forest cubic foot site class rating of 120.
- I. Sewer: No public sewer is available to the subject parcel. The applicant has indicated that his property has two existing private septic systems; one serving the residence and one serving the former yeast propagation facility and proposed brewery.
- J. Water: Domestic water is available from Crystal Springs Water District, while irrigation water is available from East Fork Irrigation District.
- K. Access: The subject parcel has frontage along both Booth Hill and Neal Creek Road; however, the primary access to the property comes from an existing graveled driveway off Neal Creek Road.
- L. Fire Protection: The subject property is located within the Parkdale Rural Fire Protection District.
- M. Summary of Comments: As of the date of this report, written comments were received from following parties. (*Enclosed as Attachment "B"*)
- Mike Matthews, County Environmental Health Dept.
 - Amy Rivers, Oregon Dept. of Agriculture
 - Robert Baggett, Oregon Dept. of Environmental Quality (*Wastewater Treatment*)
 - Gary Fish, Oregon Dept. of Land Conservation and Development (DLCD)
 - Cindy Sheppard, East Fork Irrigation District

II. Findings of Fact and Conclusions of Law:

1. Hood River County's Policy Document: *Approval of a Comprehensive Plan and Zone Change requires consideration of the goals and policies, which are based on the Statewide Planning Goals, affecting land use in Hood River County. The following information addresses these adopted public policies:*

A. Goal 1 – Citizen Involvement:

Hood River County's acknowledged application process, which requires public hearings and notice to surrounding property owners and affected agencies, is consistent with Goal 1. Specifically, DLCD was notified of the proposed amendment per ORS 197.610; affected state and local government agencies and property owners with 750 feet of the parcel were notified by

direct mail per Article 60 of the Hood River County Zoning Ordinance; and notice of the hearing before the Planning Commission was published in the Hood River News on June 2, 2010. In addition, prior to a final local land use decision being made, a public hearing before the Hood River County Board of Commissioners will be held. By complying with the County's acknowledged application review process, Goal 1 is being met.

B. Goal 2 – Land Use Planning:

The County's Comprehensive Plan is acknowledged in compliance with Statewide Planning Goal 2. Goal 2 requires local governments to establish a land use planning process and policy framework as a basis for all land use decisions. The procedures adopted by the Board of Commissioners in the acknowledged Hood River County Comprehensive Plan and Zoning Ordinance are being followed in review of this application. The application, required notices, findings, and quasi-judicial public hearings all combine to meet the requirements of Goal 2.

C. Goal 3 – Agricultural Lands:

Goal 3 requires that agricultural lands be "preserved and maintained for agricultural use." [*Policy 1*] Although the subject parcel is currently designated as forest land, it is being used as agricultural land. Of the 10 acres encompassing the subject parcel, 9.25 acres are assessed by the County as irrigated farmland. The applicant is, and has been, receiving farm tax deferral based on the current and past agricultural use of the property.

Agricultural lands are defined under Goal 3 [*Strategy 3*] as "land of predominately Class I-IV soils as identified in the Soil Survey of Hood River County." According to the Soil Survey of Hood River County, 42 percent of the parcel is composed of soil type #9B (*Dee silt loam*), which is considered a high value soil (Class II). Forty-five percent of the parcel is composed of soil type #6C (*Culbertson loam*), which is not a high value soil (Class III), but still productive for agricultural use based on surrounding farms located on this same soil type. The final 13 percent of the parcel is composed of soil type #6E (*Culbertson loam*), which meets the definition of agricultural land (Class IV); although, it appears to be more conducive to forest production based on the prevailing use of nearby land located on this same soil type. Based on this information, staff finds that the entire parcel meets the definition of "agricultural lands," while 87 percent is composed of soils types that are quite productive for agricultural use. Goal 3 [*Strategy 1*] states that "lands identified as agricultural land shall be zoned Exclusive Farm Use pursuant to ORS, Chapter 215, and OAR 660, Division 33."

The primary farm use of the property is cattle grazing. Other farming activities occurring on the property include the propagation of yeast and the growing of hops and a few orchard trees. The applicant has indicated that some additional fruit production is proposed in the future.

The subject parcel has a history of active farm use. Aerial photographs going back as far as 1966 show that the property being farmed; however, according to the applicant, the subject parcel has been in farm use since the property was original homesteaded in 1905.

Goal 3 [*Strategy 4*] states that "agricultural land shall be identified as it is defined in Goal 3 when designating zoning and processing specific proposals." Approving an application that would convert the zoning of agricultural land to EFU, as is the case of the subject parcel, is consistent with Goal 3.

The subject parcel is adjacent to the EFU zone along its entire south property line and a narrow point along its northwest corner. Approving this applicant will not result in creating an island of EFU land surrounded by F-2 land, but will allow a minor expansion of the adjacent EFU zone. Although the zone boundary between EFU and F-2 will now cross Neal Creek Road, it will more

accurately represent the true line between farm and forest land. This line corresponds along the soil mapping units #6C and #6E. Both are a Culbertson loam, but are identified differently based on the amount of slope. Soil #6C has a gradient of 8 to 12 percent, which is more conducive to agricultural use, while Soil #6E has a gradient of 20 to 30 percent, which provides better timber growing conditions. The boundary between soil mapping unit 6E and 6C (*and other similar productive farm soils types, such as #16B/C and #9B/C*) provide the zone boundary between EFU and F-2 to the south along Tax Lot #801 and to the north along Tax Lot #200 and beyond. These facts help to substantiate changing the property from F-2 to EFU since all, but the most northeast corner of the property, is composed of soil types that are more favorable to farm than forest use.

Goal 3 [*Strategy 8*] suggests that “forest land that has been converted to farm use should be considered for a plan and zone change to EFU.” The last time the County made legislative amendments to Goal 3 in 1996, a number of forest zone parcels were converted to EFU. The factors used to justify these changes were based on the parcels being committed to farm use, the parcels containing soils that meet the definition of “agricultural land,” and the parcels being adjacent to the EFU zone. Using the same justification, staff considers the subject parcel a good candidate for a Comprehensive Plan and Zone Change from F-2 to EFU since each of the three factors used to previously justify similar zone change requests also apply in this instance.

Should the applicant’s request be approved, the designation of the property as “high-value” or “non high-value” farmland will need to be determined. High value farmland (HVF) is defined under Goal 3 [*Strategy 23*] as:

- (a) Land in a tract composed predominately of soils that are irrigated and classified prime, unique, Class I or Class II;
- (b) Tracts growing specified perennials, as demonstrated by most recent aerial photographs; or
- (c) Small blocks of land surrounded or nearly surrounded by HVF.

In this instance, 58 percent of the subject parcel is composed of Class III and IV soils. (*The applicant does not own any other contiguous property*) The most recent aerial photograph does not show the parcel growing specified perennial crops; although as confirmed during a site visit to the property, it does contain a handful of orchard trees. The subject parcel abuts HVF to the south, but it is not surrounded or nearly surrounded since less than two sides of the parcel abuts the HVF boundary. Based on this information, staff finds that the subject parcel does not meet the definition of HVF and, therefore, should be given a “non high value” designation should the applicant’s zone change request be approved.

Based on the above information, staff finds that the applicant’s request for a Comprehensive Plan and Zone Change from F-2 to EFU (Non High-Value Farmland) is consistent with the requirements of Goal 3.

D. Goal 4 – Forest Lands

Goal 4 [*Policy 1*] requires that forest land be conserved for forest use. Staff finds that approving this application will not conflict with this policy since the subject parcel is not in forest production, but was converted to farm use decades before. As previously noted, the majority of the property is composed of soils that are more conducive to farm use, which helps to explain the current use of the property.

Land used for agricultural use is compatible with Goal 4 [*Policy 4*] and, therefore, changing the zoning of the property from F-2 to EFU will not conflict with other remaining forest zoned land. No comments of concern were raised by any owners of forest zoned land indicating that the proposed zone change would adversely impact them from continuing to use their property for forest use.

Goal 4 [*Strategy 10*], as well as Oregon Administrative Rule (OAR) 660-006-0015(1) and (2), confirm that an “exception” to Goal 4 is not required to be taken when rezoning forest land to EFU.

Similar to Goal 3, Goal 4 [*Strategy 11*] suggests that “forest land that has been converted to farm use should be allowed to be changed to a Farm plan and zone designation.” As explained earlier, the subject parcel (1) is currently, and has been historical, used for farm use; (2) is composed entirely of Class II-IV soils, which meets the definition of “agricultural land”; and (3) abuts other EFU zoned land and, therefore, will not create an island of EFU within a sea of designated forest land. As such, the applicant’s request complies with both Goal 3 and 4 strategies concerning the zoning of land converted to farm use.

Based on the above information, the applicant’s request is consistent with Goal 4 policies concerning the preservation of forestland.

E. Goal 5 – Open Space, Scenic & Historic Resources, and Natural Resources

The only known Goal 5 resource on or near the subject property is Neal Creek, which is located from approximately 100 to 300 feet south the parcel. A small, unnamed creek and pond are located along the west side of the parcel as well.

The act of changing the zoning of the property from F-2 to EFU will have no direct effect on Goal 5 resources. However, as part of the conditional use permit review for the proposed organic brewery, full consideration will be given to ensure that the facility does not adversely affect these nearby resources, including conditions on proper waste disposal.

F. Goal 6 – Air, Water, and Land Resource Quality

Goal 6 seeks to maintain and improve the quality of the air, water, and land resources of the state. This Goal is administered locally through adopted Comprehensive Plan goals, policies, strategies, and land use and development standards. The proposed comprehensive plan and zone change request will not have a direct affect on air, water, and land resources; however, the applicant’s associated conditional use permit application for an organic brewery will be evaluated pursuant to related standards to ensure that these resources are not adversely impacted by the proposed use.

G. Goal 7 – Areas Subject to Natural Disasters and Hazards

There are no known natural hazards, such as floodplains, geologic hazards, etc., located on or near the subject property. As a result, staff finds that Goal 7 is not applicable to this request.

H. Goal 8 – Recreational Needs

The site is not identified as existing or potential recreational land or open space, and development of the property will have no affect on any existing or planned recreational sites on adjacent land. As a result, there are no Goal 8 resources to be considered as part of this request.

I. Goal 9 – Economic Development

Goal 9 seeks to provide opportunities throughout the State for a variety of economic enhancement activities. This is accomplished through development of inventories, planning for an adequate supply of suitable development sites, and other preparatory measures to proactively foster economic development.

Goal 9 [*Goal 1*] requires that the County “maintain and provide for a stable and healthy agricultural and forest product based economy. Heavy industry shall be discouraged. Tourist, commercial, or light or medium industrial growth shall only be encouraged to the extent that it does not significantly alter the rural character, or the existing agriculture and forestry base of the economy in those areas designated as resource land.”

As part of a separate, but associated request, the applicant is requesting a conditional use permit to operate an organic brewery out of an existing building that was formerly a commercial yeast propagating facility. The applicant’s request is generally consistent with Goal 9, in that, the commercial activity is proposed to be tied to an existing onsite farm use and will use other agricultural products grown in the local area and other nearby areas of the State in producing the applicant’s beer. With a direct connection between agricultural products being grown on the property and the beer being produced in the brewery, the use will also be consistent with Goal 3 [*Strategy 7*], which encourages “value added farm products.” If the proposed brewery is approved, it will not become a heavy industrial use based on recommended conditions limiting the size, number of employees, and amount of beer produced by the proposed brewery. By being small-scale and agricultural related, the proposed brewery will maintain the health of the agricultural and forest based economy, as required under Goal 9.

J. Goal 10 – Housing

The request does not involve residential zoned property and, therefore, no Goal 10 resources will be impacted.

K. Goal 11 – Public Facilities and Services

Adequate public facilities and services are available to the serve the proposed brewery. The property is located within the Parkdale Rural Fire Protection District and Crystal Springs Water District. Public sewer is not available to the site, but use of an existing private septic system is proposed to accommodate the proposed brewery.

Goal 11 [*Goal 2*] requires that the County “protect the general health of local residents through the provisions of adequate water and sanitary sewerage facilities.” To determine the condition of the existing onsite septic system to be used in conjunction with the proposed brewery and the ability of the site to adequately accommodate the large amount of water and biological waste generated during the brewing process, staff sent notice to the Oregon Department of Environmental Quality (DEQ) and County Environmental Health Department. As part of this notice, written comments were received from both agencies indicating that the applicant will be required to apply for an Authorization Notice (AN) through the County Environmental Health Department so that the existing onsite septic system can be evaluated to determine if a “major repair” or “major alteration” to the septic system is necessary or if a facility expansion is occurring. If so, the applicant will be required to obtain a 1400-B Water Pollution Control Facilities (WPCF) permit from DEQ. A condition requiring that the applicant comply with the requirements of the County Environmental Health Department and DEQ as part of an approved conditional use permit will ensure that proposed facility operates in Compliance with Goal 11.

L. Goal 12 – Transportation

Goal 12 implements the County Transportation System Plan, the Oregon Transportation Planning Rule, and other local, state and federal transportation facilities plans. Converting the zoning of property from one resource protection zone to another will have no appreciable effect on existing or proposed transportation facilities given the rural level of development allowed in these zones.

Goal 12 encourages a safe, convenient, and efficient transportation system for all modes of travel. Based on previous comments received from the County Engineer, the proposed brewery is not expected to have a significant effect on transportation safety in the immediate area given the current capacity of the adjacent roads and the nearby intersection, amount of anticipated traffic, and limited size of deliver trucks going to and from the site. The County Engineer noted that should problems occur after the use is established, one possible remedy would be to change the intersection from a two-way to a four-way stop; however, he did not feel that this type of change would be warranted on such a low traveled road unless otherwise deemed necessary in the future. He was also cognizant of the fact that the proposed brewery would not including a public tasting area or be allowed as a retail outlet, which too would help control the amount of traffic generated by the use.

Based on the above information, staff finds the request consistent with Goal 12.

M. Goal 13 – Energy Conservation

Converting the zoning of existing farmland from F-2 to EFU will not have a direct or appreciable effect on energy conservation measures identified under Goal 13.

N. Goal 14 – Urbanization

Goal 14 specifically applies to issues dealing with the transition from rural to urban land use and promoting appropriate development within designated urban areas. The subject parcel is not within an urban area and, therefore, converting the designation of land from forest to farm use will not impact Goal 14 policies. Establishing a brewery on the property also does not affect Goal 14 uses as long as it is sized and operated in compliance with applicable provisions of the EFU zone. In this case, the brewery is proposed in conjunction with an onsite farm use, which is an allowable conditional use. As part of this review, conditions are being recommended to limit the brewery's size, the number of employees used, and the total amount of beer produced. These conditions will ensure that the proposed brewery does not turn into an urban use, which would conflict with the rural character of the site and its proposed designation as farm land.

Based on the above information, staff finds that the request complies with Goal 14.

2. Hood River County Zoning Ordinance – Article 60 (Administrative Procedures): A Comprehensive Plan Amendment and Zoning Change are subject to the provision of Article 60 of the County Zoning Ordinance, including Section 60.10 – Burden of Proof.

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

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

The public's interest is manifested in the Comprehensive Plan. It is in the public's interest to approve zone changes that meet the goal, policies, strategies, and standards of the Comprehensive Plan. As indicated under Goals 3 and 4 of the County Policy Document, forest land that has been converted to farm use should be considered for a plan and zone change to EFU, especially when adjacent land is zoned EFU and when the parcel is dedicated to farm use and composed of soils meeting the County definition of agricultural land. Given the current location, use, and soil makeup of the property, staff finds that approving the applicant's plan and zone change request will not depart from the present land use pattern area.

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

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

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

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

The proposal to change the zoning of the subject parcel from F-2 to Exclusive Farm Use is consistent with the existing land use pattern of the area, which includes a mixture of farm (hay, cherries, and pasture), forest, and rural residential uses. Given the parcel's current use as farmland, its soil makeup, and its location adjacent to other designated farmland, staff finds that approving this application will not result in changing the character of the area, but will simply designate the property more appropriately.

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

The subject parcel is committed to farm use and has been for many decades, as evidenced by old aerial photographs of the area. The current and historic use of the property as farmland confirms that the farm use designation proposed is appropriate. Additionally, the existence of agricultural soils on the property and its location next to other EFU zoned land further confirms the appropriateness of the parcel being designated as farmland.

The suitability of the parcel to accommodate the proposed brewery is addressed as part of the applicant's conditional use permit review.

(iii) Trends in land development.

Approval of this application will allow the continued use of the parcel as farmland, as well as allow consideration of other activities that are consistent with the EFU zone. The application does not necessarily represent a trend in land development, although the applicant's proposed brewery is consistent with farm operators looking for different ways to increase the commercial value of their farm products. As previously noted, the production and sale of "value added farm products" is supported under Goal 3.

(iv) Density of development.

Approving the proposed zone change will not, by itself, affect the density of development since it is merely changing the current designation of the property. However, the zone change could result in allowing additional uses that are not otherwise allowed in the F-2 zone, such as "commercial uses in conjunction with an onsite farm use." As previously noted, the applicant is also applying for a conditional use permit in order to establish a small, organic brewery on the subject parcel. The effects of the proposed brewery are addressed in greater details as part of a separate staff report.

(v) Property values.

There is no evidence to show that the proposed zone change would have any impact on the values of adjacent property.

The effects of the proposed brewery on the value of adjacent property are addressed in greater details as part of the staff report for the applicant's parallel conditional use permit request.

As part of this application, adjacent property owners were provided notification of the request. As of writing this report no adjacent land owners have submitted comments or concerns regarding the proposal, including concerns that changing the zoning of the property from F-2 to EFU would impact value of their property.

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

Changing the zoning of the property from F-2 to EFU will have no direct impact on the economy of the County. However, should the applicant's request for a conditional use permit to establish a brewery on the property be approved, it could have a modest economic impact by providing employment opportunities for its two operators and causing some residual purchasing of local farm products.

(vii) *Access.*

The subject parcel is adjacent to Booth Hill and Neal Creek Road. As explained earlier, the proposed request will not adversely impact the safe and convenient use of nearby transportation facilities.

(viii) *Natural resources.*

As explained above, a small unnamed pond and creek exist along the west side of the parcel and Neal Creek is located between 100 and 300 feet to the south. Although no direct impact to these natural features will occur as a result of the proposed zone change, further consideration of potential impacts will be determined as part of reviewing the applicant's related conditional use permit request.

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

The effects of the proposed brewery on the health, safety, and aesthetics of the area will be determined as part of the applicant's associated conditional use permit application. No direct impacts are expected as a result of the proposed zone change.

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

The subject parcel has been used for agricultural purposes for over 40 years. The subject parcel meets the definition of agricultural lands and is located adjacent to other farm land. As a result, staff finds that converting the zoning of the property to EFU is more appropriate and consistent with the existing land use pattern of the area than its current forest designation. As a result, the proposed zone change should be approved.

3. Statewide Planning Goals:

The Land Conservation and Development Commission (LCDC) acknowledged the County's Comprehensive Plan in 1984 and, by doing so, accepted it in compliance with applicable Statewide Planning Goals. The County's Policy Document, which is an integral part of the Comprehensive Plan,

embodies the Statewide Planning Goal as they apply in Hood River County. As a result, consideration of the Statewide Planning Goals was addressed under Subsection II(1)(A-N) above.

4. Oregon Administrative Rules/Oregon Revised Statutes:

A. OAR 660-006-0015(1) states that "lands inventoried as forest lands must be designated in the comprehensive plan and implemented with a zone which conserves forest lands consistent with OAR chapter 660, division 6, unless an exception to Goal 4 is taken pursuant to ORS 197.732, the forest lands are marginal lands pursuant to ORS 197.247 (1991 Edition), the land is zoned with an Exclusive Farm Use Zone pursuant to ORS Chapter 215 provided the zone qualifies for special assessment under ORS 308.370, or is an "abandoned mill site" zoned for industrial use as provided for by Or Laws 2003, Ch 688, Section 3."

B. OAR 660-006-0015(2) states that "when lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation."

As provided in the above OAR provisions, the conversion of land from farm to forest use does not require taking a Goal 2 exception to Goal 4 (Forest Land). As noted above, the characteristics of the subject parcel are more agricultural in nature and, therefore, more appropriate in this instance. The main factors relied upon in making this recommendation include the current agricultural use of the property, predominate agricultural soils found on the property, and the parcel's location next to the EFU zone.

5. Response to Written Comments Received (Not Addressed Above):

Section 72.30(B)(3) of the County Zoning Ordinance requires consideration of appropriate comments received as part of an administrative application. As of writing this report, five written comments were received regarding the proposed application, but nearly all were concerning the parallel conditional use permit application for the proposed onsite brewery. The only comments received about the plan and zone change came from DLCD, who indicated that they did not have significant concerns because of the parcel's location next to the EFU zone, onsite water rights and farm rated soils, and the current and past farm use of the property. All other comments concerning the brewery will be addressed as part of the staff report for the applicant's conditional use permit.

III. Recommendation: Based upon the above Findings of Fact and Conclusions of Law, it is recommended that the request by David Logsdon for a Comprehensive Plan and Zone Change to convert the designation of the subject parcel from Primary Forest to Farm and change its zoning from F-2 to EFU – Non High Value Farmland be approved.

cc: Dave Logsdon, Applicant
Brian Beebe, Director, County Dept. of Records and Assessment
Don Wiley, County Engineer
Mark VanVoast, County Building Official
Mike Matthews, County Environmental Health Dept.
Gary Fish, Oregon Dept. of Land Conservation and Development
Robert Baggett, Oregon Dept. of Environmental Quality
Amy Rivers, Oregon Department of Agriculture
Cindy Sheppard, East Fork Irrigation District
Jonathan Graca, HR Valley Residents' Committee



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

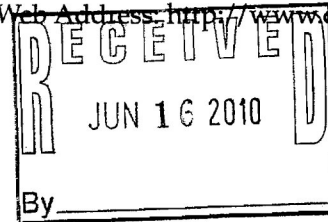
Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

June 15, 2010

Eric Walker, Principal Planner
Hood River County Planning Department
601 State Street
Hood River, Oregon 97031



RE: Logsdon Comprehensive Plan Amendment, Zone Change, and Conditional Use Permit; DLCD PAPA #002-10 and Hood River County Comprehensive Plan and Zone Change #10-113 and Conditional Use Permit #10-114

Dear Eric:

Thank you for the opportunity to comment on the proposed comprehensive plan amendment, zone change, and conditional use permit for David Logsdon. The proposed plan and zone change would change the zoning on an approximately 10-acre parcel located at 4785 Booth Hill Road from Primary Forest (F-2) to Exclusive Farm Use (EFU) – Non High Value Farmland. A concurrent conditional use permit application is proposed to establish an organic microbrewery as a commercial activity in conjunction with a farm use.

Please enter this letter in the record of all public hearings on the proposed comprehensive plan and zone change and conditional use permit, and notify us of any change in hearing dates or in the proposal so that we may have an adequate opportunity to review any revisions to the application(s).

Comprehensive Plan and Zone Change

The department does not note significant concerns with the proposed plan and zone change to EFU from Forest zoning. The information provided for our review shows the subject property is adjacent to land zoned for exclusive farm use on two sides, has eight irrigable acres with water rights, has Class III farm soils according to NRCS mapping, and provides information regarding historic and current farm uses on the property.

Conditional Use Permit – Commercial Activity In Conjunction With Farm Use

The department believes that a proposed organic microbrewery could qualify as a commercial activity in conjunction with farm use.¹ This opinion is conditioned on a

¹ A commercial activity in conjunction with farm use must be either exclusively or primarily a customer or supplier of farm uses. Such activities must either:

(1) Enhance the farming enterprises in the local agricultural community; or

ATTACHMENT "A" (5 PAGES)



premise that all applicable criteria are met.² Additionally, it appears the applicant might be able to qualify as a processing facility for farm crops, provided documentation is provided that at least twenty-five percent of the farm crops being processed are provided by this farm and the building for the processing facility is no larger than 10,000 square feet (ORS 215.283(1)(r)). No information was provided on the amount of the farm crops used for brewing that will come from this farm.³ We understand that no new dwellings or buildings are included, all processing will take place indoors, and no retail sales are proposed.

Please feel free to contact me at 503-373-0050, ext. 254 or by e-mail at gary.fish@state.or.us if you have any questions or concerns regarding our comments.

Yours truly,



Gary Fish
Regional Representative

cc: Katherine Daniels, Farm and Forest Lands Specialist, DLCD
James Johnson, Oregon Department of Agriculture

(2) Occur together with agricultural activities in the local community. Suppliers are limited to those providing products and services essential to the practice of agriculture.

This use was added to the EFU zone by SB 101 in 1973. The legislative intent was to let local government decide specifically what these uses may be. Uses discussed as falling within this category included hop, nut and fruit driers; feed mixing and storage facilities; mint distilleries; rendering plants; seed processing, packing, shipping and storage facilities; slaughter houses; agricultural produce storage facilities; feed lots; hullers; and any other similar processing and allied farm commercial activities. Wineries not meeting the standards in ORS 215.283(1)(q) or other new bio-fuel plants can be approved using these standards. The Court cases that have established these guidelines are Craven v. Jackson County, 308 Or 281 (1989); City of Sandy v. Clackamas County, 28 Or LUBA 316 (1994) and Earle v. McCarthy, 28 Or App 539, (1977). (Source – Ron Eber from a 2006 paper)

² We note that only stated conclusions, not findings in support of, address the required findings for ORS 215.296 regarding the effect of adjacent farm and forest practices. The applicant needs to offer additional documentation and findings that document that the proposed use will not force a significant change in accepted farm or forest practices nor increase the cost of farm or forest practices on lands devoted to farm or forest use.

³ Please note that the department does not consider the growing and culturing of yeast used in the brewing process to be a legitimate farm crop or use. The department's opinion regarding this was previously provided to the county via e-mail in response to a question posed by the planning director.

Eric Walker

From: Amy Rivers [arivers@oda.state.or.us]
Sent: Wednesday, June 09, 2010 8:19 AM
To: Eric Walker
Cc: Mike Matthews
Subject: Re: Proposed Brewery

Hi Eric,

I visited the facility yesterday. The building itself would be able to be licensed by ODA with a few minor repairs and the installation of a hand washing sink in the processing area. Licensing would be contingent on the approval of his zone change and conditional use permit applications, and DEQ's or Hood River County Health Department's approval of the septic system.

Thanks,

On Jun 4, 2010, at 8:48 AM, Eric Walker wrote:

Hi Amy.

Mr. Logsdon's request will involve 100% off-premise sales. I hope that helps.

I'm sorry that I didn't send you direct notice, but I didn't realize you would be involved in this instance. It would be great to received written comments from you so that we can make them a part of our decision. Enclosed is a copy of the notice of his application.

If you need anything additional, please do not hesitate to give me a call or send me an email.

Thanks, Eric

*Principal Planner
601 State Street
Hood River, OR 97031
(541) 387-6840 – Phone
(541) 387-6873 – Fax
eric.walker@co.hood-river.or.us*

From: Mike Matthews
Sent: Friday, June 04, 2010 8:20 AM
To: Amy Rivers
Cc: Eric Walker; Ian Stromquist
Subject: RE: Proposed Brewery

Amy,

I have not heard that any of his sales will be for immediate consumption. I will have to ask planning if he would be allowed to have a tasting room. I am putting together comments for the planning department and will cc you. His contact information is:

"A" (2)

David Logsdon
4785 booth Hill Rd
Hood River, OR 97031
541-490-9161

Thanks, Happy Friday!

Mike Matthews, REHS, Supervisor
Hood River County Environmental Health
1109 June Street
Hood River, OR 97031
Office: 541-387-7129
Fax: 541-386-9181
Email: mike.matthews@co.hood-river.or.us

From: Amy Rivers [<mailto:arivers@oda.state.or.us>]
Sent: Thursday, June 03, 2010 4:37 PM
To: Mike Matthews
Subject: Re: Proposed Brewery

Hi Mike,

I'm going to say it has been 5-6 or more years ago that I did a consultation for someone up in the valley, but I think it was for wine, and I never heard back. The name sounds familiar, but I can't remember for sure and I don't have the paperwork anymore. If 51% or more of his sales are for immediate consumption he is yours, if 51% is sold bottled and taken off the premises, he is mine. Do you have a phone number for him?

On Jun 3, 2010, at 2:24 PM, Mike Matthews wrote:

Amy,

Have you heard anything from a Dave Logsdon, 4785 Booth Hill Road? He is trying to get land use approval for an Organic Brewery in the upper Hood River valley on a piece of property served by a septic system. He is proposing 1860/gallons per week or approximately 100,000gal per year. Would you license such a facility?

Thanks for your time,

Mike Matthews, REHS, Supervisor
Hood River County Environmental Health
1109 June Street
Hood River, OR 97031
Office: 541-387-7129
Fax: 541-386-9181
Email: mike.matthews@co.hood-river.or.us

<DOC033.PDF>

Eric Walker

From: BAGGETT Robert [BAGGETT.Robert@deq.state.or.us]
Sent: Tuesday, June 15, 2010 3:39 PM
To: Mike Matthews; micheal.benedict@co.hood-river.or.us; Dean Nygaard; Eric Walker; plan dept; Kim Paulk
Cc: DEVITO Paul; NIGG Eric
Subject: Update -- Hood River Brewery

Hi All, Paul Devito and I had our discussion with Mr. Logsdon and obtained more details on both his proposal and the existing septic systems on site. I then called to verified information and discussed this situation with Mike Matthews at Hood River Co. EH. Due to DEQ rule language regarding existing systems and WPCF permits, the first step for Mr. Logsdon is to apply for an Authorization Notice (AN) through Hood River Co. EH. If through that process it is determined that a major repair or major alteration to the septic system is necessary, or that a facility expansion is occurring, then Mr. Logsdon would be directed to DEQ to obtained the 1400-B WPCF permit.

So Paul and I plan on again calling Mr. Logsdon to explain all this to him and direct him to Hood River Co. EH for the AN.

Here is the DEQ rule language: (16) WPCF permits for existing facilities: (a) The owner of an existing system **required to have a WPCF permit** under subsection (15)(b) of this rule is not required to obtain a WPCF permit until a system major repair or major alteration of a system, or facility expansion, is necessary;

Bob...

From: BAGGETT Robert
Sent: Friday, June 04, 2010 8:26 AM
To: MATTHEWS Mike; 'micheal.benedict@co.hood-river.or.us'; 'dean.nygaard@co.hood-river.or.us'; 'eric.walker@co.hood-river.or.us'; 'plan.dept@co.hood-river.or.us'; 'building@co.hood-river.or.us'
Cc: DEVITO Paul; NIGG Eric
Subject: RE: Brewery

Hi Mike, Thanks for the heads-up. I received the planning notice in yesterday's mail from Carl Nadler out of our The Dalles office. This proposal is considered industrial rather than domestic and will most likely require a General 1400-B Water Pollution Control Facilities (WPCF) permit. Below I have included a link to the permit guidance page. This permit requires that process wastewater and sanitary wastes be kept separate. However, until we obtain more details about the operation and processes we won't know for sure how many onsite wastewater treatment systems will be required. I or Paul Devito will be calling David Logsdon at 541-490-9161 (no e-mail address requested on planning form) to discuss the proposal in

"A" (3)

more detail. Mr. Devito is our new onsite wastewater WPCF permit specialist in the Bend office.

If new onsite wastewater systems are proposed, then Mr. Logsdon may come to Hood River Co. EH staff for the site evaluation work.

<http://www.deq.state.or.us/wq/wqpermit/docs/general/wpcf1400b/permit.pdf>

Mike, I tried to include all individuals possibly involved in the proposal within Hood River Co's staff. Please review my "To" list and make sure all needing this information get it. Let me know of any other questions or concerns you may have.

Bob...

Robert Baggett, REHS

Natural Resource Specialist 4

Variance Officer

Onsite Wastewater Treatment Program

Water Quality Section - Bend Office

475 NE Bellevue, Suite 110, Bend, OR 97701

Phone 541-633-2036

Fax 541-388-8283

Toll Free 1-866-863-6668

From: MATTHEWS Mike

Sent: Thursday, June 03, 2010 2:35 PM

To: BAGGETT Robert

Subject: Brewery

Hello Bob,

I have a gentleman applying for land use approval for an Organic Brewery in the upper Hood River valley on a piece of property served by a septic system. He is proposing 1860/gallons per week or approximately 100,000gal per year. I believe this would fall under a WPCF permit due to the wastewater strength ("Residential Strength Wastewater" means septic tank effluent that does not typically exceed five-day biochemical oxygen demand (BOD5) of 300 mg/L; total suspended solids (TSS) of 150 mg/L; total Kjeldahl nitrogen (TKN) of 150 mg/L; oil & grease of 25 mg/L; or concentrations or quantities of other contaminants normally found in residential sewage) and perhaps volume of wastewater although he is claiming he only uses 100 gallons of cleaner and sanitizer a week. Can you give me any additional information or steer me to the person who can?

Hope all is well in central Oregon, we are still waiting for some nice spring weather here in the Gorge.

Regards,

Mike Matthews, REHS, Supervisor

Hood River County Environmental Health

1109 June Street

Hood River, OR 97031

Office: 541-387-7129

Fax: 541-386-9181

Email: mike.matthews@co.hood-river.or.us

"A" (4)

Eric Walker

From: Mike Matthews
Sent: Monday, June 07, 2010 11:00 AM
To: Eric Walker
Cc: Amy Rivers; Ian Stromquist; DEVITO Paul; BAGGETT Robert
Subject: Zone Change #10-0113 & CUP #10-0114

Eric,

I would like to make comment in regards to Dave Logsdon's application for a Zone Change and Conditional Use Permit to establish a brewery on the parcel described as 1N-10E-11 #800 located at 4785 Booth Hill Road, Hood River, Oregon 97031.

The proposed use as a brewery with no retail sales will likely require licensing through the Oregon Department of Agriculture. Our local area contact is Amy Rivers, Oregon Department of Agriculture, 616 Summit Ridge Road, The Dalles, OR 97051, (541) 296-8696, arivers@oda.state.or.us

In regards to Waste Water generated on the parcel. The existing yeast production facility and the proposed use as a brewery would be considered industrial rather than domestic and will likely require a **General 1400-B Water Pollution Control Facilities (WPCF) permit**. This permit requires that process wastewater and sanitary wastes be kept separate. Below I have included a link to the permit guidance page. Please contact Paul Devito, WPCF permit specialist, DEQ Eastern Region Office, 475 NE Bellevue, Suite 110, Bend, OR 97701, (541) 633-2029, DEVITO.Paul@deq.state.or.us

DEQ Permit Guidance Page: <http://www.deq.state.or.us/wq/wqpermit/docs/general/wpcf1400b/permit.pdf>

An **Authorization Notice** will be required by Hood River County Environmental Health to, change the use of, or increase the projected daily sewage flow into an existing onsite system. If new onsite wastewater systems are proposed, Mr. Logsdon may come to Hood River County Environmental Health to apply for the Site Evaluation work. For questions or an application please visit our On-site Waste Water web page: <http://www.co.hood-river.or.us> or call 541-387-6885 for more information.

Regards,

Mike Matthews, REHS, Supervisor
Hood River County Environmental Health
1109 June Street
Hood River, OR 97031
Office: 541-387-7129
Fax: 541-386-9181
Email: mike.matthews@co.hood-river.or.us

Eric Walker

From: Cindy Sheppard [cindyefid@hoodriverelectric.net]
Sent: Monday, June 07, 2010 8:39 AM
To: Eric Walker
Subject: Logsdon #10-0113 and #10-0114

Eric.....

East Fork Irrigation District has reviewed the application for a Comprehensive Plan and Zone Change (#10-0113) and a Conditional Use Permit (#10-0114) for Mr. Logsdon on 1N-10E-11, TL 800 and have no comments of concern.

Cindy

Cindy Sheppard
Water Rights Technician
East Fork Irrigation District
P.O. Box 162
Odell, OR 97044
541-354-1185

"A" (5)

received
8/5/10

August 3, 2010
PO Box 275
Mt. Hood/PRKL, OR 97041

Hood River County Planning Commission:

I'm writing to voice my support for David Logsdon and Logsdon Farmhouse Ales and his request for a Zone Change with a CUP. Dave and myself will be operating the brewery together to produce a true artisan product. In addition to his yeast propagation, Dave intends to use as many local products as possible in order to produce beers that are unique for the current craft brewing movement. As a customer and/or producer of fruit, grain, and hops in the area, Dave will work to enhance the current orchard and agricultural communities. This will promote Hood River Valleys fruit industry beyond local boundaries.

With the current state of the economy, now is the time to support economic enterprises for the future development of the Counties needs. Local agriculture will be supported, local tax will be paid, and a local source of employment for two people will be fulfilled. I currently work outside of our community and spend many hours/dollars away from the valley. Having a job close to home will enhance my families lives'.

I know Dave to be a good steward of the land. His farm is healthy and beautiful with lots of wildlife alongside horses and cattle. I am sure Dave will continue to maintain and improve the local surroundings.

Thank you for you consideration. Sorry I cannot make the August 11 hearing.

Sincerely,

Charles Porter

APPLICATION FOR COMPREHENSIVE PLAN AND ZONE / ZONE BOUNDARY ADJUSTMENT

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

Application No. P-10-0113

Applicant's Name DAVID LOGSDON Township 1N
Address 4785 Booth Hill Rd Range 10E
Hood River, Oregon 97031 Section 11
Telephone No. 541 490 9161 Tax Lot #800

Owner's Name DAVID LOGSDON Present Zone F-2
Address 4785 Booth Hill Rd Requested Zone EFU
Hood River Oregon 97031 Comprehensive Plan EXCLUSIVE FARM USE

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

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

Zone Change AND CONDITIONAL USE Permit
(COMMERCIAL USE IN CONJUNCTION WITH ON SITE FARM USE)

Water Supply Source Crystal Springs Application Fee \$ 3,000

Method of Sewerage Disposal Septic tank Collected By EW

Access _____ on _____

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

David Logsdon
Signature

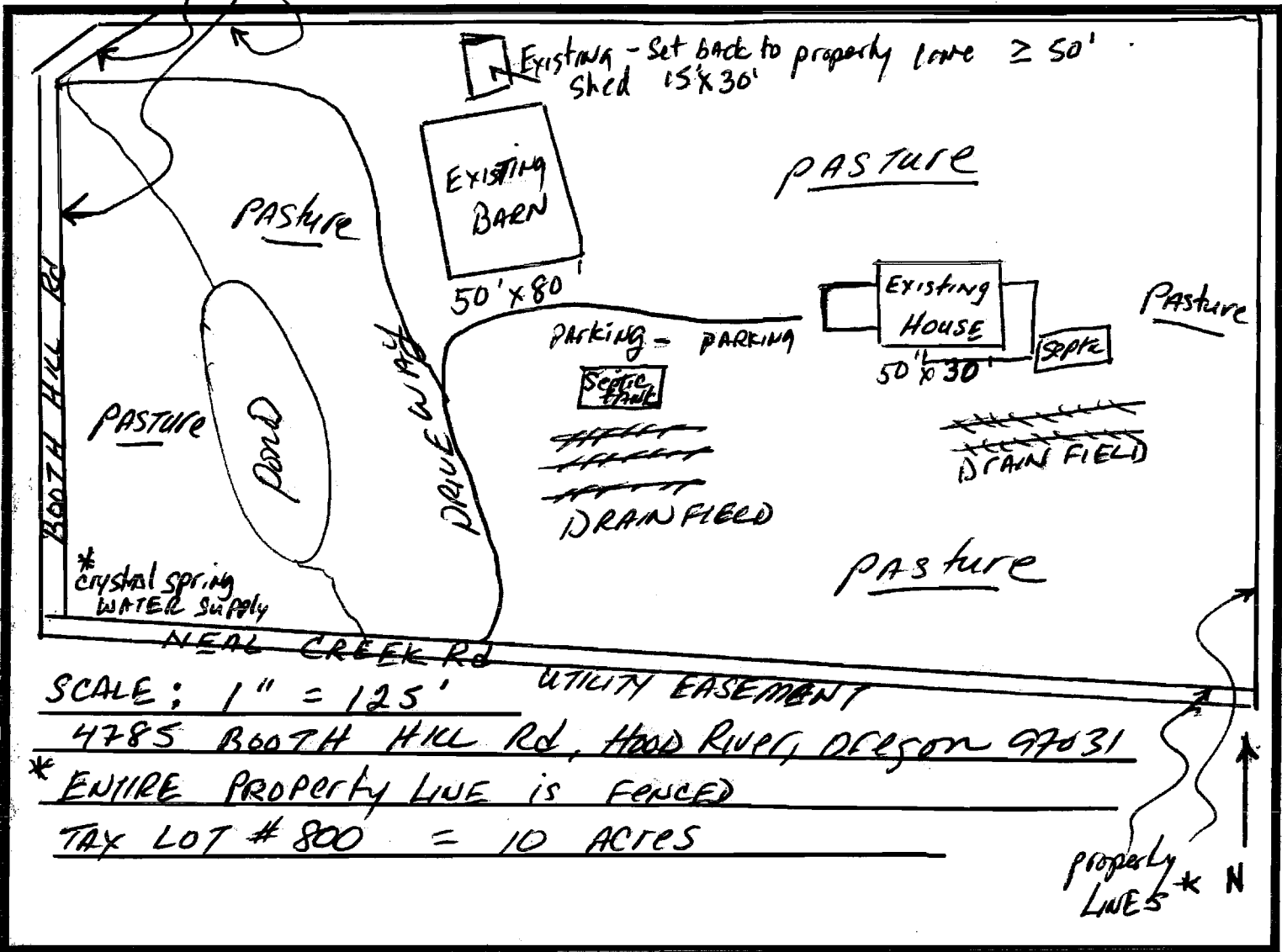
ATTACHMENT "B" (3 PAGES)

Charles Porter - (541) 399-0229

SITE PLAN

PLEASE DRAW IN BLACK INK

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



INDICATE ON SKETCH

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

Plan and Zone Change Request; David Logsdon 4785 Booth Hill Rd. Hood River, Oregon 97031 1N 10E 11 #800. Commercial activities that are in conjunction with on-premise farm use subject to Oregon Revised Statutes (ORS) 215.296 and Section 60.10 (Burden of Proof) of the County Zoning Ordinance.

- A. Granting the zone change request is in the public's interest. There is little or no departure from land use as it has been for the past 105 years. Property is currently zoned F 2 however it has not has any significant harvestable timber since 1905 when the property was homesteaded. Property has been used for farming as far back as records indicate. A zone change would allow for conditional use in conjunction with farm activity. An allowed use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use. An allowed use will not increase the cost of accepted farm or forest practices lands devoted to farm or forest use.
- B. This 10 acre parcel was divided from the original 160 acre tax; 1N 10E 11 #801 lot that is zoned as EFU. 10 acres is inadequate to provide a family wage without the ability to provide "value added processing" to existing farm crops. Forest land and open space are consistent with agricultural land uses and can be used to accommodate future agricultural growth.
- C. County ordinance #201 goal is to preserve and maintain agricultural lands. Soils of subject parcel per the SCS Soil Survey of Hood River County are classified as; Culbertson Series suitable for orchard and grazing and Dee Series suitable for orchards. Subject parcel has had special farm assessment for at least 20 years. The proposed use will support additional farm activities including expanded fruit production.
- D. Hood River County Ordinance #201 strategies includes "Lands identified as agricultural land shall be zoned Exclusive Farm Use (EFU) pursuant to ORS Chapter 215 OAR 660, Division 33."
 1. The location is 1N 10E 11 #800. The 10 acre parcel has 8 acres of irrigable land and maintains water rights from East Fork Irrigation District.
 2. The area in question already contains all the buildings and equipment for the proposed use. There will be no change in the outward appearance of the subject property.
 3. The surrounding area has increased in agricultural development in the EFU zones. Increased plantings of fruit trees on adjacent property for the first time in 70 years indicates a long term commitment to EFU activity in the area. Applicant desires to increase agricultural activity on the subject parcel with orchard planting. Subject parcel lies between properties to the

northwest and to the south that are already zoned EFU. The trend in land development is to change the zoning of land to EFU.

4. No change in density of development is proposed. The subject parcel is in a rural area of the county well outside the Urban Growth Boundary. The general area includes orchards and other farm uses, residences and county forest.
 5. No change in property value is anticipated by the proposed zone change.
 6. The jobless rate is at very high levels in Hood River County. County budgets are stretched and insufficient to even keep a library open. The county needs more revenue from small business as proposed. The enhanced farm activity would help the county's agricultural economy. Agriculture is one of the primary economic factors in the county.
 7. Access to the subject parcel is more than adequate by county road. No change in access is requested.
 8. Proposed use of subject property to produce exclusively organic products will have no adverse effect on the natural resources in the county. It will be an improvement.
 9. The proposed zone change and farm processing will have no outward indication of a change in use. The aesthetic value of the property will remain unchanged or improved. Planning Commission Goal 3 legislative amendment allows a change of forest zoned land to EFU, if the land was committed to farm use. This is especially so if the soils met the definition of agricultural land and there was adjacent EFU zoning.
- E. There is no significant change in the neighborhood or community. A commercial business of far greater magnitude had operated at this location since 1992. At no time in that period has there been any neighborhood complaint or problems. The proposed change will reduce the amount of traffic under previous uses and have a lower impact on the land and the community.

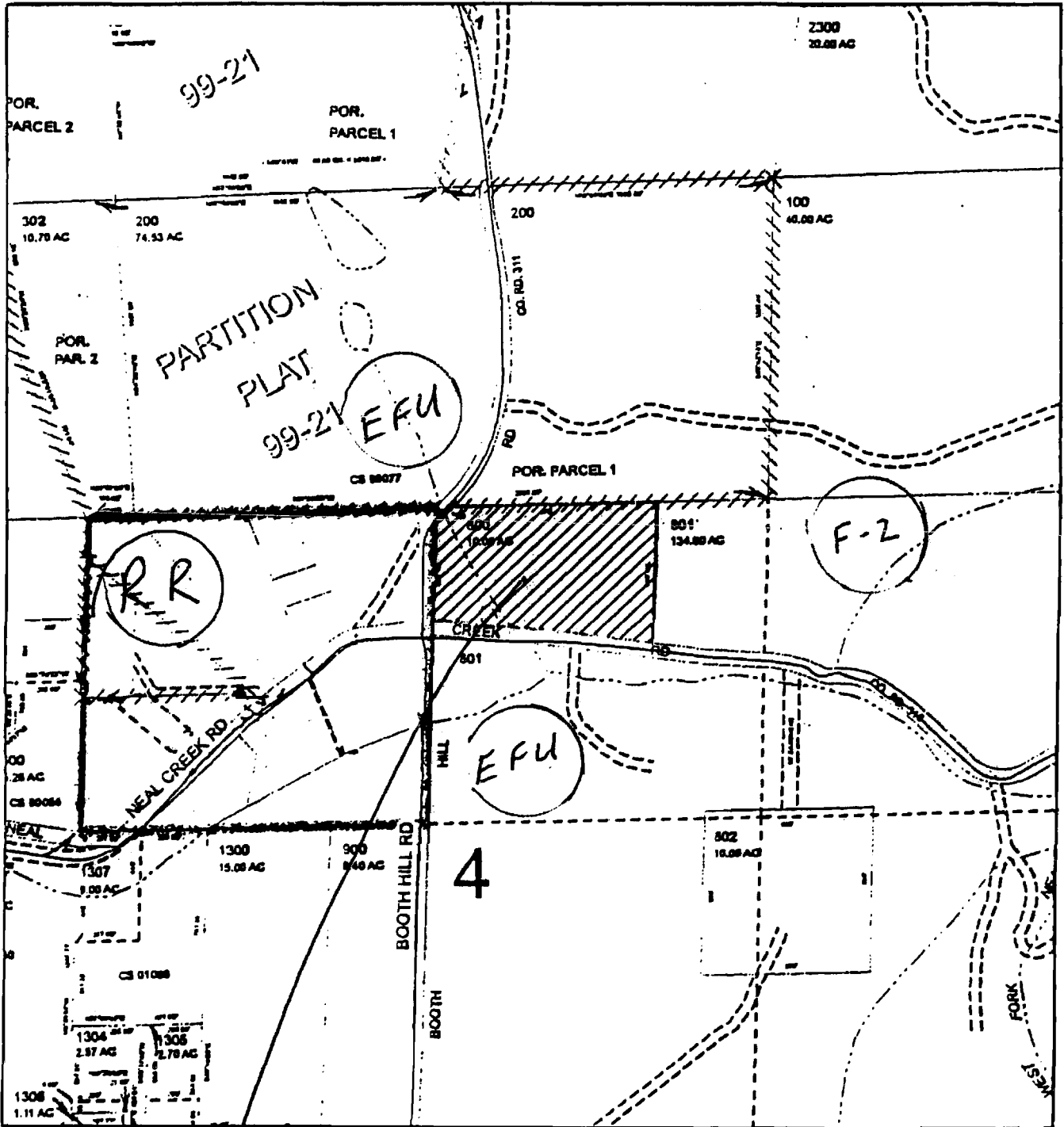
Granting the request for zone change is in the public's interest. The public interest is manifested in the County Comprehensive Plan. It is in the public interest to approve zone changes that meet standards and policy. Planning Commission policy has been to approve zone changes to EFU for lands committed to farm use as evident here by existing pastures, cattle production, equine boarding, yeast cultivation and fruit tree management.

OAR 660-006-0015(2) states; When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select agricultural, forest, or other appropriate designations.

ZONING Change: IN 10E 11 #800

F 2 to EFU

Current ZONING ADJACENT Properties



Tax Lot #800
propose F-2 to EFU

IN 10E 11 #800
"B" (3)

2003 AERIAL PHOTO

PLAT

1500
7.20 AC
1700
2.80 AC

400
12.00 AC

500
2.00 AC

800
10.00 AC

NEAL CREEK RD

BOOTH HILL RD

4

802
10.00 AC

CE 5-12-02

30
89 AC

110
0.50 AC

CE 5-30-01

CE 01768

7300
75.00 AC

7300
2.87 AC

7300
2.70 AC

BOOTH

1702

1702
1.07 AC

ATTACHMENT "C"
(5 PAGES)

17. Due to factors inherent in the County's farm lands, the creation of additional non-farm parcels is discouraged and shall only be approved under very limited circumstances as specified in the Zoning Ordinance.
18. The EFU Zone has been protected with even greater restrictions on non-farm uses that required by the State, to assure protection of agricultural lands which play such an important role in the County's economy.
19. Land uses must meet both State and County provisions regarding EFU lands.
20. Urban growth should be separated from agricultural land by transitional areas of open space.
21. Plans providing for the preservation and maintenance of farm land for farm use should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
22. The County supports the "Right to Farm" clause as it is stated in the County Background Report. The clause shall be included in Article 7 - EFU Zone to serve as a notice.
23. High Value Farmland (HVF) is defined as:
 - a. Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or Class II; and
 - b. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 54, 1993, or by the aerial photography taken by the Western Aerial Corporation on May 28, 1995; and
 - c. Small blocks of land surrounded or nearly surrounded by HVF that are designated during the mapping of such land.
24. Lot of Record dwelling are a non-farm use. Such provisions are intended to provide certain owners of less productive land an opportunity to build a dwelling on their land.

amendments based on consideration of the testimony received.

6. SOILS MAP: A generalized soils map of the County that was used to designate some of the HVF, is available for review at the County Planning Department, and will available for review at the public hearing.
7. AERIAL PHOTOS: Aerial photos of the County that were used to designate some of the HVF, are available for review at the County Planning Department, and will available for review at the public hearing.
8. HVF DEFINITION: The following definition of High Value Farmland (HVF) was adopted by the County Board of Commissioners on January 15, 1996:

- a. Land in a tract composed predominantly of soils that are irrigated and classified prime, unique, Class I or Class II; or not irrigated, and classified prime, unique, Class I or Class II.
- b. Tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993, or as demonstrated by aerial photography of the Western Aerial Corporation taken on May 28, 1995.

Both of these criteria are state mandated.

*3rd
criteria*

- c. Small blocks of land surrounded or nearly surrounded by HVF that are designated during the mapping of HVF.

which was added by the County

9. "SMALL BLOCKS..." DEFINITION: The Planning Commission has tentatively agreed to the following definition of the phrase "small blocks surrounded or nearly surrounded":

- a. 20 acres or less;
- b. with 3 or more sides contiguous with HVF;
- c. or with 2 sides contiguous with HVF and one or more sides contiguous with forest zoning.
- d. subject to site specific factors, such as shape, adjacent uses, topography, etc.

10. DRAFT HVF MAPS LEGEND: The following legend applies to the draft maps:

H = HVF because of perennials, soils, or tracts *State mandated*
S = HVF because it is a small block surrounded by HVF
NS = HVF because it is a small block nearly surrounded by HVF
E = other than HVF because it did not meet any of the ~~above~~
criteria. *HVF*

(next)

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

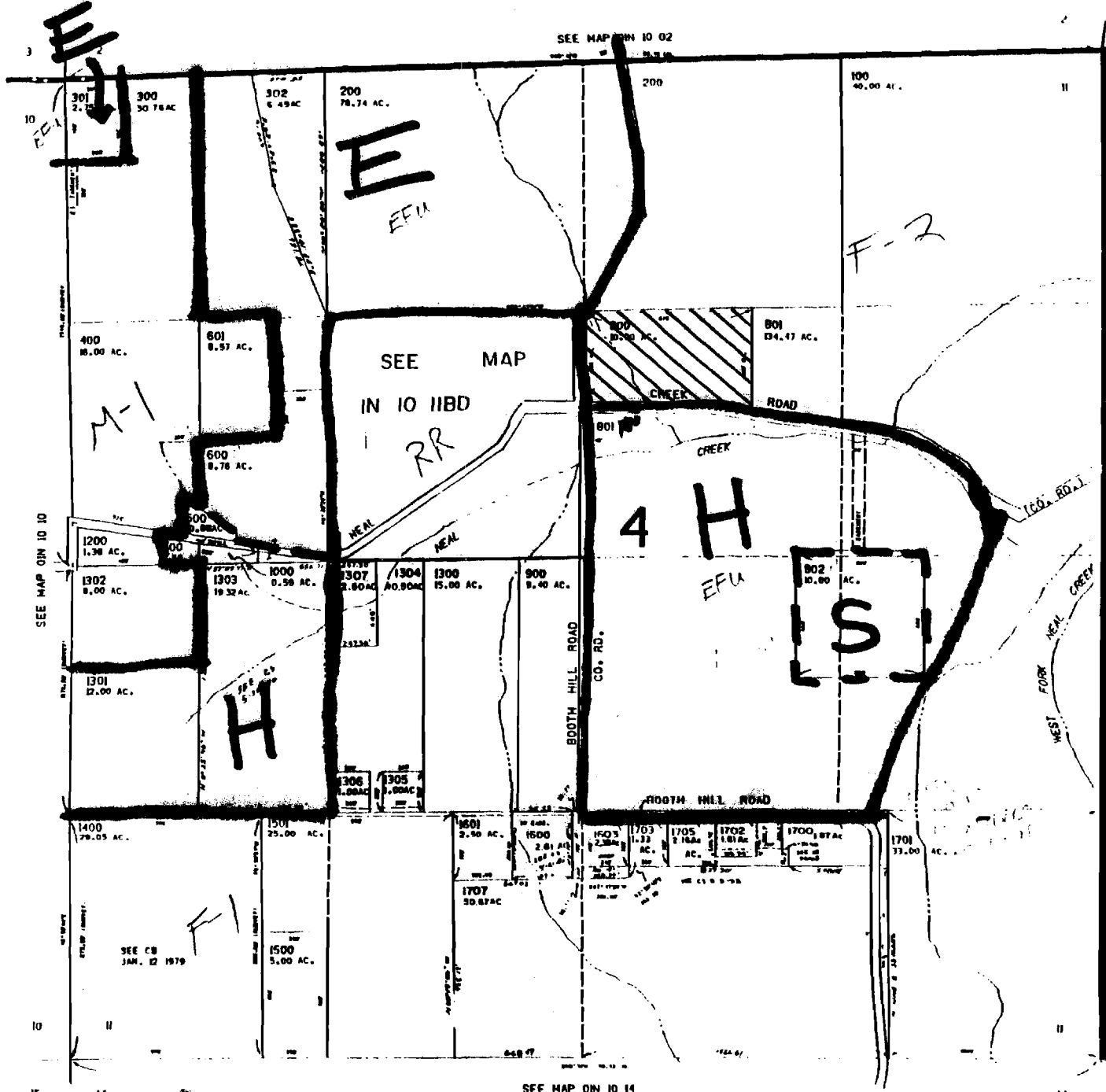
CITATION II T.10N. R.10E. WM. HOOD RIVER COUNTY

1-400

SCALE 1:19600



HIGH VALUE FARMLAND MAP



CANCELLED NO. S 1602 1704 1706 713 714 700 712

SEE MAP 01N 10 12

SEE MAP 01N 10 14

15 14

14

RECEIVED

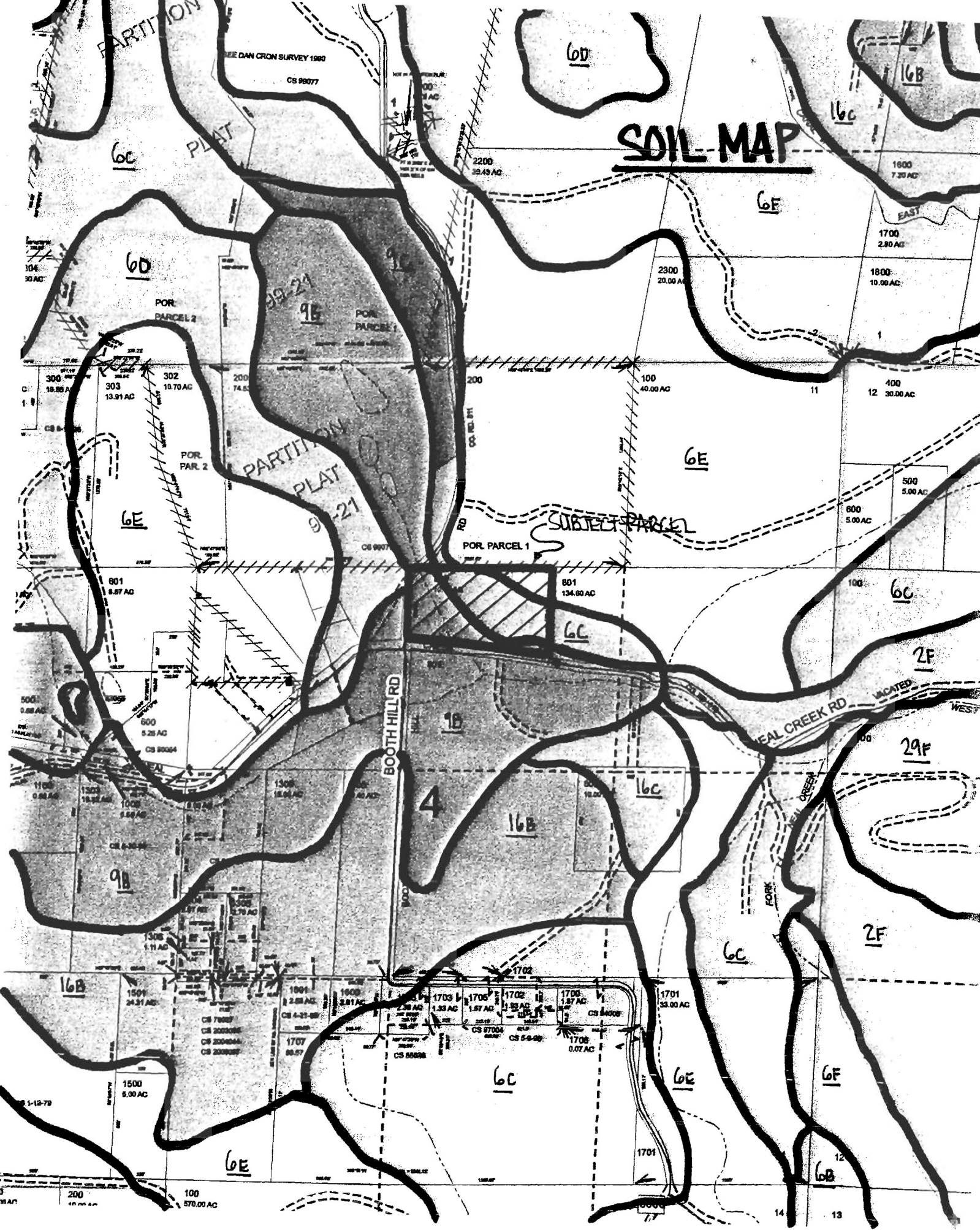
SEP 07 1995

DEPT OF REVENUE STAT OREGON

79

IN 10 11

SOIL MAP





ZONING

(CURRENT)

EFU
PARTITION
PLAT
99-21

M-1

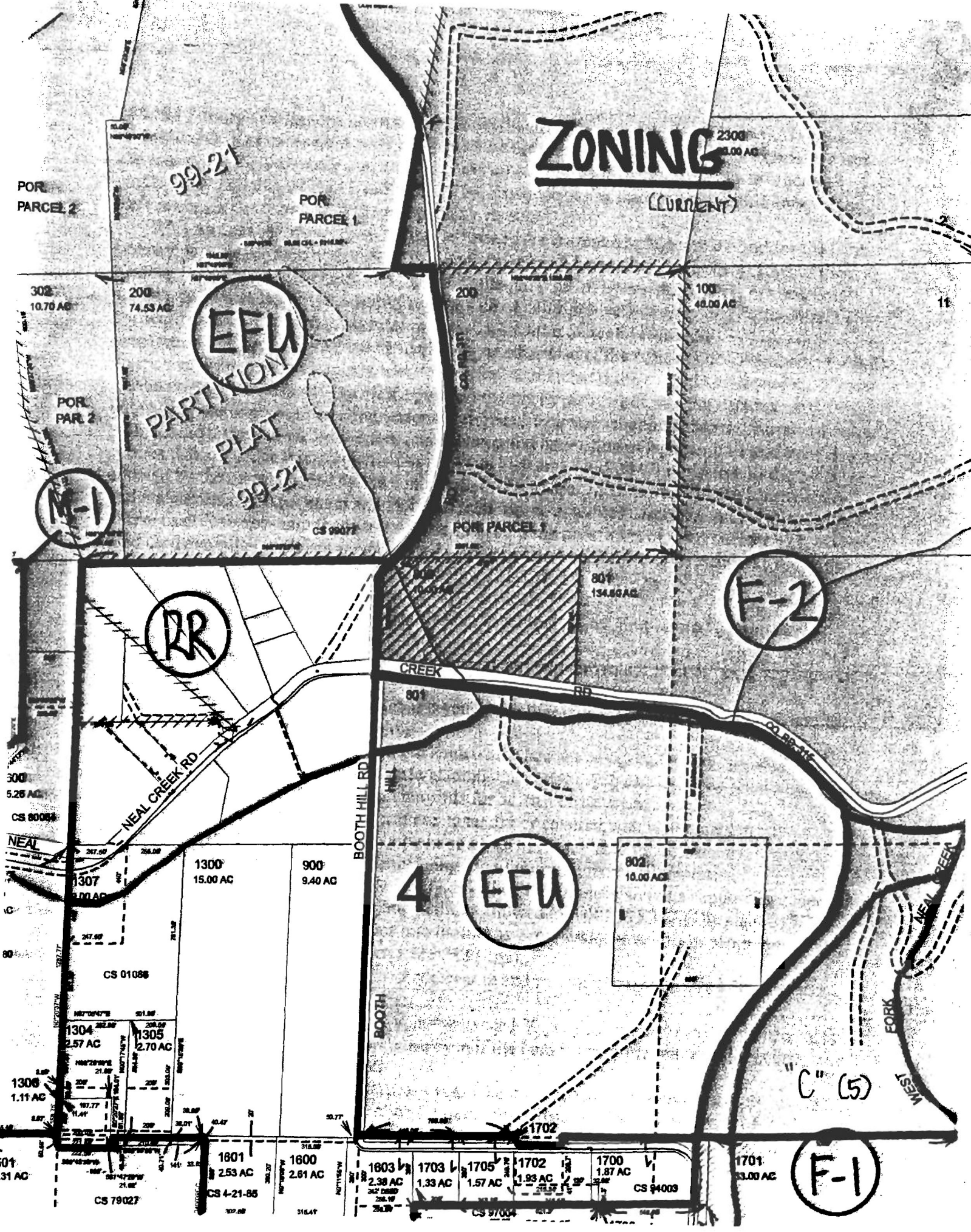
RR

F-2

4 EFU

"C" (5)

F-1



POTENTIAL MOTIONS

(FOR ZONE CHANGE REQUEST)

DENY ZONE CHANGE #10-0113

“I hereby move that the County Board of Commissioners reject the Planning Commission’s recommendation and deny the Comprehensive Plan and Zone Change application made by David Logsdon to convert the designation of his 10 acre parcel from Primary Forest to Farm and to change its zoning from F-2 to EFU – Non High Value Farm Land.”

“I also move that the Chair be allowed sign the recommendation on behalf of the Commission.”

APPROVE ZONE CHANGE #10-0113 (WITHOUT MODIFICATIONS):

“I hereby move that the County Board of Commissioners accept the Planning Commission’s recommendation and approve the Comprehensive Plan and Zone Change application made by David Logsdon to convert the designation of his 10 acre parcel from Primary Forest to Farm and to change its zoning from F-2 to EFU – Non High Value Farm Land, subject to the findings of fact and conclusions of law provided as part of the record of the Planning Commission, dated August 13, 2010.”

“I also move that the Chair be allowed sign the recommendation on behalf of the Commission.”

APPROVE ZONE CHANGE #10-0113 (WITH MODIFICATIONS):

“I hereby move that the County Board of Commissioners approve the Comprehensive Plan and Zone Change application made by David Logsdon to convert the designation of his 10 acre parcel from Primary Forest to Farm and to change its zoning from F-2 to EFU – Non High Value Farm Land, subject to the findings of fact and conclusions of law provided as part of the record of the Planning Commission, dated August 13, 2010, with the following modifications ... “

“I also move that the Chair be allowed sign the recommendation on behalf of the Commission.”

Hood River County
Planning Department
601 State Street
Hood River, OR 97031



UNITED STATES POSTAGE
EAGLE
METRY BOWES
02 1M \$ 01.90⁰⁰
0004234223 SEP 29 2010
MAILED FROM ZIP CODE 97031

DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT
% PLAN AMENDMENT SPECIALIST
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540