



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/28/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment  
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: Thursday, June 06, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. 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: Kevin Liburdy, City of Hood River  
Gordon Howard, DLCD Urban Planning Specialist  
Karen Swirsky, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF

MAY 20 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-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: **City of Hood River**

Local file number: **2013-03**

Date of Adoption: **5/13/2013**

Date Mailed: **5/16/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **2/26/2013**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

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

In association with a development proposal, annexation of three parcels and adjacent Westcliff Drive right-of-way. Affected property is located inside the Urban Growth Area, adjacent to the City Limits. Amends City Limits boundary on the Zoning/Comp Plan Map.

Does the Adoption differ from proposal? Yes, Please explain below:

Acreage increased from 12.36 acres to approximately 16.5 acres due to a property line adjustment filed by one of the affected property owners with County Planning Department during review of annexation application.

Plan Map Changed from: **U-C-2, General Commercial**

to: **C-2, General Commercial**

Zone Map Changed from: **U-C-2, General Commercial**

to: **C-2, General Commercial**

Location: **4000 & 4070 Westcliff Dr.;3N10E27C#100;27D#100&101**

Acres Involved: **16.5**

Specify Density: Previous: **No min. or max.**

New: **Min. 11/acre**

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...

35-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. \_\_\_\_\_

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

Hood River County, West Side Rural Fire Protection District, Ice Fountain Water District, Farmer's Irrigation District

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Local Contact: **Kevin Liburdy**

Phone: (541) 387-5224 Extension:

Address: **PO Box 27**

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

City: **Hood River**

Zip: **97031-**

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

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 20 working 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 the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## **ORDINANCE NO. 2008**

**(An ordinance proclaiming the annexation of certain contiguous territory located within the Urban Growth Boundary - Vagabond Lodge and Columbia Gorge Hotel as well as a portion of Westcliff Drive.)**

**WHEREAS**, the owners of certain property located in the Urban Growth Area signed consent-to-annexation agreements in order to obtain sanitary sewer service from the City of Hood River;

**WHEREAS**, the property subject to the consent-to-annexation agreements consists of three parcels located in Hood River County, State of Oregon (3N 10E 27C Tax Lot 100 and 3N 10E 27D Tax Lots 100 & 101);

**WHEREAS**, one of the parcels subject to a consent-to-annexation agreement is contiguous to the City Limits (3N 10E 27D Tax Lot 101);

**WHEREAS**, the owners of one parcel subject to a consent-to-annexation agreement (Vagabond Lodge, Inc., 3N 10E 27C Tax Lot 100) request permits to expand a commercial business including discharge of additional sanitary sewer effluent into the City's sanitary sewer system (City of Hood River Planning Dept. File No. 2013-03);

**WHEREAS**, pursuant to HRMC Chapter 12.09.020(A), any parcel contiguous to city limits for which the city has received a consent to annexation pursuant to Title 12 or otherwise in exchange for provision of extraterritorial water, wastewater or storm water service, or is being annexed as a condition of approval pursuant to Section 12.09.010(C), shall be annexed into the city pursuant to the provisions of this chapter and the applicable provisions of Title 17 of this code;

**WHEREAS**, the City of Hood River is also annexing the portion of Westcliff Drive located immediately south of the subject parcels and east to the existing City Limits boundary at Cascade Avenue;

**WHEREAS**, because property owners provided written consent to this annexation, the annexation was processed pursuant to ORS 222.115 and ORS 222.120;

**WHEREAS**, there are no electors registered to vote at the subject properties;

**WHEREAS**, the property is located within the Westside Rural Fire Protection District, Farmers Irrigation District, and the Ice Fountain Water District and ORS Chapter 222 provides for the withdrawal of territories from such districts upon annexation;

**WHEREAS**, notice of the public hearing on the questions of annexation and withdrawal was published and posted as provided in ORS Chapter 222;

**WHEREAS**, the Council concluded that the territory sought to be annexed should be annexed and withdrawn only from the Westside Rural Fire Protection District at this time;

**WHEREAS**, the Council concluded that the territory sought to be annexed should remain in the Ice Fountain Water District and Farmers Irrigation District upon annexation until such time as City water is available to serve the subject property;

**WHEREAS**, the City has the authority, within constitutional and statutory limits, to set the property tax rate at which annexed territories should be taxed;

**WHEREAS**, the Planning Commission and the City Council have, in accordance with the Quasi-Judicial procedures set forth in Chapters 17.09.040 and 17.15.040 of the Hood River Municipal Code, held public hearings (Planning Commission hearings held April 1, 2013 and April 29, 2013, and City Council hearings held April 22, 2013 and May 13, 2013) to consider the annexation of the property into the City of Hood River and withdrawal of the property from the Westside Rural Fire Protection District;

**WHEREAS**, the City Council considered the Planning Commission's record and recommendation, the Planning Department's Staff Report, and testimony presented;

**WHEREAS**, the City Council adopts the Planning Commission's Findings of Fact and Conclusions of Law for annexation set forth in the decision signed May 2, 2013 attached to this Ordinance as **Exhibit A** and incorporated by reference as if fully set forth herein;

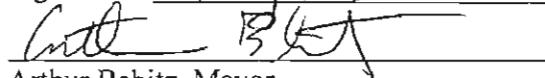
NOW, THEREFORE, the City of Hood River ordains as follows:

1. The property described above (3N 10E 27C Tax Lot 100 and 3N 10E 27D Tax Lots 100 & 101 and a portion of Westcliff Drive) is hereby proclaimed to be annexed to the City of Hood River, subject to the decision signed on May 2, 2013, adopted herein.
2. The property described above is hereby withdrawn from the Westside Rural Fire Protection District.
3. The effective date of the annexation is the date of filing with the Secretary of State.
4. The effective date for the withdrawal of the territory from the Westside Rural Fire Protection District is the date the annexation is effective.

Read for the first time: May 13, 2013.

Read for the second time and passed: May 13, 2013 to become effective thirty (30) days hence.

Signed on: May 13, 2013.

  
Arthur Babitz, Mayor

ATTEST:

  
Jennifer Gray, City Recorder

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

In the Matter of Annexation of )  
The Vagabond Lodge and )  
Columbia Gorge Hotel, and a )  
Conditional Use Permit for )  
Expansion of the Vagabond )  
Lodge, File No. 2013-03 )

**FINDINGS AND DECISION**

**EXHIBIT A**

ORDINANCE NO. 2008

**I. BACKGROUND:**

- A. **REQUEST:** Annexation into the city limits of three parcels as well as adjacent Westcliff Drive right-of-way totaling approximately 16.5 acres (subject to a property line adjustment pending before Hood River County), and a conditional use permit for a 15-unit motel expansion at the Vagabond Lodge including associated site improvements. The City of Hood River is initiating annexation of the Columbia Gorge Hotel parcels based on an existing consent-to-annexation agreement. The Vagabond Lodge requests annexation in association with motel expansion.
- B. **APPLICANT:** Grant Polson, for: **OWNER** (3N10E27C Tax Lot 100): Vagabond Lodge, Inc.
- C. **APPLICANT:** City of Hood River, for: **OWNER** (3N10E27D Tax Lots 100 & 101): A-1 Hospitality Hood River, LLC
- D. **PROPERTY LOCATION:** The properties are located at 4000 and 4070 Westcliff Drive. Legal Description: 3N10E27D Tax Lots 100 & 101, and 3N10E27C Tax Lot 100. (See Attachments "A.1" and "B", Location Map).
- E. **PROPERTY SIZE:** Approximately 14.21 acres total (subject to approval of a property line adjustment by Hood River County that is intended to increase 3N10E27C Tax Lot 100 from 5.47 acres to 7.03 acres) excluding adjacent Westcliff Drive right-of-way that is proposed to be annexed.
- F. **SITE ZONING AND LAND USE:** The parcels currently are zoned General Commercial (Urban Growth Area, U-C-2) and they will remain General Commercial (C-2) following annexation. The parcels also are in, and will remain in, the Interchange Area Management Plan (IAMP) Overlay Zone. The Vagabond Lodge operates on the property described as 3N10E27C Tax Lot 100, and the Columbia Gorge Hotel operates on the property described as 3N10E27D Tax Lots 100 & 101.
- G. **SURROUNDING ZONING AND LAND USES:**  
North: OS/PF and C-2; railroad and vacant.  
South: Interstate 84.  
East: C-2; residential condominiums.  
West: U-C-2 (Urban Growth Area); restaurant, vacant commercial building and single-family dwelling.
- H. **APPLICABLE CRITERIA:**  
*Annexation*
- Hood River Municipal Code (HRMC) Section 17.09.040 – Quasi-Judicial Actions
  - HRMC Chapter 17.15 – Annexation



- Oregon Revised Statute (ORS) Sections 222.111 through 222.183 – Annexation of Contiguous Territory

*Conditional Use Permit*

- HRMC 17.03.050 – C-2 Zone
- HRMC 17.03.120 – Interchange Area Management Plan (IAMP) Overlay Zone
- HRMC 17.04 – Supplementary Provisions
- HRMC 17.06 – Conditional Use
- HRMC 17.09.040 – Quasi-Judicial Actions
- HRMC 17.16.040 – Site Plan Review Criteria
- HRMC 17.17 – Landscaping and Development
- HRMC 17.20 – Transportation Circulation and Access Management

- I. **AGENCY COMMENTS:** Affected agencies were notified of this request. The following comments were submitted in response to the notice prior to the public hearing:
1. Josette Griffiths, Hood River County Planning: See email dated 3/1/13 (Attachment “C”)
  2. Farmer’s Irrigation District: See email dated 3/4/13 (Attachment “D”)
  3. Hood River Fire: See email dated 3/12/13 (Attachment “E”)
  4. City Public Works and Engineering Dept.: See email dated 3/11/13 (Attachment “F”).
- J. **ADJACENT PROPERTY OWNERS COMMENTS:** Property owners within 250 feet of the subject site were notified of this request. No comments were submitted prior to preparation of the staff report. The following persons submitted oral testimony at the Planning Commission hearing on April 1, 2013:
1. Grant Polson, Vagabond Lodge
  2. Arthur Larsen, architect for Vagabond Lodge expansion
  3. Mary Gumm, White Buffalo Wine Bar & Bistro
  4. Paul Robinson, Columbia Gorge Hotel
  5. Nanette Rogers, Columbia Gorge Hotel
  6. Kerry Cobb, Director of Marketing for Hood River Chamber of Commerce.
  7. Chuck Hinman, DM Stevenson Ranch and Hood River Inn Best Western
  8. Steve Tcssmer, Columbia Cliff Villas

The following persons submitted oral testimony at the Planning Commission hearing on April 29, 2013:

1. Grant Polson, Vagabond Lodge
2. Paul Robinson, Columbia Gorge Hotel
3. Nanette Rogers, Columbia Gorge Hotel

K. **HISTORY:**

1. IGA meeting invitation to Special Districts emailed November 14, 2012
2. Pre-application conference held with Hood River County, November 15, 2012
3. IGA meeting invitation to Special Districts emailed November 15, 2012
4. Meeting with Grant Polson and Paul Robinson re: annexation, December 13, 2012
5. Application submitted January 14, 2013
6. Application deemed complete February 13, 2013
7. DLCD Annexation Notice mailed February 26, 2013
8. Agency referrals, notice of Planning Commission & City Council hearings mailed March 1, 2013.

9. Adjacent property owners, notice of Planning Commission & City Council hearings mailed March 7, 2013
10. Notices of Planning Commission & City Council hearings posted at City Hall, Hood River Library, Hood River Police Department, and Hood River County Administration on April 5, 2013
11. Notice of City Council hearing published in Hood River News on April 10 and April 17, 2013
12. Planning Commission hearing held for Annexation and Conditional Use Permit on April 1, 2013, and continued to April 29, 2013
13. City Council opened hearing for Annexation on April 22, 2013 and continued hearing to May 13, 2013
14. Planning Commission hearing reopened for Annexation and Conditional Use Permit on April 29, 2013
15. City Council hearing to be reopened for Annexation on May 13, 2013

**L. ATTACHMENTS:**

- Attachment "A.1" – Annexation Area Location Map
- Attachment "A.2" – City of Hood River zoning map and legend
- Attachment "A.3" – Preliminary Site Plan for Vagabond Lodge, 1/10/13
- Attachment "A.4" – Preliminary Detail Site Plan for Vagabond Lodge, 1/10/13
- Attachment "A.5" – Vagabond Lodge Topo Map, 1/10/13
- Attachment "A.6" – Vagabond Lodge Floor Plans, 1/10/13
- Attachment "A.7" – Vagabond Lodge Building Elevations, 1/10/13
- Attachment "A.8" – Vagabond Lodge Written Narrative
- Attachment "A.9" – Vagabond Lodge Sanitation Strategy Technical Memorandum, 9/17/12
- Attachment "A.10" – Letter from Vagabond Lodge to Planning Commission, 3/28/13
- Attachment "A.11" – Letter from Vagabond Lodge to Planning Commission, 4/1/13
- Attachment "B" – Vagabond Lodge Conditional Use Permit Location Map
- Attachment "C" – Josette Griffiths, Hood River County Planning comments, 3/1/13
- Attachment "D" – Farmer's Irrigation District comments, 3/4/13
- Attachment "E" – Hood River Fire comments, 3/12/13
- Attachment "F" – City Public Works and Engineering Dept. comments, 3/11/13
- Attachment "G" – Agreement for Annexation, Doc. No .790564
- Attachment "H" – Consent to Annexation agreement Doc. No. 2001-4004

**II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

**1. ANNEXATION**

**HRMC 17.15 - ANNEXATION**

17.15.010 Introduction. It is the policy of the City of Hood River to promote orderly, efficient, and fiscally responsible annexation of territories in conjunction with urban growth or expected or desired urban growth within the urban growth area. Accordingly, the City shall annex property where:

1. The proposed annexation represents the natural extension of the existing City boundary consistent with urban growth;
2. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs and the financial capabilities of the City, as determined by the City;



3. The proposed annexation would not cause the City to pledge extension of services beyond its resources so as to result in a deficit operation of the service;
4. The proposed annexation would serve the interests of the entire community and not solely the interests or convenience of those within the territory proposed to be annexed.

**FINDINGS:** Properties located immediately east of the Columbia Gorge Hotel currently are located inside the city limits (Columbia Gorge Villas residential condominiums, 3N10E27C Tax Lots 60000-80005). In addition, the Interstate 84 right-of-way located south of the subject properties is also inside the city limits. As such, the proposed annexation represents the natural extension of the existing City boundary consistent with urban growth.

Pursuant to the City's Intergovernmental Agreement (IGA) with the special districts (i.e. West Side Rural Fire Protection District, Ice Fountain Water District, Farmer's Irrigation District), the districts were invited to a meeting on November 14 and November 15, 2012, to discuss the annexation. Representatives of the districts determined that a meeting was not necessary because Ice Fountain was expected to continue providing water and because the IGA with West Side Rural Fire Protection District details requirements for reimbursement. All comments received from the special districts in response to the notice of public hearings are attached (Attachment "D").

The proposed annexation is associated with a 15-unit motel expansion of the Vagabond Lodge. The Vagabond Lodge will be provided with water from the Ice Fountain Water District until such time that City water is available. In addition the Vagabond Lodge will be provided with irrigation water from Farmer's Irrigation District. The City will provide sanitary sewer service, police and fire protection. The Vagabond Lodge presented an analysis of sanitary sewer system capacity and a plan that demonstrates existing capacity is adequate (Attachment "A.9"). The Vagabond Lodge will be required to improve the site's frontage on Westcliff Drive in conformance with City standards in association with its expansion. As such the proposed annexation will not unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs and the financial capabilities of the City.

Because Ice Fountain Water District will continue to provide water, no compensation is due to the Ice Fountain Water district for infrastructure, debt service or lost revenue. The subject properties will be withdrawn from the West Side Rural Fire Protection District (WSFD) in association with this annexation, and the City will take responsibility for compensation to the WSFD for lost revenue because the City is initiating annexation of the Columbia Gorge Hotel. The impact on the City's ability to provide services, as well as the financial impact to the City, is addressed below in HRMC 17.15.060. The proposed annexation serves the interests of the entire community because uses that are facilitated by the City's sanitary sewer system (i.e. the Columbia Gorge Hotel and the Vagabond Lodge) will begin paying property taxes to the City.

17.15.020 Application and Process. An annexation may be proposed by the City of Hood River, landowners, or a group of residents and shall include the following elements:

1. Preliminary plans and specifications, drawn to scale, showing the actual shape and dimensions of the property to be annexed and the existing and proposed land uses and residential density. City and County zoning in the proposed territory, as shown on a vicinity map, and contiguous lands must also be indicated.
2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.

3. Completed certifications of property ownership, registered voter status, map, and legal description.

**FINDINGS:** The annexation application generally includes the required information. Following submittal of the applications for Annexation and a Conditional Use Permit, the owners of the Vagabond Lodge filed an application with Hood River County for a property line adjustment that increases the size of 3N10E27C Tax Lot 100 (County Planning Dept. File No. P-13-0018). As such, **a condition of approval is recommended that, if the Property Line Adjustments filed with the Hood River County Department of Community Development (County File No. P-13-0018) are approved, the owner shall provide a copy of the recorded metes and bounds legal description of 3N10E27C Tax Lot 100 as adjusted to the City Planning Department in order to be incorporated into the final legal description of the annexation area.**

The subject properties currently are provided with sanitary sewer service by the City of Hood River. The 15-unit expansion of the Vagabond Lodge will result in additional impact to the City's sanitary sewer system. City policies require property to be annexed in order to obtain sewer service (or to record a "consent-to-annexation" document if the property is not contiguous to the city limits). Although the Vagabond Lodge currently is not adjacent to the city limits, the City of Hood River has a consent-to-annexation agreement for the intervening parcels owned by the Columbia Gorge Hotel (Doc. No.790564). As such the City is the applicant for annexation of the two parcels owned by the Columbia Gorge Hotel, thereby facilitating annexation of the Vagabond Lodge. Grant Polson applied for annexation of the Vagabond Lodge in association with a Conditional Use Permit to expand.

There are no active registered voters residing at any of the subject parcels. As such, the application is generally consistent with these requirements.

17.15.030 Filing Fees. Fees for filing for annexation requests shall be set by City Council resolution.

**FINDINGS:** A filing fee was submitted for annexation of the Vagabond Lodge.

17.15.040 Planning Commission Review. The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the *Quasi-Judicial Hearing Procedures* or *Legislative Hearing Procedures* (Chapter 17.09), whichever is applicable.

**FINDINGS:** The Planning Commission reviewed the request for annexation and is making a recommendation with findings to the City Council. The City Council will conduct a Quasi-Judicial public hearing and make a decision on the annexation application.

17.15.050 Evaluation Criteria – Developed Land. Prior to approving a proposed annexation of developed land, affirmative findings shall be made relative to the following criteria:

**FINDINGS:** The Vagabond Lodge operates on the property described as 3N10E27C Tax Lot 100, and the Columbia Gorge Hotel operates on the property described as 3N10E27D Tax Lots 100 & 101. As such, the following criteria are applicable:

1. The territory is contiguous to the city limits and within the Urban Growth Area;

**FINDINGS:** The subject parcels are located within the Urban Growth Area and the eastern property line of the Columbia Gorge Hotel property (3N10E27D Tax Lot 101) is contiguous to the city limits (Attachment "A.1"). Similarly, the Westcliff Drive right-of-way located immediately south of the subject parcels is contiguous to the city limits along the Interstate 84 right-of-way.

The property is contiguous to the city limits pursuant to ORS 222.111(1) which states: "...the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way..." As such, the proposal is consistent with this criterion.

2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;

**FINDINGS:** The subject property was designated for location inside the Urban Growth Area in 1980 when the City-Westside Comprehensive Plan was adopted by the County Board of Commissioners (Ordinance #102). The City was required by the State of Oregon Land Conservation and Development Commission (LCDC) to designate sufficient amounts of urbanizable land to accommodate future expansion. The Urban Growth Boundary was adopted by the City Council and LCDC in 1983 and zoned for future urban uses. The subject property is adjacent to property that is developed at an urban level for residential uses in the city limits. As such, the proposal is consistent with this criterion.

3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;

**FINDINGS:** The subject parcels abut Westcliff Drive along their southern property lines. The City sewer system currently serves the subject parcels. As such, the proposal is consistent with this criterion.

4. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

**FINDINGS:** Annexation of the subject property and development of 15 additional motel units will result in additional demand on City services including sanitary sewer facilities, streets, police and fire services.

Ice Fountain Water District will continue to provide water to the subject parcels until City water facilities become available. And, Farmer's Irrigation District will continue to provide irrigation service to the subject parcels.

Sanitary sewer service can be provided to the new motel units without negatively impacting service elsewhere because: 1) the City Wastewater Treatment Plant is designed to accommodate the Urban Growth Area; and 2) the Vagabond Lodge hired a consulting engineer to verify adequacy of sanitary sewer system capacity (Attachment "A.9"). As such, the City Public Works Department determined that sanitary sewer service facilities are adequate to serve the 15 additional motel units (Attachment "F").

The annexation includes the portion of the Westcliff Drive right-of-way located immediately south of the subject parcels. As such, the City of Hood River will take responsibility for maintenance of the portion of Westcliff Drive between Cascade Avenue and the southwestern corner of the Vagabond Lodge parcel (3N10E27C Tax Lot 100). The Vagabond Lodge will be required to improve its frontage on Westcliff Drive to meet city standards in association with its expansion.

Annexation will result in increased demand for service by the City's Fire- and Police Departments, however, these departments already provide service to properties immediately east of the site. In addition, the City's Fire- and Police Departments have mutual aid agreements with West Side Rural Fire Protection District and the Hood River County Sheriff to ensure adequate service in the Urban Growth Area.

As such, the proposal is consistent with this criterion.

5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of existing development;

**FINDINGS:** The permanent tax rate for the City of Hood River is \$2.8112 per thousand dollars of assessed valuation. Based on the 2012 Assessed Valuation of the three parcels (\$5,433,190), additional annual property tax revenue is estimated to be \$17,039.14.

Pursuant to the City's IGA with West Side Rural Fire Protection District, the City is required to compensate the District for five years of lost property tax revenue when it initiates annexation and withdraws property from the district. The city is initiating annexation of the Columbia Gorge Hotel property in order to facilitate annexation of the Vagabond Lodge associated with its expansion. As such, the City will take responsibility for reimbursing West Side Fire Protection District. The total amount of compensation for the three parcels is approximately \$23,824.66, and the City can reimburse the district over a five-year period.

Pursuant to the City's IGA with Ice Fountain Water District, the City is required to compensate the District for three years of lost revenue, user fees, infrastructure and debt service when it initiates annexation and withdraws property from the district. In this case Ice Fountain will continue to provide water service to the subject parcels until City water becomes available. As such, there will be no compensation due to Ice Fountain Water District at this time. Further, at the time the City provides water to the subject parcels, the City will take responsibility for any required compensation to the district consistent with the IGA.

Findings in the March 25, 2013 Staff Report addressed fiscal impacts by consolidating information for both the Vagabond Lodge and Columbia Gorge Hotel. The Planning Commission requested segregation of the data for the two sites, presented as follows:

*Vagabond Lodge:*

The Vagabond Lodge (3N10E27C#100) had an assessed value of \$1,892,780 in 2012. Based on this valuation, \$25,063.45 in property taxes were due in Tax Year 2012. The County Assessor confirmed that if the property had been inside the city limits in Tax Year 2012 a tax payment of \$30,312.34 would have been due, an increase of \$5,248.89. If annexation is approved, property taxes will not be due until November 15, 2014 (based upon the 2014 assessed valuation).

In addition to property tax revenue there are fiscal impacts associated with adding 15 new motel units and a new parking area, as well as for existing development, estimated as follows:

Sanitary sewer SDCs (increase from ¾" to 1") = \$939\*

Transportation SDC (\$3,098/room x 15) = \$46,470

Stormwater SDC (\$0.26/s.f. x 12,112 s.f.) = approximately \$3,149.12\*\*

Annual sanitary sewer fees (\$48 x 12) = \$576\* (a reduction of \$144\*)

Annual storm sewer fees (\$2.50 x 12) = \$30\*

Annual franchise Fees (if \$400/month at 5.5%): Approximately \$264

- Total one time SDCs collected by the City: \$50,558.12 (\$939\* + \$46,470 + \$3,149.12\*\*)
- Total estimated annual fees collected by the City if annexed: \$870 (\$576\* + \$30\* + \$264)
- \* The City currently is charging Vagabond Lodge for sewer service based on ¾" water meter but a 1" meter may be in place. If a water meter larger than ¾" is in place and/or is required to serve 15 additional motel units, the applicable sanitary sewer SDC shall be paid and additional monthly sewer fees will be applied.
- \*\* Impervious surface area estimated based upon footprint of new motel building and new parking area.

*Columbia Gorge Hotel:*

In 2012 the Columbia Gorge Hotel had an assessed value of \$3,363,760 for the main property (3N10E27D#101) and an assessed value of \$176,650 for the upper parking lot (3N10E27D#100).

Based upon these valuations, \$40,937.12 in property taxes were due in Tax Year 2012 (i.e. \$38,537.92 for Tax Lot 101 and \$2,399.20 for Tax Lot 100). The County Assessor confirmed that if the property had been inside the city limits in Tax Year 2012 a tax payment of \$52,727.37 would have been due (i.e. \$49,898.35 for Tax Lot 101 and \$2,829.02 for Tax Lot 100), an increase of \$11,790.25. If annexation is approved, property taxes will not be due until November 15, 2014 (based upon the 2014 assessed valuation).

In addition to property tax revenue there are fiscal impacts associated with fees for existing development, estimated as follows:

Annual sanitary sewer fees (\$513.58\*\*\* x 12) = \$6,162.96 (a reduction of \$1,546.80)

Annual storm sewer fees (\$80\*\*\* x 12) = \$960

Annual franchise Fees (if \$600/month at 5.5%): Approximately \$396

- Total estimated annual fees collected by the City if annexed: \$7,518.96 (\$6,162.96 + \$960 + \$396)

\*\*\* Based on 3-inch water meter

As such, the fiscal impact of the annexation is favorable and the proposal is consistent with this criterion.

6. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and

**FINDINGS:** The criteria detailed above address the growth of the City, extension of City services, financial impact, and ability to continue to provide services to existing residents. Other issues associated with annexation include potential future uses of the property and how those uses might affect nearby properties.

The subject property has been located inside the City's Urban Growth Area (UGA) since 1983 and has been zoned for future urban uses since that time. Annexation of property in the UGA is consistent with the City's Comprehensive Plan. The subject parcels are adjacent to property that is developed at an urban level for residential uses in the city limits. Because the zoning of the property following annexation (C-2) will remain consistent with the existing County zoning designation (U-C-2), nearby properties and uses are not expected to be adversely affected by the annexation.

Although the County has adopted the City's zoning ordinance for application in the UGA, it remains to the City's advantage to control the growth and development of the subject property because it will have a direct impact on City sewer, water, stormwater and transportation infrastructure. In addition, it is to the City's fiscal advantage to control future development on the subject property because it will generate additional revenue through collection of System Development Charges and utility fees. As such, the proposal is consistent with this criterion.

7. The annexation conforms to the Comprehensive Plan.

**FINDINGS:** Generally, the City's Comprehensive Plan does not contain approval standards. Therefore, compliance with the Comprehensive Plan is achieved through compliance with the City's ordinances.

**Goal 1: Citizen Involvement**

This Goal is satisfied through provisions in the acknowledged Comprehensive Plan and Zoning Ordinance that provide for citizen participation including public hearings. This application has been processed pursuant to those provisions. Notices have been mailed to property owners and agencies, posted in appropriate locations and included in the Hood River News. Public hearings are held before the Planning Commission and City Council before a decision is reached.

**Goal 2: Land Use Planning**

The Comprehensive Plan and Zoning Ordinance provide a land use planning process and policy framework as the basis for all decision and actions relating to the use of land. This Goal is satisfied by following the Zoning Ordinance including applicable procedures for processing this application and conducting public hearings related to the application.

**Goal 3: Agricultural Land**

This goal is not applicable as the property is located within the City's Urban Growth Area and is not considered agricultural land.

**Goal 4: Forest Land**

This goal is not applicable as the property is located within the City's Urban Growth Area and has been "excepted" from the County's resource base.

**Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

The County generally implements the City's ordinances for use in the UGA but the County has not adopted the City's Goal 5 Ordinance (Ords. 1863, 1874, 1913, 1938). Phelps Creek is a Goal 5 resource on the Columbia Gorge Hotel Property (3N10E27D Tax Lot 101). No development is proposed affecting this Goal 5 resource.

**Goal 6: Air, Water and Land Resources Quality**

Annexation does not increase or decrease the air, water and land resource qualities of the area because it does not directly result in any additional development. Prior to expansion of the Vagabond Lodge, the applicant must obtain a Conditional Use Permit and demonstrate conformance with applicable standards and criteria of the Zoning Ordinance which address impacts to air and water quality, as well as noise impacts.

**Goal 7: Natural Disasters**

This site is not in a floodplain. Although there are slopes exceeding 25% along the site’s northern property line lines, the Zoning Map does not include a Geologic Hazard Overlay in this area and no development is proposed near these slopes. Further, no environmental protection areas will be affected by the expansion of the Vagabond Lodge.

**Goal 8: Recreational Needs**

Goal 8, Policy 6 states: "As parcels of land are annexed from the UGA into the City, some land will be designated Open Space/Public Land for the development of new parks and public facilities, including access ways, to serve the recreational needs of the community."

Goal 8, Implementation Strategy No. 8 states: "The best possible walkway and bikeway through the planning area will be developed to connect with the Columbia Gorge Trail.

The following parks and open spaces are identified in the Hood River Valley Parks and Recreation District’s Parks & Recreation Master Plan<sup>1</sup>:

Open space areas in the City:

Eliot Park	11.8 acres
Indian Creek Trail (HRVPRD)	3.3 miles
Indian Creek Park	12.38 acres
Morrison Park, north of I-84	5.5 acres
Sherman Triangle	0.06 acre
Waucoma Park	0.5 acre
Wells Island (portion)	18 acres

Parks in the City:

Aquatic Center (HRVPRD)	1.35 acres
Culbertson Park (HRVPRD)	0.73 acre
Hazelview (HRVPRD)	0.43 acre
Morrison Park South (HRVPRD)	5.33 acres
Rotary Skate Park & BMX (HRVPRD)	2.71 acres
Children’s Park	1.24 acres
Coe Park	0.34 acre
Collins Field	2.6 acres
Friendship Park	0.9 acre
Georgiana Smith Park	0.5 acre
Jackson Park	2.5 acres
Mann Park	0.86 acre
Marina Park (Port)	12 acres
Memorial Overlook & Stratton Garden	0.2 acre
Montello Park (County)	0.28 acre

<sup>1</sup> Hood River Valley Parks & Recreation District/City of Hood River "Parks & Recreation Master Plan", 2012-2022.



Tsuruta Park	1.01 acres
Tsuruta Tennis Courts	1.1 acres
Wilson Park	1.05 acres
Waterfront Park	6.4 acres
Event Site (Port)	5.5 acres
The Hook (Port)	3.8 acres
The Spit (Port)	4.7 acres

Parks in the Urban Growth Area:

Ruthton Park	1.5 acres
Bowe Addition	0.4 acre

Total park lands = approximately 55 acres (does not include schools or UGA)

Total open space lands = approximately 51.5 acres

Total park and open space lands = approximately 106.5 acres

The Hood River Valley Park and Recreation Master Plan (2012) includes a needs analysis for provision of parks and open space based upon local demographic trends, a bilingual mail-in household survey, a community workshop, a Latino focus group and stakeholder surveys. The Park Master Plan includes goals for new or enhanced parks and recreation facilities within a 10-year time frame.

Ruthton Park is located approximately one quarter mile west of the subject property and the Park Master Plan does not recommend development additional parks in the vicinity. As such, development of a park or open space on the subject site is not recommended at this time. However, the Park Master Plan does include an objective to improve trail connectivity and to partner with the City of Hood River and Hood River County to implement transportation system plans.

As addressed below, in association with the Conditional Use Permit for the expansion of the Vagabond Motel, conditions of approval are recommended to ensure completion of frontage improvements including a sidewalk. Sidewalks along Westcliff Drive eventually will connect with the Historic Columbia River Highway State Trail which is expected to terminate at the western end of Westcliff Drive.

**Goal 9: Economy of State**

Goal 9 requires the City to ensure that there is adequate land with public services available to meet the needs for economic growth and development. The subject properties are zoned for commercial use. The existing Columbia Gorge Hotel and Vagabond Lodge are expected to continue operating following annexation. And, annexation will facilitate additional commercial development on the subject properties in the future if the owners choose to expand operations or add other commercial businesses.

Goal 9, Policy 5 states: “Ensure provision of adequate public facilities in association with development to support economic development and maintain consistency between public facilities plans and the Goal 9 goals, policies and implementation strategies.

The Vagabond Lodge property is being annexed in association with expansion of the motel resulting in additional impact to the city’s sanitary sewer facilities. As addressed below, adequate public facilities will be required in association with the Conditional Use Permit for the motel expansion.

**Goal 10: Housing**

The subject properties are zoned General Commercial (C-2) which is intended primarily for commercial uses. Allowances for housing currently are included in the C-2 Zone, however, the zone is not intended to be used primarily for residential purposes. The existing Columbia Gorge Hotel and Vagabond Lodge are expected to continue operating following annexation.

**Goal 11: Public Facilities**

Goal 11, Policy 1 states: Provide urban services (water, sewer, storm drainage and transportation) to residential, commercial and industrial lands within the City's Urban Growth Area."

Goal 11, Policy 12 states: Maintain intergovernmental agreements with Hood River County and applicable special service districts, as needed, to provide for adequate public facilities for the City and UGA.

The proposal's effect on public facilities is addressed above in HRMC 17.15.050. Pursuant to intergovernmental agreements with the Ice Fountain Water District and Farmer's Irrigation District, these Districts will provide water and irrigation to the subject properties until City water is available.

**Goal 12: Transportation**

Goal 12, Policy 4 states: "When development or redevelopment of land occurs, provide bike and pedestrian facilities that are consistent with standards and policies of this plan."

As addressed below, adequate public facilities will be required in association with the Conditional Use Permit for the motel expansion including frontage improvements consistent with the City's Transportation System Plan. These frontage improvements will include a sidewalk. Bicycles will share Westcliff Drive with automobiles.

**Goal 13: Energy Conservation**

Goal 13, Policy 1 states: "The development and growth of urban land uses shall be controlled and managed to maximize the conservation of all forms of energy."

Annexation and development of lands located close to existing services generally promotes energy conservation.

**Goal 14: Urbanization**

Goal 14, Policy 1 states: "Contain urban development within areas planned for future long-range expansion where basic urban services such as sewer, water facilities, police and fire protection can be efficiently and economically provided."

The subject property is located within the Urban Growth Area, as such, and annexation of property is consistent with the City's Comprehensive Plan.

17.15.060 Evaluation Criteria – Undeveloped Land.

**FINDINGS:** The Vagabond Lodge and Columbia Gorge Hotel are located on the subject properties. As such, these criteria are not applicable.

17.15.070 Evaluation Criteria – Fiscal Impact. The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not be limited to:

1. The additional revenues, if any, available to the City as a result of the annexation;

**FINDINGS:** The findings above in HRMC 17.15.050(5) address the approximate additional revenues available to the City as a result of the annexation. However, property taxes are based upon valuation which may change annually. Similarly, fees are subject to change.

Annexation will result in a source of additional revenue to the City; Transient Room Taxes (TRT) generated by the Vagabond Lodge and Columbia Gorge Hotel. Distribution of TRT is not an issue before the planning commission or city council at this time.

2. Whether any unusual or excessive costs will be incurred as a result of the annexation; and

**FINDINGS:** During the planning commission's hearing on April 1, 2013 a representative of the Columbia Gorge Hotel asserted that annexation would result in increased property taxes of approximately \$30,000 annually. The planning commission questioned whether findings should be made in regard to any unusual or excessive costs incurred by the owners of the property being annexed.

#### *Property Taxes*

The owners of the property being annexed will be required to pay property taxes based on the City's millage rate of \$2.8112 per thousand dollars of assessed valuation. The County Assessor verified that if the Vagabond Lodge had been inside the city limits in Tax Year 2012 a property tax payment of \$30,312.34 would have been in due rather than \$25,063.45, an increase of \$5,248.89. And, if the Columbia Gorge Hotel had been inside the city limits in Tax Year 2012 a property tax payment of \$52,727.37 would have rather than \$40,937.12, an increase of \$11,790.25.

If annexation is approved, property tax payments based on the City's millage rate will not be due until November 15, 2014. The County Tax Collector currently applies a three percent discount if property taxes are paid in full by November 15. And, the property owner may elect to make payments in thirds with the first payment due November 15, 2014, the second payment due February 15, 2015, and the third payment due May 15, 2015. As such payment of property tax is not considered an unusual or excessive cost incurred as a result of annexation.

Residents with failing septic systems who are adjacent to the city limits have been required to annex in to the City to receive sanitary sewer service. The Columbia Gorge Hotel and Vagabond Lodge will pay the same tax rates that any other resident who receives city services is required to pay, therefore there is no unusual or excessive costs incurred by the Columbia Gorge Hotel or Vagabond Lodge.

#### *Special District Compensation*

Annexation results in costs associated with withdrawing property from special districts. The City of Hood River signed intergovernmental agreements (IGA) with the Ice Fountain Water District (IFWD) and West Side Rural Fire Protection District (WSFD) specifying that the City is responsible for certain costs when it initiates annexation.

The City is initiating annexation of the Columbia Gorge Hotel in order to facilitate annexation of the Vagabond Lodge and, as such, is taking responsibility for compensating IFWD and WSFD for the three subject parcels. If annexation is not approved at this time, all costs associated with compensating the special districts will become the responsibility of the property owners in association with subsequent development and annexation of their properties.

*Vagabond Lodge*

The subject parcel will be withdrawn from WSFD in association with annexation and the City will compensate WSFD for five years of lost revenue totaling approximately \$8,548.87 based upon the 2013 assessed value.

The property will remain in the IFWD until the City provides water to the site, at which time the City will be responsible for compensating the IFWD for infrastructure, debt service and/or lost revenue consistent with the IGA. IFWD does not have an estimate for infrastructure costs at this time but verified there are four years of remaining debt service on this infrastructure which is estimated to be \$10,955.21. IFWD records indicate annual revenue from the Vagabond Lodge is \$8,055.30. Based upon this figure, the City will be responsible for \$24,165.90 in compensation for three years of lost revenue.

*Columbia Gorge Hotel*

The subject parcels will be withdrawn from WSFD in association with annexation and the City will compensate WSFD for five years of lost revenue totaling approximately \$15,548.02 based on the 2013 assessed values.

As stated in the 1979 agreement between the property owner, the City and IFWD, the properties will remain in the IFWD until the City provides water to the site at which time the City will be responsible for compensating the IFWD for infrastructure, debt service and/or lost revenue consistent with the IGA. IFWD does not have an estimate for infrastructure costs at this time but verified there are four years of remaining debt service on this infrastructure which is estimated to be \$11,158.96. IFWD records indicate annual revenue from the Columbia Gorge Hotel is \$8,205.12. Based upon this figure, the City will be responsible for \$24,615.36 in compensation for three years of lost revenue.

The IGAs with the special districts give the City the option to pay each district in one lump sum at the time the first payment is due or to pay annually (except infrastructure compensation which can be made in up to 10 annual payments). As such there are no unusual or excessive costs associated with annexation.

3. The impact on the City's tax base, if any, as a result of the annexation.

**FINDINGS:** Property tax estimates based on 2012 valuations are provided above. Property tax payments due in November of 2014 will be determined by the County Assessor based upon the 2014 assessed values.

Although the City is taking responsibility for compensation to West Side Rural Fire District for five years of lost revenue, this is consistent with an intergovernmental agreement signed by the parties specifying that the city is responsible for such costs when it initiates annexation. The City is initiating annexation of the Columbia Gorge Hotel in order to facilitate annexation of the Vagabond Lodge property. As such, no unusual or excessive cost will be incurred as a result of

the annexation. Further, the impact on the City's tax base as a result of annexation is expected to be favorable.

As such, the proposal is consistent with these evaluation criteria.

17.15.080 Evaluation Criteria – Urban Service Capabilities.

- A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.
- B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

**FINDINGS:** The findings above in 17.15.050(4) address urban service capabilities. In the short term the Ice Fountain Water District and Farmer's Irrigation District will provide water and irrigation to the subject properties. In the long term the City will provide water to the subject properties. Costs associated with provision of municipal services are expected to be paid by the property owners through property taxes and fees on services. As such, the proposal is consistent with these criteria.

ORS 222.111 Authority and procedure for annexation. (1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. (2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. (3) The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year to fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on the basis of a proposal providing for taxation at a ratio, the city may not tax property in the annexed territory at a rate other than the ratio which the proposal authorizes for that fiscal year. (4) When the territory to be annexed includes a part less than the entire area of a district named in ORS 222.510, the proposal for annexation may provide that if annexation of the territory occurs the part of the district annexed into the city is withdrawn from the district as of the effective date of the annexation. However, if the affected district is a district named in ORS 222.465, the effective date of the withdrawal of territory shall be determined as provided in ORS 222.465. (5) The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body of the city shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or

at a special election to be held for that purpose. (6) The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart. (7) Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.

**FINDINGS:** The proposed annexation is for property that is contiguous to the city. A representative of the Vagabond Lodge is a petitioner for the annexation in association with motel expansion and associated impact to City sanitary sewer facilities. The City of Hood River is a petitioner for annexation of the Columbia Gorge Hotel parcels based on a previously recorded consent-to-annexation agreement.

The rate of taxation will be consistent with these requirements. The territory to be annexed is a part of districts named in ORS 222.510 including the West Side Rural Fire Protection District, Ice Fountain Water District and Farmer's Irrigation District, and will be withdrawn from the West Side Fire District as of the effective date of the annexation. As addressed below, the City is not obligated to submit the annexation request to the electors. As such, the proposal is consistent with these requirements.

ORS 222.115 - Annexation contracts; recording; effect. A contract between a city and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner shall be recorded and, when recorded, shall be binding on all successors with an interest in that property.

**FINDINGS:** In 1979 the owners of the property where the Columbia Gorge Hotel operates signed and recorded a consent-to-annexation agreement and waiver of remonstrance in order to connect to City sewer facilities (Document No. 790564, Attachment "G"). The agreement bound the owner and successors in interest to annex at the request of the City at such time as the boundaries of any portion of the subject property become contiguous to the boundaries of the City. A similar agreement for annexation was signed and recorded by the owner of the Vagabond Lodge in 2001 (Document No. 2001-4004, Attachment "H").

Property immediately east of the Columbia Gorge Hotel is inside the city limits. As such the City of Hood River can annex the subject parcels based on the existing annexation contracts.

ORS 222.120 - Procedure without election by city electors; hearing; ordinance subject to referendum. (1) Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection. (3) The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period. (4) After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question: (b) Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section. (5) If the territory described in the ordinance issued under subsection (4) of this section is a part less than the entire area of a district named in ORS

222.510, the ordinance may also declare that the territory is withdrawn from the district on the effective date of the annexation or on any subsequent date specified in the ordinance.

**FINDINGS:** The City Charter does not require the City Council to submit a proposal for annexation to the voters. This annexation is not being submitted to the voters; instead, public hearings on the annexation are being held in accordance with the requirements of this statute. Notice of the public hearings was published in accordance with ORS 222.120, including being published in the Hood River News once each week for two successive weeks prior to the date of the first City Council hearing, and posting of notices of the hearing in four public places in the city for the same period of time.

This annexation request includes withdrawal of territory from a district named in ORS 222.510 (West Side Rural Fire Protection District). Pursuant to ORS 222.111(4), the effective date of withdrawal from West Side Rural Fire Protection District will be the effective date of the annexation. As such, the proposal is consistent with these requirements.

ORS 222.125 Annexation by consent of all owners of land and majority of electors. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

**FINDINGS:** Written consent to the annexation must be provided by the owner and not less than 50% of the residents who are registered to vote at this address. Records of the Hood River County Elections office indicate that there are no voters registered at the subject site addresses. The property owner/representative signed the application form for the Vagabond Lodge property, and the City Manager signed the application form for the Columbia Gorge Hotel property based on a recorded consent-to-annexation agreement. As such, the proposal is consistent with these requirements.

ORS 222.180 Effective date of annexation. (1) The annexation shall be complete from the date of filing with the Secretary of State of the annexation records as provided in ORS 222.177 and 222.900. Thereafter the annexed territory shall be and remain a part of the city to which it is annexed. The date of such filing shall be the effective date of annexation.

**FINDINGS:** The public hearing for this annexation will take place before the City Council. If approved, the City Council will read the ordinance approving the annexation and withdrawing the territory from West Side Rural Fire Protection District for the first time (and second time if a full Council is present) by title only. After the second reading, the ordinance will be transmitted to the Secretary of State for filing. Pursuant to ORS 222.180, the effective date of the annexation is the date it is filed with the Secretary of State.

ORS 222.183 Notice of annexation when effective date delayed for more than one year. (1) If the effective date of an annexation is more than one year after the date of a proclamation of annexation, the city, through its recorder or other city officer or agency performing the duties of



recorder under this section, shall send notice to the county clerk of each county within which the city is located. The notice shall be sent not sooner than 120 days and not later than 90 days prior to the effective date of the annexation. (2) The notice described in subsection (1) of this section shall be in addition to any other notice or filing required under ORS 222.010 to 222.750.

**FINDINGS:** As addressed above, the effective date of annexation will be the date the annexation is filed with the Secretary of State. The annexation will be filed with the Secretary of State less than one year from the date of proclamation of annexation.

## **2. VAGABOND LODGE – CONDITIONAL USE PERMIT**

### **HRMC 17.03.050 - GENERAL COMMERCIAL (C-2) ZONE**

#### **A. Permitted Uses.**

1. Rooming and boarding houses
2. Home occupations
3. Bed and breakfast
4. Family day care
5. Residential care facility
6. Group residential, if less than 15 persons
7. Transportation facilities pursuant to 17.20.050(A)
8. Accessory dwelling units

**FINDINGS:** No new outright permitted uses are proposed.

#### **B. Permitted Uses Subject to Site Plan Review.**

1. Commercial uses
2. Industrial uses incidental and essential to an on-site commercial use (Refer to the section below, "K")
3. Change of use
4. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces
5. Multi-family dwellings subject to: a) 11 units/net acre.
6. Group residential, if fifteen (15) or more persons
7. Transportation facilities pursuant to 17.20.050(B)
8. Professional Office and Office Uses.

**FINDINGS:** No new permitted uses subject to Site Plan Review are proposed.

#### **C. Conditional Uses.**

1. Residential uses, excluding multi-family, subject to the following: a) shall be reviewed through the Planned Unit Development (PUD) process; b) PUD common open space criterion is not applicable; and c) shall achieve a minimum of 11 units/net acre.
2. Residential uses a minimum of 11 units/acre in conjunction with commercial uses on the same lot or parcel.
3. Hospitals, sanitariums, rest homes, nursing or convalescent home
4. Schools and day care facilities
5. Public parks, playgrounds, and related facilities
6. Utility or pumping substations

7. Churches
8. Commercial Uses on parcels of more than 1.5 acres.
9. Public facilities and uses
10. Hostels

**FINDINGS:** The Vagabond Lodge site is greater than 1.5 acres. As such, the proposed 15-unit motel building is a conditional use as addressed below in HRMC 17.06.

**D. Site Development Requirements.**

1. Minimum Lot Area: None.
2. Minimum Frontage:
  - a. Fifty (50) feet on a dedicated public street or
  - b. Thirty (30) feet on a public dedicated cul-de-sac.

**FINDINGS:** The Vagabond Lodge property consists of a single parcel of approximately 5.47 acres. However, the applicant submitted a separate application to Hood River County for a property line adjustment that, if approved and recorded, will increase the area to approximately 7.03 acres (Attachment "C").

The Vagabond Lodge has approximately 373 feet of frontage on Westcliff Drive and this frontage will not change if the property line adjustment is approved. As such, the site complies with minimum site development requirements.

**E. Setback Requirements.** The minimum setback requirements shall be as follows:

1. Front - not required.
2. Side and rear - not required except in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two (2) stories.

**FINDINGS:** The site is not located adjacent to a residential zone. As such, the setback requirements of the C-2 Zone are not applicable. As depicted on the Preliminary Detail Site Plan (Attachment "A.4"), the proposed motel is located approximately 65 feet west of the site's eastern property line and approximately 140 feet north of the site's southern property line.

**F. Maximum Building Height.**

1. Thirty-five (35) feet for residential use.
2. Forty-five (45) feet for commercial use or for mixed commercial and residential use.
3. No commercial structure shall exceed a height of forty-five (45) feet.

**FINDINGS:** Building height is measured from original grade. As depicted on the Preliminary Building Elevations (Attachment "A.7"), the proposed motel building is 30-feet tall in conformance with the maximum height standard.

**G. Parking Regulations.**

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.

3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
  - a. New construction
  - b. Change of use
  - c. New parking area
6. All residential uses shall comply with the off-street parking standards as follows, unless exempt above:
  - a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
  - b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
  - c. Required setback areas may be utilized for off-street parking for multi-family dwellings.
  - d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.
  - e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.
7. Bicycle parking as required by 17.20.040.

**FINDINGS:** As depicted on the Preliminary Detail Site Plan (Attachment "A.4"), a paved parking area is proposed on the east side of the new motel building with striping for 21 vehicles. Eight of the proposed parking spaces meet design requirements for accessibility. The proposed parking is adequate to meet the needs of anticipated clientele in the 15-room motel building, as well as any additional employees that may be necessary.

Bike parking is addressed below in HRMC 17.20.040. The applicant proposes to pave the parking area serving the new motel units with asphalt. As such, the proposal is consistent with these requirements.

- H. Lighting.** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.

**FINDINGS:** As noted on the Preliminary Detail Site Plan (Attachment "A.4"), a variety of exterior lighting is proposed including wall-mounted patio lights, wall-mounted walkway lights,

ground-mounted low pedestals to match existing wooden fixtures, pole-mounted lighting with a maximum height of 12-feet tall in the parking area, and wall-mounted security lighting on the exterior of stairwells with shielding.

In order to ensure compliance with these requirements **conditions of approval are recommended that, prior to issuance of building permits, details of all exterior lighting shall be provided for review and approval by the Planning Director. All exterior lighting on the site shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Lighting shall take into consideration the viewshed. Flood lights on poles higher than fifteen (15) feet shall not be permitted.** As conditioned, the proposal meets these requirements.

**I. Signs.** All signs shall be in conformance with the sign regulations in this title.

**FINDINGS:** There are existing signs on the site. In order to ensure compliance with the city's sign regulations, **a condition of approval is recommended that sign permits shall be obtained from the City of Hood River prior to installation of any new signs on the site.** As conditioned, the proposal is consistent with these requirements.

**J. Landscaping.** All landscaping shall be in conformance with the landscaping standards in this title.

**FINDINGS:** The landscaping standards of HRMC 17.17 require a minimum of 15 percent of the site to be landscaped. The existing site is landscaped extensively with a mixture of native and decorative species. As noted on the Preliminary Detail Site Plan (Attachment "A.4"), approximately 60 percent of the site is landscaped. As addressed below, conditions of approval are recommended that areas disturbed by construction shall be planted for erosion control purposes, and invasive species such as bamboo and English ivy should be removed.

**K. Manufacturing.** Manufacture or assembly of goods is a permitted use, provided such manufacturing or assembly is within or contiguous to a permitted commercial use. The retail sales and the commercial character shall be the prominent use. The goods manufactured and/or assembled shall be sold on a retail basis out of the commercial use which is the storefront for such sale. All uses shall meet the following standards:

1. Any use, or portion thereof, causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
2. Any use, or portion thereof, causing vibration shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
3. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
4. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.
5. If the retail and industrial uses are housed in separate buildings on the site, the industrial building shall be equal to or less in size to the commercial building.
6. In the case of two or more separate buildings, the one closest to the public dedicated street must retain a retail storefront and a pedestrian-friendly character. New construction or major renovations shall achieve this standard through use of the following design elements:

- a. Major renovations are considered any activity on the exterior of a building that exceeds ten percent (10%) of the structure's cost or fair market value or \$75,000, whichever is more, as determined by the building official.
- b. The building entrance shall be oriented toward the primary street, whenever physically possible.
- c. Off-street parking or driveways shall not be placed between the building and the primary street, whenever physically possible.
- d. The retail storefront shall utilize regularly spaced and similarly shaped windows with window hoods or trim.
- e. The retail storefront shall have large display windows on the ground floor and shall be framed by bulkheads, piers, and a storefront cornice.
- f. For properties located within the Downtown Local Historic District, refer to the District's Design Guidelines.

**FINDINGS:** No manufacturing is proposed.

- 1. Commercial buildings between 25,000 square feet and 50,000 square feet.** No new buildings shall exceed a combined contiguous length of three hundred (300) feet; nor shall any one building exceed a footprint of 50,000 square feet. Any building or contiguous group of buildings which exceed these limitations and which were in existence prior to the effective date of this ordinance may expand up to ten percent (10%) in area or length beyond their original area or length. Neither the gross square footage nor combined contiguous building length, as set forth in this section, shall be changed by a variance. The following standards shall apply to buildings or a group of buildings on one (1) site over 25,000 square feet in size:
1. Buildings shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional and shall be open to the public during all business hours. Public sidewalks shall be provided adjacent to a public street along the entire street frontage.
  2. Building facades greater than one hundred (100) feet in length shall have offsets, jogs, or other architectural distinctive changes.
  3. Any wall which is within thirty (30) feet of the street, plaza, or other public open space shall contain at least twenty percent (20%) of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances, or display areas. Blank walls within thirty (30) feet of the street are prohibited. Up to forty percent (40%) of the length of the building perimeter, with the exception of the side facing the street, is exempt from this standard if facing toward loading or service areas.
  4. A building shall be setback not more than twenty (20) feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. If more than one structure is proposed for a site, at least twenty-five percent (25%) of the aggregate building frontage shall be within twenty (20) feet of the sidewalk.
  5. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
  6. One street tree chosen from the street tree list shall be placed along the perimeter of the parcel fronting the street for each thirty (30) feet of frontage for that portion of the development facing the street.

7. Landscaping shall be designed so that fifty percent (50%) coverage occurs after one year from the date the certificate of occupancy is issued and ninety percent (90%) landscaping coverage occurs after five (5) years from the date the certificate of occupancy is issued.
8. Parking areas shall be shaded on the interior and exterior by deciduous trees, buffered from adjacent non-residential uses, and screened from residential uses. The appearance of a “sea of asphalt” shall be avoided.
9. A ratio of one (1) tree for each seven (7) parking spaces shall be required to create a canopy effect. The trees shall be an appropriate large, canopied shade tree and/or a conifer.
10. Landscaped areas shall be substantially evenly distributed throughout the parking area and parking perimeter.

**FINDINGS:** The proposed 15-unit motel building is approximately 116-feet long and has a footprint of less than 5,500-square-feet. As such these requirements are not applicable.

### 3. HRMC 17.03.120 - INTERCHANGE AREA MANAGEMENT PLAN (IAMP)

The purpose of the IAMP Overlay Zone is the long-range preservation of operational efficiency and safety of the highway interchanges within the City of Hood River, which provides access from and to Interstate 84 for residents and businesses throughout the city. The interchanges are a vital transportation link for regional travel and freight movement and provide connectivity between the east and west side of the community and to employment and recreational opportunities at the waterfront. Preserving capacity and ensuring the safety of these interchanges and the local transportation systems in their vicinity is essential to visitors, residences, and existing businesses as well as to the continued economic vitality along the Columbia River and to community growth and development in the vicinity of the interchanges.

**A. Boundary:** The boundary of the IAMP Overlay Zone is shown on the City of Hood River Zoning Map and also is depicted in the respective IAMP documents. The zone’s boundary generally corresponds with a 1/2 –mile buffer area around the interstate highway interchanges. The Overlay Zone is applied to two boundary areas - one centered at Exit 62 and the other encompassing both Exit 63 and Exit 64.

**FINDINGS:** The subject property is located in the boundary of the IAMP Overlay Zone for Interstate 84 Exit 62 but is not located in Access Management Block.

**B. Applicability:** The provisions of this section shall apply to any Administrative, Quasi-judicial, or Legislative land use application pursuant to Section 17.09 that is for a parcel wholly or partially within the IAMP Overlay Zone, as defined by Section 17.03.120.A. Any conflict between the standards of the IAMP Overlay Zone and those contained within other chapters of the Zoning Ordinance shall be resolved in favor of this chapter and the applicable requirements in Chapter 17.20, Transportation Circulation and Access Management.

**FINDINGS:** The subject application is being processed through a Quasi-Judicial Review process. No new means of vehicular access is proposed. The site’s existing access points on Westcliff Drive will be retained however the width of access points must be brought into conformance with city standards. As such there is no conflict between this chapter and other chapters of the zoning ordinance. Chapter 17.20 is addressed below.

**C. Permitted Land Uses:** Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Zoning Ordinance and in Title 16, Subdivision Ordinance.

**FINDINGS:** Findings in this decision address consistency between the proposed expansion of an existing commercial use (motel) and applicable standards of the zoning ordinance.

**D. Comprehensive Plan and Zoning Map and Text Amendments:** This Section applies to all Comprehensive Plan Map and Zoning Map amendments to parcels wholly or partially within the IAMP Overlay Zone and code amendments that affect development within the IAMP Overlay Zone.

In addition to meeting the requirements of Section 17.08.020, applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall meet the requirements of the Transportation Planning Rule, Oregon Administrative Rule (OAR) 660-012-0060, including making a determination whether or not the proposed change will significantly affect an existing or planned transportation facility.

**FINDINGS:** The applicant does not propose a comprehensive plan, zoning map or text amendment.

**E. IAMP Review and Update:** The IAMP document must be reviewed and possibly updated in association with a proposed change to the Hood River Comprehensive Plan, Plan Map, or implementing zoning ordinances that will have a “significant affect” on one or more I-84 Interchanges pursuant to OAR 660-12-0060.

- a. An IAMP update is required when the findings and conclusions from an IAMP review demonstrate the need for an update to the plan in order to mitigate identified impacts to interchange facilities. The agency or person(s) proposing the change shall be responsible for reviewing and initiating an update to the applicable IAMP(s), consistent with the procedures outlined in the IAMP.
- b. An updated IAMP that results from a City-initiated review process pursuant to Section 17.03.120.E, shall be legislatively adopted, requiring a City Council public hearing, as an amendment to the City of Hood River Transportation System Plan and also will be adopted by the Oregon Transportation Commission as an update to the Oregon Highway Plan.

**FINDINGS:** Findings from an IAMP review have not demonstrated the need for an update of the IAMP Exit 62 document.

#### **4. HRMC 17.04 – SUPPLEMENTARY PROVISIONS**

##### **17.04.050 Fences and Walls.**

- A. Fences and walls not more than six (6) feet in height are permitted within or on all property lines and on corner lots or parcels when vision clearance requirements are met.
- B. Height is measured from original ground elevation in accordance with the City Engineering Standards.
- C. A fence that is six (6) feet or less as measured from original ground elevation in accordance with City Engineering Standards, is not considered a structure for purposes of setbacks established in this title.



- D. All retaining walls are considered structures from purposes of setbacks, and may not be located within the front, side or rear setback for a building except as provided in this title.

**FINDINGS:** A new six-foot-tall wooden fence is proposed along the southern edge of the new parking area and a new six-foot-tall chain-link fence with screening slats is proposed for a trash/recycling enclosure in conformance with these requirements.

**17.04.130 General Requirements for Parking Lots.** A parking lot, whether an accessory or principal use, intended for the parking of four (4) or more automobiles or trucks shall comply with the following stipulations:

1. Areas used for standing or maneuvering of vehicles shall have hard surfaces maintained adequately for all-weather use and be so designed as to avoid flow of water across sidewalks.
2. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
3. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and provide the maximum safety of pedestrians and vehicular traffic on the site.
4. Service drives for parking lots shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection. Exceptions may be granted by the Building Official with the provision of safety devices.
5. Landscaping shall be in conformance with the landscape standards in this title. Duplexes are excluded from this requirement.

**FINDINGS:** A new paved parking area is proposed on the east side of the new motel building including striping for 21 parking spaces, eight of which are accessible. Access aisles are addressed below in HRMC 17.20.030(C). A landscaped buffer is proposed between the new parking area and the site's eastern property line.

The site features paved driveways and parking areas near existing motel buildings. However, a portion of the existing parking area on the east side of the White Buffalo Wine Bar and Bistro is surfaced with gravel. As such, **conditions of approval are recommended that a striping plan for the parking lot serving the White Buffalo Wine Bar and Bistro shall be submitted demonstrating conformance with the City's dimensional requirements for parking spaces and access aisles. All parking spaces and access aisles shall be hard surfaced.** A landscaped buffer is *recommended* between the parking area and the adjacent parking lot owned by the Columbia Gorge Hotel. **Vehicular access to the motel addition shall not be permitted through the White Buffalo parking lot unless it is improved to meet city standards.**

As conditioned, the proposal is consistent with these requirements.

## 5. HRMC 17.06 – CONDITIONAL USES

**17.06.010 Applicable Procedures.** The City shall process conditional use applications in accordance with *Review Procedures* (Chapter 17.09) and the following:

1. Pre-application Conference: Prior to submittal of a conditional use permit, application, the applicant or applicant's representative shall attend a pre-application conference.
2. Application: An applicant may submit an application for a conditional use permit at any time after completion of a required pre-application conference. The applicant shall submit a complete application as specified in application and plan requirements section of this chapter.

3. **Quasi-Judicial Conditional Use:** Applications shall be processed as a Quasi-Judicial application as set forth in the Quasi-Judicial Actions provisions (Section 17.09.040).
4. **Changes:** Changes to an approved or pre-existing conditional use that does not increase the density or impact of the use may be approved by the Planning Director. Changes that the Planning Director determines will increase the density or impact of the use shall be referred to the Planning Commission for a public hearing in accordance with the provisions of this chapter. Prior to review, a plan showing the desired changes must be submitted to the Planning Department.
5. **Change in Use:** As used in this chapter, change in use shall include, at a minimum, expansion of the use, expansion or alteration of the structure or developed area, change in the functional nature of the use, and/or change in the type of use.

**FINDINGS:** Pursuant to HRMC 17.03.050(C.8), the proposal is a conditional use because the site is more than 1.5 acres. Existing uses on the site include the Vagabond Lodge motel and the White Buffalo Wine Bar and Bistro, as well as a manufactured home. The new Vagabond Lodge motel building and associated parking area will be constructed in the vicinity of the manufactured home which will be removed from the site.

The applicant and city staff attended a pre-application conference with the Hood River County Planning Department on November 15, 2012. The city determined that annexation is appropriate as addressed above in HRMC 17.15. Therefore land use applications for the annexation and the conditional use permit were submitted to the City of Hood River. The application is being reviewed as a Quasi-Judicial Action pursuant to HRMC 17.09.040.

**17.06.030 Approval Criteria.** A conditional use shall be granted if the Planning Commission finds that the proposed use conforms, or can be made to conform through conditions, with the following approval criteria. For purposes of this chapter, the surrounding area includes all property within the applicable notice area for a use. In addition, any property beyond the notice area may be included in the surrounding area if the hearing authority finds that it may be adversely impacted by the proposed use.

1. **Conditional Uses:** Conditional uses are subject to *Site Plan Review Decision Criteria* (Chapter 17.16) in addition to the following:
2. **Impact:** The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area, with consideration given to:
  - a. Any harmful effects on desirable neighborhood characteristics and livability.
  - b. Bicycle and pedestrian circulation, access and safety.

**FINDINGS:** The Site Plan Review criteria are addressed below in HRMC 17.16.

This “Impact” criterion requires reasonable compatibility between the proposed use and the lawful development of abutting properties and the surrounding area. This criterion also requires that the proposed uses have a minimal adverse impact on the lawful development of abutting properties and of the surrounding area.

“Reasonably compatible” means that the location, size, design and operating characteristics of the proposed use will function harmoniously.

“Minimal adverse impact” does not require the absence of any adverse impact but does require that, to the extent that any adverse impact is identified, it is minimized. Minimization may be achieved through the imposition of conditions of approval. An “adverse impact” is an undesirable effect arising out of the location, size, design, and operating characteristics of the proposed use.

“Undesirable effects” are evaluated in light of the applicable provisions of the Comprehensive Plan and HRMC Section 17.09.100(B). Thus, a proposal will have undesirable effects if it interferes with achieving applicable Goals or if positive findings cannot be made with respect to the factors in HRMC Section 17.09.100(B).

“Lawful development” modifies both “abutting properties” and the “surrounding area,” and refers to existing uses that comply with the current Zoning Ordinance and development.

At a minimum, the “surrounding area” is considered the notice area; in this case, the notice area includes all property within 250 hundred feet of the subject site. Whether an extension of the surrounding area should be made is determined by examining the area of impact of the proposed use based on its location, size, design, and operating characteristics. In some cases, the surrounding area may not extend beyond the notice area; in other cases, the surrounding area may encompass an entire neighborhood, or large portions of the City. In all cases, the surrounding area is defined geographically. With respect to this proposal, the surrounding area is the legal notice area of 250 feet around the property.

The surrounding area consists of a restaurant, vacant commercial building and a single-family dwelling to the west of the site, and the Columbia Gorge Hotel and parking lots to the east of the site. Property immediately north of the site is vacant and forested, and Interstate 84 is located south of the site.

The new motel building is proposed in a location replacing an existing manufactured home. The proposed building is 30-foot-tall and has a footprint less than 5,500-square feet, comparable to existing buildings on the site and in the surrounding area. The proposed parking area is separated from the site’s eastern property line with a landscaped buffer. Exterior lighting will be of a pedestrian scale and shielded to avoid impacting neighboring properties. As such, the location, size, design and operating characteristics of the proposal are expected to be reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area.

The proposal is not expected to result in any harmful effects on desirable neighborhood characteristics or livability. Bicycle and pedestrian circulation, access and safety are expected to improve over current conditions through installation of a new sidewalk along Westcliff Drive and updating vehicular access to the White Buffalo Wine Bar and Bistro to meet current standards. As such, the proposal is consistent with this criterion.

**3. Nuisance:** The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

**FINDINGS:** Nuisance conditions may be public nuisances or private nuisances. A nuisance is any act or omission that is detrimental to the health safety or welfare of the public at large, in the case of a public nuisance, or of specified individuals, in the case of a private nuisance.

“Significant” means noticeable to the affected person(s). The “off-site” area to be evaluated is the surrounding area as defined above.

The proposal is not expected to result in nuisances because the site is already used as a motel that generates negligible amounts of noise, glare, odor or vibrations. As such, the proposal is consistent with this criterion.

**4. Plan Consistency:** The proposal shall be consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance.

**FINDINGS:** The Comprehensive Plan generally does not contain approval standards. Goals are defined by the Plan as “what is sought after;” policies are defined as “broad statements” that “provide direction;” and strategies set forth the “means for implementing the Plan.” The proposed motel expansion appears to be consistent with applicable policies including those of Goal 9, Economy.

The Plan specifically states that the land use standards which are contained in the Zoning Ordinance are the standards for development. In those cases where a provision is written in mandatory approval language, the language of the provision itself will be interpreted according to its intent and applied as an approval standard. Consistency with the requirements of the Zoning Ordinance is achieved if affirmative findings can be made with respect to the applicable provisions of Titles 16 and 17 of the Hood River Municipal Code.

This application is a conditional use and is subject to the review criteria detailed in this decision. Conditions of approval are recommended where necessary to ensure compliance with applicable standards and criteria. As conditioned, the proposal is consistent with this criterion.

**5. Scale:** The site must be physically capable of accommodating the proposed use, including any needed landscaping, parking, and other requirements. The building size, shape, and/or location may be changed if needed to assure the physical capability of the site.

**FINDINGS:** This criterion requires that the use physically fit on the site as well as requiring the site to be able to accommodate the use in terms of the natural characteristics of the site. All of the characteristics of the proposed use are considered, including any modifications resulting from conditions of approval. In addition, all of the requirements of Titles 16 and 17 must be considered.

As depicted on the Preliminary Site Plan (Attachment “A.3”), the proposed building fits on the site in conformance with applicable setback standards. A landscaped buffer will be provided between the new parking area and the eastern property line and access through the site has been designed to accommodate guests of the motel and service providers. As addressed above in HRMC 17.03.050, proposed parking is adequate to serve the use. The site greatly exceeds minimum landscaping area requirements. As such, the site is physically capable of supporting the use in the proposed configuration and the proposal is consistent with this criterion.

**6. Transportation:** Adequate transportation facilities are available to serve the conditional use in terms of the function, capacity, and level of service identified in the Transportation System Plan (TSP).

**FINDINGS:** The subject site has approximately 373 feet of frontage along Westcliff Drive which is designated as a Local Street in the City of Hood River's TSP. As depicted on the Preliminary Site Plan (Attachment "A.3"), the applicant proposes to install a 5-foot-wide walking path along a portion of the site's Westcliff Drive frontage rather than a typical curb-tight sidewalk. The City's Public Works and Engineering Department submitted comments addressing requirements for improvements to the site's frontage on Westcliff Drive in order to meet current standards (Attachment "F").

The City of Hood River's Transportation System Plan (Ordinance 2002) requires a minimum level-of-service "D" at intersections. The closest intersection to the site, located at Westcliff Drive and Cascade Avenue, operated at a level-of-service A in the PM Peak Hour in 2010. Expansion of the existing motel by 15 units is not expected to reduce the level-of-service at this intersection. There are no other intersections in the vicinity of the site that are expected to be adversely affected by the proposal.

Transportation issues are addressed below in HRMC 17.16.040 (Traffic), and conditions of approval are recommended where necessary to ensure compliance with applicable standards. As conditioned, adequate transportation facilities are provided to serve the conditional use in terms of the function, capacity and level of service identified in the TSP, and the application complies with this criterion.

**7. Landscaping:** Landscaping shall be in conformance with the landscape regulations of this title.

**FINDINGS:** For conditional uses in commercial zones, a minimum of 15% of the site must be landscaped. The existing site is landscaped extensively with a mixture of native and decorative species. As noted on the Preliminary Detail Site Plan (Attachment "A.4"), approximately 60 percent of the site is landscaped.

There are invasive species including bamboo and English ivy in the vicinity of the existing manufactured home. It is recommended that invasive species are removed from the site. As such, the proposal is consistent with this criterion.

**8. Performance Bonds:** When needed to ensure performance of special conditions, bonds or other acceptable securities shall be required.

**FINDINGS:** This provision allows the City to require security for the performance of any condition needed or imposed to insure compliance with the Zoning Ordinance of Comprehensive Plan. The applicant does not propose using performance bond or other security at this time however these options are available if necessary.

**9. Burden of Proof:** The applicant shall bear the burden of showing how the proposed use does conform or can be made to conform through conditions.

**FINDINGS:** Staff worked with the applicants to ensure applicable code standards were addressed. The application materials demonstrate compliance with most applicable standards and criteria, however, conditions of approval recommended where necessary.

**10. Final Plans:** If the conditional use is approved, detailed final plans shall be submitted which indicate conformance to the conditions. The final plans shall be subject to approval by the City.

**FINDINGS:** As addressed throughout this report, conditions of approval are recommended to ensure compliance with all applicable standards. Final plans will be subject to approval by the Planning Director prior to issuance of building permits.

Issuance of a Conditional Use Permit by the City of Hood River is contingent upon annexation of the subject property as addressed above in HRMC 17.15. Completion of the annexation process is verified by the Oregon Secretary of State's Office as well as the Oregon Department of Revenue following adoption of an ordinance. As such, a **condition of approval is recommended that the Conditional Use Permit for the 15-unit expansion of the Vagabond Lodge including associated parking and site improvements is contingent upon annexation of the Vagabond Lodge and Columbia Gorge Hotel parcels (3N10E27C Tax Lot 100, 3N10E27D Tax Lots 100 & 100). In order for the Conditional Use Permit to be valid, the annexation shall be filed with the Oregon Secretary of State's Office and approved by the Oregon Department of Revenue.**

As conditioned, the application complies with the Final Plans criterion.

**17.06.035 Appeals.** Final decisions on conditional use permits may be appealed in accordance with the *Appeal Procedures* (Section 17.09.070) of this ordinance.

**FINDINGS:** A notice of decision will be mailed to the applicants and affected parties detailing appeal procedures.

**17.06.040 Time Limits on a Permit for a Conditional Use.** The conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

**FINDINGS:** In order to ensure compliance with these time limitations, **conditions of approval are recommended that this conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later. A single one (1) year extension may be granted by the director prior to the expiration date if the applicants can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.**

**17.06.050 Limitation on Reapplication.** No conditional use application shall be considered by the Planning Commission within a six (6) month period immediately following a previous denial of such request. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

**FINDINGS:** If this conditional use application were to be denied, the limitations on reapplication would be applied.

**17.06.060 Revocation of a Conditional Use Permit**

- A. Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.
- B. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under *Review Procedures* (Chapter 17.09) of this title in order for the holder of a conditional use permit to show cause why the permit should not be revoked.
- C. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten (10) days after the time specified.
- D. Reapplication for a conditional use which has been revoked cannot be made within one (1) year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrants it.
- E. Abandonment of the use for over twenty-four (24) consecutive months shall void the conditional use. A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit. If part of the conditional use is still being utilized, an additional conditional use will need to be obtained in order for expansion of the use.

**FINDINGS:** An approved conditional use permit may be revoked in accordance with these provisions.

**6. HRMC 17.16 – SITE PLAN REVIEW**

**17.16.040 Site Plan Review Decision Criteria**

- 1. **Natural Features:** Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development; the use of small streams in the landscaping design, rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses. The use should have minimal adverse impacts on the land and water quality. Possible impacts to consider may include; pollution, soil contamination, siltation, and habitat degradation or loss.

**FINDINGS:** The site features a mix of native trees and shrubs and decorative species as well as numerous rock outcroppings (Attachment "A.3"). And, there are invasive species including bamboo and English ivy in the vicinity of the existing manufactured home. Approximately four trees are expected to be removed in order to construct the new motel building (Attachment "A.4") but, as evidenced by existing landscaping on the site, the owners have done an admirable job of preserving vegetation. It is recommended that invasive species are removed from the site.



The there is an existing septic system serving a manufactured home on the site, both of which will be removed. The septic system should be removed in accordance with the requirements of the County Environmental Health Department in order to avoid adverse impact to land and water quality. As such, **a condition of approval is recommended that the owners shall coordinate with the Hood River County Environmental Health Department (541-387-6885) to properly decommission the existing septic system.** As conditioned, the proposal is consistent with this criterion.

2. **Air Quality:** The use shall have minimal or no adverse impact on air quality. Possible impacts to consider include smoke, heat, odors, dust, and pollution.

**FINDINGS:** The proposed motel expansion will not generate smoke or dust after construction is complete. Although the new asphalt parking lot and building will generate heat, and automobile traffic will generate pollution, these impacts are not expected to be greater than what is typically generated in association with commercial development. As such, the proposal is not expected to have an adverse impact on air quality and the proposal is consistent with this criterion.

3. **Grading:** Any grading, contouring on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

**FINDINGS:** The portion of the site where the new motel building and parking area are proposed is relatively flat and a limited amount of grading is anticipated. Mounds of soil from previous excavation activity will be removed from the site (Attachment "A.4").

In order to minimize erosion and adverse impact to the neighboring properties, **conditions of approval are recommended that any graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be provided in conformance with the city's engineering standards.** As conditioned, the proposal complies with this criterion.

4. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention or treatment of stormwater may be required by ODOT.

**FINDINGS:** Public and private utilities currently serve the site. Findings regarding adequacy of public facilities are as follows:

Water

The Ice Fountain Water District currently provides water to the site and will continue to do so until City water is available. The City Public Works and Engineering Department submitted the following comments in regard to water facilities (Attachment "F") and recommended conditions of approval are in **bold** type:

- Water will continue to be provided by Ice Fountain Water District. If any system improvements are required, they shall be built to City standards.

#### Sanitary Sewer

City sanitary sewer facilities currently serve the site. The applicant hired a consulting engineer to prepare a report verifying sewer facilities are adequate based on the capacity of a pump station that serves properties on Westcliff Drive (Attachment "A.9"). The report includes recommendations to limit private pumping capacity, provide detention and to meter flows out during off-peak periods.

The City Public Works and Engineering Department submitted the following comments in regard to sewer facilities (Attachment "F") and recommended conditions of approval are in **bold** type:

- Based on the report from Bell Design Company the Westcliff Drive lift station appears to be adequate for the increase in flows created by the proposed expansion.

#### Storm Sewer

The City Public Works and Engineering Department submitted comments in regard to stormwater facilities (Attachment "F") and recommended conditions of approval are in **bold** type:

- The storm water runoff from the site appears to sheet drain into the right of way. There is an ODOT drainage system on the south side of Westcliff Dr. that may be available for connection to direct the street and site drainage. Review and approval from ODOT would be required prior to connection. Some type of storm sewer system will be required in order to direct street and site flows to an appropriate outlet.
- **Stormwater facilities shall be provided to direct street and site flows to an appropriate outlet.**
- **Prior to issuance of a building permit a Storm Water Management Plan meeting City Engineering Standards shall be provided for review and approval by the city. See City of Hood River Engineering Standards Section 4.5 Stormwater Management for design and submittal criteria.**
- **Review and approval from ODOT is required prior to connection to ODOT storm drainage facilities.**

#### Streets and Sidewalks

As depicted on the Preliminary Site Plan (Attachment "A.3"), the applicant proposes to install a 5-foot-wide pedestrian walkway through a portion of the site along Westcliff Drive and to install curb and widen the street by approximately two feet to provide a minimum of 14 feet of pavement measured from the street centerline. These improvements are proposed

only on the portion of the site's street frontage west of the White Buffalo Wine Bar and Bistro.

The City Public Works and Engineering Department submitted comments addressing frontage improvements (Attachment "F") and recommended conditions of approval are in bold type:

- There appears to be no frontage improvements proposed along the "White Buffalo" portion of the parcel which is approximately 143 feet wide. This area now has unrestricted direct access to Westcliff Drive, other than the large statue of the buffalo and its surrounding rock wall, with no designated driveways into the parcel. There is no separation of the street and the parking lot other than the white painted fog line. This portion of the frontage is neither topographically constrained nor is there any landscaping other than the dirt in the planter around the buffalo. The site plan provided shows the planter to be totally within private property.
- The frontage improvements proposed for the remaining (approximately) 230 feet appears to be a 5' wide "walking path" as well as asphalt widening of the street to 14 feet from the existing centerline stripe and City standard curb and gutter. The proposed improvements do not meet the Westcliff Drive Engineering Guidance standard developed as the refinement plan for Westcliff Dr. in the City Transportation System Plan as an alternative to the Local Street Standard required for Westcliff Dr. This portion of the frontage consists of 2 driveways and minor landscaping within the right of way. The west (approximate) 95 feet has a small drop-off of about 5 feet at the west end with low growing ivy as ground cover within the right of way. The topographical constraint is minimal.
- Prior to building permit issuance, engineered plans for half street improvements along the parcel's entire frontage to include curb, gutter, sidewalk, and adequate drainage, for the north half of Westcliff Dr. to the City's TSP Local Option A standard shall be submitted for review and approval. The plans shall meet submittal requirements of the City of Hood River Engineering Standards and shall include an estimate for the improvements from the Design Engineer in order to establish the review fee. Upon review and acceptance of the estimate, a plan review fee of 2% shall be paid.
- If the City Engineer finds the west portion of the parcel does have a topographical constraint sufficient to warrant it, the alternative frontage improvement design shall meet the Westcliff Drive Engineering Guidance standard.
- **All driveways shall meet the requirements of Chapter 13.28 of the Hood River Municipal Code.**
- **A Storm Water Management Plan meeting City Engineering Standards shall be provided as part of the engineered plans for the improvements.**
- **Prior to occupancy, the frontage improvements shall be completed or an acceptable Performance Guarantee shall be provided.**

Following the planning commission hearing on April 1, 2013 the applicant met with the City Public Works and Engineering Department to discuss alternatives for frontage improvements and timing of improvements. The following conditions of approval were recommended during the planning commission's hearing on April 29, 2013:

- **Prior to building permit issuance the applicant shall submit engineered plans for half street improvements along the parcel's entire Westcliff Drive frontage. The**

improvements shall meet the City's Local Street standard. Alternatively, if evidence is submitted demonstrating that existing conditions warrant alternative frontage improvements and the City Engineer concurs then the design shall be consistent the City's Westcliff Drive Engineering Guidelines. The plans shall meet submittal requirements of the City of Hood River Engineering Standards and shall include an estimate for the improvements from the Design Engineer in order to establish the review fee. Upon review and acceptance of the estimate, a plan review fee of 2% shall be paid.

- **Prior to final occupancy of the motel addition, improvements to the portion of the site's Westcliff Drive frontage that is west of the White Buffalo Wine Bar and Bistro (approximately 230 feet in length) shall be completed, and a City standard Construction Agreement and Performance Guarantee shall be provided for the remainder of site's frontage (approximately 145 feet in length). The amount of the bond shall be based on the engineer's estimate for the frontage improvement.**

As conditioned, the project meets requirements for adequate transportation facilities.

#### General

HRMC 17.16.040, Public Facilities, and HRMC 12.05.010(E) require the property owner to place utilities underground. As such, **a condition of approval is recommended that all utilities serving the new motel building shall be placed underground including power, phone, cable television and other telecommunications lines.** In addition, in order to ensure conformance with city engineering standards, the following conditions of approval are recommended:

- **Design and construction of public facilities must meet the requirements of the City of Hood River Engineering Standards.** A copy of the Engineering Standards is available at the City Public Works office or on line at [www.ci.hood-river.or.us](http://www.ci.hood-river.or.us).
- **Prior to any site work a Construction Site Permit is required.**
- A pre-submittal meeting is recommended prior to the engineered design of any public facilities.
- **All fees, bonds, and insurance must be provided as per the City of Hood River Engineering Standards.**
- **All City sanitary and/or storm sewer pipes and appurtenances located outside of a dedicated public right of way must be located within a recorded easement on a form provided by the City. All easements must meet the requirements of the City Engineering Standards.**
- The Oregon Department of Environmental Quality requires a National Pollutant Discharge Elimination System (NPDES) 1200 – C permit for all projects that disturb one acre or more. Contact the Bend regional DEQ office at 541-388-6146 for permit application forms and more information.

#### Police and Fire

The West Side Rural Fire Protection District and the Hood River County Sheriff currently provide service the site, supplemented by the City of Hood River. Following annexation, the City of Hood River Fire- and Police Departments will provide primary service to the site. **A condition of approval is recommended that the applicant shall demonstrate compliance**

with the requirements of the City Fire Marshal prior to occupancy. As conditioned, the proposal is consistent with this criterion.

5. **Traffic and Circulation:** The following traffic standards shall be applicable to all proposals.
  - a. On-site circulation shall be designed according to accepted engineering guidelines to be safe and efficient and shall comply with the requirements of Chapter 17.20.
  - b. The access point(s) between the subject property and the public street shall be reasonably safe and shall comply with the access management standards of Chapter 17.20.050.
  - c. Mitigating Development Impacts;
    - (1.) The proposed use shall not have an adverse effect on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trip (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the affected street system.
  - d. Traffic Impact Analysis: The applicant will be required to provide a Traffic Impact Analysis prepared by an Oregon licensed traffic engineer or a Transportation Assessment Letter pursuant to Section 17.20.060.
  - e. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
  - f. Conditions, including but not limited to the following, may be applied in the event that a proposed project is demonstrated to potentially place an undue burden on the transportation system. These are additional to the conditions, which may be imposed by the requirements of Chapter 17.20.
    - (1) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways may be required where the existing transportation system will be adversely affected or is inadequate to handle the additional burden caused by the proposed use.
    - (2) Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use where the existing transportation system may be adversely affected by the proposed use.

**FINDINGS:** On-site circulation is addressed below in HRMC 17.20. Currently there is one existing driveway providing vehicular access to the western portion of the site, and there is unrestricted access to the eastern approximately 170 feet of the site's frontage on Westcliff Drive.

As addressed above, the City Public Works and Engineering Department submitted comments addressing frontage improvement requirements and conditions of approval to ensure completion of half-street improvements across the site's entire frontage on Westcliff Drive (Attachment "F"). In addition, driveways will be required to meet the standard for width and spacing pursuant to HMRC 13.28.

Traffic generated by development on the subject site will affect the public transportation system. However, due to the limited scale of the proposed motel expansion and the current level-of-service at the Westcliff/Cascade intersection, a traffic study was not required. Conditions of approval are recommended in this decision to ensure compliance with applicable traffic and circulation standards. As conditioned, the proposal is consistent with these requirements.

6. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

**FINDINGS:** The existing trash/recycling area is located northeast of the White Buffalo Wine Bar and Bistro, and it is proposed to be retained in this location. The applicant proposes to install a six-foot-tall chain link fence with screening slats and access gates on the south side. **A condition of approval is recommended that the trash and recycling area shall be screened on all sides through use of vegetative materials or appropriate fencing.** No other outdoor storage is proposed. As conditioned, the proposal is consistent with this criterion.

7. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the noise ordinance.

**FINDINGS:** No central HVAC or other mechanical units are proposed. Wall-mounted HVAC units are proposed in each room. As such, the proposal is consistent with this criterion.

8. **Compatibility:** The height, bulk, and scale of buildings shall be compatible with the site and buildings in the surrounding area. Use of materials should promote harmony with surrounding structures and sites.

**FINDINGS:** For site plan review purposes, the “surrounding area” is determined by examining the area of impact of the proposed use based on its location, size, design and operating characteristics. In some cases, the surrounding area may not extend beyond the notice area, in other cases; the surrounding area may encompass an entire neighborhood or large portions of the City. In all cases, the surrounding area is defined geographically.

For this proposal the surrounding area includes the Columbia Gorge Hotel to the east of the site and restaurants to the west of the site. These buildings range from one to three stories and feature a variety of materials including stucco and tile roofing material at the Columbia Gorge Hotel, and board, batten and shingle siding at the Charburger restaurant.

As depicted on the Preliminary Site Plan (Attachment “A.3”), there are several existing buildings on the site ranging in height from one to three stories. The proposed motel building features a building footprint of less than 5,500-square feet and a pitched roof up to 30-feet tall. Proposed exterior building materials include vertically grooved wooden siding and composition shingle roof. A stone wall will be constructed on the west side of the ground floor patios, and the west side of the building features extensive use of windows.

As such the proposed motel building is compatible with the height, bulk and scale of buildings in the surrounding area, and is consistent with this criterion.

9. **Design:** Variety of detail, form and siting should be used to provide visual interest. A single uninterrupted length of facade shall not exceed 100 feet. Buildings shall utilize at least three of the following architectural elements to provide architectural variety: massing, offsets, materials, windows, canopies, pitched or terraced roof forms, or other architectural elements.

**FINDINGS:** The proposed motel building is 116-feet long and approximately 44-feet deep. Stairwells on the east side of the building with dimensions of approximately 11-feet wide by

13-foot deep interrupt the façade. Rooflines overhang balconies and columns are proposed at varying intervals that add additional visual interest. Balconies, building offsets created by stairwells, windows and a variety of building materials including curving stone walls on the west side of the ground-floor patios are used to achieve conformance with these requirements.

10. **Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

**FINDINGS:** Orientation of the building toward the street will require significant impact to existing trees and vegetation. Further, a separate commercial business, the White Buffalo Wine Bar and Bistro, is located between the proposed motel building and Westcliff Drive. As such it is not physically possible to orient the building to Westcliff Drive. However, the building is oriented toward the internal driveway that provides access to all motel units.

11. **Parking:** Parking areas shall be located behind building or on one or both sides, whenever physically possible.

**FINDINGS:** The proposed parking area serving the new motel units is located on the east side of the new building, rather than between the building and Westcliff Drive. As such, the proposal is consistent with this criterion.

## 7. HRMC17.20 – TRANSPORTATION CIRCULATION & ACCESS MANAGEMENT

**17.20.010 Applicability.** This chapter implements the City’s adopted Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-12). The standards of this chapter are applicable to all proposed improvements to the public transportation system and to all development on the public transportation system.

**FINDINGS:** The proposal includes modifications to the site’s frontage on Westcliff Drive. The public transportation system will be affected by proposal and, as such, the standards of this chapter are applicable.

**17.20.020 Definitions.** This section incorporated into Section 17.01.060 – Definitions.

**FINDINGS:** Interpretations of text in this section shall be consistent with the definitions in HRMC 17.01.060.

**17.20.030 Access Management Standards.** This section shall apply to all development on arterials and collectors within the City and UGA and to all properties that abut these roadways as part of site plan review process (Chapter 17.16). Within the Interchange Area Management Plan Overlay Zone’s “Access Management Blocks,” this section also applies to local streets and roads and abutting properties.

- A. **Site Plan Review Procedures.** All site plans are required to be submitted for review pursuant to the provisions of this title and shall show:
  1. Location of existing and proposed access point(s) on both sides of the road where applicable;

2. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
3. Number and direction of lanes to be constructed on the driveway plus striping plans;
4. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
5. Parking and internal circulation plans including walkways and bikeways; and
6. A detailed description of any requested variance and the reason the variance is requested.

**FINDINGS:** The Preliminary Site Plan (Attachment "A.3") depicts the location of existing vehicular access points on Westcliff Drive. The plan is drawn to scale, allowing distances between access points to be calculated. Internal circulation within the proposed parking area is defined by striping parking spaces. A proposed pedestrian walkway is depicted on the western portion of the site. As such, the application is generally consistent with these requirements.

**B. Criteria.** All site plans shall comply with the following access criteria:

1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas; entrances to the development; and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
5. The access shall be consistent with the access management standards adopted in the Transportation System Plan.
6. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

**FINDINGS:** No new roads are proposed on the site. As addressed above in HRMC 17.16.040, conditions of approval are recommended to provide adequate transportation facilities, and to address the requirements of the City's Public Works and Engineering Departments which ensure compliance with the Transportation System Plan. Driveways will be required to comply with the width and spacing requirements of HRMC 13.28. A new 12-foot-wide service road will be provided on the south side of the new motel building for emergency service providers and pedestrians, and pedestrian walkways will be provided between the new parking area and the motel unit entrances. As such, the application is generally consistent with these requirements.

**C. Standards.**

1. **Access Spacing:** Driveway accesses shall be separated from other driveways and street intersections in accordance with the standards and procedures of Chapter 13.28.

**FINDINGS:** No new driveways are proposed. Currently there is one existing driveway providing vehicular access to the western portion of the site, and there is unrestricted access to the eastern approximately 170 feet of the site's frontage on Westcliff Drive. As addressed above in HRMC 17.16.040, **conditions of approval are recommended to ensure the site's**



frontage is improved to meet current standards and that all driveways shall meet the requirements of HRMC 13.28.

**2. Joint and Cross Access:**

- a. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
- b. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
  - (1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
  - (2) A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; and
  - (4) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- c. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- d. Pursuant to this section, property owners shall
  - (1) Record an easement allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - (2) Record an agreement that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - (3) Record a joint maintenance agreement defining maintenance responsibilities of property owners.
- e. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
  - (1) Joint access driveways and cross access easements are provided in accordance with this section.
  - (2) The site plan incorporates a unified access and circulation system in accordance with this section.
  - (3) The property owner enters into a written agreement with the city, which shall be recorded with respect to the subject property, agreeing that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway; and
  - (4) The City Engineer may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**FINDINGS:** The proposed use is not considered a major traffic generator and, as such, cross-over access to adjacent properties is not required. The access aisle between parking spaces in the new parking area is approximately 24-feet wide, accommodating two-way vehicular access.

Cross-over access occurs between the Vagabond Lodge and the White Buffalo Wine Bar and Bistro. Similarly, cross-over access between the White Buffalo Wine Bar and Bistro and the Columbia Gorge Hotel parking lot to the east may occur. The owners of the affected properties may wish to formalize an agreement for continued cross-over access.

3. **Driveway Design:** Driveways shall be designed pursuant to the requirements of Chapter 13.28.

**FINDINGS:** Pursuant to HRMC 13.28.020, a permit is required to install service driveways. Pursuant to HRMC 13.28.030, the number of permissible driveways is restricted based on the amount of frontage on a public street and zoning. Westcliff Drive is designated as a Local Street. As such, a minimum of 22 feet of separation is required between each access point pursuant to HRMC 13.28.040(A). Further, all service driveways must be constructed of concrete meeting city specifications from the curbline to the back edge of the existing or proposed sidewalk pursuant to HRMC 13.28.050. No details were submitted to demonstrate compliance with these requirements. **As addressed above and in HRMC 17.16.040, a condition of approval is recommended that all driveways shall meet the requirements of HRMC 13.28.**

4. **Requirements for Phased Development Plans:**
  - a. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one (1) building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both may be cited for any violation.
  - b. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

**FINDINGS:** The proposal is not a phase development. As such these requirements are not applicable.

5. **Nonconforming Access Features:** Legal access connections in place as of November 2001 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards pursuant to the requirements of 13.28.

**FINDINGS:** As addressed above in HRMC 17.16.040, the City Public Works and Engineering Department recommends conditions of approval to ensure the site's entire frontage on Westcliff Drive is improved in conformance with city standards including the driveway width and spacing requirements of HRMC 13.28. As conditioned, the proposal is consistent with these requirements.

6. **Reverse Frontage:** Lots that front on more than one (1) street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

**FINDINGS:** The subject site has frontage on only one public street.

**D. Access within Interchange Area Management Plan (IAMP) Overlay Zone.**

In addition to the standards and requirements of the Transportation Circulation and Access Management section of this ordinance (Section 16.12 and Section 17.20), parcels wholly or partially within an adopted IAMP Overlay Zone are subject to the Access Management Plan in the applicable IAMP (Exit 62 or Exit 63/64). [Remainder of code excluded.]

**FINDINGS:** The subject property is located in the boundary of an IAMP Overlay Zone for Interstate 84, but is not located in an access management block. As such, these standards are not applicable.

**17.20.040 Bicycle Parking.** All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 17.20-40-A, and subsections A-H, below.

- A. **Minimum Required Bicycle Parking Spaces.** Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 17.20.40-A. Where two options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking shall be used.

**Table 17.20.40-A Minimum Requirements for Bicycle Parking Spaces**

<b>Use Categories</b>	<b>Specific Uses</b>	<b>Long-term Spaces (Covered or Enclosed)</b>	<b>Short-term Spaces (Near Building Entry)</b>
<b>Other Categories</b>			
Other uses	Determined through Land Use Review, Site Design Review or Conditional Use (CU) Review, as applicable.		

- B. **Exemptions.** Section 17.20.040 does not apply to single-family and two-family housing (attached, detached, or manufactured housing) or home occupations.
- C. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (i.e., sheltered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Racks shall allow frames and wheels to be locked. Shared facilities will be allowed.
- D. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. **Options for Storage.** Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building, including beneath roof overhangs and awnings.
- F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance areas (see Diagram "A" – 17.04.090).

**FINDINGS:** Bicycle parking requirements for motels are not specified. It is likely that cyclists visiting the motel will park their bicycles inside their rooms or lock them to trees. If the owner wishes to avoid problems associated with a lack of bicycle parking facilities, it is recommended that racks allowing bicycle frames and wheels to be locked are provided in convenient locations for cyclists such as near the main office (for cyclists checking in) and near motel unit entrances and/or patios.

#### **17.20.050 Standards for Transportation Improvements**

- A. **Permitted Uses.** Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:
1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
  2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
  3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
  4. Landscaping as part of a transportation facility.
  5. Emergency measures necessary for the safety and protection of property
  6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
  7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

**FINDINGS:** The proposed use exceeds the scope of these permitted improvements. As such, the standards of HRMC 17.20 are applicable to the proposal.

B. **Uses Subject to Site Plan Review.**

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are
  - a. Not improvements designated in the Transportation System Plan; or
  - b. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.
2. An application for site plan review is subject to review under *Site Plan Review* (Chapter 17.16); however, the decision criteria do not apply. In order to be approved, the site plan permit shall comply with the Transportation System Plan and applicable standards of this title, and shall address the criteria below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
  - a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
  - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - d. Project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this ordinance.
3. Street and interchange improvements (defined as parking removal, access modifications in LAMP blocks, new lanes, new streets, signalization modifications). The site plan review shall include findings and solutions addressing safety, mobility, and the effect of traffic beyond the immediate vicinity, pedestrian system, bike system, parking and economic enterprise will be protected and/or enhanced by the proposed. "The following facility(ies) shall be considered in the study area for all traffic analysis unless modified by the City Engineer: All access points and intersections signalized and un-signalized adjacent to the proposed site, if the proposed site fronts an arterial collector street the analysis shall address all intersection and driveways along the site frontage and within the access facing distances extending out from the boundary from the site frontage roads through and adjacent to the site. All intersections that receive site generated trips that comprise at least 10% or more of the total intersection volume. All intersections needed for signal progression analysis. In addition to these requirements the City Engineer may determine any additional intersections or roadway links that may be adversely affected as the result of the proposed development."

**FINDINGS:** The proposed use includes review of the Site Plan Review criteria, as addressed above in this report. As such, the criteria of HRMC 17.20.050 (B.2) do not apply.

#### **17.20.060 Traffic Impact Analysis**

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the city to adopt a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis (TIA) must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a TIA; and who is qualified to prepare the analysis.
- B. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the *Trip Generation* manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily and peak hour (weekday and/or weekend) vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate. A trip generation study may be used to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which a similar facility is available to count.
- C. Applicability and Consultation. A Traffic Impact Analysis shall be required to be submitted to the city with a land use application when (1) a change in zoning or plan amendment is proposed or (2) a proposed development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis, field measurements, crash history, Institute of Transportation Engineers *Trip Generation*, and information and studies provided by the local reviewing jurisdiction and/or ODOT:
  - a. The proposed action is estimated to generate 250 Average Daily Trips (ADT) or more, or 25 or more weekday AM or PM peak hour trips (or as required by the City Engineer);

- b. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day
- e. The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
- d. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- e. A change in internal traffic patterns that may cause safety problems, such as back up onto public streets or traffic crashes in the approach area.

The applicant shall consult with the City Engineer or his/her designee at the time of a pre-application conference (see Section 17.09.120 Pre-Application Conferences) about whether a TIA is required and, if required, the details of what must be included in the TIA.

- D. Traffic Assessment Letter. If a TIA is not required as determined by Section 17.20.060.C, the applicant shall submit a Transportation Assessment Letter (TAL) to the City indicating that TIA requirements do not apply to the proposed action. This letter shall present the trip generation estimates and distribution assumptions for the proposed action and verify that driveways and roadways accessing the site meet the sight distance, spacing, and roadway design standards of the agency with jurisdiction of those roadways. Other information or analysis may be required as determined by the City Engineer. The TAL shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis.

The requirement for a TAL may be waived if the City Engineer determines that the proposed action will not have a significant impact on existing traffic conditions.

- E. Traffic Impact Analysis Requirements.
  - 1. Preparation. A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis and will be paid for by the applicant.
  - 2. Transportation Planning Rule Compliance. See Chapter 17.08.050 Transportation Planning Rule Compliance.
  - 3. Pre-application Conference. The applicant will meet with the City Engineer prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected.
- F. Study Area. The following facilities shall be included in the study area for all Traffic Impact Analyses (unless modified by the City Engineer):
  - 1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
  - 2. Roads through and adjacent to the site.
  - 3. All intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume.
  - 4. All intersections needed for signal progression analysis.

5. In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development.
  6. Those identified in the IAMP Overlay Zone (see Subsection I).
- G. When a Traffic Impact Analysis (TIA) is required, the TIA shall address the following minimum requirements:
1. The TIA was prepared by an Oregon Registered Professional Engineer; and
  2. If the proposed development shall cause one or more of the effects in Section 17.20.060(C), above, or other traffic hazard or negative impact to a transportation facility, the TIA shall include mitigation measures that are attributable and are proportional to those impacts, meet the City's adopted Level-of-Service standards, and are satisfactory to the City Engineer and ODOT, when applicable; and
  3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
    - a. Minimize the negative impacts on all applicable transportation facilities; and
    - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
    - c. Make the most efficient use of land and public facilities as practicable; and
    - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
    - e. Otherwise comply with applicable requirements of the Hood River Municipal Code.
  4. If the proposed development will increase through traffic volumes on a residential local street by 20 or more vehicles during the weekday p.m. peak hour or 200 or more vehicles per day, the impacts on neighborhood livability shall be assessed and mitigation for negative impacts shall be identified. A negative impact to neighborhood livability will occur where:
    - a. residential local street volumes increase above 1,200 average daily trips; or
    - b. the existing 85<sup>th</sup> percentile speed on residential local streets exceed 28 miles per hour.
- H. Conditions of Approval. The city may deny, approve, or approve a development proposal with appropriate conditions needed to meet transportation operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Factors that should be evaluated as part of land division and site development reviews, and which may result in conditions of approval, include:
1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.
  2. Access for new developments that have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.
  3. Right-of-way dedications for planned roadway improvements.
  4. Street improvements along site frontages that do not have improvements to current standards in place at the time of development.
  5. Construction or proportionate contribution toward roadway improvements necessary to address site generated traffic impacts, i.e. construction or modification of turns lanes or traffic signals.

- I. Traffic analysis within an IAMP Overlay Zone. All development applications located within an IAMP Overlay Zone that are subject to the provisions of Chapter 17.16 (Site Plan Review) or Chapter 16.08 (Land Divisions) may be required to prepare a Traffic Impact Analysis. City of Hood River Transportation System Plan policies call for the City, in coordination with Hood River County and ODOT, to monitor and evaluate vehicle trip generation impacts at Hood River interchanges and on street systems in interchange areas from development. This requirement will not preclude Oregon Department of Transportation, City of Hood River, or Hood River County from requiring analysis of IAMP study intersections under other conditions. Development approved under this article shall be subject to the following additional requirements.
1. The Traffic Impact Analysis must include an account of weekday p.m. peak hour site generated trips through IAMP study intersections. Intersections impacted by 25 or more weekday p.m. peak hour site generated trips, or weekend peak hour site generated trips, shall be analyzed for level of service and volume to capacity ratio during day of opening conditions.
  2. The City shall provide written notification to ODOT and Hood River County when an application concerning property in the IAMP Overlay Zone and subject to Site Plan Review or Title 16 is received. This notice shall include an invitation to ODOT and the County to participate in the City's pre-application conference with the applicant, pursuant to Section 17.09.120.
  3. The City shall not deem the land use application complete unless it includes a Traffic Impact Analysis prepared in accordance with the applicable requirements of Section 17.20.060.
  4. Pursuant to Section 17.09.030.F, ODOT shall have 14 calendar days from the date a completion notice is mailed to provide written comments to the City. If ODOT does not provide written comments during this 14-day period, the City staff report may be issued without consideration of ODOT comments.
  5. Monitoring Responsibilities. The details of monitoring responsibilities will be outlined in the adopted IAMP.

**FINDINGS:** The city did not require submittal of a traffic impact analysis or traffic assessment letter because a new use is not proposed and because: 1) 15 new motel rooms are not expected to generate 250 or more new average daily trips, or 25 new AM or PM Peak Hour trip; 2) motel expansion is not expected to increase use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; and 3) changes in internal traffic patterns are not expected to cause safety problems such as back up onto public streets or traffic crashes in the approach area.

The site is not located in an access management block of an IAMP Overlay Zone. Conditions of approval are recommended in this decision to ensure compliance with applicable traffic and circulation standards.

**III CONCLUSION:** Annexation typically is required prior to connection to City utilities. However, when property is not contiguous to the City, annexation is not permissible and a consent-to-annexation agreement is required to be recorded prior to connection to City utilities.

In 1979 the owners of the property where the Columbia Gorge Hotel operates signed and recorded a consent-to-annexation agreement and waiver of remonstrance in order to connect to City sewer facilities (Document No. 790564, Attachment "G"). The agreement bound the owner and successors in interest



to annex at the request of the City at such time as the boundaries of any portion of the subject property become contiguous to the boundaries of the City. A similar agreement was signed by the owner of the Vagabond Lodge in 2001 (Document No. 2001-4004, Attachment "H").

Property immediately east of the Columbia Gorge Hotel was annexed in 2008 (City Planning Dept. File No. 2008-08, Ordinance No. 1958). The Columbia Gorge Hotel was going through an ownership transition at that time and it was not annexed immediately.

The Vagabond Lodge initially coordinated with the Hood River County Department of Community Development regarding expansion plans because it is located in the Urban Growth Area. During the pre-application conference held by the County, the City explained its intent to move forward with annexation of the both the Columbia Gorge Hotel and the Vagabond Lodge properties. Subsequently the City Manager and Planning Department staff met with representatives of the Vagabond Lodge and Columbia Gorge Hotel to explain the annexation process and timeline, and to respond to questions and concerns.

After submitting the Annexation and Conditional Use Permit applications to the City, the owners of the Vagabond Lodge submitted a Property Line Adjustment application to Hood River County. The City was not aware of the Property Line Adjustment application when notice of annexation was mailed to the Department of Land Conservation and Development (DLCD) and to affected agencies. Upon receiving the City's request for comments on the Annexation and Conditional Use Permit, Hood River County Community Development notified the City of the Property Line Adjustment application. Therefore notices mailed to property owners in the surrounding area described both the current and potential boundaries of the annexation area (Attachment "A.1"). If the annexation is approved, the City's notice of adoption to DLCD will explain the discrepancy in acreage and the notice to the Department of Revenue will include the adjusted boundary.

In association with annexation the subject parcels will be withdrawn from the Westside Rural Fire Protection District but they will continue to be served by the Ice Fountain Water District and Farmer's Irrigation District until City water becomes available.

The Conditional Use Permit for the Vagabond Lodge expansion will be valid only if annexation of the subject parcels is completed including filing with the Oregon Secretary of State's Office and approval by the Oregon Department of Revenue.

**IV. CONDITIONS OF APPROVAL:** Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicants' proposal, the preliminary site plan and related plans and all representations and statements made by the applicants or any of their authorized representatives. This approval is granted subject to the requirements that the applicants, owners or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings:

#### **ANNEXATION**

1. The effective date for the annexation shall be the date is the date it is filed with the Secretary of State, except for purposes of ORS 308.225.

2. If the Property Line Adjustments that were filed with the Hood River County Department of Community Development (County File No. P-13-0018) are approved, a copy of the recorded metes and bounds legal description of 3N10E27C Tax Lot 100 as adjusted shall be submitted to the City Planning Department in order to be incorporated into the final legal description of the annexation area.
3. Annexation is required for expansion of the Vagabond Lodge based on discharge of additional sanitary sewage effluent by the new motel units into the City sanitary sewer system.

## **CONDITIONAL USE PERMIT**

### Planning Department

4. The Conditional Use Permit for the 15-room expansion of the Vagabond Lodge including associated parking and site improvements is contingent upon annexation of the Vagabond Lodge and Columbia Gorge Hotel parcels (3N10E27C Tax Lot 100, 3N10E27D Tax Lots 100 & 101). In order for the Conditional Use Permit to be valid, the annexation shall be filed with the Oregon Secretary of State's Office and approved by the Oregon Department of Revenue.
5. A striping plan for the parking lot serving the White Buffalo Wine Bar and Bistro shall be submitted demonstrating conformance with the City's dimensional requirements for parking spaces and access aisles. All parking spaces and access aisles shall be hard surfaced. A landscaped buffer is *recommended* between the parking area and the adjacent parking lot owned by the Columbia Gorge Hotel. Vehicular access to the motel addition shall not be permitted through the White Buffalo parking lot unless it is improved to meet city standards.
6. The owners shall coordinate with the Hood River County Environmental Health Department (541-387-6885) to properly decommission the existing septic system.
7. Prior to issuance of building permits, details of all exterior lighting shall be provided for review and approval by the Planning Director. All exterior lighting on the site shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Lighting shall take into consideration the viewshed. Flood lights on poles higher than fifteen (15) feet shall not be permitted.
8. The trash and recycling area shall be screened on all sides through use of vegetative materials or appropriate fencing.
9. Sign permits shall be obtained from the City of Hood River prior to installation of any new signs on the site.

### Public Works and Engineering Department

10. If a water meter larger than 3/4" is in place and/or is required to serve the new motel rooms, the applicable sanitary sewer SDC shall be paid and additional monthly sewer fees will be applied.

11. Any graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be provided in conformance with the city's engineering standards.
12. Stormwater facilities shall be provided to direct street and site flows to an appropriate outlet.
13. Prior to issuance of a building permit a Storm Water Management Plan meeting City Engineering Standards shall be provided for review and approval by the city. See City of Hood River Engineering Standards Section 4.5 Stormwater Management for design and submittal criteria.
14. Review and approval from ODOT is required prior to connection to ODOT storm drainage facilities.
15. Prior to building permit issuance the applicant shall submit engineered plans for half street improvements along the parcel's entire Westcliff Drive frontage. The improvements shall meet the City's Local Street standard. Alternatively, if evidence is submitted demonstrating that existing conditions warrant alternative frontage improvements and the City Engineer concurs then the design shall be consistent with the City's Westcliff Drive Engineering Guidelines. The plans shall meet submittal requirements of the City of Hood River Engineering Standards and shall include an estimate for the improvements from the Design Engineer in order to establish the review fee. Upon review and acceptance of the estimate, a plan review fee of 2% shall be paid.
16. Prior to final occupancy of the motel addition, improvements to the portion of the site's Westcliff Drive frontage that is west of the White Buffalo Wine Bar and Bistro (approximately 230 feet in length) shall be completed, and a City standard Construction Agreement and Performance Guarantee shall be provided for the remainder of site's frontage (approximately 145 feet in length). The amount of the bond shall be based on the engineer's estimate for the frontage improvement.
17. All driveways shall meet the requirements of Chapter 13.28 of the Hood River Municipal Code.
18. A Storm Water Management Plan meeting City Engineering Standards shall be provided as part of the engineered plans for the improvements.
19. Prior to occupancy, the frontage improvements shall be completed or an acceptable Performance Guarantee shall be provided.
20. All utilities serving the new motel building shall be placed underground including power, phone, cable television and other telecommunications lines.
21. Design and construction of public facilities must meet the requirements of the City of Hood River Engineering Standards. A copy of the Engineering Standards is available at the City Public Works office or on line at [www.ci.hood-river.or.us](http://www.ci.hood-river.or.us).
22. Prior to any site work a Construction Site Permit is required.
23. A pre-submittal meeting is recommended prior to the engineered design of any public facilities.
24. All fees, bonds, and insurance must be provided as per the City of Hood River Engineering Standards.

25. All City sanitary and/or storm sewer pipes and appurtenances located outside of a dedicated public right of way must be located within a recorded easement on a form provided by the City. All easements must meet the requirements of the City Engineering Standards.

City Fire Department

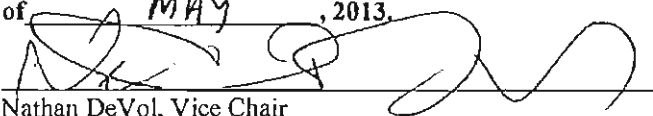
26. Prior to occupancy, the applicant shall demonstrate compliance with the requirements of the City Fire Marshal.

General

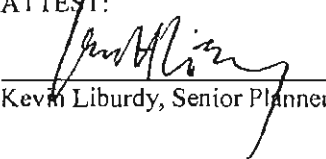
27. The applicant/property owner is responsible for knowledge of existing easements and property lines. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.
28. Failure to comply with these conditions will nullify this permit.
29. This conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later. A single one (1) year extension may be granted by the director prior to the expiration date if the applicants can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.
- V. **DECISION:** Commissioner Hollatz moved and Commissioner Irving seconded a motion to forward a recommendation of approval of the annexation to the City Council based upon the above Findings of Fact and subject to the Conditions of Approval of this Final Order. The motion passed with a 4-0 vote.

Commissioner Hollatz moved and Commissioner Winkle seconded a motion to approve the conditional use permit for the Vagabond Lodge expansion, based upon the above Findings of Fact and subject to the Conditions of Approval of this Final Order as amended during the hearing. The motion passed with a 4-0 vote.

APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 2<sup>ND</sup> day  
of MAY, 2013.

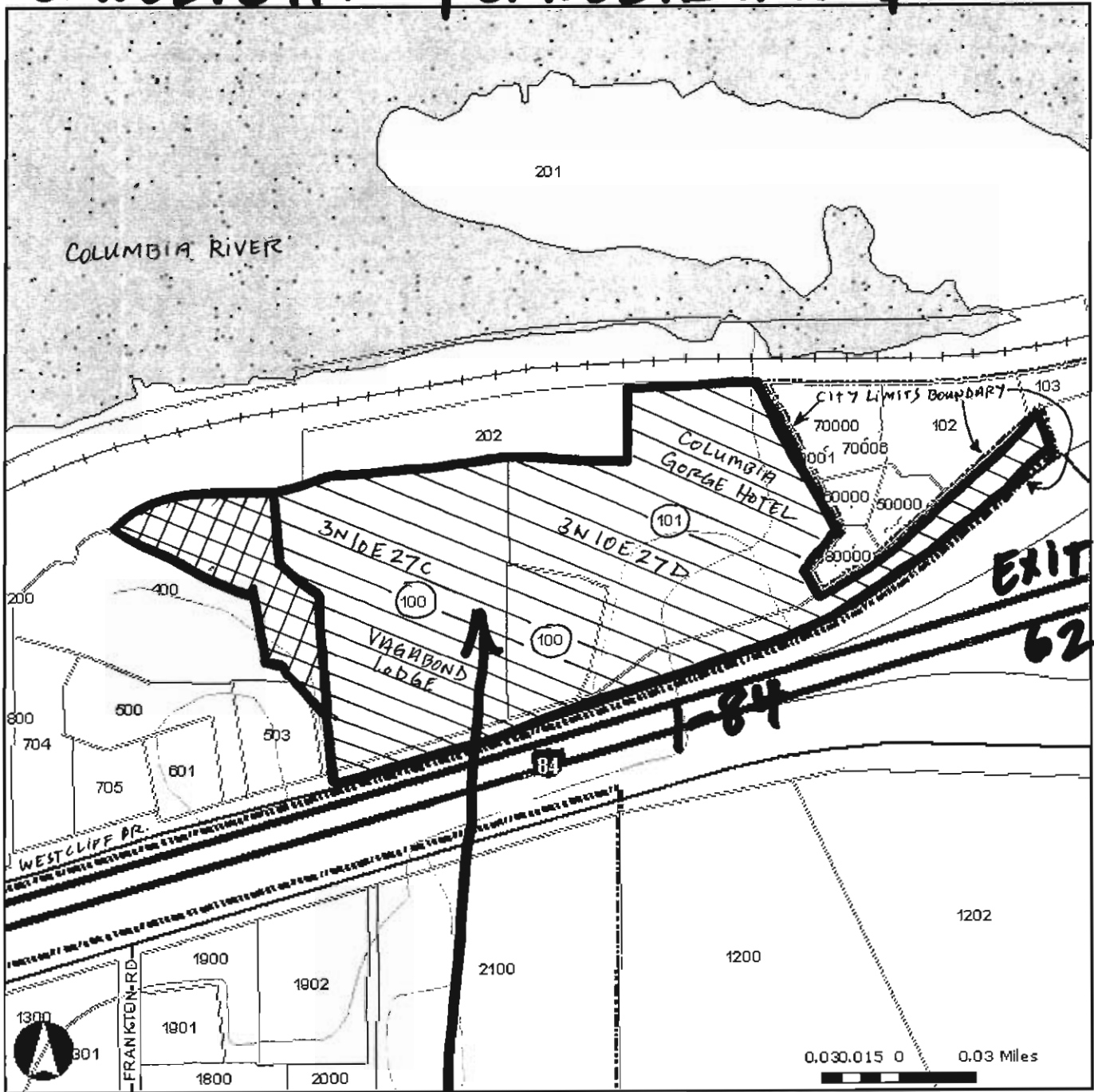
  
Nathan DeVol, Vice Chair

ATTEST:



  
Kevin Liburdy, Senior Planner

**FILE NO. 2013-03  
LOCATION MAP**

**3N10E27C #100 & 3N10E27D #100 & 101**

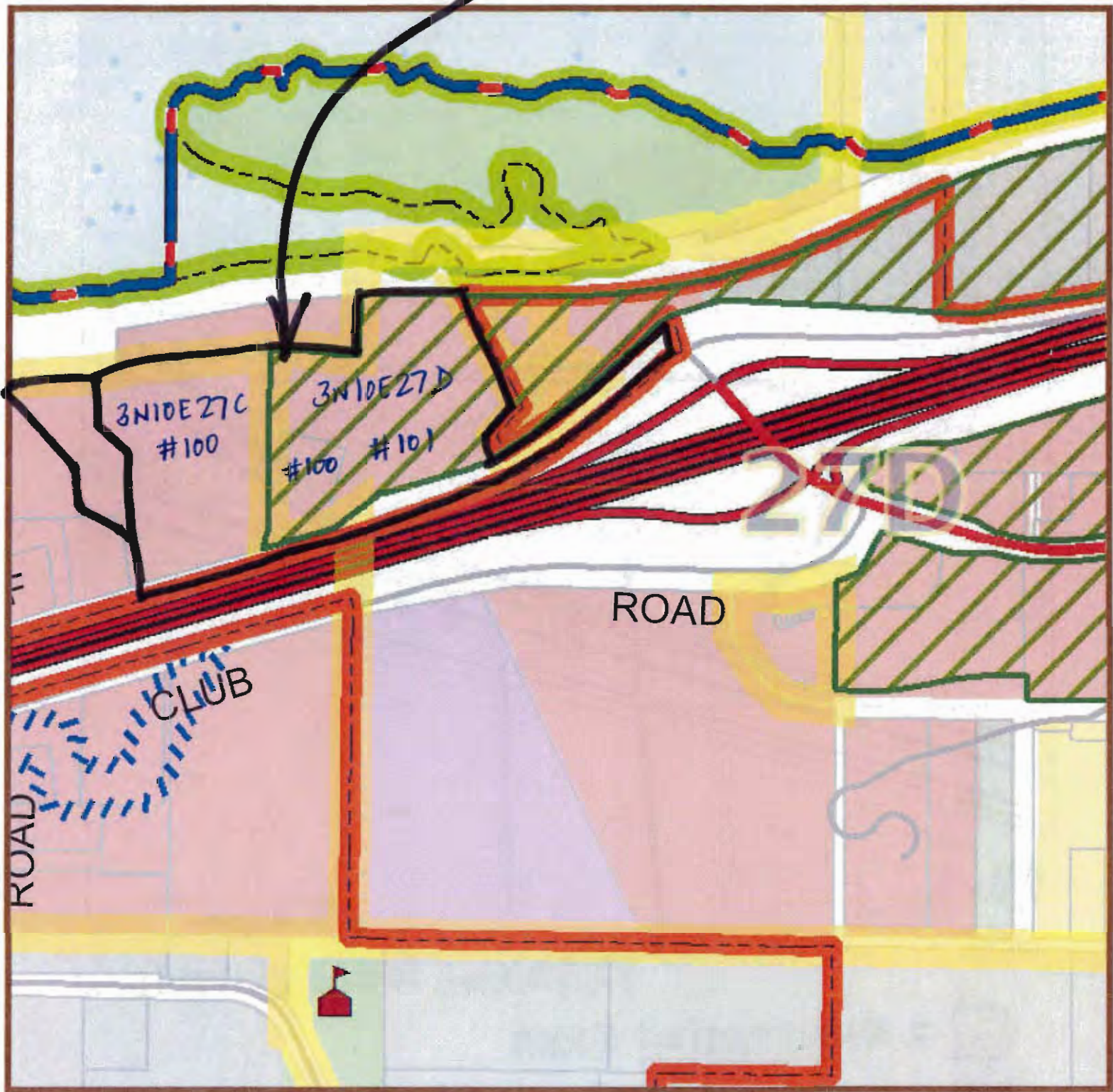


**VAGABOND LODGE EXPANSION**

-  = ANNEXATION AREA
-  = ANNEXATION AREA SUBJECT TO A PROPERTY LINE ADJUSTMENT PENDING BEFORE HOOD RIVER COUNTY.



ANNEXATION FILE NO. 2013-03  
3N10E27C #100 & 3N10E27D #100 & 101



NORTH ↑

# HOOD RIVER






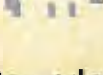
## CITY LIMITS and URBAN GROWTH BOUNDARY ZONING MAP

### Legend




#### Zoning:

-  R-1 Urban Low Density Residential
-  R-2 Urban Standard Density Residential
-  R-3 Urban High Density Residential
-  C-1 Office Residential
-  C-2 General Commercial
-  I Industrial
-  LI Light Industrial
-  OS Open Space/Public Facility
-  RC Columbia River Recreational/Commercial

#### Overlay Zones:

-   Interchange Access Mgmt. Plan Zone
-   IAMP-Access Mgmt. Blocks
-  Floodplain
-  Geologic Hazard

#### Boundaries:

-  City Limits
-  Urban Growth Boundary
-  Assessor Map Index



1 inch equals 0.25 miles

Zone boundaries are approximate only. Final boundary decisions are subject to determination by the appropriate Planning Department having jurisdiction.

Within City Limits:  
City of Hood River  
Planning Department  
301 Oak Street  
Hood River, OR 97031

Outside City Limits:  
County of Hood River  
Planning Department  
601 State Street  
Hood River, OR 97031

(541) 387-5210

(541) 387-6840

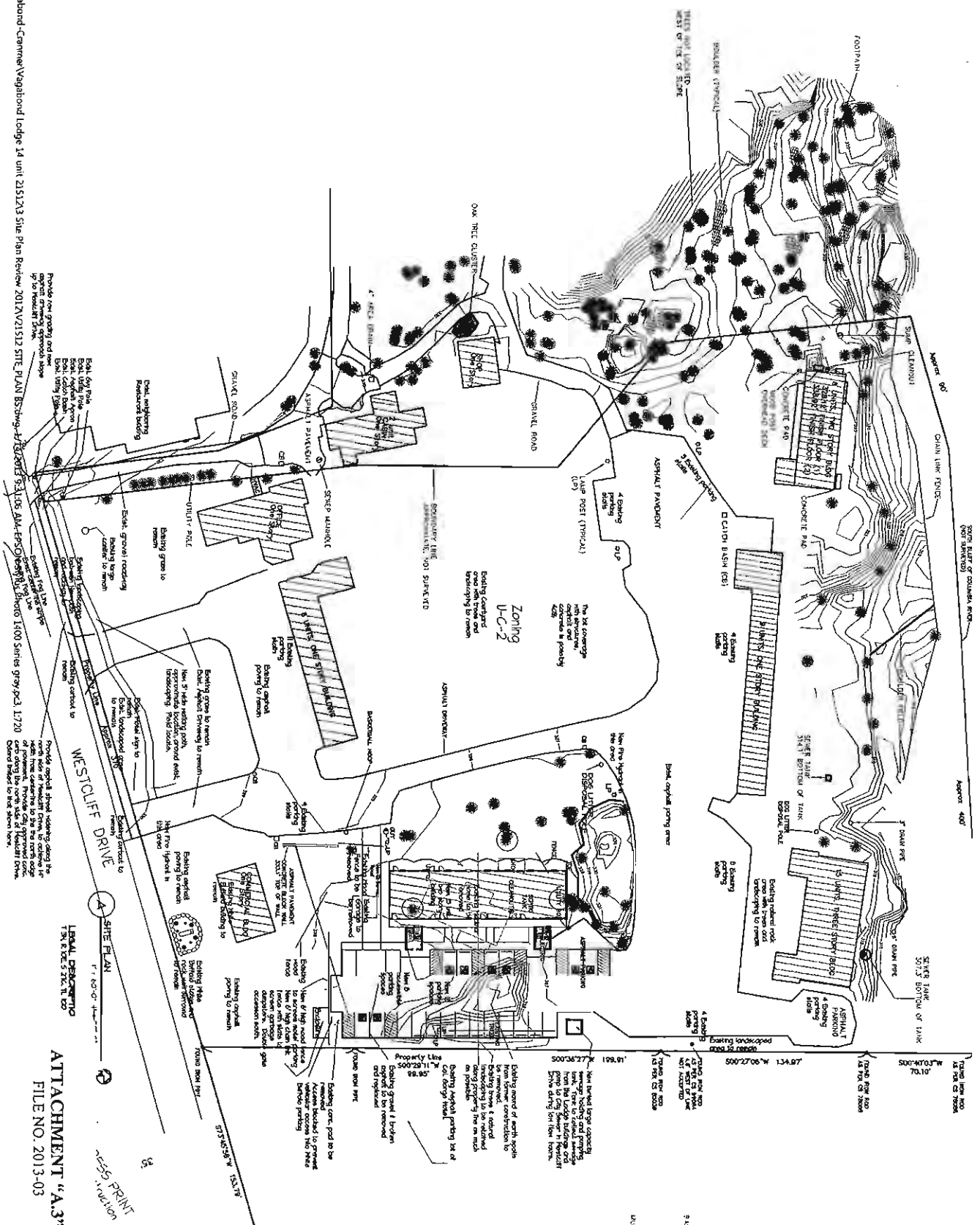


DISCLAIMER: This map product was prepared by Hood River County and is for informational purposes only. It may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

MAH



C:\Users\WV\Documents\Repair Client\Vagabond-Canner\Vagabond Lodge 14 unit 2151213 Site Plan Review 2012\2151213 SITE PLAN REVISED 9/24/12 AM-EPSON PAPER 1400 Series gray.pdf L720



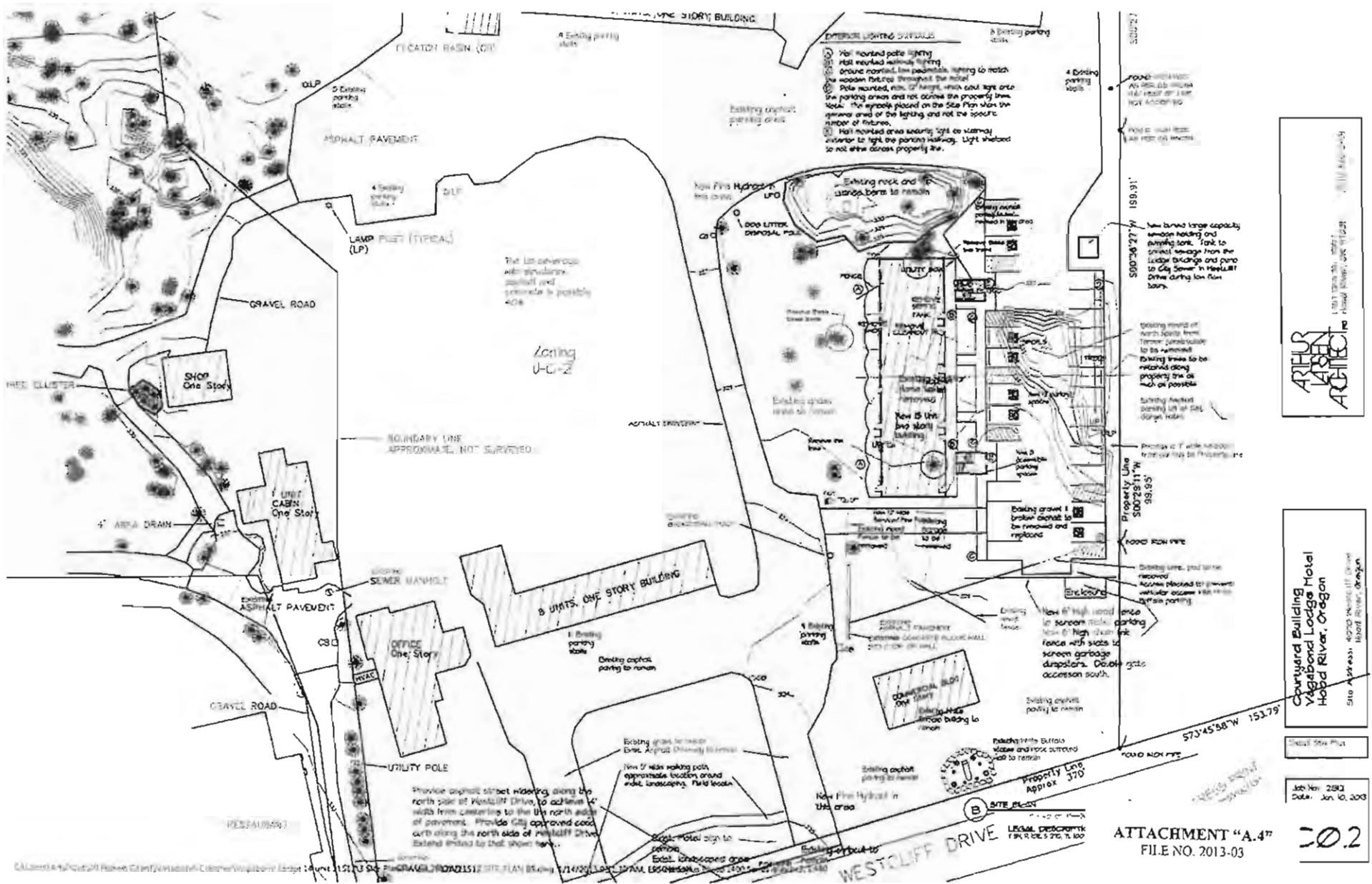
ATTACHMENT "A.3"  
FILE NO. 2013-03

DATE: 06/10/2013  
DRAWN: JLN 10 2013

**Courtyard Building Vagabond Lodge Motel**  
Hood River, Oregon  
Site Address: 1670 Westcliff Drive  
Hood River, Oregon

**ARIFUR LARSEN ARCHITECT**  
16712 14th St #307  
Hood River, OR 97031  
(541) 306-5431





SCALE: 1/4" = 1'-0" (VERTICAL) 1/4" = 1'-0" (HORIZONTAL)

**WESTCLIFF DRIVE**

**ATTACHMENT "A.4"**  
FILE NO. 2013-03

**ARTHUR LARSEN ARCHITECT**  
1101 1/2 AVENUE, SUITE 101  
HOBBSDALE, OREGON 97102  
TEL: 503.263.2445  
WWW.ARLARCHITECT.COM

**Courtyard Building  
Yagabond Lodge Motel  
Hobd River, Oregon**  
Site Address: 4070 Westcliff Drive  
Hobd River, Oregon

Sheet No. 101

Job No. 2803  
Date: Jan 10, 2013

**02**



Topo Map

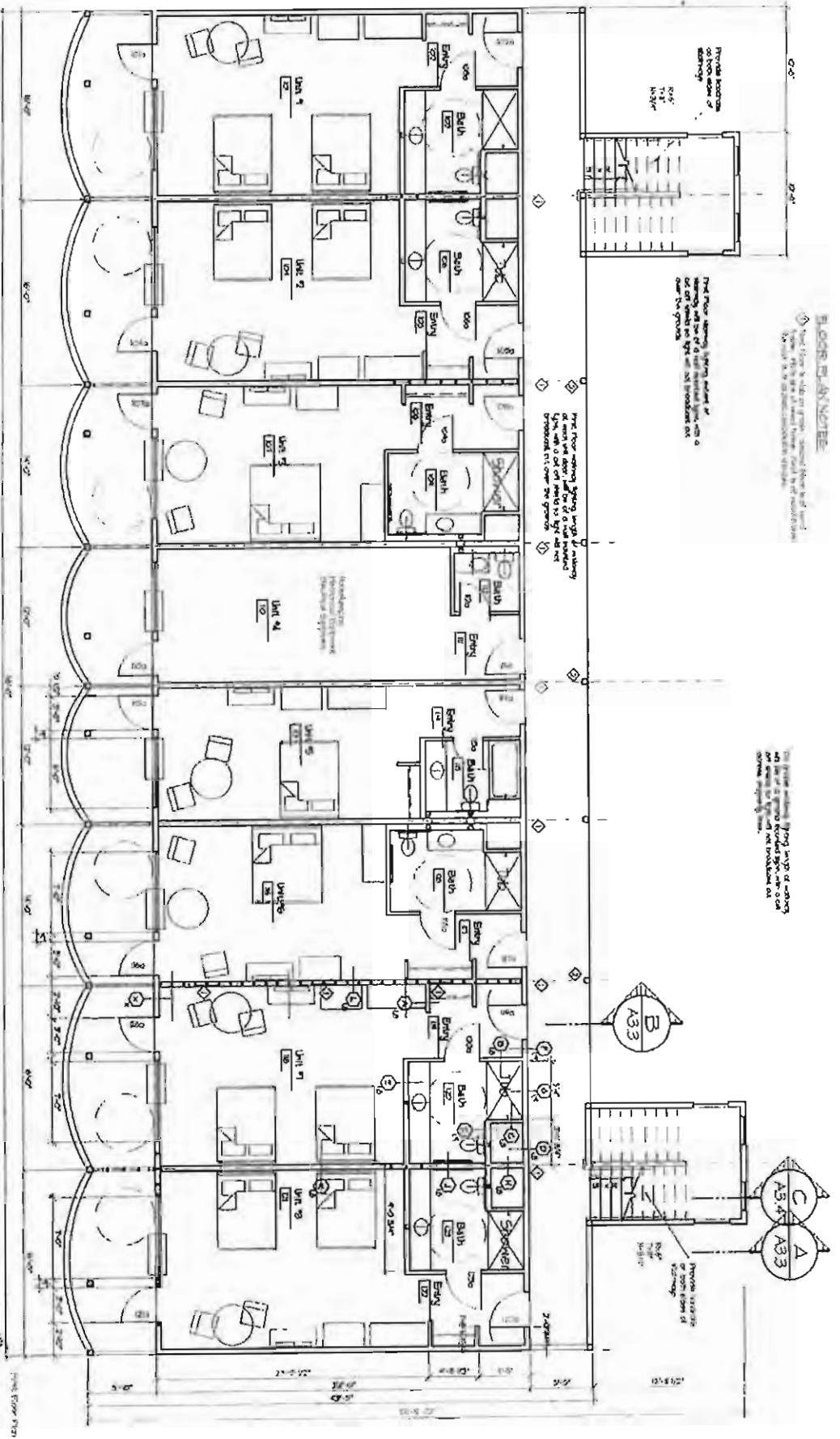
ATTACHMENT "A.5"  
FILE NO. 2013-03



Courtyard Building  
Yagibond Lodge  
Hood River, Oregon  
Site Address: 4510 Westcliff Drive  
Hood River, Oregon

Copy Map

Jan 15 2013  
10:17  
CO.1



**FLOOR PLAN NOTE**

1. See Section 1.0 for details of construction.

2. All work shall be in accordance with the approved plans and specifications.

The floor covering shall be as shown on the approved plans and specifications.

The floor covering shall be as shown on the approved plans and specifications.

**FIRST FLOOR PLAN**

Scale: 1/8" = 1'-0"

**ARHUR ASBEN ARCHITECTS**

**Courtyard Motel Building**

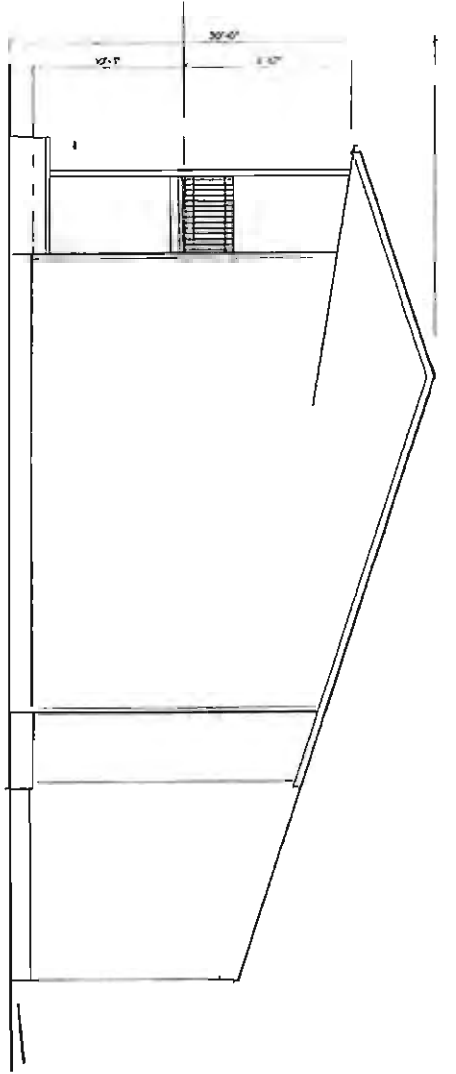
ATTACHMENT "A.6"

FILE NO. 2013-03

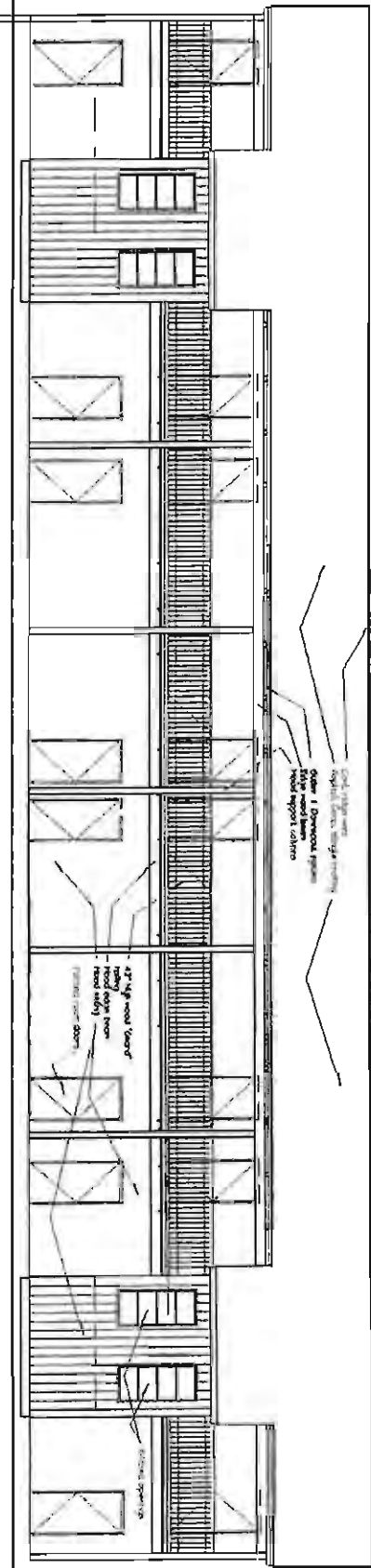
**A.2.2**

1. The floor covering shall be as shown on the approved plans and specifications.





② SOUTH ELEVATION



① EAST ELEVATION

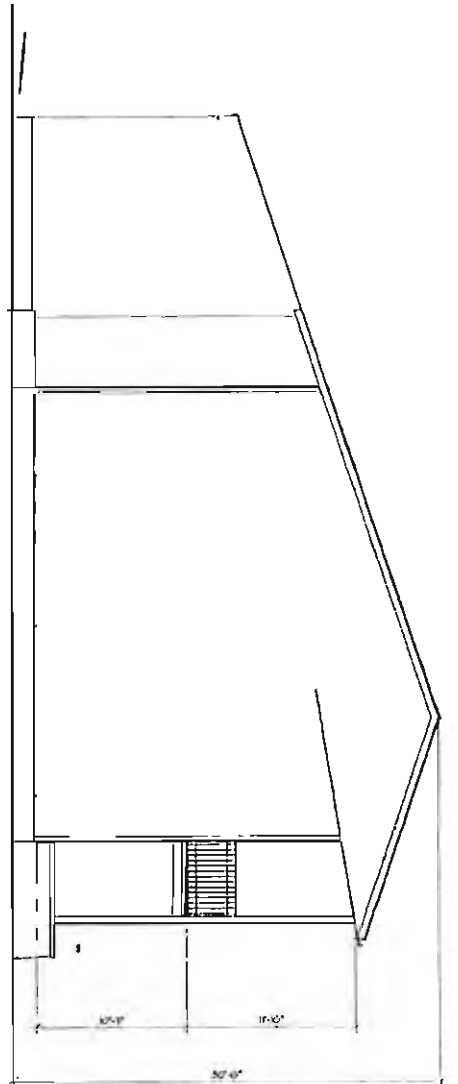
514 West York Street, Suite 100, Cambridge, MA 02142-1122 | 617.452.2000 | www.arthurjarvis.com

Arthur Jarvis Architects  
 514 West York Street, Suite 100, Cambridge, MA 02142-1122  
 617.452.2000 | www.arthurjarvis.com

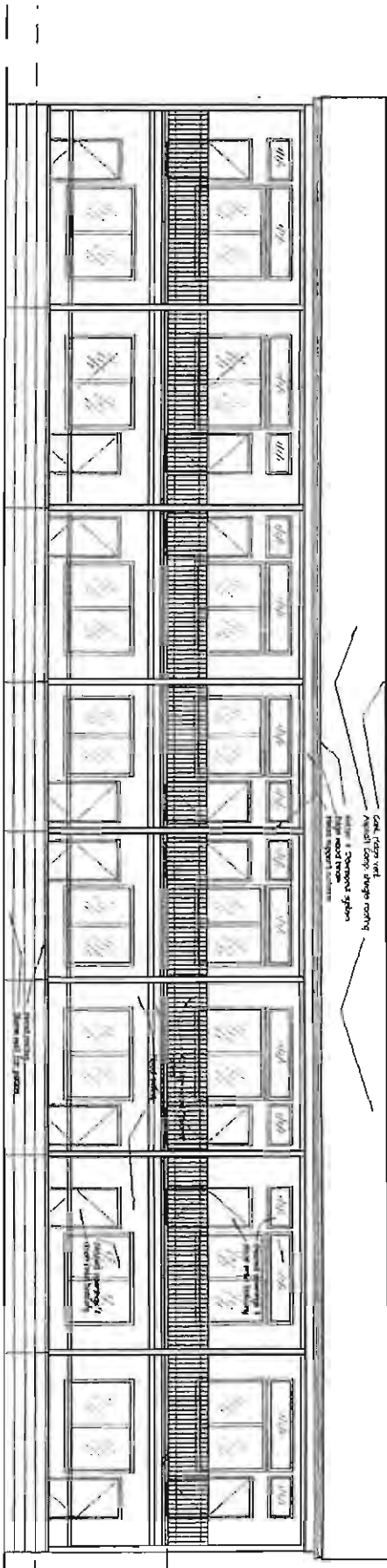
Courtyard Hotel Building  
 ATTACHMENT "A.7"  
 FILE NO. 2013-03

Sheet No. A3.1

ELEVATION NOTES:



D NORTH ELEVATION



C WEST ELEVATION

Red Varnish  
 Metal Corn Strip  
 Metal Corn Strip  
 Metal Corn Strip  
 Metal Corn Strip

ARCHITECT  
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 LARSEN  
 ARCHITECTS  
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 Portland, OR 97228  
 503.255.1111  
 www.arnoldlarson.com

Courtyard Hotel Building  
 Vegetalord Lodge  
 Hood River, Oregon  
 4070 Mainline Drive  
 Hood River, OR 97123

A3.2

Copyright © 2013 Arnold Larsen Architects. All rights reserved. No part of this drawing may be reproduced without the written permission of Arnold Larsen Architects. 2013/04/11/001 HOOD RIVER LODGE VEGETALORD LODGE ARCHITECTURAL ELEVATION SHEET PAGE 1 OF 2 (Scale: 1/8" = 1'-0")



ARTHUR  
LARSEN  
ARCHITECT pc

September 10, 2012

Vagabond Lodge Motel  
4070 Westcliff Drive  
Hood River, Oregon 97031

Re: Courtyard Building  
Pre-Application Conference

Summary Description of Request

The proposed Vagabond Lodge project is a new motel sleeping room building. The structure is two stories in height with a total of 15 rooms. Six accessible sleeping rooms are provided on the first floor of this building, to increase the overall accessible room count of the Vagabond Lodge since the older buildings cannot be feasibly converted.

The motel office for registration, etc., will remain as it currently exists. The motel laundry will remain as it currently exists.

The location is along the eastern edge of the existing Vagabond Lodge property, overlooking the central landscaped courtyard. Parking is provided with a new lot for this facility along the east property line.

The site has numerous mature trees and great care will be made to preserve as many trees as possible. Natural rock outcroppings will be preserved to the north. A visual review of the existing tree and lawn areas is an illustration of the intent for this project.

The White Buffalo facility will be retained to the South.

Access to the building and parking will be by existing curb cuts from Westcliff Drive and through existing driveways on the site. No additional access points to Westcliff Drive are proposed.

Areas:

First Floor 3712 SF

Second Floor 3712 SF



ARTHUR  
LARSEN  
ARCHITECT pc

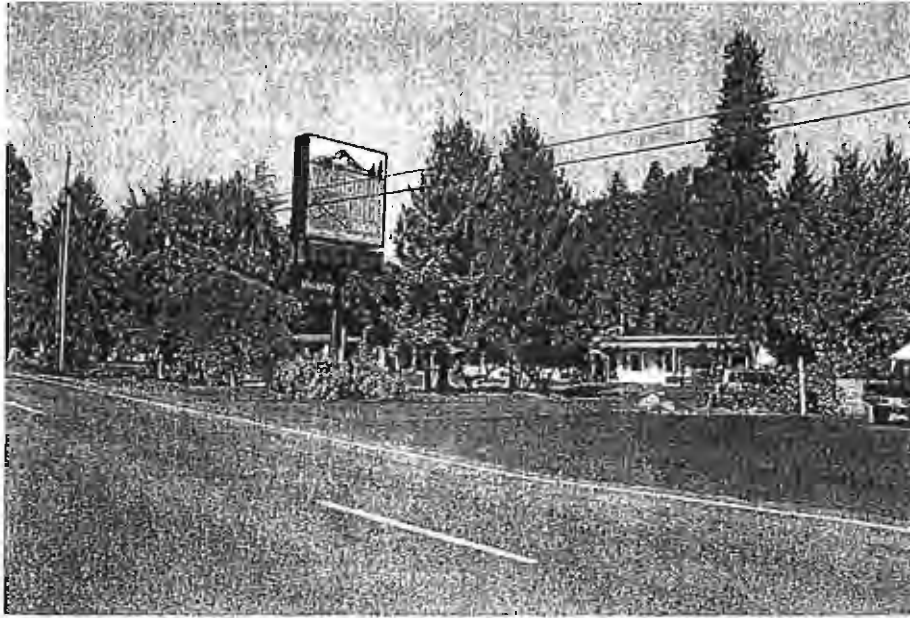
January 10, 2013

Vagabond Lodge Motel  
4070 Westcliff Drive  
Hood River, Oregon 97031

Re: Courtyard Building  
Site Plan Review



Main driveway entrance to the Vagabond Lodge Motel from Westcliff Drive. Note landscaping along Westcliff, lawns to the east and west and the motel office in the background.



View of the existing Vagabond Lodge Motel lighted sign along Westcliff Drive. The secondary drive from the Vagabond is to the east of the sign. One building of motel rooms is in the background.



View looking west along Westcliff Drive showing the White Buffalo building and the Vagabond Lodge sign. The extent of the Vagabond Lodge property frontage extends from the near power pole to the next power pole



View looking west along Westcliff Drive, from the Vagabond Lodge entry drive to the Charburger Restaurant.



View looking west showing the proposed location of the proposed 5 foot wide path meandering along the north edge of the existing landscaping. The existing lawn extends north from Westcliff Drive to the first motel building.



Existing landscaped drive leading from the Office, through the courtyard area, to the north of the site and to the existing motel buildings. The proposed building is immediately to the right and overlooking this Courtyard.



View of an existing motel building on the site to show preservation of natural landscaping.



The proposed Courtyard Building will be located behind these trees, with a view through the trees into the Courtyard.



Vehicle access will be east along this existing driveway and turn south into the new parking area. The rock outcroppings and trees shown on the right are to be preserved.





This photo shows the existing paved area to the east of the White Buffalo facility and the existing modular home. The modular home will be removed. This access will not be open for guest access to the proposed facility, which is to be located in the general area of the existing modular home.

ARTHUR  
LARSEN  
ARCHITECT pc

January 10, 2013

Site Plan Review  
Vagabond Lodge  
4070 Westcliff Drive  
Hood River, Oregon 97031

New 15 Unit Motel building

APPROVAL CRITERIA

1. Natural Features

The Vagabond Lodge property consists of a large parcel that extends from Westcliff Drive to the bluff overlooking the Columbia River. The site is heavily treed with mature and young trees and numerous natural rock outcroppings have been preserved. Field observation shows that the Vagabond has great respect for the natural landscape and goes to great length to preserve it. The proposed structure will not change these policies. Very few trees will be removed in this project.

2. Air Quality

The motel occupancy will not affect the areas air quality. There is no smoke or pollution emitted from the structures.

3. Grading

The proposed portion of the site for this new structure is virtually flat. It contains an existing mobile home, a shelter and a shed. This area also contains earth spoils mounds from past construction which will be removed. The natural site grading is such that there will be no drainage onto adjoining properties of public rights-of-way.

4. Public Facilities

Adequate public facilities are available to the site. No additional vehicular access points are requested. Parking is provided on site for the motel occupants. The on-site sewage system, currently pumping into the City system, will be greatly enhanced with large holding tanks and timed delivery pumps. The system will be engineered to pump no greater volume per time interval than is currently being delivered and further enhanced with timed delivery at off peak hours.

## 5. Traffic and Circulation

- a. On site circulation will handle the motel traffic. Motel units are distributed across the site
- b. Access points are proposed to be the same as existing, no new access points. The clear vision is adequate at each access.
- c. Mitigation: The development will not generate more than 400 average daily motor vehicle trips.
- d. Traffic Impact Report: The nature of motel traffic is scattered vehicular traffic. People arrive at different times and depart at different times.
- e. Determination of impact
- f. Conditions
  1. A widening of the exiting street by two feet is proposed along the frontage of the Vagabond Lodge Motel. A pedestrian path, in lieu of a rigid sidewalk, is proposed along Westcliff Drive for the frontage of the Vagabond Lodge Motel.
  2. A widening of the exiting street by two feet is proposed along the frontage of the Vagabond Lodge Motel. A pedestrian path, in lieu of a rigid sidewalk, is proposed along Westcliff Drive for the frontage of the Vagabond Lodge Motel.

## 6. Storage

The existing garbage collection area is in the paved parking area NE of the White Buffalo building. This location will be retained. This area will be provided with a 6' high wooden fence on the north side facing the new motel building. It will be fenced with 6' high chain link with slats on the south side. Access gates will be on the south side.

## 7. Equipment Storage

There are no central HVAC equipment units for the new motel building, therefore there is no large noise source to screen. Each sleeping room will be provided with an individual through the wall HVAC unit, with controls based upon the comfort desired for the room.

## 8. Compatibility

The several buildings existing within the Vagabond Lodge complex vary from one story to three stories in height. They are all of wood or wood like siding with asphalt shingle roofing. The proposed building is of two stories to match the scale of the Vagabond Lodge. The siding is of similar design, and painted in a similar tone. The existing trees around the site are mature and taller than the proposed building. The scale will be compatible with the property.

## 9. Design

Although the building is a little longer than 100 feet, it's façade is broken up for visual interest. Roof lines overhanging balconies, and the balconies themselves, on both sides visually break up the facades. Column lines at varying intervals also break up the building facades. The protruding stairways nicely add interest to the east elevation. Curving first floor patio walls add interest to the west elevation, as do the railings on the second floor balconies. The rhythm of the windows add more interest. The siting of the building amongst the existing trees and rock outcroppings add a natural feeling.



## 10. Orientation

With the size of the parcel and the distance back from the street, orientation in relation to the street is not practical. Any different orientation would require a substantial removal of mature trees. The orientation with respect to the street for the Vagabond Lodge is for the complex, the office and original units, and not the most recent structures.

## 11. Parking

The parking area is located along one side of the structure. This area is currently treeless and allows the building itself to nestle in among the trees. The project is far enough back on to the site that street orientation is not an issue.

**TO:** Gary Lindemyer  
Public Works Construction Manager  
City of Hood River  
PO Box 27  
1200 18<sup>th</sup> Street  
Hood River, OR 97031  
Phone: (541) 386-2383  
Fax: (541) 387-5222

**FROM:** Stoner W. Bell, P. E., M. S.  
Bell Design Company  
PO Box 308  
Bingen, WA 98605  
(509) 773-4565

**OWNER'S REP:** Grant Polson  
Vagabond Lodge, Inc  
4070 West Cliff Dr  
Hood River, OR 97031

**ARCHITECT:** Arthur Larsen, Architect pc  
1767- 12th St. #367  
Hood River, OR 97031-9531  
Phone: 541-386-5431

**DATE:** September 17, 2012

**SUBJECT:** Vagabond Lodge 15-Unit Expansion  
Sanitation Strategy

**PROJECT:** Bell Design Project #10B028

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## **Purpose**

This narrative is submitted to the City of Hood River to address their concerns related to the ability of the existing sewerage lift station (Westcliff Drive Lift Station) to serve the increased sewerage flows resulting from the proposed expansion of the Vagabond Lodge. This narrative references work presented in the *Vagabond Lodge 39-unit Room Expansion: Sewerage Flow Receiving Analysis* (SFRA) dated December 27, 2011.

## **Narrative**

### **System Concerns**

As shown in the SFRA, the Westcliff Drive Lift Station has sufficient capacity to receive the estimated additional near term 5.4 gpm resulting from the new 15-unit hotel and then an additional 8.7 gpm resulting from a future 24-unit facility. However, anecdotal information has indicated that the lift station has seen flows that were at capacity in the past. The SFRA

discusses several conditions that could have caused this phenomenon and some strategies that might be used to eliminate the probability of the aforementioned phenomenon. Due to the fact that all of the sewer connections to this system are on pumps, the most probable scenario which could result in a short period of the lift station's firm capacity being overwhelmed would be if all the pumps turned on at the same time. Two strategies were recommended to relieve this condition. One would be to limit the private pumping capacity to the theoretical peak sanitary flows originating from the development. The other strategy was to require the owners to provide detention and meter the flows out during non peak periods. A combination of both strategies could also be used.

### **Vagabond Lodge Sanitary Flows Strategy**

To address the aforementioned concerns, the Vagabond Lodge will install adequately sized storage that will allow the facility to store its sanitary flows through the peak periods (usually discharge twice a day during low flow periods). The pumps will be sized just over the calculated peak hour flow rate, thus eliminating the problems associated with oversized pumps overwhelming the collection system.

The most probable location of the storage will be just north and east of the proposed building. It will most likely be located under the parking area. The existing 9-unit, 8-unit, and 15-unit hotels will be pumped up into the storage facility via their existing pumps. The new proposed 15-unit facility will gravity feed into this storage also. Effluent from the new storage tank(s) will be discharged using a duplexing effluent pump system that will be on a timer system to control when pumping will occur.

The pumps and storage will be designed and sized during the application approval process and will be submitted for your review as required.



Vagabond Lodge 39 Room Expansion  
**TECHNICAL MEMORANDUM**



---

**Sewerage Flow Receiving Analysis**

**TO:** Mark Lago  
Public Works Director  
City of Hood River  
PO Box 27  
1200 18<sup>th</sup> Street  
Hood River, OR 97031  
Phone: (541) 386-2383  
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Gary Lindemyer  
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City of Hood River  
PO Box 27  
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**FROM:** Stoner W. Bell, MS, PE  
Bell Design Company  
PO Box 308  
Bingen, WA 98605  
Fax: (509) 493-3885  
Phone: (509) 493-3886

**OWNER'S REP:** Grant Polson  
Vagabond Lodge, Inc  
4070 Westcliff Dr  
Hood River, OR 97031

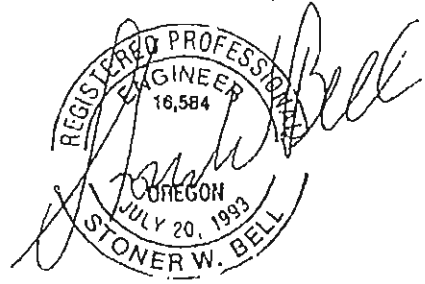
**ARCHITECT:** Arthur Larsen, Architect pc  
1767- 12th St. #367  
Hood River, OR 97031-9531  
Phone: 541-386-5431

**DATE:** December 27, 2011

**SUBJECT:** Vagabond Lodge 39-unit expansion  
Sewerage receiving/Westcliff Driver Pump Station Analysis

**PROJECT:** Bell Design Project #10B028

9/17/2012



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**Introduction**

The Vagabond Lodge, located at 4070 Westcliff Drive, desires to expand their existing facilities by adding a 15-unit building in the near term and then start planning for a 24-unit building after the successful completion of the 15 unit facility. Hood River County has jurisdictional authority over planning and building activities at the lodge's location. However, the Vagabond Lodge is also located within the City of Hood River's urban growth area and is, therefore, also subject to review by the City's planning and public works departments. As part of the City's review

process, the proposed project was reviewed by the City of Hood River's public works department as to the adequacy of the existing infrastructure serving the area. The City of Hood River currently serves the properties along Westcliff Drive with sewerage service. Many of the properties have private pump systems that pump up to an 8-inch diameter sewer mainline within the right-of-way (ROW) of Westcliff Drive and then gravity feed to the City-owned Westcliff Drive Sewer lift station that pumps the sewerage under Interstate 84 to the Country Club Lift Station. The City has required that Vagabond Lodge evaluate the Westcliff Lift Station to determine if the station has adequate capacity to handle the additional flows that would result from the Vagabond Lodge's 39-unit expansion.

This report is submitted to the City of Hood River to address their concerns related to the ability of the existing sewerage lift station to serve the increased sewerage flows resulting from the proposed expansion of the Vagabond Lodge.

## Proposed Impact

Studies have shown that hotels generate an average daily flow of around 130 gpd per room. To generate the peak flow rate that might occur from this average flow rate, a peaking factor must be applied. For small collection areas like Westcliff Drive, a peaking factor of 4.0 is appropriate. The following Table 1 shows the flow rates associated with increased hotel rooms along Westcliff Drive.

Table 1 – Estimated Sanitary Flow Rates due to Hotel Rooms

Rooms	Flow Rate Per Room	Average Daily Flow Rate	Peaking Factor	Peak Flow Rate
#	gpd/room	gpd		gpm
15	130	1,950	4	5.4
24	130	3,120	4	8.7
39 (Total)	130	5,070	4	14.1

## Background Information

### *Wellman Associates Report*

In 2004 Wellman Associates evaluated the Westcliff lift station for its existing capacity and its ability to receive additional flows from the proposed Columbia Cliff Villas project. This project included 30 hotel, 25 town houses, and one spa. Mr. Wellman calculated the new facility would increase the sewage flow to the Westcliff lift station by a peak of 48,600 gpd or 33.75 gpm (12,150 gpd average daily demand without peaking factor).

Wellman's report also obtained water use data from Ice Fountain Water District for the months of May to October of 2003. He found that the area contributed an average daily flow of 29,000 gpd to the lift station. Using a peaking factor of 400%, Wellman calculated the existing peak flow to the lift station was 80.6 gpm.

In his report, Wellman obtained one week of pump station runtime data which showed that both pumps combined pumped 20 hours (ten hours each assumed). The Wellman report calculated the pump station capacity based on the average daily water use multiplied by 7 days and divided between the 20 hours of pump runtime. The result was each pump of the lift station was

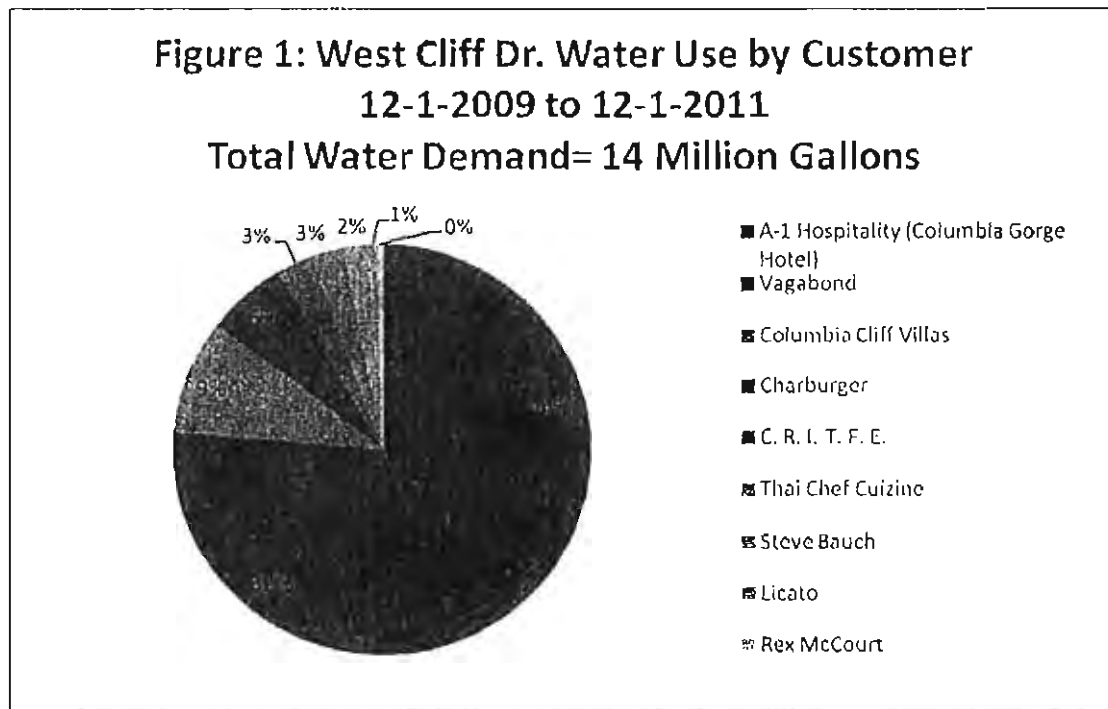
averaging approximately 169 gpm. This value Mr. Wellman took as the firm pumping rate of the station.

Adding the existing peak flow to the pump station (in 2003) to the projected new flows created by the Columbia Cliff Villas resulted in a peak rate of  $(80.6+33.75)= 115$  gpm which was less than the firm pump rate of 169 estimated by Wellman. According to Wellman report's, there is an additional  $(169-115) 54$  gpm available at the Westcliff Lift Station.

## Existing Conditions

### *Water Records*

The area along Westcliff Drive is populated with a mix of residential and commercial enterprises. Bell Design Company requested the water records for the last two years from the Ice Fountain Water District that serves this area. The water district reads meters bi-monthly (every two months). Thirteen water meter readings were provided by Ice Fountain Water District that ranged in date from 12/01/2009 to 12/01/2011. This covered a span of 26 months. The water data is presented in Appendix A. Over the 26 month period, approximately 14 million gallons of water was used in the Westcliff Drive area. Figure 1 shows the percentage of water used by customers.

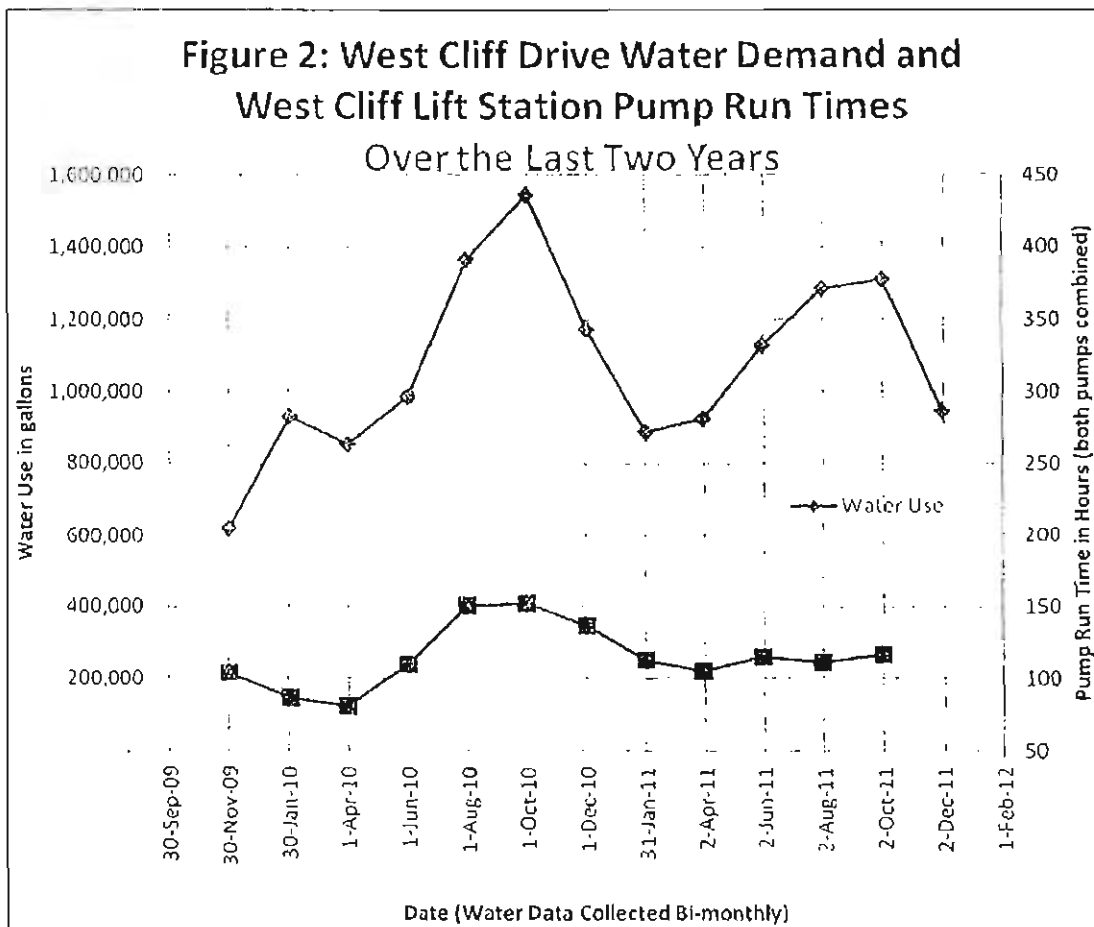


It can be seen that the highest water use is by the hotels. The Columbia Gorge hotel used approximately 44 percent of the water, while the Vagabond Lodge used approximately 32 percent of the water delivered to this area. Three quarters of the water is consumed by these two businesses. The next largest user of water is the Columbia Cliff Villas and then the Charburger restaurant. The four businesses use 90 percent of all the water delivered to this area.

The average water use per day over the last two years (24 months) is approximately 17,000 gpd. This results in a peak flow rate into the lift station of approximately 48 gpm using a peaking factor of 400%. This is significantly lower than the existing average day water use of 29,000 gpd estimated in the Wellman report for 2003. Wellman estimated the total average day water use, with the Columbia Cliff Villas at full capacity, would be 41,150 gpd for the area served by the lift station which is also significantly higher than is currently observed in water use data.

**Westcliff Lift Station Data**

Two years of pump runtime data for the Westcliff lift station was obtained from OMI, the operators of the City of Hood River wastewater treatment plant and sanitary lift stations. The pump runtimes are recorded weekly. The lift station pump runtime data was aggregated into two month periods to coincide with the water use records provided by Ice Fountain. A plot of the pump runtime data and Ice Fountain water used data is contrasted in Figure 2.



**Irrigation**

Since the service area is also served by the Farmer Irrigation Company, it is probable and assumed that most of the water provided by Ice Fountain Water is not used to significantly irrigate any areas. Therefore, most of the water supplied by Ice Fountain probably goes to the sanitary system. However, Figure 2 does indicate that Ice Fountain's water records show a



significant increase in water use during the summer to a peak in October for both 2010 and 2011. This could be due to irrigation or it could be because of increased occupancy in mid to late summer. The Hood River Inn (Best Western) reported that they typically have no vacancy during the month of October.

***Ground Water (inflow and infiltration)***

Groundwater is not known to be a great contributor to flows in this area. The area tends to be rocky with fractured basalt and ground water moves along the fractures with relative ease. In addition, ignoring the ground water component when calculating the pumping rate of the lift station from the water use records will result in conservative pump capacity estimates. This will result in a smaller calculated pumping rate than if an infiltration and inflow (I&I) component had been added into the water use records. Figure 2 does not seem to indicate increased runtimes during the winter periods when seasonal groundwater would be entering into the system. Therefore no I&I component was added for this analysis.

**Flow Capacity Analysis**

It can be seen in Figure 2 that, as the water use increases during the summer and early fall, the pump runtime data either shows no increase or very little increase. This would indicate that Ice Fountain water is being used as irrigation and not entering into the Westcliff lift station during the summer and fall. Table 2 shows the pumping rates for each pump calculated at an interval period of two months, corresponding to the Ice Fountain water meter reading cycle.

Table 2 – Calculated Pump Rate for Each Meter Reading Period

Meter Reading Date	Volume Used	Total Pump Run Time	Flow Rate	Flow Rate
	gallons	hours	gallon/hour	gpm
12/1/2009	622,000	103.4	6,015.47	100.26
2/1/2010	931,000	86.1	10,813.01	180.22
4/1/2010	854,000	80.9	10,556.24	175.94
6/1/2010	986,000	109.8	8,979.96	149.67
8/1/2010	1,366,000	150.5	9,076.41	151.27
10/1/2010	1,542,000	152.6	10,104.85	168.41
12/1/2010	1,174,000	136.7	8,588.15	143.14
2/1/2011	887,000	112.6	7,877.44	131.29
4/1/2011	924,000	104.8	8,816.79	146.95
6/1/2011	1,128,000	115.1	9,800.17	163.34
8/1/2011	1,285,000	111.3	11,545.37	192.42
10/1/2011	1,310,000	116.7	11,225.36	187.09

It can be seen that the calculated pump rate varies from 100 gpm to 192 gpm; varying almost by a factor of two. The average of all the calculated pump rates is approximately 162 gpm. This is fairly close to the value calculated by Wellman. However, averaging the pumping rates for the non-irrigation periods of the year would give a more accurate and conservative pumping rate. Averaging the rates from October to the beginning of June yields a pump capacity of

approximately 145 gpm. This rate is a more probable firm pumping rate and it will be used for this analysis.

As stated earlier, the expected flow increase to the lift station due to the expansion of the Vagabond is 5.4 gpm for the near term increasing to 14.1 gpm for their total future project (5.4 gpm + 8.7 gpm). Based on current water use, this would result in a total flow rate of (14.1+48)= 65.1 gpm which is well below the estimated firm capacity of 145 gpm. However, from Wellman's report it is known that during better economic times this area uses more water. Also Westcliff Villas is not fully developed. Therefore, using Wellman's estimated peak flow value for the Westcliff lift station, the peak rate entering the lift station would be (115 + 14.1)= 129.1 gpm. This rate is still less than the estimated firm capacity of the lift station.

### ***Additional Considerations.***

Due to the north sloping topography of this area and the fact that most of the properties being served by the sewer system are on the north side of Westcliff Drive, most of the properties pump up to the 8-inch gravity line which is located within the ROW of Westcliff Drive. Because of this, it is possible that the pump station could see higher flow rates than those calculated above. If the individual properties have pumps that supply flow rates higher than four times their average daily flow rate, and all these pumps turn on at the same time, then the Westcliff lift station will see higher flow rates for short durations than those calculated above. During a worst case scenario, this could result in the pump rate exceeding the lift station's single pump's capacity. However, if this occurred, the second pump at the lift station would turn on and it is unlikely that the lift station could be overwhelmed with both pumps running. A sewer lift station should be sized so that only one pump is needed to handle the inflow into the station. However, this condition, if it occurs at all, should be rare and should not be considered a normal design flow condition.

The city may elect to exercise more control over customers discharging to this system by requiring them to have storage and by limiting when each customer can discharge to the system. Since, by far, the two biggest users are the Columbia Gorge Hotel and the Vagabond Lodge, it may make sense to only place controls on these two businesses. Another option could be to limit the pumps size that these businesses use so that they do not exceed 4 times the average water use of the customer.

## **Wet Well Capacity Analysis**

The equation used for determining the volume of a wet well necessary for a given pumping rate is as follows:

$$V = Tq/4 \quad \text{Equation 1}$$

where V is the volume, T is the minimum time between pump starts, and q is the pumping rate.

The Westcliff Drive lift station is equipped with two Flygt CP 3102 MP pumps. The information published by Flygt for these pumps states that they can operate with 15 starts per hour for each pump which is equal to 4 minutes between pump starts. Therefore, Equation 1 becomes:

$$V = 4(145)/4 = 145 \text{ gallons,}$$

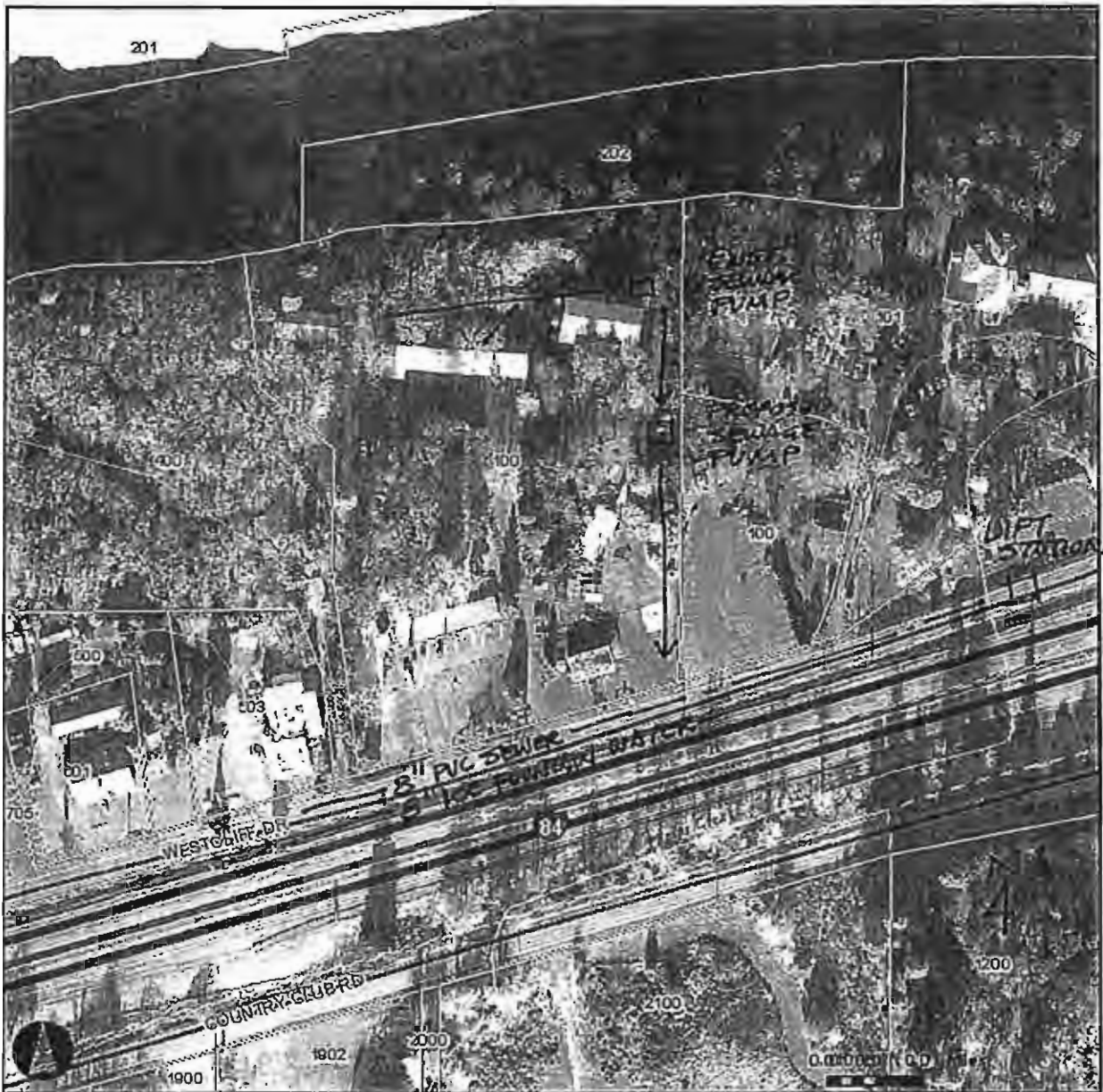
and the required wet well volume is 145 gallons

The Westcliff lift station's wet well is cylindrical with an inside diameter of roughly 6 feet. According to OMI, the lead pump has an operational span (range of depth) of one foot between the start level and the off level of the pump. Therefore, the existing operational volume is  $6 \times 6 \times \pi / 4 \times 1 = 28.27$  cft or 211 gallons. Since the required minimum volume is 145 gallons, the wet well is adequate for current pump configuration.

### **Conclusion:**

The Westcliff Lift Station appears to have adequate flow capacity for the addition of the Vagabond Lodge's proposed expansion. Currently the pump station is operating with only a one foot differential between its lead pump on and off level which is equal to a volume of 211 gallons and is adequate for the required minimum volume based on 15 starts per hour.

# Vagabond Lodge



RGB

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

VICINITY MAP  
9/11/12

RECEIVED

Page 1 of 2

March 28<sup>th</sup>, 2013

MAR 29 2013

To: Planning Commission  
From: Grant Polson, Vagabond Lodge  
RE: File No. 2013-03, Annexation of the Vagabond Lodge & Columbia Gorge Hotel, and Conditional Use Permit for expansion of the Vagabond Lodge

CITY PLANNING DEPT.



This letter is in response to issues or inaccuracies raised in the Staff Report dated March 25<sup>th</sup>, 2013. I would like to address them in this letter, item by item:

1. Background, B

Neither the Vagabond Lodge nor Grant Polson applied for annexation of the Vagabond Lodge into the City of Hood River ("City"). I would like to make it clear that Vagabond Lodge has not applied for annexation in any way. This annexation is initiated and driven entirely by the City. The form templates required by City to complete an application for a Conditional Use Permit required me to be the "applicant" for annexation, but each time I brought this up with City I was advised by City that the "application" was only a form template and City was the real applicant/driver for annexation.

17.15.020

The property line adjustment was filed as soon as the survey was complete. It was done for housekeeping reasons: to correct a property line issue that had not been addressed prior. It has no bearing on the Conditional Use Permit other than administrative, and as recommended should be included in the incorporated Vagabond Lodge property when complete.

17.15.050

5. Fiscal Impact

The fiscal impact if not annexed is not a loss. There would be no change or impact to City should annexation not occur. Presenting these numbers as a "loss" is inaccurate, as there is no current revenue to "lose".

6. The stated goal of "proposed annexation does not negatively impact nearby properties" is false. I did not find any research provided by City that proved this to be the case. When I asked the Westcliff neighboring business owners about this, they stated that City had not contacted them at all regarding annexation.

Goal 9: Economy of State

How will annexation "facilitate additional commercial development on the subject properties in the future..."? Vagabond Lodge has received no information or plans regarding how City will meet Policy 5 in any way. The proposed expansion of the Vagabond Lodge does not impact City sewer more than currently allocated, and as planned reduces the majority of peak flows into the system from the Vagabond by holding discharge until low-demand time periods. This peak flow management plan reduces the overall burden on public facilities.

17.15.070

Annexation of Vagabond Lodge is being driven by City, as mentioned prior. Collectively, the costs associated with annexation become excessive to the point of prohibitive on marginal development should the associated annexation cost burden be placed on an individual business. This is inconsistent with evaluation criteria #2 from the business' perspective.

**ATTACHMENT "A.10"**  
FILE NO. 2013-03

17.15.080

Findings: The Vagabond Lodge is NOT the petitioner for the annexation. The City of Hood River is the petitioning party for both the Vagabond Lodge and the Columbia Gorge Hotel.

2. Vagabond Lodge – Conditional Use Permit

I. Signs

There is no mention of whether existing signage can be grandfathered and repaired as needed over time. Clarification on this question for the future would be helpful.

4. HRMC 17.04 – Supplemental Provisions

17.04.130

Current operations and use of the White Buffalo parking lot are and have been sufficient for the last several decades. Should development occur involving the current White Buffalo building, parking improvements should be initiated at that time. The proposed project does not utilize the current parking used by the White Buffalo's operations. It is far more economically viable to address the White Buffalo lot when the White Buffalo building is developed.

17.16.040,

5. Streets and Sidewalks

A 5' wide pedestrian pathway through the property placed at property owner's discretion and a greenspace swale is, as we understand it, the acceptable engineering guidance standards designed for Westcliff Drive due to topographical, spatial, and demand constraints. Vagabond Lodge is interested in improving the Westcliff Drive frontage over time, restoring the old frontage road fencing in place when the historic highway (currently westbound I-84) passed the hotel. Additional landscaping will be done to address the old ivy to bring the street up to 14' from centerline and adequate separation established between the road and pedestrian path.

6. Storage

Existing trash/recycling will be moved to the southeast corner of the new parking area for the proposed building, accessible through the White Buffalo parking lot, placed within a fence enclosure consistent with the design of the 6-foot fence to enclose the proposed parking lot. Trash and recycling will not remain at their current location.

17.20.040

Bicycle parking is being looked into for the property in general. Guests generally prefer to take their bicycles inside their room opposed to use any supplied bicycle parking.

Submitted to Council at hearing 4/1/13  
**RECEIVED**

April 1<sup>st</sup>, 2013

APR 01 2013



To: Planning Commission  
From: Grant Polson, Vagabond Lodge  
RE: File No. 2013-03, Annexation of the Vagabond Lodge & Columbia Gorge Hotel, and Conditional Use Permit for expansion of the Vagabond Lodge

**CITY PLANNING DEPT.**

Below are recommendations for the Vagabond Lodge property based on the findings and recommendations made in the City Staff Report dated March 25<sup>th</sup>, 2013, and Vagabond Lodge's submissions to address these issues

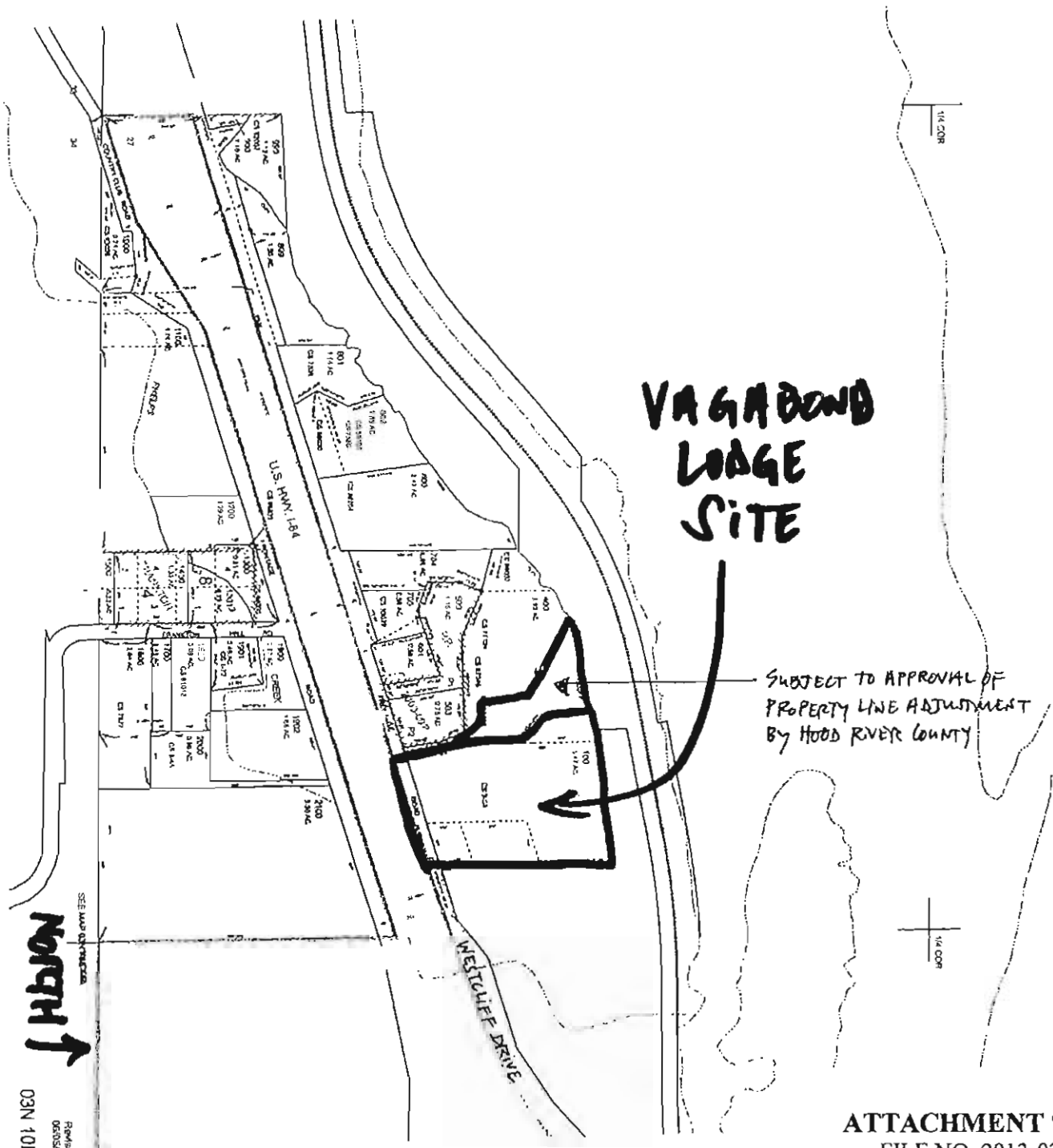
1. Recommended: Conditional Use Permit is only effective based on successful annexation of the Vagabond Lodge tax lot 100 into the City of Hood River.
  - Vagabond Lodge has applied for a Conditional Use Permit only. It is the understanding of the Vagabond Lodge that City is the entity initiating and driving annexation. Vagabond was asked to complete forms in order to initiate the process of obtaining a Conditional Use Permit in order to build, and before signing each form the Vagabond Lodge clarified with City staff that:
    - I. The City was the entity initiating / "applying for" annexation.
    - II. The Vagabond was not applying for annexation.The Vagabond was told that the Vagabond could not progress in the Conditional Use Permit application without completing and signing said forms. This is not to say that the Vagabond is opposed to annexation, but to clarify the entity driving and applying for said annexation.
2. Recommended: Property Line Adjustment for Vagabond tax lot 100 is to be included in tax lot 100 and legal description after the Property Line Adjustment is approved and annexed.
  - This is the intent of Vagabond Lodge. Any land that becomes part of tax lot 100 will be included in the final legal description of the annexation area.
3. Recommended: The White Buffalo parking lot be paved to include the gravel strip on the east side of the property, and a parking plan created for White Buffalo. Landscaping would also be acceptable.
  - Inclusion of paving the White Buffalo lot in this project would create additional costs at this time that appear excessive. The White Buffalo parking lot will be repaved and landscaped to incorporate the gravel strip when the White Buffalo building is further developed, expanded, or replaced. Repaving and landscaping the lot is included in the general long-term operating plans of the Vagabond Lodge.
4. Recommended: Stormwater facilities shall be provided to direct water to an appropriate outlet.
  - Stormwater in the construction area flows into the current Vagabond property, where it is absorbed by current landscaping. Current plans are to utilize this same method for stormwater management, with landscaped buffers between and around paved areas. The proposed building parking lot will be built and sloped so water will flow into Vagabond landscaping, away from Westcliff Drive.

**ATTACHMENT "A.11"**  
FILE NO. 2013-03

5. Recommended: half-street improvements conforming to Option A of the Hood river TSP for local streets.
  - Vagabond and City held a pre-application meeting in November to review requirements pertaining to this project. We had discussed meeting Option B standards for a pedestrian pathway, or similar. It was the understanding of the Vagabond that Option B with a meandering path would be sufficient to meet requirements expected. Option A would cause Westcliff Drive to flood and remove all frontage improvements in place. Vagabond Lodge has plans for a pedestrian path to meander through the property frontage, with planted vegetation and landscaping.
  
6. Recommended: Pedestrian pathway along the frontage of both the Vagabond Lodge and White Buffalo, abiding by a Local street Option in the TSP.
  - Vagabond Lodge plans to meet Option B Westcliff Drive variance standards. Existing frontage currently provides drainage for Westcliff Drive. If a solid curb is built, Westcliff Drive will flood during rain and snow, creating additional hazard for drivers. A solution for this would be to not require a solid curb on Westcliff, but instead allow Vagabond to rebuild the old split-rail fence that lined the historic highway 35 frontage road that became Westcliff Drive. This will allow for the existing drainage in place and provide a clear separation between the road and private property (swale, pedestrian path).
  - The pedestrian path at the southwest corner of the Vagabond property will need to move toward the street, given the topography. Solid rock raises the land at the start of the Charburger property at that corner, leading to the need for a filled slope on the Vagabond property to accommodate the path. Vagabond proposes using fill for the slope and existing boulders/stone from the Vagabond property as a retaining wall for the slope. The retaining for the sloped fill will not be built to a height above what is outlined in code so as not to pose a danger.
  - A pedestrian path on the existing White Buffalo frontage is more economically prohibitive. There will be future development on that frontage, and so Vagabond proposes that a pedestrian path and landscaping consistent similar to Option B be built at that time. This will help ensure that the pathway and any future building development are not in conflict, allowing for a better pedestrian path. In the meantime, Vagabond proposes that pedestrians use the existing White Buffalo parking lot to traverse between properties. This method has been allowed on other properties recently facing the same situation.
  
7. Recommended: Trash and recycling facilities be appropriately fenced or screened.
  - Trash and recycling will be moved to a new, fenced enclosure at the far northeast corner of the White Buffalo lot.
  
8. Recommended: All utilities shall be placed underground.
  - Vagabond Lodge requests clarification on which parts of the utilities would need to be placed underground. Pacific Power has not yet provided information on the costs to ground utilities.



**FILE # 2013-03  
CONDITIONAL USE PERMIT  
3N 10E 27C # 100**



**VAGABOND  
LODGE  
SITE**

SUBJECT TO APPROVAL OF  
PROPERTY LINE ADJUSTMENT  
BY HOOD RIVER COUNTY

SEE MAP OF FRANCHISE  
**NORTH** ↑

Revised 06  
06/05/2006  
03N 10E 27 C

**ATTACHMENT "B"**  
FILE NO. 2013-03

## Kevin Liburdy

---

**From:** Josette Griffiths [josette.griffiths@co.hood-river.or.us]  
**Sent:** Friday, March 01, 2013 2:47 PM  
**To:** Kevin Liburdy  
**Cc:** Mike Benedict; Eric Walker  
**Subject:** RE: Request for Comments (File No. 2013-03) - Annexation of Vagabond Lodge & Columbia Gorge Hotel, and Vagabond Lodge Conditional Use Permit - 3N10E27C#100, 3N10E27D#100&101  
**Attachments:** planscan\_20130301142432.pdf; planscan\_20130301142453.pdf; planscan\_20130301143353.pdf  
Kevin,

I was recently assigned an application for a Property Line Adjustment (P-13-0018) that affects Tax Lot 100 (3N 10E 27C). Please see the attached maps and application. Through this PLA, several acres would be transferred to Tax Lot 100 from Tax Lot 400. This would affect their annexation request; can the City annex in only part of a property? Seems like the City should be doing the PLA as part of the applicant's overall development request. Or, more likely, the applicant should have waited to make application with the City until they had approval from the County for the PLA. You might want them to put a hold on their application with the City until they get their PLA approved and finalized. Or, I guess their PLA could be conditioned that they must get the adjusted Tax Lot 100 (post-PLA) annexed in as a condition of approval of the PLA. (Is that very expensive to go through an annexation process twice?)

When did the City receive their request for annexation? Their PLA application was submitted on Feb. 20, 2013.

Thanks.  
Josette Griffiths  
Senior Planner  
Hood River County  
(541) 387-6840

**From:** Kevin Liburdy [mailto:Kevin@ci.hood-river.or.us]  
**Sent:** Friday, March 01, 2013 2:14 PM  
**To:** Randy Johnston; Brian Beebe; Sandi Borowy; Kim Paulk; Don Wiley; Marita Haddan; [Region1devrevapplications@odot.state.or.us](mailto:Region1devrevapplications@odot.state.or.us); BRUMLEY Seth A; Mike Schrankel; Mike Matthews  
**Subject:** Request for Comments (File No. 2013-03) - Annexation of Vagabond Lodge & Columbia Gorge Hotel, and Vagabond Lodge Conditional Use Permit - 3N10E27C#100, 3N10E27D#100&101

A request for comments is attached.

Please let me know if you have any questions.

Best regards,

Kevin Liburdy  
Senior Planner  
City of Hood River  
541-387-5224  
211 2nd Street  
PO Box 27

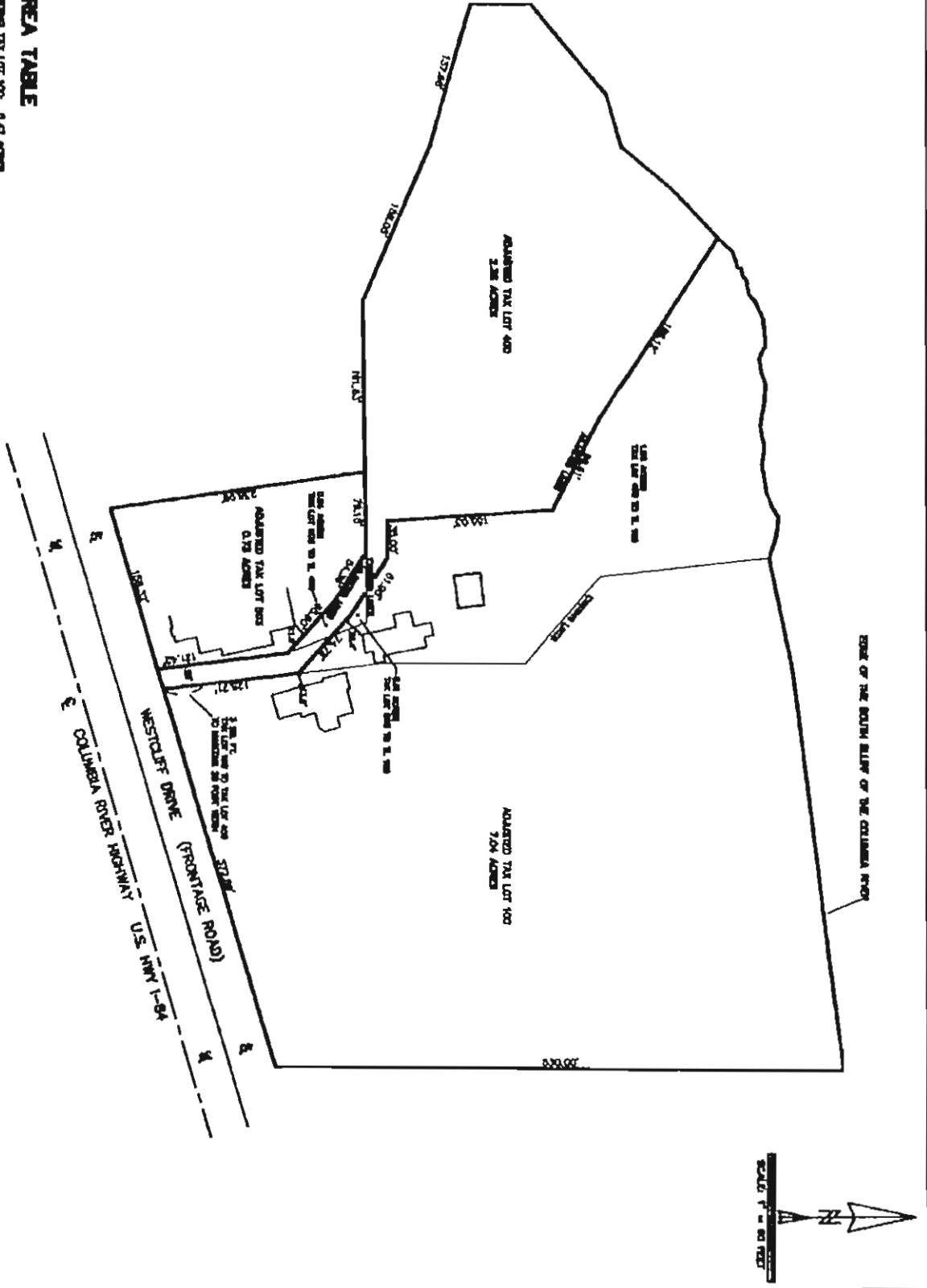
**ATTACHMENT "C"**  
FILE NO. 2013-03

3/21/2013

**AREA TABLE**

CHANGED TAX LOT NO.	0.42 ACRES
ADJUSTED TAX LOT 100	7.04 ACRES
CHANGED TAX LOT 400	3.80 ACRES
ADJUSTED TAX LOT 400	2.28 ACRES
CHANGED TAX LOT 400	0.175 ACRES
ADJUSTED TAX LOT 400	0.175 ACRES

**SITE PLAN**  
 PROPOSED PROPERTY LINE ADJUSTMENTS  
 TAX LOT NO. 400 AND 100  
 BE PER 5700



**Kevin Liburdy**

---

**From:** Rick Brock [rick@fidhr.org]

**Sent:** Monday, March 04, 2013 8:30 AM

**To:** Kevin Liburdy

**Subject:** Annexation comment

Kevin,

Farmers Irrigation District (FID) has reviewed the annexation of 3 parcels (2013-03). Vagabond lodge has 1.70 water right acres, A-1 Hospitality has 1.75 water right acres. FID will continue to serve water to annexed properties.

FID has no comments on the Vagabond Lodge expansion, it appears no water rights will be affected.

Thank you,

Rick Brock  
Farmers Irrigation District  
Water Rights Specialist  
541-387-5263  
[rick@fidhr.org](mailto:rick@fidhr.org)

**ATTACHMENT "D"**  
FILE NO. 2013-03

3/5/2013

## Kevin Liburdy

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**From:** Peter Mackwell  
**Sent:** Tuesday, March 12, 2013 11:52 AM  
**To:** Kevin Liburdy  
**Subject:** RE: Request for Comments (File No. 2013-03) - Annexation of Vagabond Lodge & Columbia Gorge Hotel, and Vagabond Lodge Conditional Use Permit - 3N10E27C#100, 3N10E27D#100&101

Kevin,

Fire has no comments at this time.

Sincerely,

Peter Mackwell  
Fire Marshal  
City of Hood River  
1785 Meyer Parkway  
Hood River, OR 97031  
(541) 386-6782  
[peter@hoodriverfire.com](mailto:peter@hoodriverfire.com)

**From:** Kevin Liburdy  
**Sent:** Friday, March 01, 2013 2:09 PM  
**To:** Gary Lindemyer; Julie Harvey; Jesse Birge; Peter Mackwell  
**Subject:** Request for Comments (File No. 2013-03) - Annexation of Vagabond Lodge & Columbia Gorge Hotel, and Vagabond Lodge Conditional Use Permit - 3N10E27C#100, 3N10E27D#100&101

A request for comments is attached.

I put a hard copy with a plan set is in your mailbox at city hall.

Please let me know if you have any questions.

Thanks,

Kevin Liburdy  
Senior Planner  
City of Hood River  
541-387-5224  
211 2nd Street  
PO Box 27  
Hood River, OR 97031

CONFIDENTIALITY NOTE: This e-mail message from the City of Hood River Planning Department is for the sole use of the intended recipient or recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution or other dissemination of this e-mail message and/or the information contained therein is strictly prohibited. If you are not the intended recipient of this e-mail message, please contact the sender by reply e-mail and destroy all copies of the original message.

**ATTACHMENT "E"**  
FILE NO. 2013-03

3/12/2013

CITY OF HOOD RIVER  
PUBLIC WORKS / ENGINEERING / BUILDING DEPARTMENT

Date: March 11, 2013

Engineering Department comments for: 27 C #100 Vagabond Lodge –  
Annexation & CUP for 15 Unit Expansion

These comments are based on the City's review of preliminary plans for a 15 unit expansion of an existing hotel submitted by Vagabond Lodge Inc.. They are intended to identify improvements that may be needed to provide adequate public facilities to the property for the proposed use. The applicant is encouraged to consider alternative means of providing adequate public facilities or to show how the requirement to provide adequate public facilities can be met. The reviewing body (Planning Commission or Planning Director) will establish conditions of approval to insure that adequate public facilities are provided.

**General**

These comments cover requirements under Titles 16 and 17 of the Hood River Municipal Code for providing adequate public facilities and do not include engineering specifications or other more specific requirements of the City. Other engineering and code specifications may be applicable at the time of engineered plan review or building permit application.

All utilities shall be placed underground including power, phone, cable television and other telecommunications lines.

Design and construction of public facilities must meet the requirements of the City of Hood River Engineering Standards. A copy of the Engineering Standards is available at the City Public Works office or on line at [www.ci.hood-river.or.us](http://www.ci.hood-river.or.us).

Prior to any site work a Construction Site Permit is required.

A pre – submittal meeting is recommended prior to the engineered design of any public facilities.

All fees, bonds, and insurance must be provided as per the City of Hood River Engineering Standards.

**Sanitary Sewer**

Based on the report from Bell Design Company the Westcliff Drive lift station appears to be adequate for the increase in flows created by the proposed expansion.

**ATTACHMENT "F"**  
FILE NO. 2013-03

## **Storm Sewer**

The storm water runoff from the site appears to sheet drain into the right of way. There is an ODOT drainage system on the south side of Westcliff Dr. that may be available for connection to direct the street and site drainage. Review and approval from ODOT would be required prior to connection. Some type of storm sewer system will be required in order to direct street and site flows to an appropriate outlet.

## **Water**

Water will continue to be provided by Ice Fountain Water District. If any system improvements are required, they shall be built to City standards.

## **Streets**

There appears to be no frontage improvements proposed along the "White Buffalo" portion of the parcel which is approximately 143 feet wide. This area now has unrestricted direct access to Westcliff Drive, other than the large statue of the buffalo and its surrounding rock wall, with no designated driveways into the parcel. There is no separation of the street and the parking lot other than the white painted fog line. This portion of the frontage is neither topographically constrained nor is there any landscaping other than the dirt in the planter around the buffalo. The site plan provided shows the planter to be totally within private property.

The frontage improvements proposed for the remaining (approximately) 230 feet appears to be a 5' wide "walking path" as well as asphalt widening of the street to 14 feet from the existing centerline stripe and City standard curb and gutter. The proposed improvements do not meet the Westcliff Drive Engineering Guidance standard developed as the refinement plan for Westcliff Dr. in the City Transportation System Plan as an alternative to the Local Street Standard required for Westcliff Dr. This portion of the frontage consists of 2 driveways and minor landscaping within the right of way. The west (approximate) 95 feet has a small drop off of about 5 feet at the west end with low growing ivy as ground cover within the right of way. The topographical constraint is minimal.

City staff is recommending the following be adopted as Conditions of Approval for the hotel expansion:

Prior to building permit issuance, engineered plans showing half street frontage improvements to include curb, gutter, sidewalk, and adequate drainage, for the north half of Westcliff Dr. to the City's TSP Local Option A standard shall be submitted for review and approval. The plans shall meet submittal requirements of the City of Hood River Engineering Standards and shall include an estimate for the improvements from the Design Engineer in order to establish the review fee. Upon review and acceptance of the estimate, a plan review fee of 2% shall be paid.

If the City Engineer finds the west portion of the parcel does have a topographical constraint sufficient to warrant it, the alternative frontage improvement design shall meet the Westcliff Drive Engineering Guidance standard.

All driveways shall meet the requirements of Chapter 13.28 of the Hood River Municipal Code.

A Storm Water Management Plan shall be provided as part of the engineered plans for the improvements.

An adequate storm sewer system meeting the requirements of the City Engineering Standards shall be provided as part of the frontage improvements.

Prior to final occupancy, the frontage improvements shall be completed or an acceptable Performance Guarantee shall be provided.



56-79-8

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FILED  
HOOD RIVER COUNTY

MAR 15 1 53 PM '79

DEPARTMENT OF  
RECORDS AND ASSESSMENT  
DEPUTY

*C. Pedersen*

AGREEMENT FOR WATER AND SEWER SERVICE  
PROVIDING FOR ANNEXATION  
AND WAIVER OF REMONSTRANCE  
(burdens running with the land)

THIS AGREEMENT made ~~February~~ <sup>March</sup> 13, 1979, between STONEBRIDGE INN, INC., an Oregon corporation, herein termed Owner, and CITY OF HOOD RIVER, a municipal corporation of the State of Oregon, herein termed City, and concurred in by ICE FOUNTAIN WATER DISTRICT, a public service District of the State of Oregon, herein termed District,

WHEREAS owner is possessed of two parcels of land in Hood River County, Oregon, described as Parcel 1 in the attached "EXHIBIT A" and as Parcel 2 in the attached "EXHIBIT B" and there is on Parcel 1 a hotel and certain outbuilding, and

WHEREAS owner has requested City through District to furnish domestic water service and sanitary sewer service to the present and any future buildings on Parcel 1, and upon certain conditions hereinafter stated to furnish sanitary sewer service to both Parcel 1 and Parcel 2, therefore,

In consideration of the benefits to come to owner and both parcels of lands of the owner, owner for itself and for its successors in interest in each of said parcels promises and agrees:

1. That District will extend a not less than 8" domestic water line from the most Westerly portion of the present line of the City nearest to owner's Parcel 1 to a point within the utility line easement hereinafter mentioned as granted to City adjacent to Parcel 1 with all expense of such extension to be paid by owner to district.
2. That owner agrees to comply with all the

-1-

*Post Ref.*

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10.78*

ordinances, rules and regulations and policies of the City and of the District as the same now exist or may be hereafter adopted covering the furnishing of water service. That no extension of water service may be made to any other building or to any other lands without the written approval of City and District.

3. That the line will be built to City standards and City shall be the sole judge of the line as to whether or not it meets City standards. City reserves the right to review the construction costs. The actual construction costs may include as a part of such construction an amount not to exceed five (5%) percent. for overhead. District within thirty (30) days after completion of the line will furnish City written statement showing the full cost of the line as determined above.

4. That in the event that Parcel 1 or any portion thereof should be annexed to the City of Hood River the City will purchase from District and pay to the District a price determined as being the cost of the line at the time of construction less depreciation on a straight line base over a 50 year period with no accrual of interest for so much of the line that has been built to City standards.

5. That upon annexation of Parcel 1 or any portion thereof to City, Owner will guarantee that the line so installed will produce water service fees equal to not less than one-half of one (1%) percent. each month of the price paid by City for the line and in the event it fails to do so the Owner, or its successors and assigns, promise and agree to pay such additional amount to the monthly charge so as to meet that amount which would be one-half of one (1%) percent. of the price paid by City for the line and that if Owner or its successors in interest fail to pay such amount as they become due, the City, in addition to such other remedies as may be allowed by law, reserves the right to shut off the water to be delivered through said line.

6. That in the event of the formation of sewer district which would include the lands described in Parcel 1 or Parcel 2, or any part thereof, Owner promises and agrees to join

in a petition to create a district and the Owner waives for itself and its successors in interest in and to the lands described in Parcel 1 and Parcel 2 the right to file a written remonstrance with the City Council that it or its successors in interest may now have or hereafter may have in all or any part of said Parcel 1 and Parcel 2 for the formation of such sewer district and to the assessments to be made for the formation, activation and continued operation of such district. That if such district is formed or if a sewer connection fee is made for either of such parcels or any part thereof, the Owner will pay the sewer connection fee, the percentage of the sewer trunk line fee, and all other sanitary sewer charges hereafter charged or assessed against said lands or any portion thereof. This obligation runs with the land.

7. That Owner agrees to comply with all the ordinances, rules, regulations and policies of the City of Hood River upon being connected to the sewer as the same now are or may hereafter be adopted covering the furnishing of sewer service. That no extension of sewer service may be made to any building other than those now existing without the written approval of City.

8. That with the execution of this agreement and as a part of this agreement, Owner grants to City an easement and right-of-way for the installation and servicing of a sewer line along the West 10 feet of Parcel 1 and for the installation and servicing of domestic water lines and sewer lines over the South 20 feet of even width of Parcel 1 as it adjoins the North access road of Highway 80N, together with a construction easement of not to exceed 25 feet from the South line of Parcel 1. City shall have the right to assign a right to the use of said water line easement to District for its water lines.

9. That Owner may construct at Owner's cost a sanitary sewer system together with a pump station of a sufficient size according to D.E.Q. standards to serve its property and existing businesses North of Highway 80N and West of Parcel 1 to and including the Meredith Motel, with such line to run from the gathering point where the pumping station on Parcel 1 by the

nearest practical route to reach a point on City's present sewer line South of Highway 80N. Such line if constructed to be built to meet the requirements of a future public sanitary sewer system as determined by City policy and if not conforming to the requirements of a public sewer it shall be considered a private sewer and connections thereto shall be restricted to present buildings on Parcel 1 only. Cost of maintenance of the line including pumping costs to be borne by Owner until taken over by a public sewer district or some other manner satisfactory to City as shown by its written consent to other manner of handling.

10. It is recognized that in the servicing of water or in the servicing of a sewer district that City and Owner may work out an arrangement for the service of water or the servicing of sewer on a separate base for each of the two parcels.

11. That the Owner and its successors in interest in and to the above described premises or any part thereof promise and agree at the request of City to apply for annexation to the City of Hood River at such time in the future when the lands in either parcel or any portion thereof above described become contiguous to the boundaries of City.

12. That if and when either parcel of the above described premises or any portion thereof come within the boundaries of the City of Hood River, Owner promises and agrees to join in a petition for the improvement of the street or streets adjacent and abutting to each of the above described parcels (and this includes sidewalk improvement) according to then City policy and Owner waives for itself and its successors in interest in and to the above described lands, the right to file its written remonstrance with the City Council which it may now have or may hereafter have for the improvement of such street, including sidewalks.

13. That in the event that Owner or its successors in interest in and to the above lands above described or any part thereof fail to join in a petition for the formation of a sewer district or for street improvement (including sidewalks) or for annexation to the City of Hood River at request of City, then Owner and its successors in interest in and to the lands above described or any portion thereof do hereby constitute and appoint the then Mayor of the City of Hood River as its

*PA*

attorney-in-fact and as an attorney-in-fact for each of the successor owner of each part of the lands above described to sign and deliver a petition to City to the formation of such sewer district, to such street improvement (including sidewalks) or to such annexation with full power to do and perform and bind the above described lands and each and every part thereof and to do all things necessary to complete such petition in each such case and this power of attorney so given is coupled with an interest so as to be irrevocable as to the lands above described or any portion thereof.

14. The obligations of this agreement run with the land and bind all successors in interest in and to said lands or any part thereof.

15. In the event for any reason Owner or its successor in interest in and to the lands above described should fail to comply with any or all the terms and conditions of this agreement, that in addition to such other remedies as the City may have at law or equity to enforce the terms of this agreement, it shall have the right to forthwith terminate the furnishing of domestic water service if for violations of so much of this agreement as it pertains to water and in the event it was in the process of furnishing sewer service to the lands above described or any portion thereof, then to terminate the sewer service and for that purpose to go on lands of the Owner to accomplish such without being liable as a trespasser.

WITNESS the execution of this agreement the day and year first above written.

CITY OF HOOD RIVER

*Acting*  
By Richard G. Bielmeier  
Mayor & Pres. of Council

ATTEST:

Donna M. Suggs  
City Recorder

STONEBRIDGE INN, INC.

By Paul A. Pedersen  
President

By Helene P. Seals  
Secretary

ICE FOUNTAIN WATER DISTRICT

By [Signature]

STATE OF OREGON )  
 ) ss.  
County of Hood River )

March 6, 1979.

Personally appeared PAUL A. FEDERICT who being duly sworn did say that he is the President of STONEBRIDGE INN, INC. and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed. Before me:

*Henry B. Lockwood*  
Notary Public for Oregon  
My commission expires: 1-5-82

(SEAL)



56-79-B

## "EXHIBIT A"

## STONEBRIDGE INN - CITY OF HOOD RIVER - ICE FOUNTAIN

Following described real property in the County of Hood River,  
State of Oregon:

*SMO*  
Parcel 1: Beginning at an oak tree in the West line of the Southeast quarter of Section 27 in Township 3 North, Range 10 East of the Willamette Meridian, and situated on the South bluff of the Columbia River, and which oak tree is named as a corner and a monument in deeds of record conveying the lands and portions of the lands granted by this conveyance; from said oak tree run South along said West line of the Southeast quarter of said Section 27, 284 feet to the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 27; thence continuing South along the West line of the Southeast quarter of said Section 27, 318 feet to a point approximately in the center of the old state road, otherwise known as "Dalles-Sandy Wagon Road," which point is South of the present Columbia River Highway; thence South 89° 9' West 245 feet to a point in the said Columbia River Highway and near the center line thereof; thence due North 610 feet, more or less, to the edge of the South bluff of the Columbia River; thence Easterly and following the edge of said bluff of the Columbia River 255 feet, more or less, to the point of beginning, EXCEPT that portion lying South of the Northerly line of those tracts of land conveyed to the State Highway Commission by deeds recorded May 9, 1952, in Book 47, page 528, by deed recorded October 29, 1954, in Book 53, Page 600, and by another deed recorded February 27, 1962, in Book 70, Page 251, Deed Records.

3N 10 27  
100

Parcel 2: All that portion of the West half of the Southeast quarter of Section 27 in Township 3 North, Range 10 East of the Willamette Meridian, lying South of the South line of the right of way of the Oregon-Washington Railroad & Navigation Company, EXCEPT that portion lying South of the Northerly line of those tracts of land conveyed to the State Highway Commission by deeds recorded May 9, 1952, in Book 47, Page 528, by deed recorded October 29, 1954, in Book 53, Page 600; and by another deed recorded February 27, 1962, in Book 70, Page 251, Deed Records.

3N 10 27  
100

20014004(7)

RECORDING COVER SHEET

Declaration of Deep Restrictions  
(Agreement for Improvements and  
Consent to Annexation with attachment)

Date: June 14, 2001

Parties: Jerry Cranmer

"Owner"

City of Hood River

"City"

Property Description:

Portion of 3N 10 27C, attached  
100, 300, 400

STATE OF OREGON

SS

COUNTY OF CLATSOP

North

and

South

East

West

City of Hood River

City of Hood River

City of Hood River

City of Hood River

City of Hood River



ATTACHMENT "H"  
FILE NO. 2013-03



**DECLARATION OF DEED RESTRICTIONS**  
(Agreement for Improvements and  
Consent to Assesment with attachment)

After recording return to:

City of Hood River  
P.O. Box 27  
Hood River, OR 97031

Until a change is requested,  
send tax statements to:

No change

DATE: June 14, 2011.

PARTIES:

"Owner"

City of Hood River,  
An Oregon municipal corporation  
PO Box 27  
Hood River, OR 97031

"City"

PROPERTY DESCRIPTION:

"Property"

**1. AGREEMENT FOR IMPROVEMENTS:**

IN CONSIDERATION for the City granting Owner's request for a Site Specific Agreement for the Property, and in acknowledgement of the fact that said development puts additional burden on existing utilities, services, and public facilities provided by the City of Hood River, Owner agrees as follows:

- a. Owner consents to and agrees to participate in the improvement of or the local improvement district (LID) for the improvement, installation or construction of any street, which may include but is not limited to, the installation of storm and sanitary sewers and drains, curbs and gutters, traffic control devices, or installation or improvements of sidewalks, water mains, water lines, drainage systems, and any other related improvements, modifications or repairs.

Consent to: Present Owner  
Name: [Redacted]

20014004

- b. Owner agrees not to remonstrate to the formation of the local improvement district(s) or to the improvement(s) or installation(s) referred to in Section 1. above. Owner's agreement not to remonstrate does not preclude Owner from appearing at any related public hearings.
- c. Owner agrees to pay their proportionate or assigned share of the improvement costs, including, but not limited to, any applicable connection fees, system development charges, trunk line fees, or user fees.
- d. This Agreement shall be binding upon the parties, their heirs, executors, successors, and assigns. This Agreement shall run with the land so that fulfillment of this Agreement shall be binding upon future owners of the Property.

**2. AGREEMENT FOR ANNEXATION:**

In consideration for the City granting Owner's request for a Dealing Permit for the Property, and the City's provision of water and/or sewer service, and in acknowledgement that the Property is located outside of the City limits and may be annexed into the City in the future,

Owner agrees, on Owner's behalf and on behalf of Owner's successors in interest:

- a. To construct the water and/or sewer improvements and pay all costs associated with the improvements as required by City policy, resolution or ordinance.
- b. To the annexation of the above-described Property to the City at the present time or at any time in the future; and agrees to waive the requirement that the City present an annexation plan to Owner with respect to any present or future annexations.
- c. That provisions of this Agreement run with the land and bind all successors in interest to the Property described hereat.

\_\_\_\_\_  
Signature

STATE OF OREGON  
County of Hood River

The foregoing instrument was acknowledged before me on December 2, 2007 at \_\_\_\_\_

\_\_\_\_\_  
Notary Public in Oregon  
My Commission Expires \_\_\_\_\_

*[Faint, illegible text or stamp]*

Parcel 1: That tract of land in the County of Hood River and State of Oregon, lying in the East half of the Southwest quarter of Section 7, Township 3 North, Range 10 East of the Willamette Meridian, described as follows:

beginning at the point of intersection of the East line of that tract of land conveyed to Clarence E. Cranmer, et ux., by deed from O. W. Bauer, et ux., dated May 5, 1953, recorded July 13, 1953, in Book 50, page 424, under instrument No. 84504, Deed Records Hood River County, with the Northerly line of that tract of land conveyed to State of Oregon, acting by and through its State Highway Commission by deed from O. W. Bauer, et ux., dated June 28, 1952, recorded July 3, 1952, in Book 48, page 196, under instrument No. 82340, Deed Records Hood River County; thence Southwesterly along the Northerly line of said State of Oregon tract of land 142 feet; thence North parallel with the East line of said Cranmer tract of land 100 feet; thence Northeasterly parallel with the Northerly line of said State of Oregon tract of land 42 feet to the East line of said Cranmer tract of land; thence South along the East line of said Cranmer tract of land 100 feet to the place of beginning; TOGETHER THEREWITH, an easement for a common driveway with Clarence E. Cranmer and Lucy N. Cranmer, husband and wife, and their heirs and assigns, for ingress and egress only over a strip of land described as follows: *Easement on 300*

commencing at the Southwest corner of the principal tract of land hereabove described; thence Southwesterly along the Northerly line of the foresaid State of Oregon tract of land a distance of 23 feet; thence northeasterly to a point in the West line of said principal tract of land that is 50 feet North of the Southwest corner thereof; thence South along the West line of said principal tract of land to the place of beginning.

Parcel 2: That tract of land in the County of Hood River and State of Oregon, lying in the East half of the Southwest quarter of Section 7, Township 3 North, Range 10 East of the Willamette Meridian, described as follows:

commencing at a point on the East line of that tract of land conveyed to Clarence E. Cranmer, et ux., by deed from O. W. Bauer, et ux., dated May 5, 1953, recorded July 13, 1953, in Book 50, page 424, under instrument No. 84504, Deed Records Hood River County, Oregon, at a point 100 feet North of the intersection of said Bauer to Cranmer East line with that tract of land conveyed to the State of Oregon, acting by and through its State Highway Commission, by deed from O. W. Bauer, et ux., dated June 28, 1952, recorded July 3, 1952, in Book 48, page 196, Deed Records Hood River County, under instrument No. 82340; thence Southwesterly and parallel with the Northerly line of said State of Oregon tract of land a distance of 142 feet to a point; thence North and parallel to the East line of said Bauer to Cranmer tract of land a distance of 300 feet to a point; thence Northeasterly parallel with the North line of said State of Oregon tract of land a distance of 142 feet to the East line of said Cranmer tract of land; thence South along the East line of said Cranmer tract of land a distance of 100 feet to the place of beginning.

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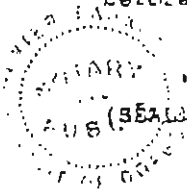
EXHIBIT "A"

Beginning at the southwest corner of the Northwest quarter of the Southeast quarter of Section 27, Township 3 North, Range 10 East of the Willanette Meridian; thence South along the West line of the Southeast quarter of said Section 27 a distance of 118 feet; thence South 88 degrees 08' West 245 feet to the southwest corner of that tract of land numbered 1 described in and conveyed by deed to Columbia Gorge Hotel Co., dated November 1, 1916, and recorded April 12, 1947, in Book 34 at page 272, under instrument No. 70292, Deed Records Hood River County; thence continuing South 89 degrees 09' West 114 feet; thence South 66 degrees 52' West 248 feet, more or less, to a point located 40 feet Easterly of when measured at right angles to the westerly line of that tract of land numbered 1 described in and conveyed by deed to O. W. Bauer, dated September 17, 1934, and recorded November 16, 1934, in Book 24 at page 365, under instrument No. 41677, Deed Records Hood River County, which said westerly line of said Bauer tract of land runs North 7 degrees 16' West parallel with and 40 feet Easterly from the aforesaid westerly line of said Bauer tract of land, a distance of 275 feet; thence due North 129.88 feet to the true point of beginning of the herein described parcel of land, thence North 50 degrees 10' 22" West a distance of 128.03 feet; thence North 06 degrees 44' 30" West a distance of 160 feet, more or less, to the edge of the South bluff of the Columbia River; thence Easterly along the edge of the South bluff of the Columbia River to a point bearing due North of the true point of beginning; thence due South 250 feet, more or less, to the true point of beginning.

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STATE OF OREGON )  
 ) ss. *May*  
 County of *Hood River* ) *January 2*, 1981.

Personally appeared JERRY K. CRANMER and acknowledged the foregoing instrument to be his voluntary act and deed.  
 Before me:



*Notary Signature*  
 Notary Public for Oregon  
 My commission expires: 2-08-82

"EXHIBIT A"

Following described real property in the County of Hood River, State of Oregon:

*Handwritten mark*

Beginning at the Southwest corner of the Northwest quarter of the Southeast quarter of Section 17, Township 3 North, Range 10 East of the Willamette Meridian; thence South along the West line of the Southeast quarter of said Section 27 a distance of 118 feet; thence South 89°09' West 245 feet to the Southwest corner of that tract of land numbered 1 described in and conveyed by deed to Columbia Gorge Hotel Co., dated November 1, 1946, and recorded April 23, 1947, in Book 34 at page 279, under instrument No. 70292, Deed Records Hood River County, which said Southwest corner of said Hotel Company tract of land is the true place of beginning of the tract of land herein described; thence continuing South 82°09' West 114 feet; thence South 85°52' West 248 feet, more or less, to a point located 40 feet Easterly of when measured at right angles to the Westerly line of that tract of land numbered 1 described in and conveyed by deed to O. W. Bauer, dated September 17, 1938, and recorded November 16, 1934, in Book 24 at page 385, under instrument No. 41677, Deed Records Hood River County, which said Westerly line of said Bauer tract of land runs North 7°16' West along an old stone wall from the most Southerly Southwest corner thereof; thence North 7°16' West parallel with and 40 feet Easterly from the aforesaid Westerly line of said Bauer tract of land, a distance of 275 feet; thence due North 320 feet, more or less, to the edge of the South bluff of the Columbia River, thence Easterly along the edge of the South bluff of the Columbia River 395 feet, more or less, to the Northwest corner of the aforesaid Hotel Company tract of land; thence due South along the West line of said Hotel Company tract of land 610 feet, more or less, to the true place of

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conveyed by State of Oregon, acting by and through the  
State Highway Commission, by deed dated Jun. 28, 1952,  
and recorded July 3, 1952, in Book 48 at page 196, under  
instrument No. 82340, Deed Records Hood River County.  
ALSO EXCEPTING THEREFROM that portion conveyed to John  
A. May by deed recorded October 7, 1954, in Book 53,  
page 502, and by deed recorded November 20, 1958, in  
Book 53, page 629, Deed Records.

LAW OFFICES  
KEL ABRAHAM, BOWEN,  
JAMES A. ALFORD  
1000 River Street, Astoria, Oregon 97103  
(503) 325-1111

20014004

**City of Hood River**  
P. O. Box 27  
Hood River, OR 97031

ATTN: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540