

Any item or issue not on the agenda you have a question, comment or statement about please bring up under Items from the General Public.

BOARD OF COMMISSIONERS WORK SESSION AGENDA

4:30pm, CBAB, 601 State Street, 1st Floor Conf. Room, Hood River, Oregon

4:30pm The History Museum Deaccession Policy – Lynn Orr, The History Museum Director
4:50pm Columbia River Gorge Commission Plan Review Process – Krystyna Wolniakowski, Exec. Director
5:10pm Powerdale Corridor update – Kate Conley, Columbia Land Trust
5:30pm Waste Connections 2017 Rate Increase Request/Explanation – Jim Winterbottom, Dist Manager
5:40pm Public Works Policies: Snow Removal

BOARD OF COMMISSIONERS REGULAR MEETING AGENDA

CBAB, 601 State Street, 1st Floor Conf. Room, Hood River, Oregon

I. CONFLICTS OR POTENTIAL CONFLICTS OF INTEREST –

II. ADDITIONS OR DELETIONS FROM THE AGENDA –

III. UNSCHEDULED ITEMS FROM THE GENERAL PUBLIC (limit 5 minutes per person per subject)

IV. REPORTS

- *County Administrator
- *Legal Counsel
- *Commissioner Joplin
- *Commissioner Meyer
- *Commissioner Benton
- *Commissioner Perkins
- *Chair Rivers

V. CONSENT AGENDA

- *Approve minutes from the following Board of Commissioner Meetings: October 17, 2016
- *Declare a HP1200 copy/printer with CE tag #000611 as surplus and authorize staff to dispose of the property as allowed in the administrative code.
- *Confirm e-mail poll from October 21, 2016 authorizing Chair Rivers to sign a letter of support for Hood River Basin conservation funding being applied for by Western Rivers Conservancy.
- *Approve the FY 17/18 budget schedule for Hood River County, 911, Windmaster Sewer District, and Windmaster Urban Renewal District as presented.
- *Approve the season closure, as allowed by County Ordinance 78, of Gilhouley, Post Canyon and Riordan Hill Roads.
- *Approve the closure of the Goat timber sale #16-3 and return appropriate bond(s).
- *Approve reappointing the following volunteers for another term: Fair Board: Red Lago and Lynn Moore, Forest Advisory Committee: Bob Hastings and Michael Cochran, Forest Recreation Trails Committee: Jim Denton and Patrick Hunter
- *Accept the resignations from the following volunteers: Forest Recreation Trails Committee: Patrick Monaghan, Loren Ayles and Bob Farro.
- *Approve a budget adjustment & resolution to recognize the appropriate beginning fund balance in the Tobacco grant fund in the Health budget FY 16/17.
- *Approve a budget adjustment & resolution to recognize the appropriate beginning fund balance in the Oregon Mothers Care grant fund in the Health budget FY 16/17.
- *Approve a budget adjustment & resolution to recognize the revenue and expenditures from a \$50,000 grant from Pacific Source in the Health budget FY 16/17.
- *Approve and sign an Intergovernmental Agreement with the Oregon Department of Transportation for Curve Advisory Reporting System Partnership
- *Approve and sign an Intergovernmental Agreement with the Oregon Department of Transportation to participate in their Single Trip Permit program.

VI. PUBLIC HEARINGS – 6pm

1. Hood River County Zoning Ordinance amendments to Home Occupation article regarding Marijuana Time Place and Manner and Short Term Rental regulations First Reading and continue the hearing to December 19, 2016 at 6pm
RECOMMENDATION: Approve and accept the 1st Reading of the Ordinance by title only and continue the hearing to December 19, 2016 at 6:00pm.
2. Apollo Land Holdings LLC appeal on the record
RECOMMENDATION: Conduct the public hearing and either *uphold* the Planning Commission decision, *remand* the issue back to the Planning Commission with instructions, or *overturn* the Planning Commission decision.

VII. ITEMS FROM THE WORK SESSION

- i. Waste Connections 2017 Rate Increase
RECOMMENDATION: Set a public hearing for Monday, December 19, 2016 at 6:00pm to consider the rate increase request.
- ii. Snow Removal Policy Resolution
RECOMMENDATION: Approve and sign the Resolution affirming the County Snow Removal Policy.

VIII. CURRENT BUSINESS

Administration

1. 2017 Fee Schedule Review
RECOMMENDATION: Review the proposed changes and make recommendations for additional changes as appropriate.

IX. ADJOURNMENT –

CALENDAR OF UPCOMING PUBLIC MEETINGS/EVENTS (note all dates and time subject to change with or without notice as required)

Nov 21	4:00 & 6:00pm	Board of Commissioners work session & business meeting, CBAB, 601 State Street, Conf Room 1 st Floor (3 rd Mon. ea. Mo, time subject to change)
Nov 23	3:00pm	Department Head Meeting – CBAB, 601 State Street, 1 st Floor Conf Room (subject to change)
Nov 24-25		THANKSGIVING HOLIDAY – COUNTY OFFICES CLOSED
Dec 5	1:00pm	Tri-County Mental Health Board, Mid Col. Center for Living-TD (1 st Mon. ea. mo.-generally)
Dec 7	2:00pm	HRC Water Planning Group, 601 State St, 1 st floor conf. room (1 st Wed. ea.mo. – generally)
Dec 14	5:30pm	County Planning Commission Meeting, CBAB, 601 State St Conf Rm. 1 st Fl, (2 nd & 4 th Wed. ea. mo generally)
Dec 19	4:00 & 6:00pm	Board of Commissioners work session & business meeting, CBAB, 601 State Street, Conf Room 1 st Floor (3 rd Mon. ea. Mo, time subject to change)
Dec 20	7:00pm	Library District Board meeting, Library, 502 State St., Conf. Room (3 rd Tues ea. mo. - subject to change)
Dec 21	3:00pm	Department Head Meeting – CBAB, 601 State Street, 1 st Floor Conf Room (subject to change)
Dec 25-26		CHRISTMAS HOLIDAY – COUNTY OFFICES CLOSED
Dec 27	2:00pm	Safety Committee Meeting, Courthouse, 309 State Street, 1 st Floor (4 th Tues. ea. mo.)
Dec 28	5:30pm	County Planning Commission Meeting, CBAB, 601 State St Conf Rm. 1 st Floor (2 nd & 4 th Wed. ea. mo generally)
Jan 1-2		NEW YEARS HOLIDAY – COUNTY OFFICES CLOSED

WORK SESSION

AGENDA REQUEST FORM

DATE: 09/23/16 **DEPARTMENT:** Museum **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Deaccessioning Policy

AUTHORITY: ORS: _____ OAR: _____ County Ordinance/Code: _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The Heritage Council is updating its Deaccession Policy for artifacts, exhibits, etc. at the museum and requests time to discuss it with the Board of Commissioners. The Agreement between the County and Council states the County retained ownership of all artifacts and collections so disposal of items would need Board approval.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item: _____ Account Balance \$: _____
Estimated Hours Spent to Date: 1 Estimated Completion Date: _____
Staff Contact: Mikel Diwan, Public Works
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Forest Manager Other

RECOMMENDATION FROM DEPARTMENT HEAD:

Receive information from the Museum Director/Heritage Council about the deaccessioning process and recommend they work with county staff to comply with surplus property policies on a case-by-case basis as items are deaccessioned.

ADMINISTRATIVE COMMENTS/APPROVAL:

Meet with The Heritage Council Director to review their deaccessioning policy for museum artifacts. Recommend the museum staff work with county staff to comply with the county surplus property policies as needed for items that are to be deaccessioned.

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____

Copies (all info.):

Copies (ARF only): **Public Works**

THE HISTORY MUSEUM OF HOOD RIVER COUNTY
DEACCESSIONING POLICY DRAFT 9/2016

Mission Statement: The purpose of The History Museum of Hood River County is to collect, preserve, research, display, and interpret artifacts, objects, and archival materials that are of historical value pertaining to the history and culture of Hood River County and the Mid-Columbia region.

I. **PURPOSE OF DEACCESSIONING**

Objects in the collections should be retained as long as they continue to be relevant and useful to the purposes and activities of the Museum and can be properly preserved. Deaccessioning should serve the purposes of improving the integrity and quality of the collections, and only secondarily producing additional income for the purchase of other artifacts for the collection.

II. **DETERMINATION OF ARTIFACTS TO BE DEACCESSIONED**

Resources and artifacts may be deaccessioned and disposed of for one or more of the following reasons:

A. **Criteria for Disposal:**

1.

Duplication: Material of lesser quality than already in the permanent collection and in surplus according to established collection guidelines, except where a strong case can be made for their educational value.

2.

Non-Relevance: Usually non-regional and/or non-historical in nature and not consistent with the Museum Mission Statement, except where a strong case can be made for their educational value.

3.

Inferior Quality: Materials that have deteriorated, are broken, or are otherwise in poor condition or considered beyond repair or restoration.

4.

Expense of Retention: Excessive costs of restoration, maintenance, or proper storage make it impractical to retain certain objects.

5.

Hazardous Materials: Materials that have become dangerous because of damage, deterioration, or chemical composition that could cause explosion, fire, or other conditions of destructive nature (for instance nitrate cellulose film).

6. **Non-Solicited materials** which are not of a suitable quality for exhibit, research, or loan use.
7. **Objects that have been lost** (i.e., that have not been found in three successive inventories).

III. PROCEDURES FOR DETERMINATION:

1. The Collections Committee shall review the collections periodically to identify works that fit any of the above criteria. A list of "candidates for deaccessioning" shall then be drawn up and circulated for staff comment. No further action shall be taken until all works on the list are double-checked with two outside experts for opinions of significance to the collections, authenticity, and monetary value, to be sure that no mistakes have been made.
2. Donor records will be thoroughly examined for any donated works or works purchased with donated funds recommended for deaccessioning, to make sure that disposal will not violate any conditions attached to the original gift.
3. The list of candidates for deaccessioning will then be presented with written justification to the Director of the Museum, who will review it with the Collections Committee, explaining the reasons for each work's presence on the list. The list of deaccessions will be presented for final approval to the Hood River County Heritage Council.
4. No artifact will be deaccessioned without formal approval of the Director and the Collections Committee.
5. No work will be deaccessioned without final approval of the Hood River County Heritage Council.

IV. METHODS OF DISPOSAL

- A. No artifact the value of which is estimated to be \$5,000 or more shall be sold, exchanged, or traded without at least two outside monetary evaluations by reputable appraisers.
- B. Trade or exchange:

1. The Museum must be sensitive to the fact that it holds its collections in public trust and that it may well have an obligation to see – or help see – that certain significant materials remain in the public domain. This can be accomplished by trading or exchanging with other museums or educational institutions.
2. On rare occasions – and only when the transaction can be shown to be distinctly to the Museum's advantage – trades or exchanges may be made with dealers or artists.

C. Disposal through sale:

1. All sales should be conducted so as to realize the greatest possible financial gain for the Museum. Sales through dealers will not be ruled out, but the preferred method of sale will be by public auction. Before selling through a dealer the Museum will seek from appraisers or auction houses an estimate of the marked value of the work to be sold.
2. No artifact selected for disposal may be acquired by any Museum employee, officer, volunteer, or member of the Hood River County Heritage Council or their representatives.
3. The proceeds of all sales shall be used for the purchase of objects, artifacts, archival materials relevant to the Museum's collection guidelines

D. Other methods of deaccession:

1. Works determined to be lost after three successive inventories may be identified as deaccessioned on the basis of a written summary of efforts to locate the pieces in question.
2. Gift of artifacts to qualified non-profit museums, educational institution, or similar institutions will be unrestricted gifts.
3. No gifts from the Museum's collection will be made to individuals or groups for personal or private use.
4. Objects/archival materials damaged beyond repair or the possibility of sale, and with no educational value, may be destroyed.

- E.** Wherever possible, no object/archival material will be sold without first informing the donor of the intended sale, unless the Museum has documentation that the likelihood of eventual sale was

explained to the donor at the time of his/her gift. In instances where the original donor is dead but a strong family identification has existed with an object selected for deaccession, the family will be informed of the intended sale.

- F. Fakes shall be marked indelibly as such or destroyed.

V. RECORDS AND DOCUMENTATION

- A. Wherever possible, objects/archival materials acquired through exchange or with proceeds from sales will be recorded as "gifts of name of donor (s) of work (s) sold or exchanged through exchange or sale," and the same information will appear on labels. However, where a single artifact is acquired through the sale or exchange of more than five works all given by different donors, the credit line may be abbreviated or eliminated on labels. The correct label information will be kept in the Collection Database.

- B. The Museum Collection Files will maintain a permanent written record of any artifact deaccessioned and the conditions and circumstances under which the object was deaccessioned. A photograph of the object will be retained. The Museum Collection Database object file will be marked as deaccessioned with the date of disposal/sale.

AGENDA REQUEST FORM

DATE: 11/21/16 **DEPARTMENT:** Admin **DEPT. HEAD SIGNATURE:** _____

ISSUE: Columbia River Gorge Commission Presentation of Plan Review Process

STATUTORY AUTHORITY: OAR _____ County Ordinance _____

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Krystyna Wolniakowski, CRGC Exec. Director will be sharing the process the gorge commission will be taking for their upcoming Plan Review.

FISCAL IMPACT: Budget Line Item: _____ Account Balance: _____

PROJECT ANALYSIS:

Staff Contact: _____ Estimated Hours Spent to Date: _____
Estimated Completion Date: _____ Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES:

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

Receive information.

County Administrator _____

ACTION OF THE BOARD:

County Administrator _____

FOLLOW-UP:*Ord./Res./Agmt./Order Originals: to R & A

*Additional Originals to: _____

Copies (all info.): _____ Copies (ARF only): _____

COLUMBIA RIVER GORGE NATIONAL SCENIC AREA MANAGEMENT PLAN REVIEW

Frequently Asked Questions (FAQs)

Last revised: 11/14/2016

What is Plan Review?

The Columbia River Gorge National Scenic Area (NSA) was established by Congress in 1986. Covering 292,000 acres and 85 miles of the Columbia River in Oregon and Washington, the National Scenic Area is managed jointly by the Columbia River Gorge Commission and the U.S. Forest Service. The purpose of the Columbia River Gorge National Scenic Area Act (Act) is to protect and enhance the natural, cultural, scenic and recreation resources of the NSA, and to protect and support the economy of the Columbia River Gorge area. In accordance with the Act, the Columbia River Gorge Commission and U.S. Forest Service adopted a National Scenic Area Management Plan in 1991 to guide land use in the Columbia River Gorge National Scenic Area. Section 6(g) of the National Scenic Area Act states:

“No sooner than five years after adoption of the management plan, but at least every ten years, the Commission shall review the management plan to determine whether it should be revised. The Commission shall submit any revised management plan to the Secretary (of Agriculture) for review and concurrence, in accordance with the provisions of this section for adoption of the management plan.”

In 2001, ten years after adopting the original Management Plan, the Commission and U.S. Forest Service initiated their first plan review, and in 2004 adopted a number of revisions to the Plan. Although the next review was to begin in 2014, budget cuts and reduced staffing at the Gorge Commission delayed the launch of the next 10-year review. Although the staffing and budget have not recovered to 2001 levels, the Commission decided to launch the Management Plan review and scoping process in November 2016 and will invite additional assistance from Gorge-wide partners.

Plan review is divided into two basic components:

1) Review - consists of a comprehensive scoping process to identify important issues facing the National Scenic Area and analyzing data related to those issues, with the result being a decision as to whether the Management Plan needs any changes or if the Management Plan adequately addresses those issues.

2) Revision - consists of the actual changes that should be made to the Management Plan to address those important issues.

Why are the Commission and the U.S. Forest Service both doing Plan Review?

The National Scenic Area Act directed the Gorge Commission to develop guidelines for the General Management Area (GMA), and the U.S. Forest Service to develop guidelines for the Special Management Area (SMA). The Commission and U.S. Forest Service worked jointly to develop the original Management Plan in 1991 and to revise the Plan in 2004, and will work together in this current Plan Review. Comments on Plan Review topics should be addressed to the Commission and we will then jointly review those with the U.S. Forest Service.

What are the Standards that the Management Plan must meet?

The Columbia River Gorge National Scenic Area Act sets forth the following requirements that the Columbia Gorge Commission must satisfy when revising the Management Plan:

- (1) Protect and enhance agricultural lands for agricultural uses;
- (2) Protect and enhance forest lands for forest uses;
- (3) Protect and enhance open spaces;
- (4) Protect and enhance public and private recreation resources and educational and interpretive facilities and opportunities;
- (5) Prohibit major development actions in special management areas;
- (6) Prohibit industrial development in the scenic area outside urban areas;
- (7) Require that commercial development outside urban areas take place without adversely affecting the scenic, cultural, recreation, or natural resources of the scenic area;
- (8) Require that residential development outside urban areas take place without adversely affecting the scenic, cultural, recreation, and natural resources of the scenic area; and
- (9) Require that mining operations, and the reclamation of mined lands, take place without adversely affecting the scenic, cultural, recreation and natural resources of the scenic area

To meet these standards, the current Management Plan draws from elements of Oregon and Washington land use planning and law, elements of federal forest management, and unique elements that the Commission and U.S. Forest Service developed specifically to address situations in the National Scenic Area.

What is the Schedule for Plan Review?

Starting in November 2016 and concluding in June 2017, the Commission, with public input, will be reviewing the existing Columbia River Gorge Management Plan and discussing which issues will need to be addressed. After the Commission and the U.S. Forest Service have identified



which issues should be addressed in the revision process, the Commission and its staff, together with the

U.S. Forest Service, will analyze and make decisions on overall goals and objectives that need revision and then craft specific policy proposals to implement those goals and objectives. The Commission and U.S. Forest Service expect to finish any needed revisions and complete the plan by June 2019.

How do I get Information About Plan Review?

The Commission maintains an email mailing list for persons interested in the activities of the Commission. If you would like to be on our mailing list, please send a note to planreview@gorgecommission.org. The Commission will use the mailing list to alert the public about upcoming meetings, new reports and other documents, and opportunities for comment and other involvement.

The Commission staff is also constructing a page on our web site (www.gorgecommission.org) devoted to Plan Review, which will provide current information on upcoming meetings and key documents, and invite public comment on currently discussed and studied aspects of the Management Plan.

How do I get Involved?

Public input is integral to our process! The Management Plan review and revision process is designed around ensuring that stakeholders in the Gorge can provide input to the Commission and U.S. Forest Service. The Commission and U.S. Forest Service will engage the four Treaty Tribes in a Government to Government consultation process. The following are opportunities for the public, agencies, stakeholders, and interested entities to get involved:

- Scoping Meetings with Key Partner Agencies – December 2016-February 2017. The Commission and U.S. Forest Service will schedule public meetings with the county commissions, city councils, community councils, and meetings of the Tribal Councils of the four Treaty Tribes in the National Scenic Area to discuss the Plan Review and hear specific concerns and issues for the Commission to consider when revising the Management Plan.
- Public Scoping Meetings – January-February 2017. The Commission and U.S. Forest Service will host three public scoping meetings. These meetings will be in the west, central, and east portions of the National Scenic Area. At these meetings, the Commission will ask the public to identify the issues that should be addressed in the Management Plan revision and request information on why those issues are important.
- Staff Workshops – The Commission staff will hold public workshops to discuss progress over the next year and to seek specific recommendations for resolving the issues that the



Commission has decided to address. The staffs will have draft reports and will share them with the workshop participants in advance of the workshops. These workshops will be roundtable in nature and may be multiple days each. The Commission will provide more detailed information about these workshops closer to their scheduled dates.

- Commission Workshops – In each phase, the Commission will host a midpoint and a final workshop. At the midpoints, the Commission will review the status of the staff work to date, invite public comment, and provide guidance. At the final workshops in each phase, the Commission will review the complete draft products from the staff, invite public comment and adopt final products. If necessary, the final workshops will extend to two or three Commission meetings to allow time for staff to respond to Commission guidance before the Commission approves the product for the phase. The Area Manager for the U.S. Forest Service will attend select midpoint and final workshops in each phases to participate in discussion and hear comments about special management area provisions.
- Commission Approval – The last step in revising the Management Plan is the Commission’s final approval of the revised Management Plan. The Commission will incorporate U.S. Forest Service’s revisions for the SMA. The goal is to complete the “Gorge 2020” Management Plan by June 2019.

How do I Submit Comments?

Anyone can submit written comments by email to planreview@gorgecommission.org or by filling out a form on our website (www.gorgecommission.org). You may provide oral comments by attending a Commission meeting or a Plan Review workshop which will be scheduled in various communities within the Gorge from November 2016 through June 2017.

What Happens after the Commission Adopts the Revisions?

After the Gorge Commission adopts the revisions, it will send the revisions to the U.S. Secretary of Agriculture for concurrence that the revisions comply with the standards in the National Scenic Area Act. After concurrence, counties will have 270 days in which to enact the revisions into their land use ordinances.

*We look forward to your engagement in Plan Review and your help in identifying areas for improvement to create the **Gorge 2020 Management Plan**.*

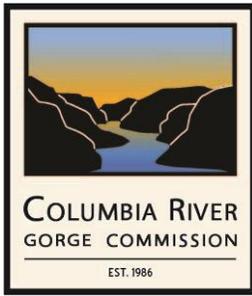
For more information about Plan Review, please contact:

Jessica Gist at the Columbia River Gorge Commission (509)493-3323 x 228,
Jessica.gist@gorgecommission.org

Robin Shoal at the U.S. Forest Service (541) 308-1700, *rshoal@fs.fed.us*

Columbia River Gorge Commission, 57 NE Wauna Avenue, Box 730, White Salmon, WA 98672
www.gorgecommission.org





TO: Columbia River Gorge Commissioners

FROM: Krystyna U. Wolniakowski, Executive Director
Jeff Litwak, Counsel

DATE: October 11, 2016

SUBJECT: ACTION ITEM: Roadmap and Timeline for Proposed “Gorge 2020” Management Plan Review and Update

Background

The legal requirements for Management Plan Review is described in Section 6(g) of the National Scenic Area Act which states:

“Revision of plan. No sooner than five years after adoption of the management plan, but at least every ten years, the Commission shall review the management plan to determine whether it should be revised. The Commission shall submit any revised management plan to the Secretary for review and concurrence, in accordance with the provisions of this section for adoption of the management plan.”

There are three things to note about this requirement. First, the Act requires the Commission review the entire Plan; this is not discretionary. Second, the Act does not require the Commission revise the plan. Whether to revise the plan and what to revise are at the discretion of the Commission. Finally, the Act specifies a detailed process for developing the initial plan, but does not require the Commission to use the same process to make revisions to the Plan.

In litigation involving the last Plan Review process, the Oregon Court of Appeals concluded that the Commission’s process “did precisely what the law requires—it reviewed the entirety of the Management Plan and developed a process for determining which of the Plan’s provisions should be targeted for revision.” The Court of Appeals described the Commission’s process succinctly as follows:

“In response to the Act’s directive, the commission produced a series of monitoring reports, which evaluated the extent to which the existing management plan and guidelines met the requirements of the Act. [T]he commission produced seven such monitoring studies, including reports concerning scenic, cultural, recreational, and natural resources, and concerning agricultural and forest lands. The commission then solicited comments from, and held public hearings on, whether any provisions of the existing management plan were in need of revision. There is no contention that the commission limited the scope of its request for comments to any particular provisions of the management plan.”

Based on its monitoring studies and on the comments that it received from the public, the Commission developed a list of 26 specific topics for more detailed examination. The Commission then held further public hearings on that proposed list and on its adequacy to meet its obligations under the Act.”

The last Management Plan review was initiated in 2000 and completed in 2004. The Commission is currently 2 years past due to begin the review process, but lack of staff and resources since 2014, delayed this effort. However, given the importance of compliance with the NSA Act, current staff are initiating the review as soon as the Commission approves the timeline and process.

General Considerations for the 2016-2019 Management Plan Review

Attachment 1 is staff’s recommended “roadmap”—a proposed timeline for reviewing the Management Plan and revising the Management Plan if the Commission determines that it should be revised.

In developing the process to initiate the 2016 Plan Review, staff considered a number of factors:

- The Commission will complete Plan Review and necessary revisions at about the end of the 2017-19 biennium.
- The Gorge Commission and Forest Service will work together to do joint data collection, scoping, and policy development as much as possible in reviewing and revising the Management Plan.
- The Commission empowered the Assessment Committee to be the Commission’s lead for the Commission staff to consult and get general direction through the process. The Assessment Committee does not guide the Forest Service’s work for the SMA portion of the Plan, but the Assessment Committee may want the Forest Service to explain specific SMA issues, and the Forest Service may choose to take account of Assessment Committee ideas, concerns, and direction to Commission staff.
- The Commission’s staffing and financial resources do not allow the Commission to hold multiple Commission workshop-style hearings on drafting specific text revisions as it did during the last 2000-2004 Plan Review process.
- All of the Assessment Committee and Commission meetings will have opportunities for public input.
- The Commission will create a page on its website for posting Plan Review documents and create an alert to notify the public when it posts new documents.

Staff Recommendation

Staff has recommended that Plan Review proceed in five phases.

<p style="text-align: center;">Phase 1 Review and Update Resource Inventories, Economic Opportunity Study and Recreation Assessments</p>
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Instead of developing “monitoring reports” as in the last Plan Review, staff recommends that the Commission review and update the resource inventories, economic opportunity study and recreation assessments that the Act required for developing the initial plan (sections 6(a), 8(c) and 8(d)). Some of these information

sources are consistently updated, or have current or recent information, but some have not been updated since developing the initial plan.

The data collected in this phase will help the Commission decide whether to revise identified concerns with the Plan. Later, the staffs will likely need to collect or develop specific data that the Commission and Area Manager need to decide on new policy.

- This step starts with the Commission and Forest Service planning staff reviewing what information exists. This is necessary because the Commission and Forest Service staffs are almost entirely new in the past year. For example, the staffs have current natural resource information from their own inventory work and other state and federal agencies; in contrast, the staffs anticipate needing to update the land use inventory.
- After the staffs review existing information, the Assessment Committee will discuss needed updates. This discussion will happen concurrently with public scoping of the plan, so the staffs will have received many comments that will help shape the type and scope of needed updates. The staffs will also review current VSI information, and may be able to plug new information developed for Plan Review into the VSI project.
- Midway through updating the existing information, the Commission will host a public workshop on the updates. The staffs will report on progress and may have questions or request additional direction from the Commission. As the staffs finish this initial data collection, Commission staff will again check in with the Assessment Committee for any final direction before presenting the information to the full Commission. The full Commission and Area Manager will then hold workshops and a public review and discussion of the information.

Approximate completion date will be November 30, 2016

<p style="text-align: center;">Phase 2 Public Input-Scoping-Identify Issues to be Addressed in Plan Revision</p>

Concurrent with collecting data, the Commission and Forest Service will review the Management Plan and decide the topics that it wants to address in revising the plan.

- This step begins with the staff doing an internal review of the Management Plan concurrent with the Commission holding a workshop to discuss issues that the Commission is already aware of and has already expressed interest in addressing.
- Sources of the staff's internal review include notes about the Plan that past planning staff have made; specific issues that the Commission did not address in the last Plan Review; standards that the staffs and counties have needed to interpret in the past; and broad issues identified in the Future Forum, 25th Anniversary, Collaborative Engagement and Administrative Assessment projects, as well as issues/themes identified at the June 2014 Commission retreat. See ***Attachment 2*** for a list of these topics previously identified. Commission staff will report to the Assessment Committee after the internal review and the Assessment Committee may provide additional input to the staff.
- Public scoping to gather a complete list of issues and concerns about the current Management Plan and the National Scenic Area will occur through a series of meetings and open invitations to submit comment at any time. The Forest Service and Commission staff will meet with county and city staff. The Executive Director, Commission Chair and NSA Manager will formally consult with the four treaty tribes. The Executive Director, the county appointee and NSA Manager will meet with County Commissioners (at a County Commission meeting or other county preferred format). The two staffs will also host three public scoping

workshops—one in the east end of the Gorge; one in the middle Gorge, and one in the west end—these are likely going to be late afternoon and evening workshops. The staffs will check in with the Assessment Committee to report on progress, and the Commission will host a workshop at one of its Commission meetings.

- The two staffs will continually collect, summarize, and present the issues as these meetings and workshops and are occurring. The staffs will produce a final summary of the issues and a recommendation of issues for revision. The Commission and NSA Manager will hold workshops on the summary of issues and recommendations for revisions and decide on a final set of issues to consider for revision.

Approximate completion date will be June 30, 2017

<p style="text-align: center;">Phase 3 Revise Goals and Objectives</p>
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The goals and objectives in the Management Plan are high-level statements of the future condition for the National Scenic Area and broad means of achieving that future condition. The Commission did not revise any goals and objectives in the last Plan Review. In the 2016 Plan Review, the staffs anticipate the Commission will need to revise goals and objectives if it chooses to address broad topics that it has already expressed some interest in considering, such as effects of climate change, transportation challenges, and new recreation use.

- This phase begins with a Commission retreat in which it will plan for addressing the topics that it decides to revise with the primary purpose of keeping the Commission focused and on schedule.
- The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and the staff will do most of the drafting. The Commission does not have the resources for commissioners to be heavily engaged in developing the text.
- Midway through this phase, the two staffs will host a public workshop to present progress and receive input. This will be a staff-led, rather than a Commission-led workshop, with the idea that the workshop will be collaborative in nature. The workshop may take place over a few days as needed to work through the material. The Commission may discuss sending a few representatives to the workshop.
- Following the workshop, Commission staff will check in with the Assessment Committee and may ask for additional direction.
- Throughout this phase, the staff will give progress reports to the Commission at its regular meetings. At the end of this phase, the Commission will hold a workshop and approve the goals and objectives.
- Also at the end of this phase, as resources allow, the staffs may discuss with the Commission a changed format to the Management Plan. Currently, the plan is in book form—essentially text—and has had several amendments and one revision grafted into the original form. The Commission may hold a workshop to discuss converting the plan to a web-based format or making structural changes for readability.

Approximate completion date will be February 28, 2018

Phase 4
Revise Policies and Implementation Measures

The policies and implementation measures in the Management Plan are focused action items that implement the goals and objectives. In the current plan, these include the policies and guidelines for new development in Parts I and II and the provisions, strategies and statements of partner roles in Parts III and IV. The Commission will need to revise existing guidelines and enact new policies and implementation measures for topics that the Management Plan does not address.

- The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and the staff will do most of the drafting. The Commission does not have the resources for commissioners to be heavily engaged in developing the text.
- Midway through this phase, the two staffs will host one or two public workshops to present progress and receive input. These will be staff-led and collaborative in nature. Right now, the timeline shows two workshops; each workshop may take place over a few days as needed to work through the material, and the need for a second workshop will be evaluated after completing the first. The Commission may discuss sending a few representatives to the workshops.
- After the first workshop, Commission staff will check in with the Assessment Committee and may ask for additional direction.
- Throughout this phase, the staff will give progress reports to the Commission at its regular meetings and may seek direction on specific points. At the end of this phase, the Commission will hold a workshop and approve the policies and implementation measures.

Approximate completion date will be October 31, 2018

Phase 5
Prepare and Adopt Final Plan

In this phase, the staffs will integrate the revised goals, objectives, policies, and implementation measures into the Management Plan. This phase mostly involves staff drafting of the final plan text using the revisions that the Commission already adopted.

- The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and again, the two staffs will do most of the drafting. The staffs will give careful attention to internal consistency of the revisions with unchanged portions of the plan. The staffs may also change the format of the Management Plan as discussed in the workshops at the end of Phase 3.
- Midway through this phase, the two staffs will host a public workshop to present progress and receive input. This will be a staff-led collaborative workshop.
- Following the workshop, the staff will check in with the Assessment Committee and may ask for additional direction.
- Throughout this phase, the staff will give progress reports to the Commission at its regular meetings. At the end of this phase, the Commission will hold a workshop, likely over two or three months and approve a final revised plan.

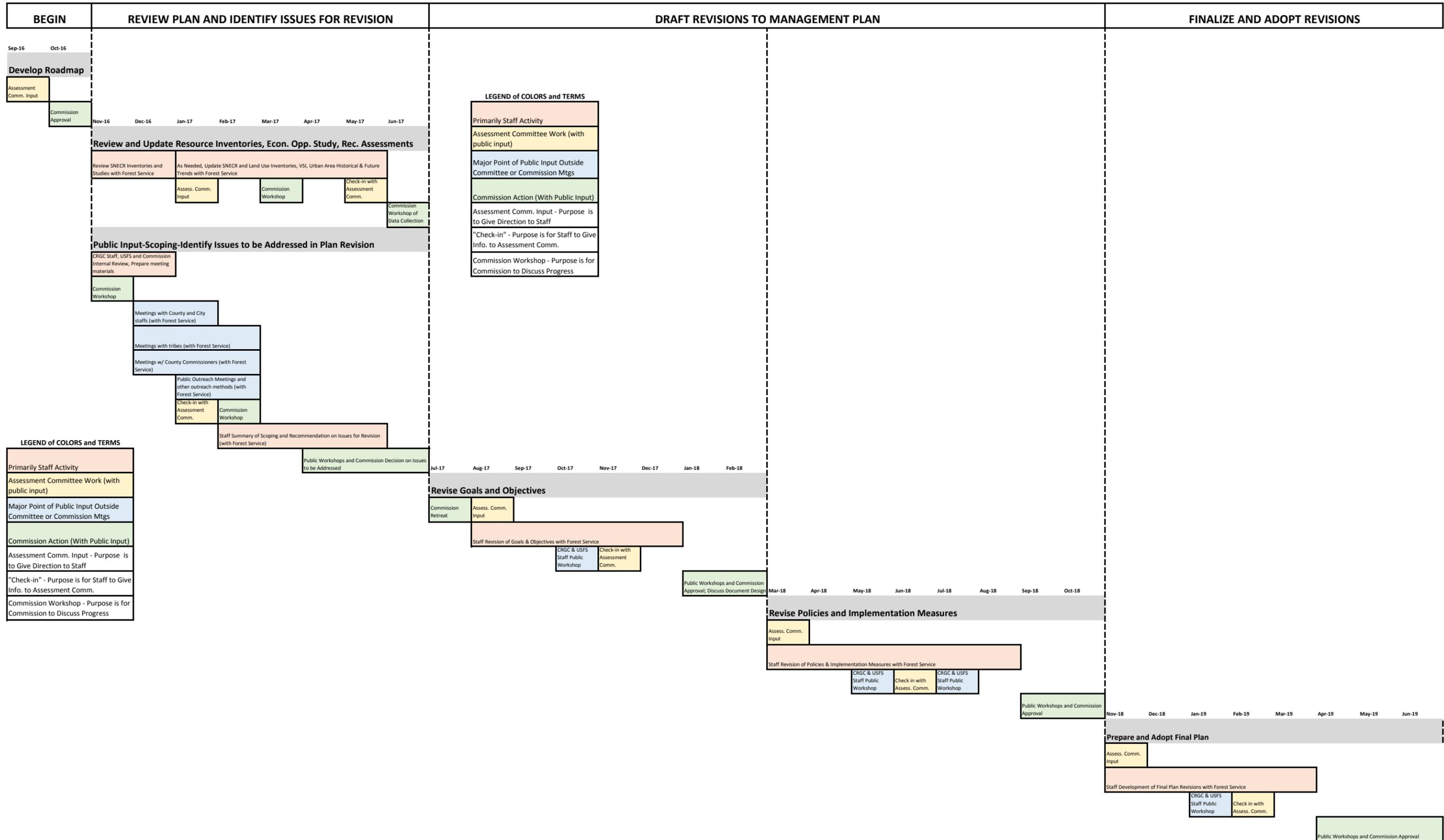
Approximate completion date will be June 30, 2019

Commission Action

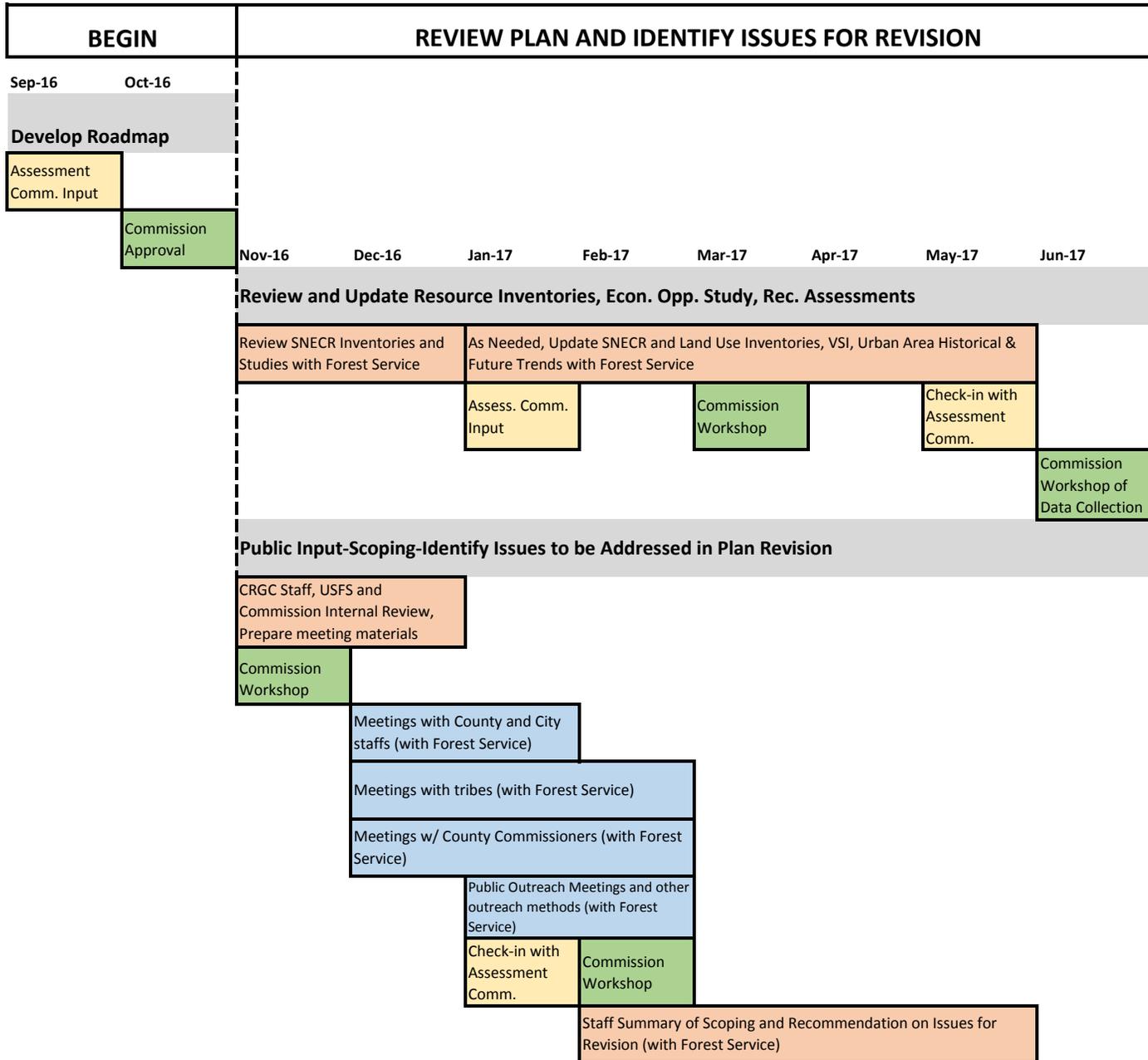
Staff requests that the Commission adopt the roadmap/timeline as presented.

WORK PLAN TIMELINE - 2016-19 PLAN REVIEW AND REVISION

(FINAL - GORGE COMMISSION APPROVED OCT. 11, 2016)



**WORK PLAN TIMELINE - 2016–19 PLAN REVIEW AND REVISION
(FINAL - GORGE COMMISSION APPROVED OCT. 11, 2016)**

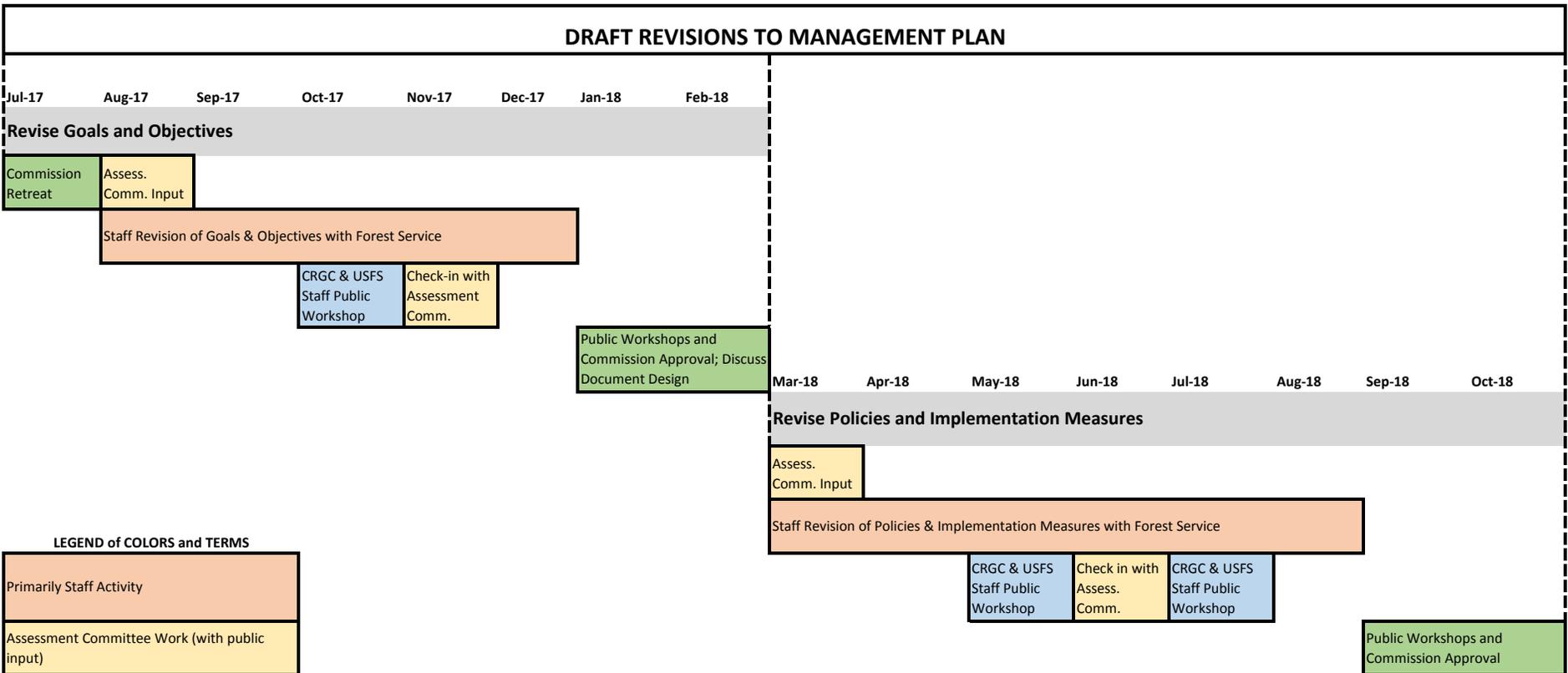


LEGEND of COLORS and TERMS

Primarily Staff Activity
Assessment Committee Work (with public input)
Major Point of Public Input Outside Committee or Commission Mtgs
Commission Action (With Public Input)
Assessment Comm. Input - Purpose is to Give Direction to Staff
"Check-in" - Purpose is for Staff to Give Info. to Assessment Comm.
Commission Workshop - Purpose is for Commission to Discuss Progress

Public Workshops and Commission Decision on
Issues to be Addressed

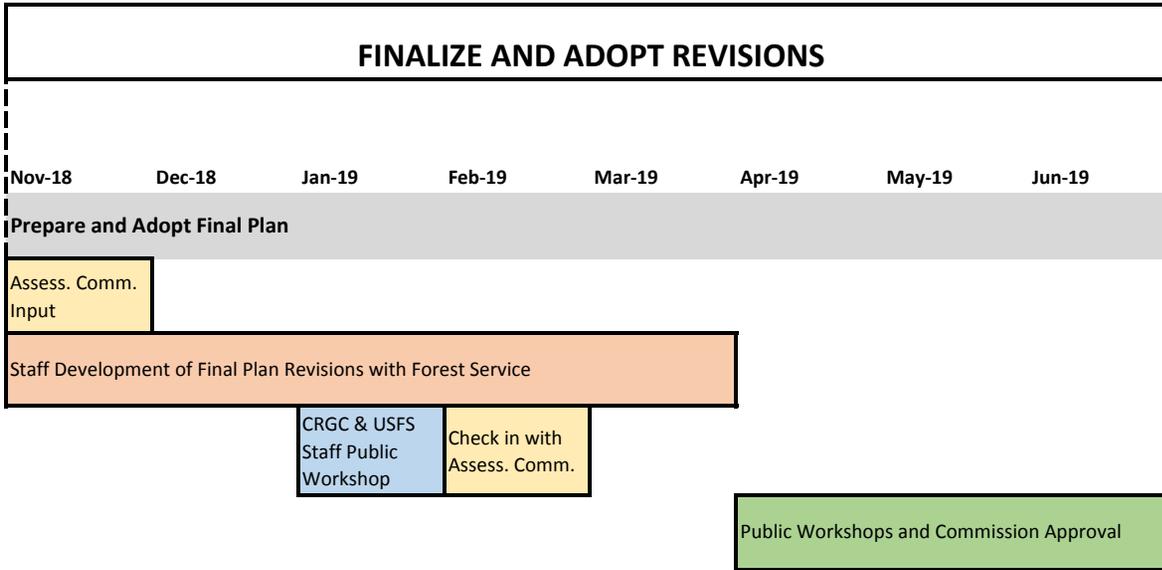
**WORK PLAN TIMELINE - 2016–19 PLAN REVIEW AND REVISION
(FINAL - GORGE COMMISSION APPROVED OCT. 11, 2016)**



LEGEND of COLORS and TERMS

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**WORK PLAN TIMELINE - 2016–19 PLAN REVIEW AND REVISION
(FINAL - GORGE COMMISSION APPROVED OCT. 11, 2016)**



LEGEND of COLORS and TERMS

Primarily Staff Activity
Assessment Committee Work (with public input)
Major Point of Public Input Outside Committee or Commission Mtgs
Commission Action (With Public Input)
Assessment Comm. Input - Purpose is to Give Direction to Staff
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Commission Workshop - Purpose is for Commission to Discuss Progress

AGENDA REQUEST FORM

DATE: 10/21/16

DEPARTMENT: Public Works

DEPT. HEAD SIGNATURE



SUBJECT: Powerdale Corridor update

AUTHORITY: ORS _____ OAR _____ County Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The BOC last heard an update on the Powerdale Corridor project in August 2014. Since then the Columbia Land Trust (CLT) has lead efforts to develop a Recreation & Access Plan by working with landowners and the Powerdale Lands Advisory Committee (PLAC). Kate Conley of CLT requests to update the Board of Commissioners on the plan's status and discuss the future of the property.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item: _____ Account Balance \$: _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: **Mikel Diwan, Public Works**
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

- County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

Receive information on the Powerdale Corridor project from Kate Conley of CLT.

ADMINISTRATIVE COMMENTS/APPROVAL:

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____
Copies (all info.): _____
Copies (ARF only): **Public Works**

POWERDALE RECREATION and ACCESS PLAN

HOOD RIVER OREGON

KEY RECOMMENDATIONS

- 1 **Powerhouse Road:** maintain road or convert to trail in future to ensure public access | action 2.1
- 2 **Powerhouse Structure:** consider powerhouse building removal + site naturalization | action 2.2
- 🚻 **Restrooms:** provide toilet facilities | action 2.2
- 📍 **Signs:** install interpretive signage with maps | action 2.2
- 3 **Railroad:** work with railroad to create legal crossing [A] + obtain trail easement | action 2.3
- 4 **Fencing:** potential fence to focus pedestrian access at designated crossing | action 2.3
- 5 **Indian Creek:** develop Indian Creek Trail spur to access beach | action 3.1
- 6 **Kodak Point:** re-route lower portion of the trail, work with railroad to create legal crossing [B], close lower end of existing trial + abandon existing railroad crossing [C] | action 4.1
- 7 **Pipeline Bridge:** maintain pedestrian bridge | action 5.1
- 8 **Pipeline:** maintain public trail route | action 5.1
- 9 **Washout Area:** develop trail connection to Copper Dam road | action 5.2
- 10 **Copper Dam Road:** maintain pedestrian access along existing dirt road; obtain trail easement across privately-owned section | action 6.1
- 11 **Former Dam Site:** work to restore some form of public access | action 6.1



A Artist rendering of culvert underpass



3 Artist rendering of elevated trail adjacent to railroad tracks



B Artist rendering of an at grade crossing

LEGEND

- +++++ RAILROAD
- 🚻 RESTROOMS
- 📍 INFORMATIONAL SIGNAGE
- P PARKING
- - - - - POTENTIAL FENCING
- POWERDALE TRAIL
- - - - - PROPOSED TRAIL EASEMENT
- INDIAN CREEK TRAIL
- PROPOSED NEW INDIAN CREEK TRAIL SEGMENT
- KODAK POINT TRAIL
- PROPOSED NEW KODAK POINT TRAIL SEGMENT
- PROPOSED SAFE RAILROAD TRACK CROSSINGS
- ABANDONED RAILROAD TRACK CROSSING
- - - - - ABANDONED TRAIL SEGMENT
- ELEVATED PIPELINE POWERDALE TRAIL
- WASHOUT AREA
- ◊◊◊◊ PROPOSED WASHOUT AREA TRAIL CONNECTION
- HOOD RIVER COUNTY LAND OWNERSHIP
- COLUMBIA LAND TRUST LAND OWNERSHIP

1 inch = 2000 feet



AGENDA REQUEST FORM

DATE: 11/21/16 **DEPARTMENT:** Admin **DEPT. HEAD SIGNATURE:** _____

ISSUE: Waste Connections – Rate Increase Request; Setting a Public Hearing

STATUTORY AUTHORITY: OAR _____ County Ordinance _____

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Waste Connections District Manager Jim Winterbottom has requested to present a rate increase request for 2017. Per the Franchise Agreement with Waste Connections requires the Commissioners to conduct a public hearing to consider the request.

FISCAL IMPACT: Budget Line Item: _____ Account Balance: _____

PROJECT ANALYSIS:

Staff Contact: _____ Estimated Hours Spent to Date: _____
Estimated Completion Date: _____ Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES:

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

Receive information from Jim Winterbottom and then set a public hearing for December 19, 2016 at 6:00pm to consider a .85% rate increase.

County Administrator _____

ACTION OF THE BOARD:

County Administrator _____

FOLLOW-UP:*Ord./Res./Agmt./Order Originals: to R & A

*Additional Originals to: _____

Copies (all info.): _____ Copies (ARF only): _____



WASTE CONNECTIONS INC.
Connect with the Future®

HOOD RIVER GARBAGE
3440 Guignard Dr. – Hood River, Or. 97031
(541) 386-2272

Hood River County
601 State Street
Hood River, Or. 97031

November 3, 2016

To: Jeff Hecksel, County Administrator

Dear Mr. Hecksel:

Hood River Garbage would like to respectfully request a rate adjustment averaging approximately .85% to help offset rising operational costs and tip fees. We request this adjustment to be effective January 1, 2017. Some examples of these increases include, but are not limited to, health care, and truck and equipment repair.

We use the Federal Bureau of Labor Statistics CPI index to benchmark our changes in operational costs. This index is computed as of June 30 and December 31. The most recent June to June comparison increased 1.0%, and we believe this is a good indicator of our overall experience. The Wasco County Landfill anticipates increasing both its gate rate and the pass-through Household Hazardous Waste tax by .85%, effective January 1, 2017. We have incorporated these increases into the attached proposed rate schedule.

Individual rates change by different percentages based upon the disposal weight component of each rate.

We would like to be scheduled on the council agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide the County of Hood River with high quality solid waste service.

Sincerely,

Jim Winterbottom
District Manager

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
RESIDENTIAL						
UGA						
32 GALLON CAN						
Weekly						
- curbside	\$18.88	\$0.02	\$0.13	\$0.01	\$0.16	\$19.04
- carry out	\$25.27	\$0.02	\$0.18	\$0.01	\$0.21	\$25.48
* each addl 25 ft	\$3.18	\$0.00	\$0.03	\$0.00	\$0.03	\$3.21
EOW						
- curbside	\$14.89	\$0.01	\$0.10	\$0.01	\$0.12	\$15.01
- carry out	\$19.71	\$0.01	\$0.14	\$0.01	\$0.16	\$19.87
* each addl 25 ft	\$2.42	\$0.00	\$0.02	\$0.00	\$0.02	\$2.44
Monthly						
- curbside	\$10.29	\$0.01	\$0.08	\$0.00	\$0.09	\$10.38
- carry out	\$13.16	\$0.01	\$0.10	\$0.01	\$0.12	\$13.28
* each addl 25 ft	\$1.45	\$0.00	\$0.01	\$0.00	\$0.01	\$1.46
MINI 20 GALLON CAN						
Weekly						
- curbside	\$14.83	\$0.01	\$0.11	\$0.01	\$0.13	\$14.96
- carry out	\$19.63	\$0.01	\$0.14	\$0.01	\$0.16	\$19.79
* each addl 25 ft	\$3.18	\$0.00	\$0.03	\$0.00	\$0.03	\$3.21
EOW						
- curbside	\$12.47	\$0.01	\$0.09	\$0.01	\$0.11	\$12.58
- carry out	\$15.98	\$0.01	\$0.12	\$0.01	\$0.14	\$16.12
* each addl 25 ft	\$2.42	\$0.00	\$0.02	\$0.00	\$0.02	\$2.44
SPECIAL CHARGES						
- overweight/full	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- extra bag/box	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- Washer/Dryer/Stove	\$13.16	\$0.00	\$0.11	\$0.01	\$0.12	\$13.28
- Water Heater	\$14.57	\$0.00	\$0.12	\$0.01	\$0.13	\$14.70
- Sofa/Chair	\$11.89	\$0.00	\$0.10	\$0.01	\$0.11	\$12.00
- Mattress	\$10.78	\$0.00	\$0.09	\$0.00	\$0.09	\$10.87
- return trip	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Recycle Bin replacem	\$20.96	\$0.00	\$0.17	\$0.01	\$0.18	\$21.14
- Account Set Up Fee	\$5.94	\$0.00	\$0.05	\$0.00	\$0.05	\$5.99
- NSF	\$31.26	\$0.00	\$0.25	\$0.01	\$0.26	\$31.52
- Delinquent Fee	\$13.63	\$0.00	\$0.11	\$0.01	\$0.12	\$13.75

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
RESIDENTIAL						
RURAL						
32 GALLON CAN						
Weekly						
- curbside	\$18.17	\$0.02	\$0.12	\$0.01	\$0.15	\$18.32
- carry out	\$24.58	\$0.02	\$0.17	\$0.01	\$0.20	\$24.78
* each addl 25 ft	\$3.18	\$0.00	\$0.03	\$0.00	\$0.03	\$3.21
EOW						
- curbside	\$14.18	\$0.01	\$0.10	\$0.01	\$0.12	\$14.30
- carry out	\$18.99	\$0.01	\$0.14	\$0.01	\$0.16	\$19.15
* each addl 25 ft	\$2.56	\$0.00	\$0.02	\$0.00	\$0.02	\$2.58
Monthly						
- curbside	\$8.88	\$0.01	\$0.06	\$0.00	\$0.07	\$8.95
- carry out	\$11.76	\$0.01	\$0.09	\$0.01	\$0.11	\$11.87
* each addl 25 ft	\$1.50	\$0.00	\$0.01	\$0.00	\$0.01	\$1.51
MINI 20 GALLON CAN						
Weekly						
- curbside	\$14.11	\$0.01	\$0.10	\$0.01	\$0.12	\$14.23
- carry out	\$18.92	\$0.01	\$0.14	\$0.01	\$0.16	\$19.08
* each addl 25 ft	\$3.18	\$0.00	\$0.03	\$0.00	\$0.03	\$3.21
EOW						
- curbside	\$11.74	\$0.01	\$0.09	\$0.01	\$0.11	\$11.85
- carry out	\$15.30	\$0.01	\$0.11	\$0.01	\$0.13	\$15.43
* each addl 25 ft	\$2.56	\$0.00	\$0.02	\$0.00	\$0.02	\$2.58
SPECIAL CHARGES						
- overweight/full	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- extra bag/box	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- Washer/Dryer/Stove	\$13.16	\$0.00	\$0.11	\$0.01	\$0.12	\$13.28
- Water Heater	\$14.57	\$0.00	\$0.12	\$0.01	\$0.13	\$14.70
- Sofa/Chair	\$11.89	\$0.00	\$0.10	\$0.01	\$0.11	\$12.00
- Mattress	\$10.78	\$0.00	\$0.09	\$0.00	\$0.09	\$10.87
- return trip	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Recycle Bin replace	\$20.96	\$0.00	\$0.17	\$0.01	\$0.18	\$21.14
- Account Set Up Fee	\$5.94	\$0.00	\$0.05	\$0.00	\$0.05	\$5.99
- NSF	\$31.15	\$0.00	\$0.25	\$0.01	\$0.26	\$31.41
- Delinquent Fee	\$13.63	\$0.00	\$0.11	\$0.01	\$0.12	\$13.75

Low Income/Elderly/Disabled persons (qualified by MCCA) will receive a \$3.00/month discount

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
COMMERCIAL						
32 GALLON CAN						
Weekly						
- curbside	\$16.89	\$0.02	\$0.11	\$0.01	\$0.14	\$17.03
- carry out	\$23.32	\$0.02	\$0.16	\$0.01	\$0.19	\$23.51
* each add 25ft	\$3.92	\$0.00	\$0.03	\$0.00	\$0.03	\$3.95
EOW						
- curbside	\$12.52	\$0.01	\$0.09	\$0.01	\$0.11	\$12.63
- carry out	\$16.99	\$0.01	\$0.12	\$0.01	\$0.14	\$17.13
* each add 25ft	\$2.80	\$0.00	\$0.02	\$0.00	\$0.02	\$2.82
Monthly						
- curbside	\$7.43	\$0.01	\$0.05	\$0.00	\$0.06	\$7.49
- carry out	\$10.32	\$0.01	\$0.08	\$0.00	\$0.09	\$10.41
* each add 25ft	\$1.66	\$0.00	\$0.01	\$0.00	\$0.01	\$1.67
SPECIAL CHARGES						
- overweight/full	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- extra bag/box	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- Washer/Dryer/Stove	\$12.55	\$0.00	\$0.10	\$0.01	\$0.11	\$12.66
- Water Heater	\$14.57	\$0.00	\$0.12	\$0.01	\$0.13	\$14.70
- Sofa/Chair	\$11.89	\$0.00	\$0.10	\$0.01	\$0.11	\$12.00
- Mattress	\$10.78	\$0.00	\$0.09	\$0.00	\$0.09	\$10.87
- White goods	\$12.59	\$0.00	\$0.10	\$0.01	\$0.11	\$12.70
- return trip	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Lock charge	\$3.71	\$0.00	\$0.03	\$0.00	\$0.03	\$3.74
- Access charge	\$3.71	\$0.00	\$0.03	\$0.00	\$0.03	\$3.74
- Recycle Bin replacem	\$20.96	\$0.00	\$0.17	\$0.01	\$0.18	\$21.14
- Account Set Up Fee	\$5.94	\$0.00	\$0.05	\$0.00	\$0.05	\$5.99
- NSF	\$31.15	\$0.00	\$0.25	\$0.01	\$0.26	\$31.41
- Delinquent Fee	\$13.63	\$0.00	\$0.11	\$0.01	\$0.12	\$13.75
-Mileage 15 miles RT from LF	\$3.25	\$0.00	\$0.03	\$0.00	\$0.03	\$3.28
1 1/2 Yd Containers						
- Delivery	\$30.29	\$0.00	\$0.24	\$0.01	\$0.25	\$30.54
- EOW	\$66.40	\$0.12	\$0.44	\$0.03	\$0.59	\$66.99
- 1XPW	\$118.70	\$0.21	\$0.77	\$0.06	\$1.04	\$119.74
- 2XPW	\$200.78	\$0.44	\$1.25	\$0.10	\$1.79	\$202.57
- 3XPW	\$279.53	\$0.66	\$1.70	\$0.14	\$2.50	\$282.03
- 4XPW	\$355.00	\$0.87	\$2.12	\$0.17	\$3.16	\$358.16
- 5XPW	\$425.32	\$1.10	\$2.50	\$0.21	\$3.81	\$429.13
- 6XPW	\$495.66	\$1.31	\$2.89	\$0.24	\$4.44	\$500.10

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
2 Yd Containers						
- Delivery	\$30.29	\$0.00	\$0.24	\$0.01	\$0.25	\$30.54
- EOW	\$85.91	\$0.14	\$0.57	\$0.04	\$0.75	\$86.66
- 1XPW	\$234.72	\$0.28	\$1.65	\$0.11	\$2.04	\$236.76
- 2XPW	\$396.16	\$0.59	\$2.70	\$0.19	\$3.48	\$399.64
- 3XPW	\$550.98	\$0.87	\$3.71	\$0.26	\$4.84	\$555.82
- 4XPW	\$699.26	\$1.17	\$4.66	\$0.33	\$6.16	\$705.42
- 5XPW	\$837.20	\$1.45	\$5.52	\$0.40	\$7.37	\$844.57
- 6XPW	\$607.92	\$1.76	\$3.42	\$0.30	\$5.48	\$613.40
3 Yd Containers						
- Delivery	\$30.29	\$0.00	\$0.24	\$0.01	\$0.25	\$30.54
- EOW	\$126.84	\$0.21	\$0.84	\$0.06	\$1.11	\$127.95
- 1XPW	\$216.43	\$0.44	\$1.38	\$0.10	\$1.92	\$218.35
- 2XPW	\$363.63	\$0.87	\$2.19	\$0.18	\$3.24	\$366.87
- 3XPW	\$508.76	\$1.31	\$2.99	\$0.25	\$4.55	\$513.31
- 4XPW	\$660.42	\$1.76	\$3.85	\$0.32	\$5.93	\$666.35
- 5XPW	\$777.49	\$2.19	\$4.42	\$0.38	\$6.99	\$784.48
- 6XPW	\$907.48	\$2.63	\$5.10	\$0.45	\$8.18	\$915.66
SPECIAL CONTAINER CHARGES						
- One Time Del/PU	\$30.29	\$0.00	\$0.24	\$0.01	\$0.25	\$30.54
- Return Trip	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Access Charge	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Roll out over 15 ft	\$3.71	\$0.00	\$0.03	\$0.00	\$0.03	\$3.74
- Roll out over 20 ft	\$5.95	\$0.00	\$0.05	\$0.00	\$0.05	\$6.00
- Off day PU	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Mileage (over 15RT)	\$3.20	\$0.00	\$0.03	\$0.00	\$0.03	\$3.23
- Rent-a-Bin (1.5 Yards)	\$65.04	\$0.06	\$0.48	\$0.03	\$0.57	\$65.61
- On Call Container (1.5 Yards)	\$32.25	\$0.06	\$0.22	\$0.02	\$0.30	\$32.55
DROP BOXES						
- Placement/per trip	\$69.92	\$0.00	\$0.56	\$0.03	\$0.59	\$70.51
- Moving Fee (per trip)	\$69.92	\$0.00	\$0.56	\$0.03	\$0.59	\$70.51
- Drop Box Swap	\$122.67	\$0.06	\$0.94	\$0.06	\$1.06	\$123.73
- Compact Box Swap	\$149.11	\$0.18	\$1.06	\$0.07	\$1.31	\$150.42
- Excess Chg/ton over 5 tons	\$47.77	\$0.44	\$0.00	\$0.03	\$0.47	\$48.24
- Daily Demurrage (over 96 hours)	\$5.34	\$0.00	\$0.04	\$0.00	\$0.04	\$5.38
- Month Max Demurrage	\$136.44	\$0.00	\$1.10	\$0.06	\$1.16	\$137.60
- Special/Modified DB						
* Lid/Screen, Winch (per day)	\$5.05	\$0.00	\$0.04	\$0.00	\$0.04	\$5.09
* Monthly Max	\$151.26	\$0.00	\$1.22	\$0.07	\$1.29	\$152.55
- Waiting Time (per min)	\$1.76	\$0.00	\$0.01	\$0.00	\$0.01	\$1.77
- Mileage (over 15RT)	\$3.25	\$0.00	\$0.03	\$0.00	\$0.03	\$3.28

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
TRANSFER STATION						
TRANSFER ST. DROP BOX						
Tip fee on all loads						
Fee on DB per yard loose	\$16.40	\$0.06	\$0.08	\$0.01	\$0.15	\$16.55
Fee on Compact per yard	\$23.54	\$0.17	\$0.05	\$0.01	\$0.23	\$23.77
MISCELLANEOUS SERVICE PER HOUR						
Equipment Rental						
- Rear Loader	\$133.25	\$0.00	\$1.08	\$0.06	\$1.14	\$134.39
- Roll Off	\$117.59	\$0.00	\$0.95	\$0.05	\$1.00	\$118.59
- Extra Labor	\$30.74	\$0.00	\$0.25	\$0.01	\$0.26	\$31.00
- Extra Labor OT	\$46.09	\$0.00	\$0.37	\$0.02	\$0.39	\$46.48
TRANSFER STATION OTHER						
Minimum charge: household garbage						
*one can/bag	\$7.84	\$0.01	\$0.06	\$0.00	\$0.07	\$7.91
Bulk Items:						
*Matress/Box Springs	\$9.33	\$0.01	\$0.06	\$0.00	\$0.07	\$9.40
*Recliner/Large Chairs	\$9.33	\$0.01	\$0.06	\$0.00	\$0.07	\$9.40
*Couches/Furniture/TVs	\$9.33	\$0.01	\$0.06	\$0.00	\$0.07	\$9.40
1 yd loose	\$16.44	\$0.06	\$0.08	\$0.01	\$0.15	\$16.59
* each additional yd	\$16.44	\$0.06	\$0.08	\$0.01	\$0.15	\$16.59
1 yd Compacted commercial	\$24.38	\$0.18	\$0.05	\$0.01	\$0.24	\$24.62
* each additional yd	\$24.38	\$0.18	\$0.05	\$0.01	\$0.24	\$24.62
1 yd Yard Debris	\$12.52	\$0.06	\$0.05	\$0.01	\$0.12	\$12.64
* each additional yd	\$12.52	\$0.06	\$0.05	\$0.01	\$0.12	\$12.64
Washer/Dryer/Stove	\$14.27	\$0.06	\$0.07	\$0.01	\$0.14	\$14.41
Frig/Freezer/Air Conditioner	\$33.30	\$0.05	\$0.23	\$0.02	\$0.30	\$33.60
Tires (per tire with 5 max)						
- Auto/light off rim	\$2.83	\$0.00	\$0.02	\$0.00	\$0.02	\$2.85
- Auto/light on rim No Longer Accepted						
- Heavy Truck off rim	\$8.96	\$0.00	\$0.07	\$0.00	\$0.07	\$9.03
- Heavy Truck on rim No Longer Accepted						



WASTE CONNECTIONS INC.
Connect with the Future®

HOOD RIVER GARBAGE
3440 Guignard Dr. – Hood River, Or. 97031
(541) 386-2272

Hood River County
601 State Street
Hood River, Or. 97031

November 3, 2016

To: Jeff Hecksel, County Administrator

Dear Mr. Hecksel:

Hood River Garbage would like to respectfully request a rate adjustment averaging approximately .85% to help offset rising operational costs and tip fees. We request this adjustment to be effective January 1, 2017. Some examples of these increases include, but are not limited to, health care, and truck and equipment repair.

We use the Federal Bureau of Labor Statistics CPI index to benchmark our changes in operational costs. This index is computed as of June 30 and December 31. The most recent June to June comparison increased 1.0%, and we believe this is a good indicator of our overall experience. The Wasco County Landfill anticipates increasing both its gate rate and the pass-through Household Hazardous Waste tax by .85%, effective January 1, 2017. We have incorporated these increases into the attached proposed rate schedule.

Individual rates change by different percentages based upon the disposal weight component of each rate.

We would like to be scheduled on the council agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide the County of Hood River with high quality solid waste service.

Sincerely,

Jim Winterbottom
District Manager

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
RESIDENTIAL						
UGA						
32 GALLON CAN						
Weekly						
- curbside	\$18.88	\$0.02	\$0.13	\$0.01	\$0.16	\$19.04
- carry out	\$25.27	\$0.02	\$0.18	\$0.01	\$0.21	\$25.48
* each addl 25 ft	\$3.18	\$0.00	\$0.03	\$0.00	\$0.03	\$3.21
EOW						
- curbside	\$14.89	\$0.01	\$0.10	\$0.01	\$0.12	\$15.01
- carry out	\$19.71	\$0.01	\$0.14	\$0.01	\$0.16	\$19.87
* each addl 25 ft	\$2.42	\$0.00	\$0.02	\$0.00	\$0.02	\$2.44
Monthly						
- curbside	\$10.29	\$0.01	\$0.08	\$0.00	\$0.09	\$10.38
- carry out	\$13.16	\$0.01	\$0.10	\$0.01	\$0.12	\$13.28
* each addl 25 ft	\$1.45	\$0.00	\$0.01	\$0.00	\$0.01	\$1.46
MINI 20 GALLON CAN						
Weekly						
- curbside	\$14.83	\$0.01	\$0.11	\$0.01	\$0.13	\$14.96
- carry out	\$19.63	\$0.01	\$0.14	\$0.01	\$0.16	\$19.79
* each addl 25 ft	\$3.18	\$0.00	\$0.03	\$0.00	\$0.03	\$3.21
EOW						
- curbside	\$12.47	\$0.01	\$0.09	\$0.01	\$0.11	\$12.58
- carry out	\$15.98	\$0.01	\$0.12	\$0.01	\$0.14	\$16.12
* each addl 25 ft	\$2.42	\$0.00	\$0.02	\$0.00	\$0.02	\$2.44
SPECIAL CHARGES						
- overweight/full	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- extra bag/box	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- Washer/Dryer/Stove	\$13.16	\$0.00	\$0.11	\$0.01	\$0.12	\$13.28
- Water Heater	\$14.57	\$0.00	\$0.12	\$0.01	\$0.13	\$14.70
- Sofa/Chair	\$11.89	\$0.00	\$0.10	\$0.01	\$0.11	\$12.00
- Mattress	\$10.78	\$0.00	\$0.09	\$0.00	\$0.09	\$10.87
- return trip	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Recycle Bin replacem	\$20.96	\$0.00	\$0.17	\$0.01	\$0.18	\$21.14
- Account Set Up Fee	\$5.94	\$0.00	\$0.05	\$0.00	\$0.05	\$5.99
- NSF	\$31.26	\$0.00	\$0.25	\$0.01	\$0.26	\$31.52
- Delinquent Fee	\$13.63	\$0.00	\$0.11	\$0.01	\$0.12	\$13.75

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
RESIDENTIAL						
RURAL						
32 GALLON CAN						
Weekly						
- curbside	\$18.17	\$0.02	\$0.12	\$0.01	\$0.15	\$18.32
- carry out	\$24.58	\$0.02	\$0.17	\$0.01	\$0.20	\$24.78
* each addl 25 ft	\$3.18	\$0.00	\$0.03	\$0.00	\$0.03	\$3.21
EOW						
- curbside	\$14.18	\$0.01	\$0.10	\$0.01	\$0.12	\$14.30
- carry out	\$18.99	\$0.01	\$0.14	\$0.01	\$0.16	\$19.15
* each addl 25 ft	\$2.56	\$0.00	\$0.02	\$0.00	\$0.02	\$2.58
Monthly						
- curbside	\$8.88	\$0.01	\$0.06	\$0.00	\$0.07	\$8.95
- carry out	\$11.76	\$0.01	\$0.09	\$0.01	\$0.11	\$11.87
* each addl 25 ft	\$1.50	\$0.00	\$0.01	\$0.00	\$0.01	\$1.51
MINI 20 GALLON CAN						
Weekly						
- curbside	\$14.11	\$0.01	\$0.10	\$0.01	\$0.12	\$14.23
- carry out	\$18.92	\$0.01	\$0.14	\$0.01	\$0.16	\$19.08
* each addl 25 ft	\$3.18	\$0.00	\$0.03	\$0.00	\$0.03	\$3.21
EOW						
- curbside	\$11.74	\$0.01	\$0.09	\$0.01	\$0.11	\$11.85
- carry out	\$15.30	\$0.01	\$0.11	\$0.01	\$0.13	\$15.43
* each addl 25 ft	\$2.56	\$0.00	\$0.02	\$0.00	\$0.02	\$2.58
SPECIAL CHARGES						
- overweight/full	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- extra bag/box	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- Washer/Dryer/Stove	\$13.16	\$0.00	\$0.11	\$0.01	\$0.12	\$13.28
- Water Heater	\$14.57	\$0.00	\$0.12	\$0.01	\$0.13	\$14.70
- Sofa/Chair	\$11.89	\$0.00	\$0.10	\$0.01	\$0.11	\$12.00
- Mattress	\$10.78	\$0.00	\$0.09	\$0.00	\$0.09	\$10.87
- return trip	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Recycle Bin replace	\$20.96	\$0.00	\$0.17	\$0.01	\$0.18	\$21.14
- Account Set Up Fee	\$5.94	\$0.00	\$0.05	\$0.00	\$0.05	\$5.99
- NSF	\$31.15	\$0.00	\$0.25	\$0.01	\$0.26	\$31.41
- Delinquent Fee	\$13.63	\$0.00	\$0.11	\$0.01	\$0.12	\$13.75

Low Income/Elderly/Disabled persons (qualified by MCCA) will receive a \$3.00/month discount

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
COMMERCIAL						
32 GALLON CAN						
Weekly						
- curbside	\$16.89	\$0.02	\$0.11	\$0.01	\$0.14	\$17.03
- carry out	\$23.32	\$0.02	\$0.16	\$0.01	\$0.19	\$23.51
* each add 25ft	\$3.92	\$0.00	\$0.03	\$0.00	\$0.03	\$3.95
EOW						
- curbside	\$12.52	\$0.01	\$0.09	\$0.01	\$0.11	\$12.63
- carry out	\$16.99	\$0.01	\$0.12	\$0.01	\$0.14	\$17.13
* each add 25ft	\$2.80	\$0.00	\$0.02	\$0.00	\$0.02	\$2.82
Monthly						
- curbside	\$7.43	\$0.01	\$0.05	\$0.00	\$0.06	\$7.49
- carry out	\$10.32	\$0.01	\$0.08	\$0.00	\$0.09	\$10.41
* each add 25ft	\$1.66	\$0.00	\$0.01	\$0.00	\$0.01	\$1.67
SPECIAL CHARGES						
- overweight/full	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- extra bag/box	\$4.41	\$0.00	\$0.03	\$0.00	\$0.03	\$4.44
- Washer/Dryer/Stove	\$12.55	\$0.00	\$0.10	\$0.01	\$0.11	\$12.66
- Water Heater	\$14.57	\$0.00	\$0.12	\$0.01	\$0.13	\$14.70
- Sofa/Chair	\$11.89	\$0.00	\$0.10	\$0.01	\$0.11	\$12.00
- Mattress	\$10.78	\$0.00	\$0.09	\$0.00	\$0.09	\$10.87
- White goods	\$12.59	\$0.00	\$0.10	\$0.01	\$0.11	\$12.70
- return trip	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Lock charge	\$3.71	\$0.00	\$0.03	\$0.00	\$0.03	\$3.74
- Access charge	\$3.71	\$0.00	\$0.03	\$0.00	\$0.03	\$3.74
- Recycle Bin replacem	\$20.96	\$0.00	\$0.17	\$0.01	\$0.18	\$21.14
- Account Set Up Fee	\$5.94	\$0.00	\$0.05	\$0.00	\$0.05	\$5.99
- NSF	\$31.15	\$0.00	\$0.25	\$0.01	\$0.26	\$31.41
- Delinquent Fee	\$13.63	\$0.00	\$0.11	\$0.01	\$0.12	\$13.75
-Mileage 15 miles RT from LF	\$3.25	\$0.00	\$0.03	\$0.00	\$0.03	\$3.28
1 1/2 Yd Containers						
- Delivery	\$30.29	\$0.00	\$0.24	\$0.01	\$0.25	\$30.54
- EOW	\$66.40	\$0.12	\$0.44	\$0.03	\$0.59	\$66.99
- 1XPW	\$118.70	\$0.21	\$0.77	\$0.06	\$1.04	\$119.74
- 2XPW	\$200.78	\$0.44	\$1.25	\$0.10	\$1.79	\$202.57
- 3XPW	\$279.53	\$0.66	\$1.70	\$0.14	\$2.50	\$282.03
- 4XPW	\$355.00	\$0.87	\$2.12	\$0.17	\$3.16	\$358.16
- 5XPW	\$425.32	\$1.10	\$2.50	\$0.21	\$3.81	\$429.13
- 6XPW	\$495.66	\$1.31	\$2.89	\$0.24	\$4.44	\$500.10

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
2 Yd Containers						
- Delivery	\$30.29	\$0.00	\$0.24	\$0.01	\$0.25	\$30.54
- EOW	\$85.91	\$0.14	\$0.57	\$0.04	\$0.75	\$86.66
- 1XPW	\$234.72	\$0.28	\$1.65	\$0.11	\$2.04	\$236.76
- 2XPW	\$396.16	\$0.59	\$2.70	\$0.19	\$3.48	\$399.64
- 3XPW	\$550.98	\$0.87	\$3.71	\$0.26	\$4.84	\$555.82
- 4XPW	\$699.26	\$1.17	\$4.66	\$0.33	\$6.16	\$705.42
- 5XPW	\$837.20	\$1.45	\$5.52	\$0.40	\$7.37	\$844.57
- 6XPW	\$607.92	\$1.76	\$3.42	\$0.30	\$5.48	\$613.40
3 Yd Containers						
- Delivery	\$30.29	\$0.00	\$0.24	\$0.01	\$0.25	\$30.54
- EOW	\$126.84	\$0.21	\$0.84	\$0.06	\$1.11	\$127.95
- 1XPW	\$216.43	\$0.44	\$1.38	\$0.10	\$1.92	\$218.35
- 2XPW	\$363.63	\$0.87	\$2.19	\$0.18	\$3.24	\$366.87
- 3XPW	\$508.76	\$1.31	\$2.99	\$0.25	\$4.55	\$513.31
- 4XPW	\$660.42	\$1.76	\$3.85	\$0.32	\$5.93	\$666.35
- 5XPW	\$777.49	\$2.19	\$4.42	\$0.38	\$6.99	\$784.48
- 6XPW	\$907.48	\$2.63	\$5.10	\$0.45	\$8.18	\$915.66
SPECIAL CONTAINER CHARGES						
- One Time Del/PU	\$30.29	\$0.00	\$0.24	\$0.01	\$0.25	\$30.54
- Return Trip	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Access Charge	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Roll out over 15 ft	\$3.71	\$0.00	\$0.03	\$0.00	\$0.03	\$3.74
- Roll out over 20 ft	\$5.95	\$0.00	\$0.05	\$0.00	\$0.05	\$6.00
- Off day PU	\$10.27	\$0.00	\$0.08	\$0.00	\$0.08	\$10.35
- Mileage (over 15RT)	\$3.20	\$0.00	\$0.03	\$0.00	\$0.03	\$3.23
- Rent-a-Bin (1.5 Yards)	\$65.04	\$0.06	\$0.48	\$0.03	\$0.57	\$65.61
- On Call Container (1.5 Yards)	\$32.25	\$0.06	\$0.22	\$0.02	\$0.30	\$32.55
DROP BOXES						
- Placement/per trip	\$69.92	\$0.00	\$0.56	\$0.03	\$0.59	\$70.51
- Moving Fee (per trip)	\$69.92	\$0.00	\$0.56	\$0.03	\$0.59	\$70.51
- Drop Box Swap	\$122.67	\$0.06	\$0.94	\$0.06	\$1.06	\$123.73
- Compact Box Swap	\$149.11	\$0.18	\$1.06	\$0.07	\$1.31	\$150.42
- Excess Chg/ton over 5 tons	\$47.77	\$0.44	\$0.00	\$0.03	\$0.47	\$48.24
- Daily Demurrage (over 96 hours)	\$5.34	\$0.00	\$0.04	\$0.00	\$0.04	\$5.38
- Month Max Demurrage	\$136.44	\$0.00	\$1.10	\$0.06	\$1.16	\$137.60
- Special/Modified DB						
* Lid/Screen, Winch (per day)	\$5.05	\$0.00	\$0.04	\$0.00	\$0.04	\$5.09
* Monthly Max	\$151.26	\$0.00	\$1.22	\$0.07	\$1.29	\$152.55
- Waiting Time (per min)	\$1.76	\$0.00	\$0.01	\$0.00	\$0.01	\$1.77
- Mileage (over 15RT)	\$3.25	\$0.00	\$0.03	\$0.00	\$0.03	\$3.28

HOOD RIVER GARBAGE COUNTY RATES

Proposed Increase July 1, 2016

SERVICE	10/1/2016 CURRENT RATE	0.85% Total LF Increase	0.85% Business Increase	5.00% Franchise Fee	TOTAL INCREASE	1/1/2017 TOTAL RATE
TRANSFER STATION						
TRANSFER ST. DROP BOX						
Tip fee on all loads						
Fee on DB per yard loose	\$16.40	\$0.06	\$0.08	\$0.01	\$0.15	\$16.55
Fee on Compact per yard	\$23.54	\$0.17	\$0.05	\$0.01	\$0.23	\$23.77
MISCELLANEOUS SERVICE PER HOUR						
Equipment Rental						
- Rear Loader	\$133.25	\$0.00	\$1.08	\$0.06	\$1.14	\$134.39
- Roll Off	\$117.59	\$0.00	\$0.95	\$0.05	\$1.00	\$118.59
- Extra Labor	\$30.74	\$0.00	\$0.25	\$0.01	\$0.26	\$31.00
- Extra Labor OT	\$46.09	\$0.00	\$0.37	\$0.02	\$0.39	\$46.48
TRANSFER STATION OTHER						
Minimum charge: household garbage *one can/bag	\$7.84	\$0.01	\$0.06	\$0.00	\$0.07	\$7.91
Bulk Items:						
*Matress/Box Springs	\$9.33	\$0.01	\$0.06	\$0.00	\$0.07	\$9.40
*Recliner/Large Chairs	\$9.33	\$0.01	\$0.06	\$0.00	\$0.07	\$9.40
*Couches/Furniture/TVs	\$9.33	\$0.01	\$0.06	\$0.00	\$0.07	\$9.40
1 yd loose	\$16.44	\$0.06	\$0.08	\$0.01	\$0.15	\$16.59
* each additional yd	\$16.44	\$0.06	\$0.08	\$0.01	\$0.15	\$16.59
1 yd Compacted commercial	\$24.38	\$0.18	\$0.05	\$0.01	\$0.24	\$24.62
* each additional yd	\$24.38	\$0.18	\$0.05	\$0.01	\$0.24	\$24.62
1 yd Yard Debris	\$12.52	\$0.06	\$0.05	\$0.01	\$0.12	\$12.64
* each additional yd	\$12.52	\$0.06	\$0.05	\$0.01	\$0.12	\$12.64
Washer/Dryer/Stove	\$14.27	\$0.06	\$0.07	\$0.01	\$0.14	\$14.41
Frig/Freezer/Air Conditioner	\$33.30	\$0.05	\$0.23	\$0.02	\$0.30	\$33.60
Tires (per tire with 5 max)						
- Auto/light off rim	\$2.83	\$0.00	\$0.02	\$0.00	\$0.02	\$2.85
- Auto/light on rim No Longer Accepted						
- Heavy Truck off rim	\$8.96	\$0.00	\$0.07	\$0.00	\$0.07	\$9.03
- Heavy Truck on rim No Longer Accepted						

AGENDA REQUEST FORM

DATE: 11/21/16 **DEPARTMENT:** Public Works **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Public Works Snow Removal Policy

AUTHORITY: ORS _____ OAR _____ County Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

As winter approaches the Public Works Department is preparing for snow removal from county roads. The department has lost several experienced plow operators over the last few years and although their replacements are qualified to be on the road crew they are not nearly as fast. Additionally, staff from other departments that have help with snow removal in the past may not be available to help because of their own responsibilities. The result is the department does not have enough operators to cover all the plow routes simultaneously and needs to prioritize which roads are plowed first and which are deferred during both normal and heavy storms. The department has generally followed the policy approved by the BOC in March, 2000 and requests it approve an updated policy prior to winter.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item: _____ Account Balance \$: _____
Estimated Hours Spent to Date: 2 Estimated Completion Date: _____
Staff Contact: Mikel Diwan
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

Approve and sign the Resolution affirming a Public Works Snow Removal Policy.

ADMINISTRATIVE COMMENTS/APPROVAL:

Review the Snow Removal Policy with staff and approve and sign a Resolution affirming the policy.

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____

Copies (all info.): Public Works

Copies (ARF only):

**BEFORE THE BOARD OF COMMISSIONERS
HOOD RIVER COUNTY, OREGON**

IN THE MATTER OF AUTHORIZING THE)
HOOD RIVER COUNTY DEPARTMENT)
OF PUBLIC WORKS TO IMPLEMENT A) RESOLUTION # _____
STANDARD POLICY REGARDING SNOW)
REMOVAL FROM ROADWAYS)

WHEREAS, the Hood River County Department of Public Works is responsible for the maintenance of accepted County roads and bridges, including snow removal during storm events and;

WHEREAS, the decline of resources has made it difficult for the department to perform snow removal from all County roads in a timely manner and;

WHEREAS, it is in the best interest of the County and public safety to implement a standard Snow Removal Policy in order to provide consistent snow removal service with the resources available and;

WHEREAS, a policy would identify which County roads receive priority for snow removal and which County roads, depending on the severity of a storm event and the resources available, may not have snow removal performed until a later time and;

WHEREAS, the Board of Commissioners approved a Hood River County Public Works Snow Removal Policy in March, 2000 which is still utilized by the Public Works Department and;

WHEREAS, the county road official recommends the Board of Commissioners affirm an updated snow removal policy that considers current resources and operational needs;

THEREFORE, BE IT RESOLVED that the Hood River County Department of Public Works shall implement the following Snow Removal Policy subject to the resources available as stated herein:

Adopted this 21st day of November, 2016

Ron Rivers

Karen Joplin

Maui Meyer

Robert Benton

Les Perkins

Hood River County Public Works Snow Removal Policy

Standard County policy is to begin snow removal operations at 4:00 am when sufficient accumulation is present. Conditions to be deemed sufficient accumulation are described below in general terms. Snow will be removed from county roadways based on a priority rating between Priority 1 (first) and Priority 4 (last):

- Priority 1:** Main county roads with higher traffic volumes; (i.e. arterials and collectors)
Examples: Country Club Road, Barrett Drive, Wy'East Road
- Priority 2:** School bus routes that are not main county roads
- Priority 3:** Remaining paved county roads
- Priority 4:** Subdivision and cul-de-sac roads and outlying dwellings on gravel roads
Examples: Odell Subdivisions, Green Mt. Road, Old Dalles Drive

The intensity of a storm will impact the time needed for sufficient accumulation to occur and the type of response made:

- Normal Winter Operations:** At 1" of snow (with ice) snow removal will begin and sand will be applied. Hills and intersections will be a Priority 1 task for sanding.
- Light Snowfall:** At 2"-3" of snow (without ice) snow removal will begin and sand will be applied with the same priority as for normal winter operations.
- Moderate/Heavy Snowfall:** At 3" of snow or more (without ice) snow removal and sanding will occur based on the priority listings above until (a) all roads are clear, (b) after the evening rush hour or (c) until the plow operator's shift has extended long enough to cause concern for safety.

Vehicles left on the roadway during snow removal operations create a safety hazard, reduce the effectiveness of snow plow equipment and may be in violation of Hood River County Administrative Code Chapter 10.08.030. If plow operators discover a vehicle in the Right-of-Way that hinders operations they shall report the vehicle to the Road Foreman or their supervisor who in turn reports the vehicle to the Sheriff's Department. If the Sheriff determines a hazard exists and is unable to contact the owner to move the vehicle they may call a towing service to have it removed.

Standard operating practice is to attempt to get county roads cleared in time for peak morning traffic flows. The practice requires plow operators to begin at approximately 4:00 am to clear main county roads, after which attempts are made to clear any remaining school bus routes. Each road requires two passes. If the main roads and school bus routes remain clear for reasonably safe travel, snow is then removed from the remaining paved roads and widening passes are made on all paved roads before Priority 4 roads are attempted. **Depending on the availability of funds, plow operators and equipment, Priority 4 roads may not be plowed on a daily basis in the event of a severe snow event.** Under normal operations, each plow operator has a route that may include a combination of Priority 1, 2 or 3 roads. Operators will not "double-up" efforts on higher priority roads unless under severe snow conditions. Any snow berms formed in driveways by plow operations will be left in place and the responsibility of the property owner to remove. Any mailbox outside of the Right-of-Way that is knocked down or otherwise damaged by plow operations will be, at the department's sole discretion, either repaired or replaced within one (1) week after the end of the storm event. Any mailbox or post that is replaced will be done so using a low cost, basic mailbox.

Hood River County Public Works Snow Removal Policy

Standard policy is to begin snow removal operations at 4 a.m. when sufficient accumulation is present. The main roads are our first priority and those school bus routes that do not coincide with the main routes are plowed next. Vehicles left on the roads during a snow storm create problems for snow removal operations. Plow drivers report vehicles in the right-of-way to the road foreman, who in turn reports the vehicles to the Sheriff's Department. If the Sheriff determines that a hazard exists and is unable to get the owner to move the vehicle, he calls for a tow truck to remove the offending vehicle.

Our plowing and sanding priorities can be summarized as follows:

- Priority one - main (higher traffic) county roads
- Priority two - school bus routes
- Priority three - remaining paved roads
- Priority four - outlying dwellings on gravel roads; subdivision roads & cul-de-sacs

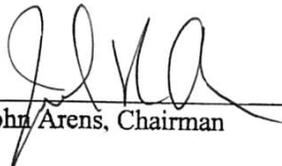
Our operational priority is to attempt to get the roads cleared in time for the morning rush hour. This requires that we start at 4 a.m. to open main roads, after which we try to open the remaining school bus routes. After two passes, if we are keeping up with the snow, we go to the remaining paved roads. After we have made widening passes on all the paved roads we go to the priority four roads. Depending upon the availability of funds, priority four roads may not be plowed on a daily basis in the event of a severe snow event.

The intensity of the storm also determines the type of response we make:

- Normal winter operations - (1" snow, ice) - Sanding is done with hills and intersections being the top priority.
- Light snowfall - (2-3" inches snow) - Plowing and sanding as required, with the same priorities as for normal winter operations
- Moderate to heavy snowfall - (3 or more inches) - Plowing in the priorities listed above until all roads are clear or until after the evening rush hour.

Sanding is not done until after the snow stops and then is done the same as for normal winter operations.

Approved this 20 day of March, 2000



John Arens, Chairman

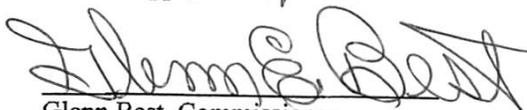


Carol York, Commissioner



Bob Schuppe, Commissioner

Chuck Thompsen, Commissioner



Glenn Best, Commissioner

REPORTS

CONSENT

Any item or issue not on the agenda you have a question, comment or statement about please bring up under Items from the General Public.

BOARD OF COMMISSIONERS EXECUTIVE SESSION

4:45pm, CBAB, 601 State Street, 1st Floor Conf. Room, Hood River, Oregon

Chair Rivers called the executive session to order at 4:45pm. All present.

EXECUTIVE SESSION per ORS 192.660

If necessary, Executive Session will be held in accordance with but not limited to:

*ORS 192.660 (1) (d) Labor Negotiations, ORS 192.660 (1) (e) Property, ORS 192.660 (1)(f) Records exempt from public inspection, ORS 192.660 (1) (a) Personnel, **ORS 192.660 (1) (h) Legal Counsel***

BOARD OF COMMISSIONERS WORK SESSION AGENDA

5:15pm, CBAB, 601 State Street, 1st Floor Conf. Room, Hood River, Oregon

Chair Rivers called the work session to order. Present Commissioner Joplin, Commissioner Benton, Commissioner Meyer, Commissioner Perkins, Counsel Carey, Counsel Davies and Administrator Hecksel.

Health Department Triennial Review Report – Ronit Zusman, Oregon Public Health Division

Ellen Larsen, Health Director introduced Ronit Zusman with the Oregon Health Authority and the Concha Santoyo, Office Mgr at the health department.

Ronit stated the triennial review ensures compliance with state and fed regulations and requirements related to public hearth funding. 19 areas were reviewed between April and May 2016. Ronit went over the areas of strength and a few areas of concern with the Commissioners. The areas for improvement have already been addressed by staff. (see packet for PowerPoint presentation listing Areas reviewed, scored etc.

Ronit noted that due to a change in review schedules Hood River County will have another “triennial” review February and March in 2017 but that review will be much lighter since it was recently done this year.

Chair Rivers stated that Ellen and the staff do a tremendous job.

{Commissioner Perkins left 5:40pm}

5:45pm Hardest Hit Fund Property Tax Relief Program – Sandi Borowy, Budget & Finance Director

Sandi stated she is not sure why we were lumped in with Washington County for this program however we are last on the distribution list so we are not sure how much citizens will be able to access the fund or how much we will be reimbursed for back taxes, if any. We are rolling out the program late November.

Federal fund HARP program - the money is being funneled through to all the states. Oregon affordable housing assistance program is funneling the money and taking the applications to make sure folks are eligible. They contact the counties to see what is really owed and then advise the county when an applicant is approved and we can accept or deny the borrower. It is a approve or deny. The denial is only allowed for certain issues such as bankruptcy, lawsuits etc. We are not able to put someone into foreclosure or sell their property if they have applied for the program. The county receives the funds and then they are applied to the tax account in a timely manner - which would be done. Theoretically the borrower is off the hook for the back taxes but they are responsible to keep it current. If the borrower is eligible but found to be ineligible for any reason after the funds are paid to the county we do not have to pay it back.

BOARD OF COMMISSIONERS REGULAR MEETING AGENDA
CBAB, 601 State Street, 1st Floor Conf. Room, Hood River, Oregon

Chair Rivers opened the general meeting at 5:45pm. Present: Commissioner Joplin, Commissioner Benton, Commissioner Meyer, Counsel Davies, Counsel Carey and Administrator Hecksel.

CONFLICTS OR POTENTIAL CONFLICTS OF INTEREST –

No conflicts or potential conflicts of interest to declare.

ADDITIONS OR DELETIONS FROM THE AGENDA –

None.

UNSCHEDULED ITEMS FROM THE GENERAL PUBLIC (limit 5 minutes per person per subject)

None

REPORTS

Departmental reports were included in the packet.

Commissioner Joplin - attended the behavioral health leadership academy in Maryland - it was a really great experience. Folks that are working on NORCOR type issues and collaborate on issue of mutual concern were there.

Chief Justice Balmer did submit their budget to the Governor and Hood River County is slated for \$4.4 million towards a new courthouse . Joplin said we have not communicated any of our desires regarding pre planning etc for a new courthouse. Feels we need to meet and talk about what we really want to do.

Commissioner Benton - noted that he and Perkins have been going to the Construction Excise Tax (CET) committee meeting and a recommendation will be coming forwarded to the Commission in the next meeting or so.

Chair Rivers - stated Perkins will be back for the hearings it is his daughters 16th Birthday. Rivers noted that a mid year review for the Administrator will need to be done late February-early March and to be thinking of a process they would like to use. He as well as the Administrator would like to make sure the review is scheduled in a timely manner.

CONSENT AGENDA

- *Approve minutes from the following Board of Commissioner Meetings: September 12th and September 19th, 2016
- *Approve out of state travel for Commissioner Joplin to attend the Zero to Three Annual Conference in Louisiana December 7-9, 2016 (travel dates might be one day prior and one day after).
- *Approve and sign a letter showing the Commissioners support of Duckwall Fruit's pursuit of building permits for additional cold storage.
- *Approve closing the Gander timber sale #16-8 and return any appropriate bond(s).
- *Approve setting a public hearing on the record to hear an appeal of the planning commission decision to deny the Apollo Land Holdings, LLC industrial land use permit application for a 50 room hotel.
- *Approve a budget adjustment & resolution to move \$25,192 from various funds to the capital outlay fund in the Planning-Info Services budget FY 16/17 to cover unbudgeted phone system expenditures.
- *Approve a budget adjustment & resolution to accept the \$47,145 STOP grant, recognizing the revenue and expenditures in the Prevention budget FY 16/17.
- *Approve a tax refund over \$2,000 for account #6033 in FY 16/17 for tax year 2015.

Commissioner Meyer made a motion to approve the consent agenda as presented. Commissioner Joplin seconded the motion.

Vote on the motion was as follows:

Commissioner Joplin – yea
Commissioner Benton – yea
Commissioner Meyer – yea

Chair Rivers – yea

Motion carried.

Chair declared a 10 min recess at 5:50pm

PUBLIC HEARINGS – 6pm

Chair Rivers restarted the regular meeting at 6:00pm

Short Term Rental Regulations

RECOMMENDATION: Conduct the public hearing.

Chair Rivers called the hearing on the short term rental regulations to order at 6:00pm

Chair stated we have had a few hearings on this subject and opened the public hearing and asked for a staff report. Chair Rivers said that we have had several meetings not his issue and have allowed testimony at those meetings and we are now to deliberations on this subject, there will be no testimony on this subject tonight.

John said a few comments came in on this subject since noon today and he distributed those to the Commission. John said he doesn't have anything to add unless the commissioners have questions.

Chair Rivers recessed the meeting to allow the commission time to review the comments received on STR's.

John said that in regards to the comments that the HRV Residents committee has put forward, if the commission wants to use those sentences and if you feel it gets to what you want more than what is in there then you can consider that.

Benton likes what we came up with last time. Joplin is not interested in changing what we came up with last time. Consensus to keep moving forward with what is in the packet with no changes.

Chair Rivers closed the public hearing.

Marijuana Time Place and Manner Regulations

RECOMMENDATION: Conduct the public hearing.

Chair Rivers opened the hearing and stated the last hearing on this topic was August 29th and a lot has happened since then.

John Roberts stated staff revisited prior research which was included in the packets. They have continued to received feedback from other counties etc and have continued to take applications. This is a dynamic conversation that is still evolving and regulations need to be adopted sooner rather than later.

[Commissioner Perkins arrived at 6:15pm]

Goals with marijuana businesses have not been clear to the public. Staff came to the Commission in Feb requesting these rules get moving forward. Staff feels it important to prohibit marijuana businesses and facilities on RR Zones. We need to provide more guidance to staff, the public, and neighbors. We need to have rules put in place.

Marijuana regs will be a good tool to help the citizens as they move applications forward. Feels it important the BOC adopt rules and regs that are in line with your goals. 34 apps with two new ones today, so about 3-4 per month since January. Applications will continue to come in, we field calls from other states etc.

Mods to the regs are on the table for consideration -

Took a lesson from the STR discussion it is good to be conservative and you can always circle back a few years down the road to see how things have worked, determine if modifications are needed to the regulations.

John said he feels the number of marijuana businesses will be as almost the same as short term rentals in the county.

The recommendation continues to support prohibiting marijuana businesses on RR zones - it is not compatible given size of property and lack of buildable lands in the county. Lincoln county is allowed on 5 acres min RR and it must be indoors, no other county in Oregon allowing on RR zones

Proposal is to ban processing on EFU lands. Prohibiting farm use on industrial lands. Two ways - allow or not allow on industrial lands - it needs to be listed in the regulations. Farm crops are not allowed on industrial lands. We have 8 marijuana permits on industrial lands right now.

Joint access - this was due to increase traffic due to a crop. Neighbors would have to sign off on an application.

Lighting - it is bothersome to neighbors, hard to regulate. Zero tolerance for light took point from Washington county. Possible to have regs on artificial lighting if the commission wants to discuss that.

Any questions the commission has about the report. None at this time.

Belinda Ballah, Prevention Director - 601 State Street, Hood River OR - Concerned for youth usage of marijuana the more it is normalized and advertised as acceptable. Harm of marijuana use has dropped 40 points by 8th and 11th graders. Marijuana has a negative effect on brain development before your brain is not fully developed and that doesn't happen until 25 yrs old.

Comm Deve regs says that marijuana use is still a controlled substance per the federal government. The TPM regs for Jackson County court decision allows for reasonable TPM ordinances do not surpass right to farm laws. Marijuana is not a legal farm crop acknowledged by the federal government. This is a concern for the land that we love here. Spoke about pesticides used in marijuana operations and wants to ensure that proper products are used per the Oregon pesticide regulations.

Spoke about energy and water needs for growing marijuana. She is in favor of adopting TPM regulations that will provide the most protection for youth in our community and for the land here in our community.

Chair Rivers asked for citizens comments.

Mary Ellen Barilotti - Reed Rd, HR - reviewing the ordinance and we are the slowest county to get these regulations underway in the whole state. Feels the Commission needs to act on something. The people passed it, you have a duty to implement an ordinance. She supports not allowing in RR zones but would be more flexible in terms of business opportunities.

Dan Thaw 5515 Alder Rd - It is law now and for the most part he is in line with the ordinance but he is not in agreement with the language to prohibit processing on EFU. Feels that is hypocritical because we have wineries, cideries etc. in this community that happen on EFU lands. There are evils in marijuana, as well as alcohol. Youth will get marijuana today, they got it 3 years ago and he got it 20 yrs ago in his youth - but they will not get it from an OLCC permitted businesses.

Maybe muffle lighting instead of profiting lighting. Regs say TPM rules are allowed. He feels that some of the lighting rules are not reasonable. Handicapping the growers in the valley because of light is overly burdensome. Feels most of these regs are not consistent with the ag businesses in the past for ag in the valley. Asks the commissioner to justify each of the regs being proposed.

Bertie Clausen 3500 Parkdale - one of the owners of the High Winds store. Opened a little over a year ago, and brought 7 jobs to the county. The farm employs folks as well and they pay a ton of taxes today only they will pay \$700 in taxes. \$250,000 per year to be paid in taxes by their business. Remind the commission that in this industrial they are not criminals, his family has lived in this family for 4 generations. We want all the same things others want - they do not want kids to get marijuana from their farms. Best way to regulate this industry is to allow people to do it within this regulations. You are going to push people back into the black market. OLCC has a strict set of rules before they can open a business. Additional 80 ft set backs from neighboring properties are a bit burdensome.

Shaw Horn, Gilhouley Rd - Works with at risk students in schools. We think together and we are against kids getting marijuana. Feels the prevention speech is a year late because marijuana is now legal.

The commissioners should not be thinking about your own goals but you should be thinking about the citizens goals who voted it in.

Linda Dallman, 1192 Country Club Rd - 4 concerns that were raised at the last meeting and they have been addressed by the previous speakers. Agree minors should not have access to marijuana. Studies that show marijuana causes delays in youths brains. Another study done by public health of Washington and Colorado students marijuana use decreased after passed in those states.

Recommendation the commission consider. They live on RR zone property - they have farmed for 6 years with a medical marijuana certificate on their land and it seems we are following Jackson County rules and there are significant changes. Jackson County has a large number of registered medical marijuana farms. This is not a speciality crop it is a farm crop.

Does encourage rules and regulations to be considered within reason but banning cannabis farming on RR zoned feels staff is taking an extreme position. Medicinal and recreational cannabis is considered a farm product. Spoke to micro tier regulation. Do not ban growing on RR but adopt reasonable regulations that align with the State rules.

Jeff Jermone 2261 Reed Rd, HR - new access provision that will allow neighbors to deny an application – doesn't feel this is a TPM reg or consistent with other regulations.

Teunis J Wyers at the last hearing called out M56 notices - that was required in this situation. No one in other zones outside of RR zones was noticed since the change in EFU processing in the regulations. Feels all land owners need to be noticed.

Unknown speaker, 1465 Hwy 35, HR - He moved to Oregon to participate in the marijuana businesses. Water issue - limited to 40K sq ft we do not draw that much water as that of other crop. Power issue - use about 1000 watts. Agree that we abide by strict OLCC rules. Says black market is all but crushed in Washington. There are no deaths on record from marijuana. Feels kids are kept away from cannabis with the 21 yrs old age to purchase. Concern is about processing on EFU lands. He is a grower and 30-40 percent comes from the processing that is not available in the market. There are a lot of closed loop systems to extract the cannabis oils. Having two cannabis businesses on one property is not being allowed per the proposed regulations.

Brent 1465 Hwy 35, HR PSU grad - license in oregon and was as an engineer. Spoke about his work as an engineer. Chemical companies in gresham and other locations that have hazardous chemicals and they have no set backs. Talked about NFL stars being helped by marijuana.

Received LUCS from the county, however were being given info from planning that wasn't quite right. He spoke about the equipment they use.

Set backs - showed 5 acre property basic rectangle size - 80 ft set back you are left with 45 feet in the middle that you could grow. 80 ft set back is devastating. You cannot put a 30x100 'tent' on these 45 feet.

They are an organic farm. Feels we are good stewards of the community.

Amina Harrington - HR Cannabis - Read a letter from the owners of the property where they have a long term lease from just off of Hwy 35. Indoors gardens on EFU land not being allowed - it will create more traffic and security to have processing and growing at differnt locations.

James Hartman, 1106 13th St, HR - Prohibiting RR 2.5 how does that work when you have been approved for medical. Existing operations are "grandfathered" in, however any change/expansion would be subject to TPM rules adopted.

Rob Otis Gardens, Odell- Feels the regulations are over burdensome. Thanks the county for the fair treatment they have received in working with staff. Feels that some of the regulations are retaliatory for a few folks that are trying to go around the system but that is not everyone.

Otis farms employs 10 people and have always felt safe and welcome in the community until recent. It was shocking to see the new regulations that M2 is now also slated to be prohibited. The prospect of expanding their business is becoming clear that it won't happen. Feels the restrictions being proposed are out of line and banning 96% of the uses allowed by the law. The proposed regulations will hobble the farmer. Nurseries require more light than the sun can provide.

Marty Sanders Lake Oswego OR - question- with the new proposal with one license per address, why would we have one license per address when we are going to grow, process and wholesale. Why wouldn't you do it under the same spot. You don't want to load it up to process and then wholesale it some place else. It makes sense to keep it all in once place for security purposes.

Steve Lesley, 1465 Hwy 35 he owns the land that Loren and Brent lease and they are doing a great job. The soil is great there. He had a building he restored for commercial use on his property. The building inspector feels he did a great job on the building and felt this growing and then the processing in his commercial approved building would make sense.

He feels that it is important to allow processing on the same property as it is more secure. Recommends that if the commission wants to educate yourself on marijuana you should watch getting high.

Behr, Freedom Loop HR - Came to hear about STR but as a tax payer when the \$700 per day in taxes happen wants to know where that money goes. It was stated the State collects it and has a formula of who receives it: schools, counties etc.

Julia Garcia Ramirez- info on impaired driving - marijuana DUI involved youth. Chair Rivers stated this information was presented at the last meeting and cut off her presentation.

Hearing no other comments Chair Rivers closed the public testimony and called for Commissioners deliberations.

Chair Rivers stated he knows there are some concerns amongst the commission with the proposed regs.

Meyer - concerned about consistency from the Planning dept up to this level. Would like to hear about the nexus about the idea of where they came from and how this came to us from the planning commission. John said he spoke with planning commission Chair Schuppe today and feels it is fair to say their effort was focused on the short term rental regulations but felt comfortable with what was presented to them on the marijuana regulations. Meyer asked if there was one area the planning commission seemed to focus on in the marijuana regs. John said set backs with retail and productions near schools. John said they discussed 1500 ft and the planning commission settled at 1000 ft. No crop set back feedback from the planning commission.

Joplin - wants to understand how some of the language got in the regs. Lighting restrictions - talked about no illumination 30 minutes before sunrise and the same for sunset. How does that make sense for artificial light when natural light is not available. John said he drew the regs from looking at the neighbors - wasco, multimomah and in his opinion their regs are more restrictive than our proposed rules.

Clackamas and Mult is different in the way of space and Wasco is bigger than we are asked where did those counties fall. John stated Multnomah has a zero tolerance for green house lighting. John said without the other regs in front of him he is not able to say exactly.

Joplin - no more than one license per property, why is that being proposed. John said that is coming from multiple counties. It was looked at it more for an EFU site, how many grows do you want on one property. John said that the commission could clarify that regulation to allow for more than one use meaning growing, processing etc. on the same property but not multiple grows or multiple processing licenses on any one property.

Counsel Carey asked John if it is possible for a business to have more than one license on a property. The rule was to prohibit multiple individual businesses from being on one property. Meyer asked about processing. John says if they are growing then they could also process. John said yes we could add that clarity into the document.

Benton said that if you are growing fruit the state laws allows for processing and packing on land. John said the state did break it down for primary processing. Any extracts would be a Type II/CUP application. Packaging is prohibited on the table

Benton would like to see production allowed as production in EFU, M1 and M2 and processing allowed on all of those as a Type II. Chair Rives agrees. Benton wholesaling on EFU - how did you get to prohibited. John said that DLCD made that recommendation. Benton asked if DLCD's opinion is that wholesaling is not allowed. John said they advised against it. Their wholesaling standards are rather stringent. He would have to dig that up to clarify.

Meyer asked Benton to go over what he wants to see changed on the chart.

Benton asked why would processing in industrial be a Type II application, why not a Type I. John said that it how it is handled as a whole global practice. Benton said this is not being aimed at just this industry.

Benton would like to see wholesaling allowed as Type II application. Production on M1 and M2 as a Type I application. Meyer asked why we went from Type I on production to prohibited. John said that farm use is not a listed use in industrial zones.

Joplin said that some of it is because of the small amount of industrial land we have in our community. Because the marijuana community wants to be considered farming for some things but not for others you cannot have it both ways.

Perkins said that Otis Farms is a lab they are not really a farm, it is artificial light.

Perkins would argue that it is not the same as an outdoor grow and it is different than a green house. Joplin doesn't have an issue with having growing allowed on industrial land. She is curious about how to craft the language. Are you creating something just for Marijuana. Perkins said it will be an indoor grow on industrial land because you cannot grow outdoors on that zone.

Benton asked if it is possible to build an ag building on industrial land. Legal counsel said no it is not. He doesn't see this sucking up all our industrial lands.

Benton said production grow is easy to understand. Production Type I and Type II depending. Wholesaling he is not sure on. DLCDC says take out the wholesaling column but you would need to leave the note about onsite and offsite wholesaling.

Meyer asked about issues in in the overlay zone - HHOZ and Airport overlay zone are there any unintended consequences. John said that our overlay zones are very restrictive and it is hard to get anything in there. The HHOz is in there. It was provided for clarity.

Benton confused by the airport development zone. Why is it prohibited? John said that because of the additional building and structures in that zone, there are higher standards.

Meyer had 8 issues - multiple businesses on one lot, feels we have that clarified and language needs to be clarified. Growing in industrial. Processing on EFU we have addressed.

Meyer asked about lighting notifications access. Commercial farming on RR and micro tier standard and then set backs.

Benton said that lighting folks complained about the regs but did not hear from the industry as to what they need. He would like to know what would work.

Perkins asked how many hours in the Spring and in the winter are needed.

John said that he could provide some additional language and see what the commission things. John read proposed lighting. Could change. Option 1 read (light barriers, making sure not visible from adjacent properties),

Meyer thinks about a 12 ft landscape cloth fence comes to mind. John said that a 12 ft fence would most likely not be allowed. Maybe that is all that is required and perhaps some light barriers.

Chair Rivers asked audience - extra light in the spring and in the winter. Need 18 hours of light so you need to add 6 hours on either end. 3 in the am 3 in the evening. Important in the spring when the plants are in their vegetative state.

Rob with Otis Gardens - it is easy to measure light. Maybe look at street lights, measure that and use that as a guideline. Screens for lights can be challenging.

About 40 ft street lights provides enough lumes. Perkins feels the biggest concern is if it is on EFU it is generally dark and it is light pollution. Folks live in those areas for a reason, it is generally dark you do not have light pollution.

Someone lives on EFU land and Diamond Fruit Growers. Perkins said yes but he is talking more like 40, 80 acres etc. and having a crop next to you with lights on during the dark times.

Joplin likes Johns example. It provides flexibility. Meyer said that we were similiar with noise and DB levels. Meyer would support Johns language that he read.

John - light cast by fixtures - shall use adequate light barriers to make sure light is not visible from adjacent properties. Shield and directional lights, shade cloths, etc, natural features. Keep your neighbors happy.

Setbacks - Joplin asked where the 80 ft comes from and the intent. John said it is the current set back of residential homes and trying to create similarity with neighbors. Other jurisdictions are using 250 set backs. Wasco County is using 120. Lincoln county is using 150 ft. Benton asked if it is from property line or residence. Both. 50 ft set backs if buffering.

Benton said if you live on the property and you live in the home is there still an 80 set foot back. This is an 80 ft property line set back. Easements are not a property line.

Joplin clarified that wasco is 250 ft. Perkins said that Wasco is larger sq mile wise - he could see why a more rural county would have larger setbacks.

Benton said he feels the big issue is smell and lighting.

Staff guessed avg EFU parcel in HRC is 15-20 acres.

Meyer feels 80 is excessive. Joplin wants to know the reason for the 80. John said all of the above reasons, sight, smell, light, access.

Perkins asked what the regs are for fencing - 8 ft tall fence this is regulated by the State.

Roberts said that 80 ft is for residences that is in our code and you can request a variance down to 50 ft.

Benton can see 80 ft from an adjacent residence and then if you were to go less with the property line. The issue is adjacent properties.

Access to private driveway - Perkins says if you are not retailing but functioning like another farm he doesn't see why this is needed. Feels this is a different issue than STR where you are bringing extra traffic. Benton states he can see a bit of extra traffic but if we allow the use Type I - he doesn't see this as necessary. Joplin feels the way it is currently written is good and not adding the additional language.

RR Zone - Chair Rivers says that if you have been producing Medical on RR you should be grandfathered for medical only not recreational. Meyer said if we get to a reasonable set back he is fine zeroing it out on RR. 21K acres of EFU. Personal plants can be grown wherever. It is just the commercial grown on RR is being prohibited.

Joplin clarified that medical marijuana program in Oregon dissolves. John said that when they try and change their medical grow to commercial grow or modify their medical grow and are on RR they would fall under these regulations.

Perkins is the biggest concern to allow for commercial grows on a RR zone - he has heard that a lot and folks are concerned. He is happy if they allow more on the EFU but keep RR for commercial off the table.
Set backs - Meyer 50 ft from property line and 80 from residence. Benton struggles to the number it seems arbitrary. He gets the set back from the residence.

John said 80 and 50 align somewhat with our existing code.

Meyer said maybe for the community we could have a FAQ document with answers it would be helpful.

Joplin asked for more clarification on the set back language - Outdoor marijuana canopies etc must be at 80 ft do all of those activities at the same level do they have lighting and fencing standards. Do they have to be on the property lines or what are the rules. The state doesn't care about setbacks.

Benton likes the set back the more he thinks about it - he has a problem with small EFU parcels being treated like an RR so the setbacks are good. He is trying to justify it and feels that helps.

80 from residence and 50 from prop line.

Meyer asked that those changes be made and put back out for folks. Perkins said we are being less restrictive than what was proposed.

Discussion about moratorium Ordinance. Based on ORS 197.520 requires that the commission have a hearing which is scheduled for this evening. After the hearing the commission makes findings as to why we would go into the moratorium.

Commissioner Meyer made a motion to continue the hearing to Nov 21st at 6pm. Commissioner Benton seconded the motion.

Vote on the motion was as follows:

Commissioner Perkins – yea
Commissioner Benton – yea
Commissioner Joplin – yea
Commissioner Meyer – yea
Chair Rivers – yea

Motion carried.

Emergency Ordinance adopting multiple amendments to the Hood River County Zoning Code (particularly: Marijuana Time Place &

Manner and Short Term Rental regulations)

RECOMMENDATION: Adopt the Emergency Ordinance and all related exhibits as presented, or direct staff to bring back an amended ordinance to the Commission, affecting Article 53 and miscellaneous other article amendments of the Hood River County Zoning Code pertaining to time place and manner for marijuana business and facilities and short term rentals in Hood River County.

No action taken or needed at this time – the hearing regarding the time place and manner regulations has been held over to November 21, 2016 at 6:00pm.

Emergency Marijuana Moratorium Ordinance

RECOMMENDATION: If the marijuana time place and manner ordinance was not adopted conduct a public hearing to renew an emergency ordinance placing a moratorium on marijuana business activities and facilities on Rural Residential (RR) zoned properties in Hood River County.

Chair Rivers opened the public hearing for the emergency ordinance placing a moratorium on marijuana business activities and facilities on Rural Residential (RR) zoned properties in Hood River County, and asked for a staff report.

John Roberts, Community Development Director - On April 18th 2016 the Board of Commissioners adopted an Ordinance to prohibit marijuana business on RR zones in the county. John provided background and findings for continuing the moratorium for another 180 days. If Marijuana regs are adopted before that time, they would be in place when this moratorium sunsets.

Chair Rivers called for public testimony.

Mary Ellen Barilotti, Reed Rd – She is not sure why the commission needs to declare an emergency on this issue, and stated she doesn't feel our Charter allows us to pass more than one emergency ordinance.

Counsel Carey explained that this body is allowed to pass as many emergency ordinances as they deemed necessary.

Hearing no other testimony, Chair Rivers closed the hearing.

Commissioner Benton made a motion to have the ordinance read by title only. Commissioner Joplin seconded the motion.

Vote on the motion was as follows:

Commissioner Perkins – yea
Commissioner Benton – yea
Commissioner Joplin – yea
Commissioner Meyer – yea
Chair Rivers – yea

Motion carried.

Chair Rivers read the title of the Ordinance into the record for the 1st time.

Commissioner Benton made a motion to accept the first reading by title only. Commissioner Perkins seconded the motion.

Vote on the motion was as follows:

Commissioner Perkins – yea
Commissioner Benton – yea
Commissioner Joplin – yea
Commissioner Meyer – yea
Chair Rivers – yea

Motion carried.

Commissioner Benton made a motion to have the 2nd reading of the Ordinance by title only. Commissioner Perkins seconded the motion.

Vote on the motion was as follows:

Commissioner Perkins –yea
Commissioner Benton – yea
Commissioner Joplin – yea
Commissioner Meyer – yea
Chair Rivers – yea

Motion carried.

Chair Rivers read the title of the Ordinance into the record for the 2nd time.

Commissioner Benton made a motion to accept the 2nd reading of the Ordinance by title only and to adopt Ordinance #337 as presented along with the findings outlined in the report and Ordinance provided by staff. Commissioner Perkins seconded the motion.

Vote on the motion was as follows:

Commissioner Perkins –yea
Commissioner Benton – yea
Commissioner Joplin – yea
Commissioner Meyer – yea
Chair Rivers – yea

Motion carried.

ADJOURNMENT – Chair Rivers adjourned the meeting at 9:15pm.

CALENDAR OF UPCOMING PUBLIC MEETINGS/EVENTS (note all dates and time subject to change with or without notice as required)		
Oct 17	4:00 & 6:00pm	Board of Commissioners work session & business meeting, CBAB, 601 State Street, Conf Room 1 st Floor (3 rd Mon. ea. Mo, time subject to change)
Oct 18	7:00pm	Library District Board meeting, Library, 502 State St., Conf. Room (3 rd Tues ea. mo. - subject to change)
Oct 19	3:00pm	Department Head Meeting – CBAB, 601 State Street, 1 st Floor Conf Room
Nov 2	2:00pm	HRC Water Planning Group, 601 State St, 1 st floor conf. room (1 st Wed. ea.mo. – generally)
Nov 2	2:00pm	HRC Water Planning Group, 601 State St, 1 st floor conf. room (1 st Wed. ea.mo. – generally)
Nov 7	1:00pm	Tri-County Mental Health Board, Mid Col. Center for Living-TD (1 st Mon. ea. mo.-generally)
Nov 9	5:30pm	County Planning Commission Meeting, CBAB, 601 State St Conf Rm. 1 st Fl, (2 nd & 4 th Wed. ea. mo generally)
Nov 11		VETERANS DAYS HOLIDAY – COUNTY OFFICES CLOSED
Nov 14-18		AOC Annual Conference, Eugene Oregon
Nov 15	7:00pm	Library District Board meeting, Library, 502 State St., Conf. Room (3 rd Tues ea. mo. - subject to change)
Nov 21	4:00 & 6:00pm	Board of Commissioners work session & business meeting, CBAB, 601 State Street, Conf Room 1 st Floor (3 rd Mon. ea. Mo, time subject to change)
Nov 23	3:00pm	Department Head Meeting – CBAB, 601 State Street, 1 st Floor Conf Room (subject to change)
Nov 24-25		THANKSGIVING HOLIDAY – COUNTY OFFICES CLOSED

AGENDA REQUEST FORM

DATE: 11/21/16 **DEPARTMENT:** Admin **DEPT. HEAD SIGNATURE:** _____

ISSUE: Confirm E-mail Poll Approval for Letter of Support

STATUTORY AUTHORITY: OAR _____ County Ordinance _____

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Commissioner Perkins was contacted by Western Rivers Conservancy asking if the Commission to consider a letter of support for funding they were pursuing for their Hood River Basin conservation project. The letter was needed prior to the November Commission meeting; therefore staff conducted an e-mail poll and received approval for Chair Rivers to sign a letter of support for the project.

FISCAL IMPACT: Budget Line Item: _____ Account Balance: _____

PROJECT ANALYSIS:

Staff Contact: _____ Estimated Hours Spent to Date: _____
Estimated Completion Date: _____ Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES:

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

Confirm e-mail poll approval from 10/24/16 authorizing Chair Rivers to sign a letter of support for Western Rivers Conservancy Hood River Basin conservation project and pursuit of funding.

County Administrator _____

ACTION OF THE BOARD:

County Administrator _____

FOLLOW-UP:*Ord./Res./Agmt./Order Originals: to R & A

*Additional Originals to: _____

Copies (all info.): _____ Copies (ARF only): _____

✓

AGENDA REQUEST FORM

DATE: _11/21/16_ **DEPARTMENT:** BUDGET & FIN **DEPT. HEAD SIGNATURE:** _Sandi Borowy_

SUBJECT: Budget process timeline - approval of 2017/2018 schedule for HRC, 911, WMSD, WMURD

AUTHORITY: ORS 294 OAR _____ County Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The timing of the budget process is detailed on the attached schedule and matches the internal process timing to the requirements of state budget law.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item _____ Account Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Sandi Borowy

Comments:

Meeting the deadlines of budget law requirements allows the County, 911, WMSD and WMURD to continue operations on July 1, 2017.

ACKNOWLEDGMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

County Counsel	Finance Director	Other Affected Agencies	Administrator
Safety Committee	Human Resources Director	Appropriate County Committee	Other

RECOMMENDATION FROM DEPARTMENT HEAD:

Approve the FY2017/2018 budget process timeline as submitted for the County, 911 Communications, Windmaster Sewer District and Windmaster Urban Renewal.

ADMINISTRATIVE COMMENTS/APPROVAL:

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____

Copies (all info.):

Copies (ARF only): B&F

**HOOD RIVER COUNTY, OREGON
BUDGET PROCESS TIMELINE
FISCAL YEAR 2017/2018**

- | | | |
|-------|---|----------------------|
| I. | Approve proposed budget process timeline, appoint Sandi Borowy as Budget Officer. | November 21, 2016 |
| II. | Budget officer notifies budget committee members of process timeline. | November 22, 2016 |
| III. | Deadline for submittal for new position, reclassification or salary review requests from Department Heads to Administration. | November 30, 2016 |
| IV. | Distribute budget documentation and instructions for budget preparation to Department Heads. | January 27, 2017 |
| V. | Deadline for return of budget documentation from Department Heads to Budget & Finance. | February 17, 2017 |
| VI. | First notice of first meeting run in newspaper (not more than 30 days prior to meeting). | March 18, 2017 |
| VII. | Deadline for review and finalization of all fund and department budgets with County Administrator and Director of Budget & Finance; and deadline for preparation of budget message. | March 24, 2017 |
| VIII. | Second notice of first budget committee meeting run in newspaper (not less than 5 days prior to meeting), distribution of budget document to Budget Committee members. | April 1, 2017 |
| IX. | Budget Committee meets , elects officers and schedules any subsequent meetings determined to be necessary, with the ultimate goal of approving proposed budgets and tax levies. 3PM April 6, 2017 601 STATE STREET, CONFERENCE ROOM | |
| X. | Updated budget documents forwarded to Department Heads. UPON BUDGET COMMITTEE APPROVAL | |
| XI. | Publish notice of budget hearing in newspaper. (not less than 5 or more than 30 days prior to hearing) | June 3, 2017 |
| XII. | Budget hearing and adoption of 2017/2018 budgets and tax levies. | June 19, 2017 |
| XIII. | Submit tax levies and appropriation resolutions to County Assessor's office – deadline date. | July 15, 2017 |

Approved by HRC BOC November 21, 2016

AGENDA REQUEST FORM

DATE: October 13th, 2016 DEPARTMENT: Forestry DEPT. HEAD SIGNATURE: _____

SUBJECT: County Forest Gilhouley, Post Canyon, Riordan Hill Road Closures

STATUTORY AUTHORITY: ORS _____ OAR _____ County Ordinance Ord 78

=====
BACKGROUND/SUMMARY OR ALTERNATIVES CONSIDERED: Ordinance 78 (Code 10.12) provides for closure/opening of certain County Forest Roads for fire emergency or wet weather, subject to approval by the BOC. The Forest Manager requests permission to again close the gates on Gilhouley Road, Post Canyon and Riordan Hill Road as identified on Exhibit A, Ordinance 78. Prior posting of road closure notice on affected roads will occur. Road use permits will be issued by the Forestry Department to allow for private land access, administrative activities or timber sale related work. This closure will minimize surface damage and erosion to those forest road systems during the wet winter season. Furthermore, road closures help to reduce road maintenance expenses and promote compliance with the Oregon Forest Practices Act. Closure will occur in December 2016 and approximate opening date will be on or about April 1, 2016.

=====
FISCAL IMPACT: Minimizes future maintenance expense on county forest roads.

Budget Line Item _____
Budget Line Item _____

Account Balance _____
Account Balance _____

=====
PROJECT ANALYSIS: Staff Contact: Doug Thiesies

Estimate Hours Spent To Date: 8 _____

Estimated Completion Date: Dec 24th, 2016.

Comments:

=====
ACKNOWLEDGMENT BY OTHER AFFECTED PARTIES: (If applicable)

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

=====
RECOMMENDATION FROM DEPARTMENT HEAD:

Approve the seasonal closure of Gilhouley, Post Canyon and Riordan Hill Roads identified above for the wet winter season utilizing gate locations.

=====
ADMINISTRATIVE RECOMMENDATION:

Approve the season closure, as allowed by County Ordinance 78 for portions of Gilhouley, Post Canyon and Riordan Hill Roads.

County Administrator _____ Department Head/staff attendance to meeting (circle one): Yes No

=====
DATE: _____ ACTION OF BOARD:

County Administrator _____

=====
FOLLOW-UP:

* Ord./Res./Agmt./Order Originals: _____

Copies (all info): _____

Copies (ARF only): _____

*Additional/Original to: _____

*Agreement/ordinance/resolution book

*Copy for agreement tracking book

Chapter 10.12

FOREST ROAD CLOSURES (HRC Ordinance No. 78) ADOPTED February 28, 1977

Sections:

10.12.010 Short title-- Jurisdiction.

10.12.020 Definitions.

10.12.030 Policy.

10.12.040 Affected roads.

10.12.050 Closure of roads.

10.12.060 Emergency vehicles.

10.12.070 Road use permits.

10.12.080 Violation--Penalty.

10.12.010 Short title--Jurisdiction.

This chapter shall be known as the "forest road closure ordinance of Hood River County," may be so pleaded and shall be referred to herein as "this chapter." The Hood River County district court shall have jurisdiction over all violations of this chapter.

10.12.020 Definitions.

For purposes of this chapter unless the context requires otherwise, the terms set out in this section are defined as follows:

A. "Board of commissioners" means the Board of Commissioners of Hood River County.

B. "Hood River County forester" means the Hood River County forest manager.

C. "Motor vehicle" means any carriage, conveyance or artificial contrivance, mounted on axles and wheels either self-propelled or towed, including but not limited to automobiles, motorcycles, trucks, tractors, snowmobiles and farm implements.

D. "Vested private property right" means any recorded easement, right-of-way, or other legally observed right of access over the subject forest roads.

10.12.030 Policy.

To protect the health, safety and welfare of the people of Hood River County, the Board of Commissioners has determined that during times of fire danger, and during periods of wet weather when unpaved roads are subject to rapid erosion, it is necessary to promulgate regulations for the closure of certain roads within the county forest to motor vehicle traffic.

10.12.040 Affected roads.

The county forest roads, or portions thereof, which are affected by this chapter are

indicated on a map marked "Exhibit A" attached to Ordinance 78, which is on file in the office of the forestry department, and is by reference made a part of this chapter.

10.12.050 Closure of roads.

A. The Hood River County Forest Manager may close any or all of those forest roads as indicated in Section 4 of the Road Closure Ordinance to motor vehicle traffic when there is an emergency caused by natural disaster, or it is deemed that a fire danger exists and closure of the forest is in the best interest of the public.

B. The Hood River County Forest Manager shall reopen the forest roads when it is deemed that it is safe to do so, or the danger of fire no longer exists.

C. The Hood River County Forest Manager shall recommend to the Board of Commissioners that any or all of those roads as indicated in Section 4 of the Forest Road Closure Ordinance shall be closed to motor vehicle traffic when it is deemed necessary to protect the roads from surface erosion during wet weather.

D. Upon receipt of a recommendation from the County Forest Manager to close forest roads to motor vehicle traffic to protect the roads from surface erosion during wet weather, the Board shall order the closure of said forest roads to motor vehicle traffic when in the opinion of the Board closure is in the public interest.

E. The County Forest Manager shall recommend to the Board reopening of the forest roads when there is no longer a danger to surface erosion. Upon receipt of such recommendation, the Board shall order the forest roads reopened if the Board finds that the danger from road erosion no longer exists.

F. When effectuating closure as outlined herein the County Forest Manager shall post at the entrance to the affected areas in a conspicuous location a sign containing the following information:

1. That the road is closed to motor vehicle traffic beyond this point
2. That the road closure is pursuant to an order of the County Forest Manager under authority from the Board of Commissioners, or pursuant to an order of the Board of Commissioners of Hood River County.
3. The purpose for the road closure
4. Violators will be prosecuted

10.12.060 Emergency vehicles.

This chapter is not intended to affect fire, police, public works or other emergency vehicles while in performance of an authorized function.

10.12.070 Road use permits.

Any person having a private interest in real property which is affected by this chapter may apply with the county forester for a road use permit to travel on the closed road. If the forester finds that such person does have a vested private property right which

is affected by this chapter he shall issue the road use permit. If the forester denies the application for a road use permit, such person shall have the right to appeal the decision to the board.

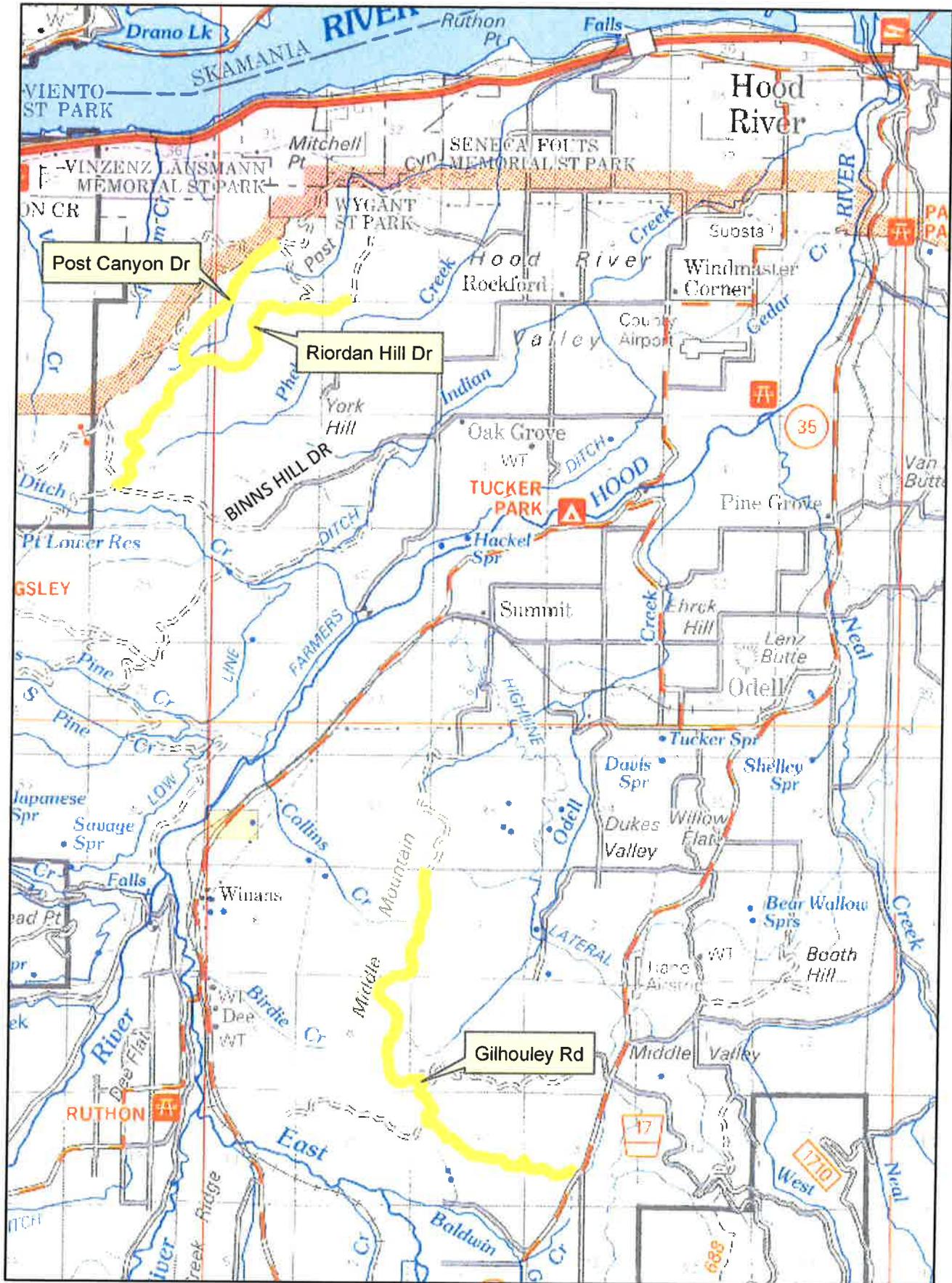
10.12.080 Violation--Penalty.

Violation of this chapter is a Class C misdemeanor punishable upon conviction by a fine of up to five hundred dollars, or thirty days in the county jail, or both.

"Exhibit A"

HRC Forest Road Closure Ordinance #78

Dated: February 28, 1977



Redrawn per original: Dec. 22, 2011



AGENDA REQUEST FORM

DATE: October 26, 2016 DEPARTMENT: Forestry DEPT. HEAD SIGNATURE: _____

SUBJECT: Goat Timber Sale #16-3 Closure

STATUTORY AUTHORITY: ORS _____ OAR _____ County Ordinance _____

=====
BACKGROUND/SUMMARY OR ALTERNATIVES CONSIDERED: Timber Sale requirements have been met and purchaser, ZZ Logging, Inc. requests closure. Sale was approved on September 21, 2015 with estimated volume of 132 MBF @ \$395.05 MBF for Douglas-fir and 18 MBF @ \$179.50 MBF for White Fir and other conifers. Final volume removed was 215.78 MBF for actual revenue of \$81,846.82.

=====
FISCAL IMPACT: Budget Line Item _____ Account Balance _____
Budget Line Item 406-1802-395.10-90 Account Balance \$81,846.82

=====
PROJECT ANALYSIS: Staff Contact: _____
Estimate Hours Spent To Date: _____ Estimated Completion Date: _____
Comments:

=====
ACKNOWLEDGMENT BY OTHER AFFECTED PARTIES: (If applicable)
 County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

=====
RECOMMENDATION FROM DEPARTMENT HEAD: Close as requested by purchaser and return associated bonds.

=====
ADMINISTRATIVE RECOMMENDATION:

Approve closure of the Goat timber sale # 16-3 and return any appropriate bond(s).

County Administrator _____ Department Head/staff attendance to meeting (circle one): Yes No

=====
DATE: _____ ACTION OF BOARD:

County Administrator _____

=====
FOLLOW-UP:

* Ord./Res./Agmt./Order Originals: _____ *Additional/Original to: _____
Copies (all info): _____ *Agreement/ordinance/resolution book
Copies (ARF only): _____ *Copy for agreement tracking book

ZZ Logging Inc.
PO Box 388
Parkdale OR 97041

Hood River Country Forestry
918 18th St.
Hood River OR 97031

October 26, 2016

Re: Closure Request Goat Timber Sale #16-3

All contract work on the Goat Timer Sale #16-3 including slash burning has been completed.
We request the sale be closed and the balance of our performance bond \$5,500 be returned.

Thank You

A handwritten signature in cursive script that reads "Ron Zeman".

Ron Zeman
President
ZZ Logging

AGENDA REQUEST FORM

DATE: 11/21/16 **DEPARTMENT:** Admin **DEPT. HEAD SIGNATURE:** _____

ISSUE: Committee Reappointments for 2017

STATUTORY AUTHORITY: OAR _____ County Ordinance _____

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Several committees had volunteer terms that will expire in January 2017. All positions were advertised in the Hood River News as well as letter and applications sent to incumbents allowing them to reapply if they so chose to. Three resignations were received with one new application being received, and we are looking for volunteers to fill the other two vacant spots which are on the forest recreation trails committee. No new applications were received for the other open positions, however all the other incumbents did reapply.

FISCAL IMPACT: Budget Line Item: _____ Account Balance: _____

PROJECT ANALYSIS:

Staff Contact: _____ Estimated Hours Spent to Date: _____
Estimated Completion Date: _____ Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES:

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

Re-appoint the following volunteers: Fair Board: Red Lago and Lynn Moore. Forest Advisory Committee: Bob Hastings and Michael Cochran. Forest Recreation Trails Committee: Jim Denton and Patrick Hunter. Mid Columbia Housing Authority: Barbara Seatter. Planning Commission: Erick von Lubken.

Accept resignations from the following volunteers: Forest Recreations Trails Committee: Patrick Monaghan, Loren Ayles and Bob Farro.

County Administrator _____

ACTION OF THE BOARD:

County Administrator _____

FOLLOW-UP:*Ord./Res./Agmt./Order Originals: to R & A

*Additional Originals to: _____

Copies (all info.): _____ Copies (ARF only): _____

AGENDA REQUEST FORM

DATE: 11/03/2016 **DEPARTMENT:** HEALTH **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Health Department – Tobacco - budget adjustment **FY 2016/2017**

AUTHORITY: _ ORS _____ OAR _____ _ County Ordinance/Code _____ (IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED: Beginning Fund Balance generated by grant changed years ago. Funds will be used to cover expenses for Contract Services Professional.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item _____ 420 2120 _____ Account Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: __ Sandi Borowy or Ellen Larsen ____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

_ County Counsel _ Finance Director _ Other Affected Agencies _ Administrator
_ Safety Committee _ Human Resources Director _ Appropriate County Committee _ Other

RECOMMENDATION FROM DEPARTMENT HEAD:

Approve the budget adjustment as presented.

ADMINISTRATIVE COMMENTS/APPROVAL:

Approve the budget adjustment & resolution as presented for the Health budget FY 16/17.

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____
Copies (all info.): B&F (signed resolution)
Copies (ARF only):

**BEFORE THE BOARD OF COMMISSIONERS
HOOD RIVER COUNTY, OREGON**

IN THE MATTER OF A BUDGET)
ADJUSTMENT HEALTH –) RESOLUTION NO _____
Health Department Tobacco - FY 16/17)

WHEREAS, Beginning Fund Balance generated by grant changed years ago; and,
WHEREAS, funds will be used to cover expenses for Contract Services Professional; and,
THEREFORE, BE IT RESOLVED, that the following budget adjustments be made:

Beginning Fund Balance	420 2120 300 01 01	Increase	1,240
Contract Services Professional	420 2120 441 40 18	Increase	1,240

Adopted this day of 2016

HOOD RIVER COUNTY
BOARD OF COMMISSIONERS

RON RIVERS, CHAIR

KAREN JOPLIN, COMMISSIONER

MAUI MEYER, COMMISSIONER

ROBERT BENTON, COMMISSIONER

LES PERKINS, COMMISSIONER

AGENDA REQUEST FORM

DATE: 11/04/16 **DEPARTMENT:** HEALTH **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Health Department – Oregon Mothers Care - budget adjustment FY 2016/2017

AUTHORITY: _ ORS _____ OAR _____ _ County Ordinance/Code _____ (IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED: Beginning fund balance lower than budgeted; state grant higher than anticipated; we will increase Medicaid match. Fund will be placed in Contract and Services Professional to cover MAC fees.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item _____ 420 2110 _____ Account Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: __ Sandi Borowy or Ellen Larsen ____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

_ County Counsel _ Finance Director _ Other Affected Agencies _ Administrator
_ Safety Committee _ Human Resources Director _ Appropriate County Committee _ Other

RECOMMENDATION FROM DEPARTMENT HEAD:

Approve the budget adjustment as presented.

ADMINISTRATIVE COMMENTS/APPROVAL:

Approve the budget adjustment & resolution as presented for the Health budget FY 16/17.

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____
Copies (all info.): B&F (signed resolution)
Copies (ARF only):

AGENDA REQUEST FORM

DATE: 11/04/16 **DEPARTMENT:** HEALTH **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Health Department – General Fund - budget adjustment FY 2016/2017

AUTHORITY: _ ORS _____ OAR _____ _ County Ordinance/Code _____ (IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED: A mini-grant received from Pacific Source will be placed in Contract Services professional to fund Pathways Project in the Gorge. It will be administered by Columbia Gorge Health Council.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item _____ 101 2101 _____ Account Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: __ Sandi Borowy or Ellen Larsen ____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

_ County Counsel _ Finance Director _ Other Affected Agencies _ Administrator
_ Safety Committee _ Human Resources Director _ Appropriate County Committee _ Other

RECOMMENDATION FROM DEPARTMENT HEAD:

Approve the budget adjustment as presented.

ADMINISTRATIVE COMMENTS/APPROVAL:

Approve the budget adjustment & resolution as presented for the Health budget FY 16/17.

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____
Copies (all info.): B&F (signed resolution)
Copies (ARF only):

AGENDA REQUEST FORM

DATE: 11/10/16

DEPT: Public Works

DEPT. HEAD SIGNATURE:

ISSUE: Curve Advisory Reporting System (CARS) IGA with ODOT

STATUTORY AUTHORITY: ORS191.110 OAR_____ County Ordinance

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

ODOT has specialized equipment and software available for determining advisory speeds on curve warning signs. The equipment provides more accurate and consistent results in a much shorter time than traditional methods. The equipment is available to local agencies for a cost of \$10.00 per road mile. For Hood River County this works out to \$1,800.00. The Curve Advisory Reporting System (CARS) Partnership IGA is to allow Hood River County to use the State's equipment.

FISCAL IMPACT: Budget Line Item 202 4205 431.40-18 Account Balance \$68,897

PROJECT ANALYSIS: Staff Contact: Don Wiley

Estimated Hours Spent to Date: About 8 hours

Estimated Date of Completion: December 31, 2019

Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES:

County Counsel Finance Director Other Affected Agencies Administrator
Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD: Approve and sign the IGA to share ODOT's CARS equipment and software.

ADMINISTRATIVE COMMENTS/APPROVAL:

Approve and sign an Intergovernmental Agreement with the Oregon Department of Transportation for access to their Curve Advisory Reporting System.

County Administrator _____ Dept. Head Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to Public Works *Additional Originals to:

Copies (all info.):

Copies (ARF only):

**INTERGOVERNMENTAL AGREEMENT
CURVE ADVISORY REPORTING SYSTEM (CARS) PARTNERSHIP
HOOD RIVER COUNTY**

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT;" and the Hood River County, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. The 2009 Manual of Uniform Traffic Control Devices (MUTCD) targeted high crash locations, including crashes on curves, by enhancing the curve warning signing requirements with the addition of a ball banking table and new requirements for curve warning signing and warning chevrons. ODOT commissioned the Oregon State University to perform a study which confirmed the inconsistent nature of curve warning signing in Oregon, both on state highways and local roads. The MUTCD requires curve warning signing upgrades be completed by the end of 2019. In addition, MAP21 increased safety funding focused on reducing fatal and serious injury crashes on all roads in the state using low cost systemic measures. Updating curve warning signing, which requires the curve evaluations, is an effective, low cost safety countermeasure that ODOT will be funding on local roads with ODOT safety funds in the All Roads Transportation Safety (ARTS) program.
3. The Rieker Curve Advisory Reporting System (CARS) tool allows ball bank curve evaluations to be completed very efficiently and in a much safer fashion than the old ways of doing ball banking to set proper advisory speeds on curves. CARS is a much safer field data collection method and has cut field data gathering time as much as 80% as used on state highways. ODOT has purchased use of the CARS software on ODOT highways and has been successfully using it for several months. ODOT will also use CARS for use on local highways that will require curve warning evaluations. In some cases, under the ARTS program, it may be ODOT Traffic Investigators who will do the curve evaluations on local roads. Regardless of whether ODOT traffic investigators, county traffic staff, using CARS will greatly improve the consistency and uniformity of practice of the curve warning signing across all Oregon highways and local jurisdiction roads. Uniformity of practice is an issue under previous methods. Safety and efficiency will be improved since the investigator can drive the entire corridor through in one direction and once through in the other, rather than logging each curve one at a time with three (3) separate passes each direction on each curve. In addition to increased data collection safety and saving money this expanded access would ensure consistent evaluations across jurisdictions leading to uniform

signing, better meeting driver expectations and be a good example of collaboration with Local Agencies.

4. The estimated cost of purchasing the use of CARS for 15,000 miles of non-state highways and roads is \$150,000 for three (3) years and includes the cost of five (5) additional units. ODOT has negotiated a reduced price of \$10.00 per mile of road analysis, with Rieker agreeing to sell three (3) years of access to the CARS analysis package. The total cost for this effort is estimated at \$275,000.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. ODOT and Agency have determined that it is both to their mutual benefit and to the general public's benefit if they jointly share the costs of the CARS software analysis package to evaluate approximately 180 miles of Agency's roadway, hereinafter referred to as "Project".
2. The Project will be financed with a lump sum in the amount of \$1,800 in funds available to Agency.
3. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon Project completion and final payment or June 30, 2022 whichever is sooner, unless extended by a fully executed amendment.

AGENCY OBLIGATIONS

1. Agency shall upon execution of this Agreement and receipt of a letter of request from ODOT, provide a lump sum payment of \$1,800 for the Project. ODOT will be responsible for any expenses beyond the \$1,800.
2. Agency may utilize the CARS software analysis package on approximately 180 miles of Agency's county roads that will require curve warning evaluations.
3. Agency grants ODOT the right to enter onto Agency right of way for the performance of any duties set forth in this Agreement.
4. Agency grants ODOT the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.
5. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

6. Agency certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within Agency's current appropriation or limitation of its budget.
7. Agency's Project Manager for this Project is Don Wiley, PE, 918 18th Street, Hood River, Oregon 97031, don.wiley@co.hood-river.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

ODOT OBLIGATIONS

1. ODOT shall, upon execution of this Agreement, forward to Agency a letter of request for the lump payment in the amount of \$1,800 for payment of its share the costs of the CARS software analysis package.
2. ODOT will utilize the CARS software analysis package on approximately 180 miles of Agency's county roads that will require curve warning evaluations.
3. ODOT will be the primary technical support for all users during this Project.
4. ODOT certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within ODOT's current appropriation or limitation of the current biennial budget.
5. ODOT's Project Manager for this Project is Michael Kimlinger, PE, 4040 Fairview Industrial Drive SE, Salem, OR 97302, 503-986-3583, michael.j.kimlinger@odot.state.or.us, or assigned designee upon individual's absence. ODOT shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.
2. ODOT may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by ODOT, under any of the following conditions:
 - a. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from ODOT fails to correct such failures within ten (10) days or such longer period as ODOT may authorize.
 - b. If Agency fails to provide payment of its share of the cost of the Project.

- c. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow ODOT, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or ODOT is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. The Parties shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, the Parties expressly agree to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
5. The Parties shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.
6. All employers that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Both Parties shall ensure that each of its contractors complies with these requirements.
7. The Parties acknowledge and agree that either Party, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of the Parties which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment (or completion of Project -- if applicable.) Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by the requesting Party.

8. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against ODOT or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
9. With respect to a Third Party Claim for which ODOT is jointly liable with Agency (or would be if joined in the Third Party Claim), ODOT shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of ODOT on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of ODOT on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. ODOT's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if ODOT had sole liability in the proceeding.
10. With respect to a Third Party Claim for which Agency is jointly liable with ODOT (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by ODOT in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of ODOT on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of ODOT on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
11. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

12. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
13. This Agreement constitutes the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

SIGNATURE PAGE TO FOLLOW

Agency/ODOT
Agreement No. 31259

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Hood River County, by and through its
County Commissioners

By _____

Date _____

By _____

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____

Counsel

Date _____

Agency Contact:

Don Wiley, PE
918 18th Street
Hood River, Oregon 97031
don.wiley@co.hood-river.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____

Technical Services Manager/Chief
Engineer

Date _____

APPROVAL RECOMMENDED

By _____

Traffic/Roadway Section Manager

Date _____

ODOT Contact:

Michael Kimlinger, PE
4040 Fairview Industrial Drive SE
Salem, OR 97302
503-986-3583
michael.j.kimlinger@odot.state.or.us

REQUEST FOR LEGAL SERVICES

Date: 10-12-16

Date Due: 10-27-16

16.82 Pub

Subject: ODOT IGA for Curve Advisory Reporting System

Contact Person and phone #: Don Wiley 387-7101

Written Response: Yes X No

Question:

ODOT has new equipment that can be used on County Roads to determine advisory curve warning speeds. The equipment is available to local agencies through an IGA for a cost of \$10.00 per mile of paved road. Please review the attached draft IGA for legal sufficiency.

Requesters Signature: Don Wiley

Response: *Approved as to form.*

Date: 10/18/2016

County Counsel's Office: 

AGENDA REQUEST FORM

DATE: 11/10/16

DEPT: Public Works

DEPT. HEAD SIGNATURE:

ISSUE: ODOT Single Trip Permit IGA

STATUTORY AUTHORITY: ORS191.110 OAR_____ County Ordinance

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

ODOT has a program that issues single trip permits for over-size and over-weight trucks that use county roads. This is a state wide program that allows truckers to receive a single permit for all state highways and county roads they will be using. The Single Trip Permit Authorization IGA is to allow us to continue to participate in this program

FISCAL IMPACT: Budget Line Item N.A. Account Balance N.A.

PROJECT ANALYSIS: Staff Contact: Don Wiley

Estimated Hours Spent to Date: About 3 hours

Estimated Date of Completion: 2026

Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES:

County Counsel Finance Director Other Affected Agencies Administrator
Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD: Approve and sign the IGA with ODOT to participate in the single trip permit program.

ADMINISTRATIVE COMMENTS/APPROVAL:

Approve and sign the Intergovernmental Agreement with the Department of Transportation to continue participation in the Single Trip Permit program.

County Administrator _____ Dept. Head Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to Public Works *Additional Originals to:

Copies (all info.):

Copies (ARF only):

INTERGOVERNMENTAL AGREEMENT
Single Trip Permit Authorization
Hood River County

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State;" and Hood River County, acting by and through its elected officials, hereinafter referred to as "County," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in ORS [190.110](#), state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. Under ORS Chapter 818 the State administers a variance permit program that allows use of the roads of this state for travel by oversize/overweight vehicles and loads. The permit program includes Oversize/Overweight Single Trip Permits (OS/OW STP). Frequently, vehicles and loads are of such weight and dimension that a specific routing must be followed. Such routing includes State highways, county roads and city streets.
3. Under ORS 818.200, a county may issue a permit that allows use of the roads under it's jurisdiction for travel by oversize/overweight vehicles and loads.
4. In order to simplify and expedite the issuance of the permits, County desires State to issue OS/OW STPs that authorize use of roads under County jurisdiction for travel by oversize/overweight vehicles and loads.
5. State desires to issue OS/OW STPs that authorize use of roads under County jurisdiction for travel by oversize/overweight vehicles and loads according to the terms of this Agreement.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. This Agreement shall supersede and replace Agreement No.23646 and its subsequent amendment(s), in its/their entirety. Agreement No. 23646 will terminate upon the execution of this Agreement.
2. County grants State authority to issue OS/OW STPs for travel over roads which are under the jurisdiction of County, in accordance with the terms of this Agreement. This Agreement addresses only issuance of OS/OW STPs by State for travel over

roads which are under the jurisdiction of County. State is not authorized to issue any other type of oversize/overweight variance permit under this Agreement. .

3. This Agreement becomes effective upon the date all required signatures are obtained and shall automatically **terminate ten (10) years** from the date of execution, unless extended by a fully executed amendment.
4. Each Party will be responsible for their own costs associated with this Agreement.

COUNTY OBLIGATIONS

1. County shall provide State with a list of the roads under County jurisdiction on which travel by oversize/overweight vehicles and loads is permitted. The list shall include the maximum weights allowable for the road or road segment, and allowable dimensions, based on vertical and horizontal clearances, for the road or road segment. The information will be included in the Joint-State County blanket document maintained in the electronic routing manual, and shall be deemed County's written authorization for travel by oversize/overweight vehicles and loads on the County road or road segment identified.
2. County shall provide State with a list of County employees, including at least one primary and secondary contact, who are authorized to designate those roads under County jurisdiction on which travel by oversize/overweight vehicles and loads is permitted. County shall provide State written notice of changes in authorized employees at least two (2) weeks prior to the change. In the event a motor carrier requests a route or routes, or vehicle or load size or dimension, that is not included in the Joint-State blanket document, State shall contact the County designee for approval.
3. In the event County is contacted by State as described in Paragraph 2 of County Obligations, County shall respond within two (2) business hours of initial contact. If County fails to respond within two (2) business hours, State will issue the OS/OW STP authorizing travel on state highways only and will direct the motor carrier to obtain a separate OS/OW STP for travel on County roads from the County.
4. County certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of County, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind County.
5. County's Contact for this Agreement is: Don Wiley, 918 18Th St. Hood River OR. 97301 Phone # (541) 396-2616 Email:don.wiley@co.hood-river.or.us. County shall notify State in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State shall issue OS/OW STPs under this Agreement only for travel over specified County roads.
2. State shall collect the fee established in ORS 818.270 for both the State and County. The County fee shall be forwarded to the County for each OS/OW STP issued through this Agreement on a monthly basis.
3. Unless otherwise directed by County, in each OS/OW STP issued by the State for travel on County roads, State shall include the same general and special provisions State requires for travel on state highways. The routes and maximum weights and dimensions that may be authorized in OS/OW STPs issued by the State for travel on County roads shall be those contained in the Joint-State County blanket document maintained in the electronic routing manual or those obtained from the authorized County employee under Paragraph 2 of County Obligations.
4. State's Contact for this Agreement is: Christy Jordan, Over-Dimension Permit Manager/Freight Mobility Coordinator, ODOT - Motor Carrier Transportation Division, 3930 Fairview Industrial Dr. SE, Salem OR, 97302, 503-378-6192, christy.a.jordan@odot.state.or.us., or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. The Parties certify, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within their current appropriation or limitation of current biennial budget.
2. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.
3. The Parties may terminate this Agreement effective upon delivery of written notice to either Party, or at such later date as may be established by the Parties, under any of the following conditions:
 - a. If either Party fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If either Party fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If either Party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either Party, in the exercise of its

reasonable administrative discretion, to continue to make payments for performance of this agreement.

- d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if either Party is prohibited from paying for such work from the planned funding source.
4. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
5. Both Parties shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 incorporated herein by reference and made a part hereof; Without limiting the generality of the foregoing, County expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
6. Each Party shall perform the services under this Agreement as an independent contractor and shall be exclusively responsible for all cost and expenses related to its employment of individuals to perform the work under this Agreement, including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
7. All employers that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. County shall ensure that each of its contractors complies with these requirements.
8. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or County with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

9. With respect to a Third Party Claim for which State is jointly liable with County (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by County in such proportion as is appropriate to reflect the relative fault of State on the one hand and of County on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of County on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
10. With respect to a Third Party Claim for which County is jointly liable with State (or would be if joined in the Third Party Claim), County shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of County on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of County on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. County's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
11. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
12. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
13. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure

of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that its signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Hood River County, by and through its elected officials

By _____

Date _____

By _____

Date _____

By _____

Date _____

APPROVED FOR LEGAL SUFFICIENCY (If required in County's process)

By _____
County Counsel

Date _____

County Contact

Don Wiley
918 18th St.
Hood River OR. 97301
Phone: (541) 396-2616
Email: don.wiley@co.hood-river.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Division Administrator, Motor Carrier Transportation Division

Date _____

APPROVAL RECOMMENDED

By _____
Motor Carrier Services Section Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By: Mark F. Schumock via Email
Assistant Attorney General (If Over \$150,000)

Date: August 17, 2016

State Contact:

Christy Jordan, Over-Dimension Permit Manager/Freight Mobility Coordinator
ODOT – Motor Carrier Transportation Division
3930 Fairview Industrial Dr. SE
Salem, OR 97302
503-378-6192
Christy.a.jordan@odot.state.or.us

REQUEST FOR LEGAL SERVICES

Date: 10-25-16

Date Due: 11-9-16

16.88 PUB

Subject: ODOT IGA for Single Trip Permit Authorization

Contact Person and phone #: Don Wiley 387-7101

Written Response: Yes X No

Question:

ODOT has a program that issues single trip permits for over-size and over-weight vehicles that use county roads. This is a state wide program that allows truckers to receive a single permit for all state highways and county roads they will be using. The IGA is to allow us to continue to participate in this program. Please review for legal sufficiency.

Requesters Signature: Don Wiley

Response: Approved as to form

Date: 11/14/16

County Counsel's Office: 

PUBLIC HEARING

AGENDA REQUEST FORM

DATE: 11/21/16

DEPT: Community Development

DEPT. HEAD SIGNATURE: *John Roberts*

SUBJECT: Public hearing to consider legislative amendments to the Hood River County Zoning Ordinance ("HRCZO") to adopt a Short-Term Rental (STR) and marijuana business regulations.

AUTHORITY: ORS _____ OAR _____ X County Ordinance/Code: HRCZO (IFAPPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED: Text amendments to the HRCZO Article 53 (Home Occupation) to adopt STR and Marijuana Business regulations (Files P-15-0215 and P-16-0114 respectively). The purpose of the STR regulations are to adopt standards for review and management of STRs. The purpose of Marijuana Business regulations are to regulate the time, place and manner of marijuana businesses and possibly prohibit production and processing of marijuana in the Rural Residential (RR) zone. BOC public hearings to date and content:

- August 22nd focused on STRs.
- August 29th focused on STRs and marijuana businesses.
- September 9th focused on STRs.
- October 17th focused on Marijuana.

Additional amendments to the HRCZO are necessary and include: i) amending Article 1, Introductory Provisions, to provide clarity, consolidate provisions and improve processes, ii) responding to recent legislation adopted by the Land Conservation and Development Commission, iii) making needed technical changes in response to the recent model code update, which modernized the county's resource zones (i.e., EFU and Forest zones), iv) decreasing ambiguities to make the HRCZO easier to implement and administer, and v) other amendments to create consistency to accomplish the foregoing.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item _____ Account Balance \$ _____
 Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
 Staff Contact: _____
 Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IFAPPLICABLE)

X County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD: Request the County Board of Commissioners advise staff of additional changes and approved proposed amendments.

ADMINISTRATIVE COMMENTS/APPROVAL:

Consider the following actions:
 1. Consider reading the Ordinance by title only. 2. If read by title only, then make a motion to accept the 1st reading of the Ordinance by title only and to continue the hearing to December 19, 2016 at 6:00pm for the 2nd reading and adoption of the proposed Ordinance.
 County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____
 Copies (all info.): _____
 Copies (ARF only): _____



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services

601 State Street, Hood River OR 97031

JOHN ROBERTS, DIRECTOR
(541) 387-6840 • plan.dept@co.hood-river.or.us

STAFF REPORT: Proposed Ordinance Text Amendment **Focused on Short-Term Rentals (STRs) & Marijuana Businesses**

- FILE NUMBERS:** P-15-0215 (STRs) & P-16-0114 (Marijuana Businesses)
- DATE:** Prepared for November 21st, 2016 Board of County Commissioner ("Board") Public Hearing
- APPLICANT:** Hood River County Community Development Department
- PROCEDURE TYPE:** Legislative
- REQUESTS:**
- 1) Text amendments to the Hood River County Zoning Ordinance (HRCZO) Article 53 (Home Occupation) to adopt STR and Marijuana Business regulations (Files P-15-0215 and P-16-0114 respectively). The purpose of the Short-Term Rentals (STR) regulations are to adopt standards for review and management of STRs. The purpose of Marijuana Business regulations are to regulate the time, place and manner of marijuana businesses and prohibit production and processing of marijuana in the Rural Residential (RR) zone.
 - 2) Additional amendments to the HRCZO are necessary and include: i) amending Article 1, Introductory Provisions, to provide clarity, consolidate provisions and improve processes, ii) responding to recent legislation adopted by the Land Conservation and Development Commission, iii) making needed technical changes in response to the recent model code update, which modernized the county's resource zones (i.e., EFU and Forest zones), iv) decreasing ambiguities to make the HRCZO easier to implement and administer and v) other amendments to create consistency to accomplish the foregoing.
- STAFF CONTACT:** John Roberts, Community Development Director
Eric Walker, Principle Planner
- OWNERS & LOCATION:** Amendments will regulate STRs and marijuana businesses in all zones

on all non-federal and non-tribal trust properties, outside of incorporated communities and outside of the Columbia River Gorge National Scenic Area.

RECOMMENDATION: Approve all proposed amendments (Exhibits A – D).

ATTACHMENTS: *Findings – Applicable Planning Goals and Other Criteria*

Ordinance - Adopt Multiple Amendments to the Hood River County Zoning Ordinance (prepared for 1st reading)

EXHIBITS: Proposed Amendments to HRCZO:

- Exhibit A - Amendments to Article 53 (Home Occupation) to Address STRs and Marijuana Businesses
- Exhibit B – Proposed Updates to Create Consistency with Article 53
- Exhibit C – Amendments to Article 1 (Consolidation of Introductory Provisions)
- Exhibit D – Minor and Technical Changes for the Purpose of Clarity, Improved Process and Better Outcomes

I. PURPOSE & NEED

In January 2015 the Board prioritized addressing STRs at their goal-setting retreat. The goal established at the retreat was, by the end of 2015, to: develop policies and programs to effectively monitor and manage vacation rentals in unincorporated portions of Hood River County in a more sustainable and equitable manner.

Oregon Measure 91 and Oregon House Bill 3400 have identified medical and recreational marijuana related business that may now be regulated by local jurisdictions in several ways, including land use. On February 16, 2016 the Board of Commissioners directed Staff to engage the Hood River County Planning Commission to add time, place, and manner ordinance amendments regulating marijuana businesses in Hood River County, outside the Urban Growth Boundary and outside of the Columbia River Gorge National Scenic Area.

The purpose of the November 21st Public Hearing is to adopt proposed text amendments to the HRCZO to regulate STRs and marijuana businesses, and make other necessary legislative and

technical changes.

II. EXHIBITS & EDITOR'S NOTES

There are four (4) Exhibits that accompany the staff report (Exhibits A – D) and identify all of the proposed changes. Excluding the articles that are proposed to be repealed in entirety, proposed text amendments are shown in ~~strike-through~~ and **bold underline**. Also contained within the Exhibits are *//Editor's notes//* identified in *italicized yellow highlighting*. The *Editor's notes* are included to provide background, and more detail and particulars on important proposed changes or in Exhibit A changes identified at the October 17th public hearing. The notes are intended to avoid unnecessary content or redundancy in staff reports.

III. SUMMARY OF IMPORTANT DATES & PROCESS – STRs

- January 2015: Board prioritized addressing STRs at their goal-setting retreat. *The goal established at the retreat was, by the end of 2015, to: develop policies and programs to effectively monitor and manage vacation rentals in unincorporated portions of Hood River County in a more sustainable and equitable manner.*
- Spring 2015: Hood River County extends ECONorthwest study with city to inventory existing conditions and evaluate STR policy options for unincorporated portions of the county.
- September 17, 2015: ECONorthwest completes STR and Second Home Study.
- September 30, 2015: ECONorthwest and planning staff present to the Board results of the study, specific issues in the county and possible strategies to pursue.
- April 13, 2016: Planning Commission conducts works session on STRs. Extensive background information was provided as well as draft ordinance concepts presented.
- May 16, 2016: Board and planning commission conduct joint meeting. Some specifics regarding STRs on resources lands discussed.
- May 18, 2016: Notice and text amendments regarding STR and marijuana businesses provided to DLCD.
- June 15, 2016: Notification to all partner agencies and parties; notification to view content online and submit feedback.

- July 5, 2016: Notification to specific STR interested parties; notification to view content online and submit feedback.
- July 13, 2015: Public hearing on draft STR regulations.
- August 22, 2016: Board Public Hearing – STR regulations.
- September 12, 2016: Board Public Hearing – focused on STR regulations.
- November 21, 2016: First reading of ordinance to adopt proposed text amendments.
- December 19, 2016: Second reading of ordinance to adopted proposed text amendments.

IV. SUMMARY OF IMPORTANT DATES & PROCESS – Marijuana Businesses

- 1998 – Ballot Measure 67, as amended (Oregon Medical Marijuana Act).
- November 4, 2014 - Measure 91 passes.
- June 30, 2015 – HB 3400 becomes effective. The bill makes numerous amendments to Measure 91 and enables land use regulations to be adopted by local jurisdictions.
- July 20, 2015 – Discussion with Board regarding HB 3400, local control and sales tax; consensus was to take a ‘wait and see’ approach regarding regulation of marijuana businesses.
- September 10, 2015 - Community Conversation forum on Marijuana hosted in Odell by the Hood River County Prevention Department.
- December 28, 2015 – Planning staff meets with Columbia Gorge Cannabis Growers Association to discuss local permitting process and issues.
- January 4, 2016 - OLCC starts accepting applications for production, processing, wholesaling and retailing of marijuana.
- February 16, 2016 - County staff (i.e., county prevention and planning departments) make the Board aware of some trends and significant statewide, regional or local issues.

Staff requests Board initiate a legislative amendment to adopt reasonable TPM regulations to apply to marijuana. Additionally, it is requested an emergency ordinance temporarily prohibiting marijuana production and processing on Rural Residential (RR) zoned property is warranted and be adopted.

- March 21, 2016 – Board set date for public hearing on emergency ordinance to prohibit marijuana production and processing on RR zoned property.
- April 18, 2016 – Board passes an emergency ordinance declaring a 180-day moratorium on marijuana production and processing in the RR zone.
- May 11, 2016 - Planning commission conducts work session on Marijuana Businesses. *Extensive background information provided (i.e., "Pot Primer") as well as draft ordinance concepts presented.*
- May 16, 2016 – Board and planning commission conduct joint meeting. Some specifics regarding marijuana businesses and production in industrial zones discussed.
- May 18, 2016 – Notice and text amendments regarding marijuana businesses provided to DLCDC.
- June 1, 2016 – Written notice mailed to all affected landowners in the RR zone regarding proposed text amendments to HRCZO and proposed prohibition on marijuana businesses (adhering to the requirements of the Measure 56 notice process).
- June 1 and June 7, 2016 – Otis Gardens hosted and conducted tours of production facility in Odell. Tours were well attended by county staff, planning commissioners and elected officials.
- June 15, 2016 – Per the request of the Prevention Department to raise awareness, participated on a Latino morning call-in radio show (Radio Tierra).
- June 15, 2016 - Notification to all partner agencies and parties; notification to view content online and submit feedback.
- June 22, 2016 – Planning commission hearing on draft marijuana business ordinance presented.
- August 29, 2016 – Board Public Hearing on draft marijuana TPM regulations.

- September 19, 2016 – Board set date for public hearing to renew emergency ordinance to prohibit marijuana production and processing on RR zoned property.
- October 17th, 2016 - Board Public Hearing focused on marijuana business regulations.
- October 17th, 2016 – Board adopted Ordinance 337 renewing the moratorium on marijuana businesses in the Rural Residential Zone and declaring an emergency.
- November 21, 2016: First reading of ordinance to adopt proposed text amendments.
- December 19, 2016: Second reading of ordinance to adopted proposed text amendments.

VI. BOARD OF COMMISSIONER OPTIONS

- Accept** the amendments as proposed in the attached Exhibits (A - D).
- Recommend **changes** to the attached Exhibits and **adopt** the amendments.
- Recommend **denial** of any portion of the proposed amendments identified in the attached Exhibits (A – D).

VII. CONCLUSION & MOTION

As proposed, the amendments will add and amend text to effectively monitor and manage STRs and marijuana businesses in unincorporated portions of the county in a more sustainable and equitable manner on non-federal lands located outside the Columbia River Gorge National Scenic Area. The proposed amendments will ensure the health, safety and welfare of county residents; allow farm uses to continue in farm and forest resource zones, industrial uses to continue in industrial zones and commercial uses to continue in commercial zones; and will ensure the protection of limited and sensitive resources.

Staff concludes that all criteria have been met for this request. Based on the findings of fact and other relevant information contained within this and prior staff reports and exhibits, staff recommends that the Board move the proposed text amendments be approved through a first reading of the attached ordinance at the November 21, 2016 Public Hearing. In doing this the Board moves to accept the findings and proposed legislative text amendments identified in the staff reports, findings, accompanying documents, and Exhibits A through D contained in and prepared for the August 22nd, 29th, September 9th, October 17th, and November 21st public

hearings.

Recommended Motion(s) by Chair (First Reading of Ordinance):

- 1) The Board of County Commissioners moves to have the 1st reading of the attached Ordinance 338 by title only.
- 2) The title of Ordinance 338 is: "An Ordinance to Adopt Multiple Amendments to the Hood River County Zoning Ordinance."
- 3) The Board votes to accept the reading of Ordinance 338 by Title only.
- 4) The Board makes a motion to have the 2nd reading to adopt Ordinance 338; Monday, December 19th, 2016 in the Board of County Commission meeting room (601 State St); 6:00 pm.

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Staff Report and proposed amendments are available for review on the Community Development Department website at: <http://hrccd.co.hood-river.or.us/> (Community Development page) or <http://hrccd.co.hood-river.or.us/departments/planning-zoning/> (Planning & Zoning Page). The information will be updated until after the final hearing by the Board of County Commissioners.

For additional information or questions concerning the proposed amendments, contact John Roberts, Hood River County Planning Director, by e-mail at plan.dept@co.hood-river.or.us or by telephone at (541) 387-6840.

Proposed amendments are also available for review or purchase (at 0.25¢/sheet) at County Community Development at 601 State Street, Hood River, OR 97031.

Attachment - Findings

I. APPLICABLE PLANNING GOALS & OTHER CRITERIA

The proposed amendments will not impact the statewide planning goals, county's comprehensive plan or policy document. The proposed changes are a legislative amendment initiated by the Board of County Commissioners ("Board") and Planning Department.

A. GOAL 1 – CITIZEN INVOLVEMENT

GOAL: Maintain a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

POLICIES:

- 1. Improve and use existing citizen participation programs to insure ongoing citizen involvement in plan and land use regulation revisions now and after Plan acknowledgement.*
- 2. Establish, maintain and encourage use of an ongoing citizen involvement program for the County.*

STRATEGIES - The County shall:

- 1. Encourage public participation in the planning process by continuing support of existing programs. The Planning Commission shall advise the Board of the effectiveness of these programs and changes to improve these programs;*
- 2. Improve the availability of planning information to citizens and agencies;*
- 3. Establish other special purpose committees to facilitate citizen involvement during plan review update or as otherwise needed;*

(***)

FINDING: A special purpose committee (i.e., Citizen Advisory Committee) was not formed to assist in the proposed amendments. The citizen advisory committee formed to oversee the amendments and forward a recommendation to the Board was the planning commission. It is staff's opinion the make-up and experience of the planning commission made for a positive working group of individuals to represent the public interests and provide constructive feedback. Per the Planning Commission Bylaws Purpose and Responsibilities:

- B.1 - "The Planning Commission is designated and serves as the County's Citizens Advisory Committee (CAC) under Goal 1 of the Oregon Land Use Planning Program."
- B.2 - "The Planning Commission shall be responsible for making recommendation to the Board of County Commissioners ("Board") on matters of planning, plan implementation, and community development."
- B.8 – "The Planning Commission shall make recommendations to the Board regarding the following items:
 - a. Adoption of Comprehensive Plan amendments.
 - b. Adoption of Zoning Ordinances designed to carry out the Comprehensive Plan.

Attachment - Findings

c. Legislative changes to the text of Zoning Ordinances and map changes.”

Overall, the planning commission conducting two (2) planning sessions on the amendments, one (1) joint work session with the Board, and two (2) public hearings. The planning sessions enabled the planning commission to better understand the status, issues and complexities involved with regulating Short-Term Rentals (STRs) and marijuana businesses. The planning sessions also accomplished the following:

- Advised the planning commission on potential strategies to reasonable regulate and better manage STRs and marijuana in unincorporated portions of the county outside the Urban Growth Boundary (“UGB”) and National Scenic Area.
- Identified issues related to the discussion on what direction the county could take as it considers STRs and marijuana under its current land use zoning.
- Evaluated and discussed effective options and strategies used by other jurisdictions to regulate STRs and marijuana.
- Considered draft terminology, concepts and draft STR and marijuana ordinance language.

The dates of the planning sessions included: April 13th (STRs) and May 11th, 2016 (Marijuana). On May 16th a joint meeting was conducted between the planning commission and Board. At each of these planning sessions or meetings, the public had opportunities to provide comments and recommendations associated with the project and proposed amendments.

Additionally, two (2) public hearing were conducted on June 22th and July 13th, 2016. The June 22nd hearing focused on marijuana businesses and was well-attended (approximately 25 – 30 people). Public testimony was provided by approximately 12-individuals. The July 13th hearing, focused on STRs, Introductory Provisions and other technical changes. There were approximately 15-individuals that attended this hearing. Citizen involvement was encouraged as part of the entire process to ensure opportunities for citizens and different entities to be involved.

II. OTHER: COMPREHENSIVE PLAN & POLICY DOCUMENT

The Hood River County Comprehensive Land Use Plan (“Comprehensive Plan”) is the basic instrument used for county land use planning. It is law and utilized to control and direct the use and development of land use activities on private lands within the county. Such a plan is an expression of public policy in the form of a policy document, generalized plan map, and zoning map, as well as implementing ordinances and supportive background reports.

Comprehensive Plan - STRs

If STRs are to be further regulated in the county, consideration needs to be given to the Comprehensive Plan as a whole and the relationship STRs have relative to the planning goals,

Attachment - Findings

policies and strategies therein. The following goals, policies or strategies in the policy document or background reports speak to STRs:

GOAL 9 – ECONOMIC DEVELOPMENT

A. GOAL:

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

GOAL 10 – HOUSING

A. GOALS:

1. *Provide for the housing needs of present and future residents.*
2. *Provide lands for housing that support, maintain, and do not interfere with agriculture, forestry, and the rural character.*

B. POLICIES:

1. *A variety of housing modes and densities will be encouraged.*
2. *The preservation and rehabilitation of the existing housing supply will be encouraged.*
5. *Rural residential development will be encouraged in locations which do not conflict with established farming and forestry uses.*

Comprehensive Plan - Marijuana Businesses

If marijuana businesses are to be further regulated in the county, consideration should be given to the Comprehensive Plan as a whole and the relationship marijuana has relative to the planning goals, policies and strategies therein. The following goals, policies or strategies in the policy document or background reports speak to marijuana:

GOAL 3 – AGRICULTURAL LANDS

A. GOAL

To preserve and maintain agricultural lands.

B. POLICIES

1. *Agricultural land shall be preserved and maintained for agricultural uses, consistent with existing and future needs for agricultural products.*

(***)

3. *The County through the Zoning Ordinance may authorize farm uses and those non-farm uses allowed by LCDC rules that will not have significant adverse effects on accepted farm or forest practices.*

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(***)

8. *Diversity of agricultural crops and enterprises is allowed.*

C. STRATEGIES

14. *Buffers, deed notices, conditions of approval, restrictions or prohibitions on the encroachment of non-farm uses, and consideration of cumulative effects should be used to minimize land use conflicts.*

GOAL 9 – ECONOMIC DEVELOPMENT

A. GOALS:

(***)

2. *To maintain and provide for a stable and healthy economy to encourage labor-intensive and light industrial and commercial growth in order to increase employment opportunities for present and future residents of the Hood River/Westside area.*

FINDING: The above identified Policy Document goals, policies or strategies are applicable to either establishment of STRs or marijuana businesses in Hood River County.

III. APPLICABLE STATE LAW

ORS 197.610 and OAR 660-018-0020 – Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation – 20 - 35 day notice to DLCD, prior to 1st evidentiary hearing

FINDING: Local governments are required to send notice of a proposed change to a comprehensive plan or land use regulations at least 35-days before the first evidentiary hearing. Consistent with the above rules, staff provided notice of the proposed amendments to all 23 Articles (identified in Exhibits A – D) to DLCD on May 18, 2016. This is more than 35-days prior to the first evidentiary hearing, which was scheduled before the planning commission on Wednesday, June 22, 2016 and continued to July 13, 2016. Text amendments adopted by the Board of Commissioners will be forwarded to DLCD for review and acknowledgement within the required timeframe.

ORS 215.223 - Procedure for adopting zoning ordinances; notice. (1) No zoning ordinance enacted by the county governing body may have legal effect unless prior to its enactment the governing body or the planning commission conducts one or more public hearings on the ordinance and unless 10 days' advance public notice of each hearing is published in a newspaper of general circulation in the county or, in case the ordinance applies to only a part of the county, is so published in that part of the county.

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FINDING: Consistent with the above rule, notice of the June 22, 2016 Planning Commission Public Hearing was published in the *Hood River News* on June 11, June 18 and June 22, 2016, more than 10 days before the hearing; the June 22th Public Hearing was continued by the planning commission to July 13th, 2016.

Consistent with the above rule, notice of the August 22, 2016 Board's Public Hearing (continued to August 29, 2016) was published in the *Hood River News* on August 10, 2016, more than 10-days before the hearing.

215.503 Legislative act by ordinance; mailed notice to individual property owners required by county for land use actions.

(***)

(3) Except as provided in subsection (6) of this section and in addition to the notice required by ORS 215.060, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof or to adopt a new comprehensive plan, the governing body of a county shall cause a written individual notice of land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) In addition to the notice required by ORS 215.223 (1), at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, the governing body of a county shall cause a written individual notice of land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(***)

(9) For purposes of this section, property is rezoned when the governing body of the county:
(a) Changes the base zoning classification of the property; or
(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

FINDING: Consistent with the above rules, it was determined a notice, adhering to the requirements of the Measure 56 notice process, had to be conducted to notify property owners the county is proposing to modify existing land use regulations that may affect the permissible uses of their property and value. The notice was mailed to all affected property owners who own Rural Residential (RR) zoned property on June 1, 2016. This was more than 20, but less than 40 days, before the June 22, 2016 Public Hearing. The total number of RR zoned properties owners affected was approximately 1,500. After removing duplicate properties (different properties owned by the same individual) approximately 1,300 Measure 56 notices were mailed.

Attachment - Findings

IV. LEGISLATIVE REVIEW - Article 62 (“Legislative Amendments”), HRCZO

Section 62.00 - Initiation: An amendment, supplement or change to the text or maps of this ordinance may be initiated by: A. The Board of Commissioners. B. The Planning Commission. C. The Planning Director.

FINDING: The legislative actions were initiated by the both the Board of Commissioners and planning director. The Board identified developing strategies to regulate and manage STRs at their goal setting session in both 2015 and 2016. After working within the Oregon Liquor Control Commission (OLCC) framework to process Land Use Compatibility Statements (LUCS) in January and February of 2016, concerns raised through site plan reviews triggered the planning director to request the Board at their February 2016 meeting to initiate marijuana time, place and manner regulations.

Section 62.02 – Procedures

FINDING: As mentioned, public hearings were scheduled before the planning commission to review the amendments on June 22 and July 13, 2016. A request was forwarded to the Board on July 18, 2016 to conduct a public hearing, within 30 days from receipt of the recommendation by the planning commission. The planning commission’s recommendation was mentioned to the Board on July 18, 2016 and forwarded to the Board as part of the staff report prepared for the August 22, 2016 Board Public Hearing.

Section 62.04 – Notice

FINDING: Notice of the June 22 and July 13, 2016 public hearings were published in the *Hood River News* on June 11, 18 and 22, more than 10 days prior to the June 22, 2016 hearing.

Notification was sent by mail to affected local and state agencies, the City of Hood River, and individuals who indicated an interest in the legislative action. A list of the more than forty (40) agencies and individuals who received notice of the planning commission June 22 and July 13 public hearings and staff report is available at the county planning department.

Consistent with the above rule, notice of the August 22, 2016 Board’s Public Hearing on STRs was published in the *Hood River News* on August 10, 13 and 17, 2016, more than 10-days before the hearing.

Consistent with the above rule, notice of the August 29, 2016 Board’s Public Hearing on Marijuana Businesses was published in the *Hood River News* on August 17, 20 and 24, 2016, more than 10-days before the hearing.

HOOD RIVER COUNTY

ORDINANCE NO. 338

**AN ORDINANCE TO ADOPT MULTIPLE AMENDMENTS TO THE HOOD RIVER
COUNTY ZONING ORDINANCE**

WHEREAS, in January 2015 the Board of County Commissioners (Board) prioritized addressing Short-Term Rentals (STRs) at their goal-setting retreat. The goal established at the retreat was, by the end of 2015, to: develop policies and programs to effectively monitor and manage vacation rentals in unincorporated portions of Hood River County in a more sustainable and equitable manner; and

WHEREAS, on April 18, 2016 and October 17, 2016 the Board passed an emergency ordinance (Ordinance No. 331 and No. 337) declaring a 180-day moratorium on marijuana production and processing in the Rural Resident (RR) zone of unincorporated Hood River County in order to provide time necessary to examine the range of options surrounding the regulation or prohibition of said businesses or facilities; and

WHEREAS, the Hood River County Planning Director initiated a legislative process, in accordance with authority provided in Hood River County Zoning Ordinance Article 62 (Legislative Amendments), Section 62.00, to make amendments to the Hood River County Zoning Ordinance Article 53 (Home Occupation) to address STRs and marijuana businesses, respond to recent legislation and rulemaking adopted by the Land Conservation and Development Commission, and to incorporate additional zoning code language to better serve the citizens of the County; and

WHEREAS, the legislative updates also provided an opportunity to update other Articles of the Hood River County Zoning Ordinance directly related to the proposed amendments making the zoning ordinance easier to implement and administer; and

WHEREAS, the above matter came before the Hood River County Planning Commission on three planning sessions: April 13, 2016 to address STRs; May 11, 2016 to address marijuana businesses; and May 16, 2016 a joint planning session with the Board; and

WHEREAS, a public hearing was held by the Hood River County Planning Commission on June 22, 2016 to address marijuana businesses and July 13, 2016 to address STRs; and

WHEREAS, by the Hood River County Planning Commission on a vote of 6 to 1 that

the Board adopt amendments to the Hood River County Zoning Ordinance presented in the Staff Reports dated June 22, 2016 (Marijuana Businesses) and July 13, 2016 (STRs), inclusive of Exhibits A-D in their entirety; and

WHEREAS, the above matter came before the Board for public hearings on August 22nd, August 29th, September 12th, October 17th, November 21th, and December 9th, 2016 in the County Board of Commissioner Conference Room (1st floor), 601 State Street, Hood River, Oregon to consider the ordinance changes recommended by the planning commission; and

WHEREAS, a Measure 56 type notification was sent by mail to approximately 1,500 affected properties owners in the Rural Residential (RR) zone on June 1, 2016; and

WHEREAS, notification was sent by mail to affected county, local and state agencies, the City of Hood River, and individuals who indicated an interest in the legislative action; and

WHEREAS, due notice was given of all the hearings before the planning commission and Board and opportunity provided to allow testimony to all parties; and

WHEREAS, the Board, based on the staff reports, testimony and its own deliberations, concurred with the Amendments proposed by staff. The general and more notable changes include:

STRs (Staff Report Exhibit A)

- The text amendments are proposed to be included as part of Article 53 (Home Occupation) to address STRs and bifurcates different standards for review from the Home Occupation standards.
- Adds definitions of: Short-Term Rental and a Short-Term Rental Permit. A STR permit would be a Type I or Type II development application authorizing a Short-Term Rental or Short-Term Room Rental.
- Creates a table / matrix to identify uses permitted for each zoning district and review type.
- Prohibits STRs in all F-2 (Primary Forest) zone, industrial zones and overlays. Furthermore limits STRs to a cap of 100 when combining all other zones, of which 25 of the 100 can be on resource zoned land.
- Allows STRs as a Type II use on EFU and F-1 (Forest) zoned land through a Conditional Use Permit.
- Addresses permit requirements (i.e., renewed every 2-years).
- Outlines application requirements to require applicant to address: identifying adjacent property owners, site plan, floor plan, property management plan, building safety, environmental health and Transient Room Tax (TRT).

- Contains standards for all permit requirements: signage, occupancy, parking, access, garbage disposal and nuisances.
- Provides framework for compliance process and enables planning director to revoke STR permit if there are 3 (three) confirmed violations.

Marijuana Businesses (Staff Report Exhibit A)

- The text amendments are proposed to be included as part of Article 53 (Home Occupation) to address marijuana production, processing, wholesaling and retailing and bifurcates different standards for review from Home Occupation standards.
- Addresses both medical and recreation marijuana businesses regulated by the OLCC and OHA.
- Adds definitions of: cannabinoid, marijuana, marijuana business, marijuana processing, marijuana production / grow (outdoor and indoor), marijuana retailing and marijuana wholesaling.
- Allows for production / growing in resource zones (EFU and Forest zones); processing in EFU and Industrial zones; limits retail to the Commercial zone; and prohibits commercial production in Residential zones.
- Creates a table / matrix to identify the marijuana uses permitted for each zoning district and review type:
 - *Prohibits all marijuana businesses in the rural center zones (i.e., Oak Grove, Mt. Hood and Rockford communities);*
 - *Prohibits processing on Forest zones;*
 - *Allows processing on EFU through a Type II review;*
 - *Allows marijuana retailing in the Commercial (C-1) zone;*
 - *Allows processing on Industrial zoned land; processing requires Type II review; and*
 - *Prohibits all marijuana businesses in overlay zones and National Scenic Area.*
- Addresses water, lighting, access and fencing through siting standards.
- Provides 50-foot setback from any property line or a greater distance of 80-feet from an existing dwelling situated on neighboring property on resource zoned property.
- Provides 1,000 foot separation for production and processing on EFU zoned property from schools, licensed daycares and preschools.
- Provides 1,000 foot separation for the following: retail businesses from schools, licensed daycares, preschools, public parks, public playgrounds, government-owned recreational uses, public library, living history museums, community centers, licensed treatment centers, or multifamily dwelling's owned by a public housing authority.

Other (Staff Report Exhibits B – D)

- Amends other articles to provide conformity with Article 53 and the proposed STR

- and marijuana business amendments.
- Repeals and establishes in entirety a new Article 1 (Introductory Provisions) to better consolidate and organize existing provisions.
 - Makes minor and technical changes for the purpose of clarity, improved process and better outcomes.
 - Adds a definition of residential.

WHEREAS, at the November 21 and December 19, 2016 public hearings the Board voted to accept the findings and proposed legislative text amendments identified in the staff reports, accompanying documents, and Exhibits A through D contained in and prepared for the August 22nd, 29th, September 9th, October 17th and November 21st public hearings in their entirety, and incorporated herein; and

NOW, THEREFORE, the Board of County Commissioners for Hood River County adopts this Ordinance, as set forth below:

I. **IT IS HEREBY ORDAINED** that the Hood River Zoning Ordinance Articles 1, 2, 4, 48, 49, 53, 64, 68, 69, 70 and 71 be repealed in their entirety and restated as set forth in the Staff Report and Exhibits A - D dated November 21, 2016, and by this reference incorporated herein.

II. **IT IS HEREBY ORDAINED** that the Hood River County Zoning Ordinance be amended to incorporate modifications to eighteen other Articles directly related to the amendments as set forth in the Staff Report and Exhibits A – D dated November 21, 2016, specifically: Article 3 (Definitions), Article 5 (Forest and Primary Forest), Article 7 (EFU), Article 10 (Residential Zone, R-1), Article 15 (Rural Residential Zone, RR), Article 21 (Commercial), Article 22 (Rural Center), Article 25 (Rural Unincorporated Community Commercial Zone), Article 27 (Mt. Hood Unincorporated Community Commercial Zone), Article 31 (Industrial Zone), Article 32 (Light Industrial), Article 33 (Airport Development Zone), Article 35 (Natural Area Zone), Article 50 (Buffer Requirements), Article 55 (Supplementary Provisions), Article 64 (Land Use Permit), Article 65 (Non-Conforming Use), and Article 66 (Variances), and by this reference incorporated herein.

III. **SEVERABILITY**. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

IV. **EMERGENCY**. Insomuch as the business aspects of this Ordinance amendment are necessary for the immediate preservation of health, safety and welfare, an emergency is

hereby declared to exist and shall be in full force and effect immediately upon its adoption by the Board of Commissioners.

DATED THIS 19th DAY OF DECEMBER, 2016

HOOD RIVER COUNTY BOARD OF COMMISSIONERS

Ron River, Chair

Karen Joplin, Commissioner

Maui Meyers, Commissioner

Robert Benton, Commissioner

Les Perkins, Commissioner

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

Hood River County

P-15-0215 (Short-Term Rentals)

P-16-0114 (Marijuana)

Exhibit A

Amendments to Article 53
(Home Occupation) to Address

Short-Term Rentals (STRs)

&

Marijuana Businesses

EXHIBIT A – ARTICLE 53
HOME OCCUPATIONS

EXHIBIT A: WORKING DRAFT – AMENDMENTS TO ARTICLE 53 TO ADDRESS
SHORT-TERM RENTALS & MARIJUANA BUSINESSES

The changes noted below indicate the Board’s final recommendations discussed at the October 17th, 2016 Public Hearing.

Article 53 to be Repealed and Established in its Entirety.

Proposed text amendments are shown in ~~strike-through~~ and **bold underline**.

Incorrect numbering and references will be revised in the adopted version.

ARTICLE 53 – HOME OCCUPATIONS, SHORT-TERM RENTALS & MARIJUANA BUSINESSES

[Insert Table of Contents]

SHORT-TERM RENTALS

Section 53.20 Permitted Uses

- A. Home occupations are permitted outright in the following zones pursuant to compliance with provisions in the zones in which the use is proposed: Commercial Zone (C-1), Mt. Hood Unincorporated Community Commercial Zone (MH-C1), Industrial Zone (M-1), and Light Industrial Zone (M-2). Short-term rentals and marijuana businesses are not subject to the Home Occupation standards contained in Sections 53.25 – 53.35 below. **Short-term rental-Said home occupation** uses are subject to the subsequent provisions contained in Section **53.30** herein, **and marijuana business regulations subject to Section 53.70.**

- B. In in-home commercial activity is not considered a home occupation and ~~may~~ **does** not require a land use conditional use permit where all of the following criteria can be met. (Coordination and permits with other agencies may be required).

(***)

Section 53.25 Conditional Uses

- A.** The following conditional uses are required to comply with provisions in Article 72 - Planning Director's Review Procedure and Section 53.30:

**EXHIBIT A – ARTICLE 53
HOME OCCUPATIONS**

- 1.** A home occupation proposed in the following zones in an existing dwelling or pre-existing building on the same lot or parcel as the resident's dwelling: ~~Forest Zone (F-1), Primary Forest Zone (F-2), Exclusive Farm Use Zone (EFU),~~ Residential Zone (R-1), Rural Residential Zone (RR), and Rural Center Zone (RC).
- 2.** Expansion or change in use of home occupations or one or two person businesses existing prior to the adoption date of this Ordinance (see Section 53.35 Nonconforming Use).

B. Home occupations in the Forest Zones (F-1 and F-2) and Exclusive Farm Use (EFU) Zone are subject to Section 53.30 and respective Conditional Use Review Criteria contained in Articles 5 and 7 (Sections 5.05 and 7.05).

Section 53.30 Home Occupation Standards

(***)

N. Complies with Federal, State and Local laws. Non-compliance with any of these laws can result in the home occupation being terminated.

SHORT-TERM RENTALS

Section 53.40 Purpose

The purpose of this section is to regulate short-term rentals to protect the integrity of resource lands, to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rentals, and to protect the public health, safety and general welfare of individuals and the community at large.

Section 53.40 Use Table

Short-term rentals are permitted as specified for each of the different zoning districts, subject to the following review Type and regulations:

Table 53.40 Summary of Use Table for Short-Term Rentals

Zoning	Review Type¹	Subject To²
Forest		
Forest Zone (F-1)	C (Type II)	Article 5; Section 5.05
Primary Forest Zones (F-2)	P	
Exclusive Farm Use (EFU); High Value	C	Article 7; Section 7.05

**EXHIBIT A – ARTICLE 53
HOME OCCUPATIONS**

Zoning	Review Type¹	Subject To²
	(Type II)	
Exclusive Farm Use (EFU); Non-High Value	C (Type II)	Article 7; Section 7.05
Residential (R-1)	Type I	
Rural Residential (RR)	Type I	
Hood River Urban Growth Area (UGA)		Article 17
Commercial (C-1)	Type I	
Rural Center (RC)	Type I	
Rural Unincorporated Community (RUC-1)	Type I	
Mt. Hood Unincorporated Community Commercial (MH-C1)	Type I	
Industrial (M-1)	P	
Industrial (M-2)	P	
Airport Development (AD)	P	
Natural Area (NA)	P	
Overlays: SPO, EP, FP, GH, HHO	P	
National Scenic Area		Article 75

¹ “P” means the use is prohibited.

² “Subject To” column identifies certain provisions to which the use is subject.

* Permitted uses are subject to the applicable short-term rental provisions (Sections 53.45 - 53.55) and other applicable Articles of the *Hood River County Zoning Ordinance*.

Section 53.45 Permit Required

An owner shall obtain a revocable short-term rental permit prior to using a dwelling unit as a short-term rental and shall comply with the following requirements:

- A. No more than 100 short-term rental permits shall be issued by the county at any one time; no more than 25 of the 100 permits issued shall be on resource zoned land.
- B. Only one short-term rental per parcel shall be permitted.
- C. The short-term rental permit shall be renewed every two-years by December 31 thereafter. Failure to maintain and renew the short-term rental permit shall be considered abandonment of use.
- D. The short-term rental permit is not transferable to a new owner. If the property is transferred or sold, the new owner will need to re-apply for a short-term rental permit.

EXHIBIT A – ARTICLE 53 HOME OCCUPATIONS

- E. The short-term rental permit does not relieve the owner of the obligation to pay County Transient Room Taxes (TRT) and personal property tax. Non-compliance will result in revocation of the permit.
- F. No recreational vehicle, travel trailer, or tent or other temporary shelter shall be used in conjunction with the short-term rental. No occupancy of a parked vehicle or trailer in conjunction with the short-term rental is permitted.
- G. The Planning Director or designee may visit and inspect the site of a short-term rental on a prescribed schedule to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary.
- H. If the terms of the short-term rental permit are not met, the permit may be revoked and the owner subject to enforcement and Class I or Class II penalties per Article 1 or any amendments thereto.
- I. The county will monitor and enforce unpermitted short-term rentals through periodic review and audits. An unpermitted short-term rental is subject to enforcement, and Class I or Class II penalties per Article 1 of this ordinance, Chapter 1.08 (Code Enforcement), Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

Section 53.50 Short-Term Rental Permit Application Requirements

An application for a short-term rental permit shall be completed on the form provided by the County and shall provide the following information:

- A. Property Owners - A list of all the property owners of the short-term rental including names, addresses and telephone numbers.
- B. Affidavit of Adjacent Property Owner Notification – The applicant of a short-term rental shall provide, in writing to adjacent neighbors within 250-feet, a local telephone number, name, and address of a property manager who will accept and handle complaints immediately relating to tenant activities. Notice for applications in resource zones shall be provided in accordance requirements identified in ORS 215 et seq.
- C. Site Plan - A site plan, drawn to scale, showing the location of buildings, septic systems and required parking.
- D. Floor Plan - A floor plan identifying the number of bedrooms proposed for use.
- E. Property Management Plan - A property management plan demonstrating how the short-term rental will be managed and how impacts to neighboring properties will be minimized; specifically, nuisances, parking and garbage. The property management plan shall also include the name, address and telephone number of local points of contacts

EXHIBIT A – ARTICLE 53 HOME OCCUPATIONS

available to respond immediately to complaints and promptly remedy any violation of these standards.

- F. Environmental Health – Issue Authorization Notice to use Existing Septic System per OAR 340-071-0205. Review of Drinking Water source per OAR 333-061 and Travelers' Accommodation Licensing per ORS 446.320. ~~Approval by the Hood River County Environmental Health Department regarding any existing on-site sewage disposal system (septic) is satisfactory.~~

//Editor's note: This provision was modified to more accurately reflect state environmental health standards and requirements.//

- G. Assessor – Proof County Assessor has been notified.
- H. TRT – Proof of registration for County TRT certificate.
- I. Building Safety – Satisfactory completion of an inspection performed by the Hood River County Building Department.
- J. Proof of Insurance – Include certification of insurance coverage.
- K. Certify Accuracy - Certification of the accuracy of the information submitted and agreement to comply with the conditions of the permit.
- L. Other - Other information as requested by the County.

Section 53.55 Short-Term Rental Standards

All short-term rentals shall meet the following standards:

- A. Resource Lands (EFU and F-1 Forest zones) – Short-term rentals shall be operated within the primary dwelling of the subject property. It shall be occupied and operated by a resident of that dwelling. The primary use of the dwelling will remain residential and shall not be rented out a predominance (i.e., more than 180 days) of the year. Outbuildings, including agricultural buildings, farm worker housing and other lawful dwellings on the property, shall not be converted to short-term rentals. The STR shall not unreasonably interfere with other uses permitted in the zone in which the property is located.
- B. Appearance and Identification - The exterior of the building shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or road. No junk or garbage shall be allowed to accumulate in any yards and all vehicles shall park in designated parking areas.
- C. Occupancy Limits - The maximum occupancy for each short-term rental unit shall be calculated on the basis of two (2) persons per bedroom, plus two additional overnight occupants. On properties containing both a residential dwelling and an accessory

EXHIBIT A – ARTICLE 53 HOME OCCUPATIONS

residential dwelling, only one residential structure may be rented out as a short-term rental, but not both.

- D. Parking - The short-term rental shall have one onsite parking space per each bedroom unit with a minimum of two parking spaces required. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. The garage shall continually be available for guest parking as long as the short-term rental permit is valid.
- E. Access - Road access to the short-term rental shall meet minimum county road standards and shall be adequately maintained and remain clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk, etc., to ensure the unimpeded passage of emergency vehicles and other vehicular traffic.
- F. Nuisances and Garbage - The short-term rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to: loud music and noises, excessive traffic, junk/debris accumulation in the yards, garbage removal, trespassing, or excess vehicles, boats or recreational vehicles parked in the streets in front of the rental. Said provisions shall be documented in the Property Management Plan.
- G. Pets - Pets shall be secured at all times while on the property and nuisance barking by pets is prohibited.
- H. Signage - No on or off-premise signage advertising the short-term rental is permitted.
- I. License and Permit Requirements - The short-term rental permit and permit number issued by Hood River County shall be prominently and permanently displayed inside the unit near the front entrance of the rental and shall list the name, address and phone numbers of the property owner or the designated local contact. The permit number shall also be display in all advertising.
- J. Federal, State & Local Laws - The short-term rental shall meet all applicable State and local health, safety laws and building codes.
- K. Other - Other conditions may be imposed, such as additional parking, improved access, fencing, landscaping, or minimum screening to ensure the proposed use is compatible with the surrounding residential character.

Section 53.60 Compliance

All complaints shall proceed as follows:

- A. The complaining party shall first attempt to communicate with the local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;
- B. The contact person shall respond promptly to the complaint, regardless of time of day,

EXHIBIT A – ARTICLE 53 HOME OCCUPATIONS

and make reasonable efforts to remedy any situation that is out of compliance with the permit;

- C. If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the County Planning Department and Code Compliance program, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the county; and
- D. The County Planning Department/Code Compliance program shall attempt to resolve the complaint. If so required, the owner or local contact person shall provide a written response to the complaint with the anticipated corrective action within 10 days. A copy of the complaint will be filed with the short-term rental permit.
- E. A permitted short-term rental is subject to enforcement, and Class I or Class II penalties per Article 1 of this ordinance, Chapter 1.08 (Code Enforcement), Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code.

Section 53.65 Revocation

A permit for a short-term rental may be revoked subject to the procedures identified Article 1 Section 1.XXX Enforcement – Revocation. The Planning Director may immediately revoke all short-term rental permits from the owner upon three (3) violations of the permit or this Article.

MARIJUANA BUSINESSES

Section 53.70 Purpose & Intent

This section describes the requirements for establishing marijuana businesses, including all medical and recreational marijuana production, processing, wholesaling, and retail uses in Hood River County. The purpose of this section is to:

- Establish reasonable time, manner and place requirements for new business that produce, process, wholesale or retail marijuana.
- Provide clear and objective standards for marijuana businesses.
- Minimize conflict with other permitted uses in underlying zones.
- Protect resources identified in the Hood River County Comprehensive Plan.
- Protect the public health, safety, and general welfare of the citizens of the county.

Section 53.75 Applicability

In construing this section, related provisions of state law and administrative rule provide relevant context. These regulations shall not apply to:

EXHIBIT A – ARTICLE 53 HOME OCCUPATIONS

- Personal use of marijuana.
- Any Marijuana Business, structure or building legally established prior to the adoption of this article.
- Any marijuana retailer that applied for a registration with the Oregon Health Authority and has subsequently obtained full, unconditional approval prior to the adoption of this article.

The alteration, expansion or replacement of a Marijuana Business will be subject to this section.

Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses:

- A. ~~No~~ More than one marijuana businesses ~~may be~~ established on the same parcel Lot of Record. **This does not preclude a single business from maintaining more than one (1) type of license or permit.**

//Editor's note: The above identifies revisions mentioned at the October 17th public hearing needed to provide clarity that multiple businesses on one parcel are not allowed, but multiple permits are.//

- B. New dwellings used in conjunction with a marijuana crop.
- C. A farm stand, as described in ORS 215.283(1)(o), used in conjunction with a marijuana crop.
- D. A commercial activity, as described in ORS 215.283(2)(a), carried on in conjunction with a marijuana crop.
- E. Marijuana production, processing, wholesaling and retailing are not permitted in conjunction with a home occupation, Bed & Breakfast or winery.

Section 53.80 Definitions

Marijuana Processing - The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or extracts, provided that the marijuana processor is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority; excludes packaging or labeling.

Marijuana Production / Grow - The manufacture, planting, cultivation, growing, trimming, harvesting, or drying of marijuana, provided that the marijuana producer is licensed by the

**EXHIBIT A – ARTICLE 53
HOME OCCUPATIONS**

Oregon Liquor Control Commission, or registered with the Oregon Health Authority and is a “person designated to produce marijuana by a registry identification cardholder.”

1. Outdoor Production means producing marijuana:
 - (a) In an expanse of open or cleared ground; or
 - (b) In a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources.

2. Indoor Production means producing marijuana in any manner:
 - (a) Utilizing artificial lighting on mature marijuana plants; or
 - (b) Other than “outdoor production,” as that is defined in this section.

Marijuana Retailing - The sale of marijuana items to a consumer, provided that the marijuana retailer is licensed by the Oregon Liquor Control Commission or registered with the Oregon Health Authority.

Marijuana Wholesaling - The purchase of marijuana items for resale to a person other than a consumer, provided that the marijuana wholesaler is licensed by the Oregon Liquor Control Commission.

Section 53.85 Use Table & Procedures

Table 53.85 below identifies the marijuana uses permitted as specified for each of the different zoning districts, subject to the review Type and regulations.

As used in the Table “P” means the use is prohibited; including new agriculture dwellings to support the commercial growing of marijuana, farm stands to sell marijuana products, and commercial activities in conjunction with marijuana on EFU.

As used in the Table “A” means the use is allowed outright subject to the general provisions set forth by this ordinance and do not require land use review.

Type I (Ministerial Action) and Type II (Non-Ministerial or Administrative Action) are review types defined in Article 3 - Definitions.

Table 53.85 Summary of Use Table for Marijuana Businesses

Zoning District	Production / Grow	Processing	Retailing
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**EXHIBIT A – ARTICLE 53
HOME OCCUPATIONS**

Zoning District	Production / Grow	Processing	Retailing
Forest (F-1 & F-2)	Type I	P	P
Exclusive Farm Use (EFU)	Type I	Type II ¹	P
Residential (R-1)	P	P	P
Rural Residential (RR)	P	P	P
Hood River UGA	See Article 17	See Article 17	See Article 17
Commercial (C-1)	P	P	Type II
Rural Center (RC)	P	P	P
Rural Unincorporated Community (RUC-1)	P	P	P
Mt. Hood Unincorporated Community Commercial (MH-C1)	P	P	P
Industrial (M-1)	Type I ²	Type II	P
Industrial (M-2)	Type I ²	Type II	P
Airport Development (AD)	Type I	P	P
Natural Area (NA)	P	P	P
Overlays: SPO, EP, FP, GH, HHO	P	P	P
National Scenic Area	P	P	P

¹ Processing products and floor area subject to ORS 215.283(1)(r), as amended.

² Indoor production is permitted; outdoor production is prohibited.

* Wholesaling, specific to products grown off-site, is prohibited.

//Editor's note: The above table and footnotes have been amended to reflect: processing as a Type II in EFU, production / growing as a Type I in Industrial zones; and off-site wholesaling prohibited.//

* Permitted uses are subject to the applicable provisions Section 53.90 – 53.95 and other applicable Articles of the *Hood River County Zoning Ordinance*.

Section 53.90 Marijuana Business

A Marijuana Business reference in Table 53.85 above shall be subject to the following standards and criteria:

**EXHIBIT A – ARTICLE 53
HOME OCCUPATIONS**

- A. Minimum Yard Depth & Setbacks (EFU and Forest Zones) - Outdoor marijuana canopies, buildings and structures used for indoor or outdoor marijuana production, and buildings and structures used for marijuana processing in the EFU and Forest zones shall be located at least **50-feet** from any property line **or a greater distance of 80' from an existing dwelling situated on neighboring property**. The distance shall be measured using a straight-line extending horizontally from the nearest part of the canopy area or building or structure used for marijuana production or marijuana processing to the point nearest to any property line.

//Editor's note: The above setbacks were amended to reflect feedback from the October 17th public hearing.//

Marijuana production or processing on resource zones shall be located a minimum of 1,000 feet from a licensed school, daycare facility, publicly owned park or recreational use area or facility. The measurement shall be made using a straight line extending horizontally from the closest point anywhere on the property line of the subject property to the closest property line of the affected property.

- B. Access – The subject property shall have frontage on, or direct access from, a constructed public, county, or state road, and take access on a road or easement serving the subject property. Road access to the marijuana business shall meet current county road standards and shall be adequately maintained and remain clear of obstructions.
- C. Security Cameras - If security cameras are used, they shall be directed to record only the subject property and public rights-of-way, except as required to comply with licensing requirements of the Oregon Liquor Control Commission or registration requirements of the Oregon Health Authority.
- D. Lighting - Lighting shall be regulated as follows:
1. Light cast by light fixtures (i.e., artificial lighting) inside any structure or building used for marijuana production or processing shall ~~not be visible from outside~~ **use adequate light barriers to ensure article lighting is not visible from adjacent properties. Example of light barriers include: light deprivation greenhouses or similar technologies, fully shielded and directional lights, retractable shade clothes, not-transparent building materials, and landscaping or other natural features.**

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//Editor's note: These identify the changes to the lighting standards presented at the October 17th public hearing.//

2. Outdoor marijuana grow lights shall not be illuminated during the period commencing 30 minutes before sunset and ending 30 minutes after sunrise the following date.
 3. Light cast by exterior light fixtures other than marijuana grow lights (e.g., security lights, driveway lights) shall be downcast, shielded and hooded, and not spill onto adjacent lots.
- E. Odor – Industrial Zones: Marijuana production and processing in the M-1 and M-2 zones is allowed if the building or structure is equipped with a charcoal, air filtration system or a building design that mitigates marijuana odor. The marijuana producer or marijuana processor must operate and maintain the filtration system in a manner such that no more than faint odor and no pungent odors are detectable from the property line.
- F. Fences, walls or other barriers
1. Shall be limited in area by being located no more than 20-feet in any direction from the outer extent of all areas used for Marijuana Business activities, including but not limited to buildings, structures, outdoor marijuana canopies, and areas used for off-street parking, loading, and storage.
 2. Shall not be electrified, use barbed wire, razor wire, concertina coils, anti-climb spikes or any other similar security feature designed to discourage ingress through the potential of causing bodily harm.
 3. Shall not include plastic sheeting, knitted polyethylene, woven polypropylene, vinyl coated polyester, or similar materials.
 4. Development standards of that zone shall apply (e.g., height and vision clearance).
- G. Water - The applicant shall submit proof of a legal water source for the proposed marijuana production or marijuana processing. Proof could include, but is not limited to, a copy of a water right that serves the proposed use or a letter from the irrigation district, municipal water provider or the Watermaster.

SECTION 53.95 Marijuana Retailing

Marijuana retailing shall be subject to the following standards and criteria:

EXHIBIT A – ARTICLE 53 HOME OCCUPATIONS

- A. Hours & Window Service - A marijuana retailer may only sell to consumers between the hours of 8:00 a.m. and 8:00 p.m. and may only permit consumers to be present in the building space occupied by the marijuana retailer between the hours of 8:00 a.m. and 8 p.m. The use shall not have a walk-up window or drive-thru window service.
- B. Odor - A marijuana facility shall be equipped with a carbon or charcoal filtration system for odor control.
1. The system shall consist of one or more fans and filters.
 2. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) sufficient to scrub or purge the facility total interior air volume, minus sealed grow rooms and non cannabis areas like offices, once per hour.
 3. The filter(s) shall be rated for the required CFM.
 4. The filtration system shall be maintained in working order and shall be in use.
 5. An alternative odor control system is permitted if the applicant submits a report by a mechanical engineer licensed in the State of Oregon demonstrating that the alternative system will control odor as well or better than the charcoal filtration system otherwise required.
- C. Co-Location of Related Activities and Uses - Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot of record or within the same building with any marijuana social club or marijuana smoking club.
- D. Minimum Separation Distances - A Marijuana Retail Business shall be located a minimum of 1,000 feet from:
1. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.020, including associated property and parking lot;
 2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including associated property and parking lot;
 3. A licensed daycare facility or preschool, including associated property and parking lot;
 4. A public park, public playground, government-owned recreational use area or facility, public library, living history museum, community centers, licensed treatment center, or multifamily dwelling owned by a public housing authority;
 5. Other marijuana retailer of the same type (e.g., recreational or medical);

**EXHIBIT A – ARTICLE 53
HOME OCCUPATIONS**

The measurement shall be made using a straight line extending horizontally from the closest point anywhere on the property line of the Marijuana Business property to the closest property line of the affected property.

Hood River County

P-15-0215 (Short-Term Rentals)

P-16-0114 (Marijuana)

Exhibit B

**Proposed Updates to Create Consistency
with Article 53**

Exhibit B – HRCZO

EXHIBIT B: PROPOSED UPDATES TO CREATE CONSISTENCY WITH ARTICLE 53

To provide conformity with Article 53 and the proposed changes, there are other articles in the HRCZO that should reference if short-term rentals and marijuana businesses are an allowed use and the review type. These specific articles and provisions are identified below. The proposed text amendments are shown in ~~strike-through~~ and **bold underline**.

Incorrect numbering and references will be revised in the adopted version. Use will reflect the Summary of Use Tables in Article 53.

ARTICLE 3 - Definitions

CANNABINOID: Refers to any of the chemical compounds that are the active constituents of marijuana.

FARM STAND: A business selling agricultural produce or products. A farm stand structure is designed and used for the sale of farm crops and livestock (inclusive of processed crops and livestock), which could include promotional events and providing visitor brochures and information. As it applies to farm stands, “processed crops and livestock” means farm products that have been converted into other products through canning, drying, baking, freezing, pressing, butchering or other similar means of adding value to the farm product, including the addition of incidental ingredients, but not including the conversion of farm products into food items that are prepared on-site or intended for on-site consumption. Pursuant to compliance with the Farm Stand Development Standards, Farm Stands are permitted uses subject to review in the Exclusive Farm Use, Rural Residential and Rural Center zones. A farm stand shall not be used for the sale, or to promote the sale, of marijuana products or extracts.

FARM USE: As defined in ORS 215.203 and as used in this Ordinance:

1. “Preparation” of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products; and
2. “Products or by-products raised on such land” means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

Discretionary uses that include marijuana shall comply with Chapter 53.

Exhibit B – HRCZO

MARIJUANA: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae, and the seeds of the plant Cannabis family Cannabaceae. Marijuana does not include industrial hemp as defined in Oregon Revised Statutes 571.300.

MARIJUANA BUSINESS: The term and its derivations means an enterprise authorized by state law involving medical or recreational marijuana production, medical or recreational marijuana processing, recreational marijuana wholesaling, medical marijuana dispensing, or retailing of recreational marijuana.

SHORT-TERM RENTAL: A dwelling unit or other building or any portion thereof that is available or advertised, or listed by an agent, for use, rent, or occupancy for a period of time that is less than 30 consecutive days. Short-Term Rentals does not include guest quarters, bed and breakfast facilities, hotels, or other types of lodging permitted to operate in accordance with this Ordinance.

SHORT-TERM RENTAL PERMIT: A Type I or Type II development application authorizing a Short-Term Rental or Short-Term Room Rental. Type I Short-Term Rental Permits are permitted by-right, requiring only non-discretionary staff review to demonstrate compliance with the standards in this Ordinance. Type I permits (Ministerial Review) are limited to actions that do not require interpretation or the exercise of policy or legal judgment.

ARTICLE 5 – Forest (F-1) & Primary Forest (F-2) Zones

Table 5.02 Use Table for Forest (F-1) & Primary Forest (F-2) Zone

Table 5.02: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Forest, Farm and Natural Resource Uses		
Farm use as defined in ORS 215.203	A	
<u>Farm use, marijuana production</u>	<u>Type I</u>	<u>Article 53</u>
<u>Marijuana processing</u>	<u>P</u>	
<u>Marijuana wholesaling</u>	<u>P</u>	
<u>Marijuana retailing</u>	<u>P</u>	
Commercial Uses		
<u>Commercial activity carried on in conjunction with a marijuana crop</u>	<u>P</u>	

Exhibit B – HRCZO

Table 5.02: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
<u>Home Occupation involving short-term rental</u>	C (Type II)	<u>Section 5.04.G</u> <u>Section 5.05</u> <u>Article 53</u>

Section 5.04 Use Standards

G. Home Occupation, subject to the following:

1. Located and used subject to the definition of “Home Occupation” in Article 3 and meet the Home Occupation Standards in Article 53 of this Ordinance.
2. Home occupation involving a Bed and Breakfast subject to Article 56.
3. Home occupation to host weddings and related events subject to Article 73.
4. Home occupation involving short-term rental subject to Article 53.

Article 7 – Exclusive Farm Use Zone (EFU)

Table 7.02 Use Table for Exclusive Farm Use (EFU) Zone

Table 7.02: Use Table for EFU Zones I = Type I II = Type II III = Type III A= Allowed P = Prohibited	Review Type		SUBJECT TO
	HV	All Other	
Farm, Forest, & Natural Resource Uses			
Farm use as defined in ORS 215.203	A	A	
<u>Farm use, marijuana production</u>	Type I	Type I	<u>Article 53</u>
<u>Marijuana processing</u>	Type II	Type II	<u>Article 53</u>
<u>Marijuana wholesaling (off-site)</u>	P	P	
<u>Marijuana retailing</u>	P	P	
Commercial Uses			
<u>Home occupation involving short-term rentals</u>	C (Type II)	C (Type II)	<u>Section 7.05</u> <u>Article 53</u>
<u>Commercial activity carried on in conjunction with a marijuana crop</u>	P	P	

ARTICLE 10 – Residential R-1 Zone (R-1)

Section 10.10 – Uses Permitted Outright

Exhibit B – HRCZO

D. Short-term rentals, subject to Article 53.

ARTICLE 15 - Rural Residential Zone (RR)

Section 15.00 - Purpose and Intent

This zone is intended to maintain a semi-rural atmosphere for the development of residential living. Residential land uses will be the primary activity while agriculture will be of secondary importance. This Ordinance applies to land designated Rural Residential on the Comprehensive Plan Map. New marijuana uses are prohibited in this zone.

Section 15.10 – Permitted Uses

C. Farm uses, excepting:

- (i) any poultry, animal raising, or breeding enterprise conducted on a commercial basis;
and
- (ii) marijuana production and processing.

(***)

H. Short-term rentals, subject to Article 53.

ARTICLE 21 - Commercial Zone (C-1)

Section 21.10 – Uses Permitted Outright

H. Short-term rentals, subject to Article 53.

I. Marijuana retailing, subject to Article 53.

ARTICLE 22 – Rural Center (RC) Zone

Section 22.20 – Permitted Uses

C. Short-term rentals, subject to Article 53.

ARTICLE 25 - Rural Unincorporated Community Commercial Zone (RUC-1)

Section 25.10 – Uses Permitted Outright

V. Short-term rentals, subject to Article 53.

Exhibit B – HRCZO

ARTICLE 27 - Mt. Hood Unincorporated Community Commercial Zone (MH-C1)

Section 27.10 – Uses Permitted Outright

A. Retail Trade Establishment; excepting marijuana retailing.

(***)

E. Motels and hotels, up to 35 units, if served by a sewer system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community.

(i) Short-term rentals, subject to Article 53.

ARTICLE 31 - Industrial Zone (M-1)

Section 31.10 – Uses Permitted Outright

H. Marijuana business, subject to Article 53.

ARTICLE 32 - Light Industrial (M-2)

Section 32.15 – Uses Permitted

B.9 Manufacturing, compounding, processing, and/or packing of products such as:

- a. Bakery goods
- b. Candy
- c. Cosmetics
- d. Food products
- e. Fruit and vegetables
- f. Marijuana businesses, subject to Article 53.

C.5 Marijuana processing, subject to Article 53.

Article 33 - Airport Development Zone (AD)

Section 33.15 – Uses Permitted

Exhibit B – HRCZO

- A. Accepted Farming Practices; including crop dusting and associated activities, such as chemical storage. **Marijuana production subject to Article 53.**

Section 33.20 – Uses Subject to a Conditional Use Permit

- A. Light industrial, as permitted in the M-2 zone. **Marijuana business, subject to Article 53.**

Article 35 – Natural Area Zone (NA)

Section 35.40 – Uses Subject to a Conditional Use Permit and Criteria for Approval Specified in Section 35.50

- B. Farm uses and accessory uses; **marijuana uses are prohibited in this zone.**

Hood River County

P-15-0215 (Short-Term Rentals)

P-16-0114 (Marijuana)

Exhibit C

Amendments to Article 1

(Consolidation of Introductory Provisions)

**EXHIBIT C – ARTICLE 1
INTRODUCTORY PROVISIONS**

**EXHIBIT C: WORKING DRAFT – AMENDMENTS TO ARTICLE 1
CONSOLIDATION OF INTRODUCTORY PROVISIONS**

Article 1 to be Repealed and Established in its Entirety.

Incorrect numbering and references will be revised in the adopted version.

ARTICLE 1 INTRODUCTORY PROVISIONS

Contents

Section 1.010	Authority
Section 1.020	Title.....
Section 1.030	Purpose & Objectives
Section 1.040	Effect of Hood River County Zoning Ordinance
Section 1.050	Severability.....
Section 1.060	Interpretation, Scope & Applicability.....
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Section 1.070	Compliance with Ordinance Provisions, Classification and Zones.....
Section 1.075	Classification of Zones
Section 1.080	Zoning Maps
Section 1.090	Minor and Major Modification.....
Section 1.100	Minor Text Corrections.....
Section 1.120	Filing Fees, Refunds and Withdrawals
Section 1.130	Waiver
Section 1.140	Enforcement / Revocation.....
Section 1.150	Code Compliance.....
Section 1.160	Penalties.....
Section 1.170	Definitions.....

//Editor's note: In an effort to consolidate the HRCZO and for administrative purposes, Article 1 was re-organized to incorporate Articles 2, 4, 68, 70 and 71. These changes are reflected below.//

Section 1.010 Authority

Consistent with the provisions of Oregon Revised Statutes Chapters 92, 197, 203 and 215, and under the authority of the Hood River County Home Rule Charter, land use zoning shall be governed by the provisions of this ordinance.

EXHIBIT C – ARTICLE 1 INTRODUCTORY PROVISIONS

Section 1.020 Title

This ordinance shall be known as the "Hood River County Zoning Ordinance."

Section 1.030 Purpose & Objectives

This ordinance is designed to provide and coordinate regulations in Hood River County governing the development and use of lands. To these ends, it is the purpose of this ordinance to:

- A. Provide a guide for the growth and development of the County of Hood River in accordance with the Comprehensive Plan.
- B. **Insure that the development of property within the County is commensurate with the character and physical limitation of the land, and, in general to promote and protect the public health, safety, convenience and welfare.**

//Editor's note: Staff inserted this purpose statement. The notion of health, safety and welfare is not currently imbedded in the Purpose statements guiding the HRCZO.//

- C. Secure for the citizens of Hood River County the social and economic advantages resulting from an orderly planned use of its land resources.
- D. Encourage, classify, designate, regulate and segregate the use of land, buildings and structures to serve the needs of agriculture, commerce, industry, residences and other purposes in appropriate places.
- E. Establish conditions which will allow all of these land uses to exist in harmony within the community.
- F. Prevent the overcrowding of land, to avoid undue concentration of population, and to maintain a suitable balance between the structures and open spaces.
- G. Lessen congestion on streets and to promote a safe, efficient traffic circulation system.
- H. Ensure that adequate off-street parking and loading facilities will be installed and maintained.
- I. Facilitate adequate provisions for community utilities, such as transportation, water, sewage, schools, parks and other public requirements.
- J. Protect and enhance real property values.
- K. Promote the stability of existing land uses and to protect them from incompatible and harmful intrusions.
- L. Protect and preserve the stability of fish and wildlife and other natural resources.
- M. Encourage the most appropriate use of land.
- N. Promote aesthetic values.

Section 1.040 Effect of Hood River County Zoning Ordinance

Any structure, building, or use granted shall be valid in accordance with the provisions and conditions under which it was originally approved, unless the owner applies for a change in

EXHIBIT C – ARTICLE 1 INTRODUCTORY PROVISIONS

which additional conditions established shall apply.

Section 1.050 Severability

The provisions of this ordinance are severable. Should any article, section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

Section 1.060 Interpretation, Scope & Applicability

- A. **Interpretation:** The provisions of this ordinance shall be liberally construed to effect the purpose of this ordinance. These provisions are declared to be the minimum requirements to fulfill its objectives. When conditions herein imposed are less restrictive than comparative provisions imposed by any other provision of this ordinance by resolution of State Law or State Administration regulations, then the more restrictive conditions shall govern.

- B. **Scope:** This ordinance is enacted to regulate and restrict the location and use of buildings, structures, and land for residence, trade, industry, and other land use activities; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate density; and to divide the County into zones deemed best to carry out these regulations and to provide for the enforcement of these regulations.

//Editor's note: The above provisions were amended and inserted to more clearly identify the need for more restrictive provisions to apply and scope of the HRCZO in relation to zoning. Staff cannot find in the existing HRCZO provisions where this is clearly organized or identified.//

- C. **Applicability:** The Hood River County Zoning Ordinance, Zoning Designations and its Subdivision Ordinance apply to private and government ownerships, including lands within both urban growth boundaries of the Cities of Hood River and Cascade Locks.

- D. **Parcel or lot containing two or more zoning classifications:** A split-zoned parcel is a parcel or lot with two or more zoning classifications. All applicable zoning regulations for each particular zone shall be applied separately for each portion of a parcel or subdivided lot which is split-zoned.

**EXHIBIT C – ARTICLE 1
INTRODUCTORY PROVISIONS**

Section 1.065 Urban Growth Area

- A. Hood River County retains the responsibility for land use decisions and actions affecting urban growth areas. Appeals from such decisions and actions shall be in accordance with the appellant procedures specified in Hood River County Zoning and Subdivision ordinances. The cities of Hood River and Cascade Locks have standing to appeal any land use decision in the County involving the urban growth areas, provided the city's testimony has been added into the record at the Planning Commission level or added to the record during the Planning Director's administrative decision-making process.

- B. Although Hood River County retains the responsibility for decisions affecting lands within the urban growth areas, recommendations and decisions by both the cities of Hood River and Cascade Locks will prevail regarding the specific city zoning and subdivision ordinance interpretation. However, the County reserves the rights to insure decisions are in compliance with land use and applicable laws. If necessary (as determined by both the City and County), public hearings will be conducted to insure land use actions and decisions are consistent and in compliance with both the Cities' and the County's comprehensive plans.

- C. Cities' responses to the above County referrals shall be specific regarding what site development standards are required. A brief statement that the request must comply with the City's zoning ordinance is not acceptable.

Section 1.070 Compliance With Ordinance Provisions

The Planning Director, the Director's designee or other Approving Authority shall not approve a development or use that has been previously divided or otherwise developed in violation of this ordinance, regardless of whether the applicant created the violation, unless the violation can be rectified as part of the development proposal.

No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance. A proposed use or structure not expressly listed under "conditional uses" may be considered by the Planning Commission or Planning Director as conditional use if said structure or use is of the same general type and impacts with other zoning uses listed in the zone.

Section 1.075 Classification of Zones

For the purpose of this ordinance, the following zones are hereby established:

Resource Zone Classifications

Abbreviated Designation

Exclusive Farm Use Zone

EFU

**EXHIBIT C – ARTICLE 1
INTRODUCTORY PROVISIONS**

Forest Zone	F-1
Primary Forest Zone	F-2

Non-Resource Zone Classifications

Abbreviated Designation

Airport Development Zone	AD
Commercial Zone	C-1
Industrial Zone	M-1
Light Industrial Zone	M-2
Mt. Hood Unincorporated Community Commercial Zone	MH-C1
Natural Area Zone	NA
Residential Zone	R-1
Rural Center Zone	RC
Rural Residential Zone	RR
Surface Mining Zone	SM

Overlays

Abbreviated Designation

Airport Height Combining Zone	AH
Airport Noise Overlay Zone	AN
Environmental Protection Zone	EP
Floodplain Zone	FP
Geologic Hazard	GH
Health Hazard Overlay Zone	HH
Historic Preservation Zone	HP
Interchange Area Management Plan	IAMP
Stream Protection Overlay Zone	SPO

Section 1.080 - Zoning Maps

- A. The location and boundaries of the zones designated to Section 1.075 are hereby established as of the effective date shown on the maps entitled "Hood River County Zoning Maps," all of which were signed by the Chair of the County Board of Commissioners and/or the County Planning Director. The maps shall hereafter be referred to as the zoning maps.

- B. The signed copy of the zoning maps are located in the County Planning Department (*aka County Community Development*) and are maintained by planning staff. With exception to Zone Boundary Adjustment applications, which are discussed in Section 55.10 of the County Zoning Ordinance, no changes to the zoning maps shall be made, unless otherwise approved by the County Board of Commissioners through a formal legislative process. All

EXHIBIT C – ARTICLE 1 INTRODUCTORY PROVISIONS

changes to the zoning maps will be documented in the Hood River County Errata Sheets, which is an element of the County Comprehensive Plan and available at the County Planning Department.

- C. At minimum, paper copies of the zoning maps are available at the County Planning Department, while digital copies are available on the County website.
- D. When discrepancies are noted on paper and digital copies of the zoning maps, the signed Hood River County Zoning Maps shall govern.

//Editor's note: These provisions were amended to reflect where and how the official zoning maps are administered in the planning department.//

Section 1.090 – Minor and Major Modification

- A. **Minor Modification** - Modification of any permit issued by the Planning Department or Commission may be submitted to and subject to approval of the Planning Director. Minor adjustments are those changes which may affect the precise dimensions of buildings and the siting of buildings, or similar portion of the design plan which do not affect the basic character or arrangements of buildings, the density of development, open space requirements or the intent or purpose of the original permit.
- B. **Major Modification** - A permit amendment that does not qualifying as a Minor Modification may be submitted as a Major Modification, which shall be processed as a non-ministerial action (Type II), as defined in Section 1.180 of this Ordinance.

//Editor's note: The term major modification (previously referred to as "adjustment") was added for clarity and to articulate notice or re-notice is required.//

Section 1.095 – Minor Text Corrections

The Director may correct the Hood River County Zoning Ordinance or the Comprehensive Plan, without prior notice or hearing, so long as the Director does not alter the sense, meaning, effect, or substance of any adopted ordinance and, within such limitations, the Director may:

- A. Renumber chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies of the Hood River County Zoning Ordinance and Comprehensive Plan.
- B. Rearrange chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies.

EXHIBIT C – ARTICLE 1 INTRODUCTORY PROVISIONS

- C. Change reference numbers to agree with renumbered chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals, objectives, and policies.
- D. Delete references to repealed chapters, articles, sections, subsections, findings, goals, objectives, and policies, and parts of chapters, articles, sections, subsections, findings, goals objectives, and policies.
- E. Substitute the proper chapter, article, section, subsection, finding, goal, objective, or policy numbers.
- F. Change capitalization and spelling for the purpose of uniformity.
- G. Correct manifest clerical, grammatical or typographical errors.
- H. Change the name of an agency by reason of a name change prescribed by law.

//Editor's note: The Minor Text Corrections provisions are recommended by staff to be inserted into Article 1. It would enable staff to make grammatical and reference changes to the HRCZO without having to go through a formal legislative amendment and review process.//

Section 1.130 - Filing Fees, Refunds and Withdrawals

Filing fees are used to cover costs of staff time, mailing, posting, public hearings and transcripts involved in processing applications. As such, refunds due to denial are not permitted. In case of withdrawal, the Planning Department shall authorize a refund based on pro-rata costs and determination of the status of the application at the time of withdrawal.

Section 1.135 - Waiver

The Board of County Commissioners is the sole authority for County fee waivers.

Section 1.140 – Enforcement / Revocation

- A. Approval Period & Time Extension – Except as provided for land use permits in EFU and forest zones, any permit issued by the Planning Department shall automatically become null and void two-years after the date on which it was granted unless a building permit has been issued or construction has commenced except as otherwise allowed by State statute, State Administrative Rule or a separate section of the Hood River County Zoning Ordinance. If a building permit is not required all applicable conditions of approval shall have been met within two-years after approval of the permit.

A two-year extension may be granted by the Planning Director where all of the following standards are met:

1. An extension request is filed prior to the applicable expiration date or within 30-days

EXHIBIT C – ARTICLE 1 INTRODUCTORY PROVISIONS

after that date;

2. The extension request is filed in written form and includes all exhibits and fees required by the County. Extension requests filed up to 30-days after the expiration date are subject to double fees;
 3. The provisions of this Ordinance or State law do not prohibit the extension;
 4. The approval criteria for the original decision found in a state goal, policy, statute or administrative rule, the Comprehensive Plan or this Ordinance have not changed;
- and

Additional one (1) year extensions may be authorized where the applicable standards for an extension set out in (1) through (4) above are met and are subject to double fees. Authority to grant extensions of time will rest with the Director and is a Type I decision. Such decisions are not subject to appeal and are not land use decisions.

- B. Planning Director Grounds for Revocation - In addition to any other penalty authorized by law, a permit may be revoked by the County if the Planning Director finds, after notice to the property owners and opportunity to be heard, that the permit's conditions of approval or requirements of this Article have not been fulfilled. The Planning Director may immediately revoke all permits from the owner upon three (3) violations of the permit.
- C. Appeal Procedures - If the Planning Director revokes a permit, the property owner may appeal the revocation to the Board of Commissioners after submitting a statement outlining the reason for the appeal and payment of appeal fee.
- D. Board Revocation Procedures and Criteria - The Planning Director may initiate a Board of Commissioner public hearing for revocation of a prior approval of a land use permit when there is a violation of conditions attached to the previous approval sufficient to merit such revocation. The Board of Commissioners, with or without recommendation of the Planning Director, may void any permit providing the following conditions and procedures are followed:
 1. Upon review by the Planning Director a violation of the conditions of the permit of this ordinance is found. The Planning Director shall inform the applicant by registered letter of the violation and require compliance within a reasonable time.
 2. If the violation is not corrected, the Planning Director shall inform the Board of Commissioners of the violation together with sufficient data to inform the Board of the character of the violation. The Board may then set a hearing date on the violation.

**EXHIBIT C – ARTICLE 1
INTRODUCTORY PROVISIONS**

3. At least 10-days prior to the public hearing, the applicant shall be notified by registered letter of the public hearing. In addition all who are notified of the original application and those who testified shall be notified by regular mail.
4. The Board of Commissioners shall conduct the public hearing pursuant to the requirements of a hearings body or officer found in Article 60.

//Editor’s note: Staff worked with legal counsel to re-work provisions B and C above. The current provisions in the HRCZO enable the planning commission to possibly forward a recommendation to the Board. However, enforcement of the HRCZO is not a quasi-judicial action. As such, the proposed enforcement hearings process would go directly to the Board via the Planning Director instead of through the planning commission.//

Section 1.150 – Code Compliance

Violations of this ordinance are governed by Chapter 1.08 (Code Enforcement), Chapter 8.08 (Health and Safety) and Chapter 8.12 (Noise Code) of the Hood River County Code. In addition to enforcement actions authorized by these chapters of the Hood River County Code, an application for land use action may be rejected prior to filing or at any point during the application process if any of the following are found to exist:

- A. The affected property has an enforcement action pending; or
- B. The affected property is found to contain a land use violation while processing the application; or
- C. The affected property is found to be in violation of a condition of approval from an approval that remains applicable to the property.

Section 1.160 – Penalties

Chapter 1.08 (Code Enforcement) of the Hood River County Code stipulates that violations of county ordinances are ranked in order of severity and severity of related penalties. The following constitute the severity levels for violations of land use ordinances:

- A. Class I Violations - Violations which the Planning Director considers to be major violations that cause or have the potential to cause a danger to life (persons or animals) or property; that pose substantial and unacceptable impacts on nearby properties; situations which involve individuals disregarding county ordinances; or situations that involve recurring violations at a single property or by the same individual or company.

EXHIBIT C – ARTICLE 1
INTRODUCTORY PROVISIONS

- B. Class II Violations – Violations that do not pose an immediate danger to life or property but which the Planning Director considers as major violations of county ordinances that impact the quality of life of neighboring properties or other members of the community.

- C. Class III Violations – Ordinance violations that the Planning Director considers minor and that have minor impacts on neighbors.

Section 1.170 – Definitions

Insert Article 3 - Definitions

Hood River County

P-15-0215 (Short-Term Rentals)

P-16-0114 (Marijuana)

Exhibit D

**Minor and Technical Changes for the
Purpose of Clarity, Improved Process and
Better Outcomes**

Exhibit D – HRCZO

EXHIBIT D - OTHER PROPOSED & RECOMMENDED UPDATES

Minor and Technical Changes for the Purpose of Clarity, Improved Process and Better Outcomes

SUMMARY OF PROPOSED CHANGES

The proposed amendments contained herein are intended to:

- Respond to legislation adopted by LCDC on January 14 and March 11, 2016, which made changes to conform to recent legislation and other minor and technical amendments. Specifically the adoption of minor, technical, and conforming amendments to administrative rules for OAR Chapter 660, Divisions 4, 6, 25 and 33;
- Make changes to in response to the recent model code update to ensure conformity;
- Decrease ambiguities to make the HRCZO easier to implement and administer;
- Repeal in entirety Articles 48, 49 and 63;
- Consolidate Article 1: Incorporate existing provisions from Articles 2, 4, 68, 69, 70 and 71.
- Change the numbering of the following Articles:
 - Article 3 – Incorporate into to Article 1
 - Article 7 – Change to Article 3
 - Article 5 – Change to Article 4

Proposed text amendments are shown in ~~strike-through~~ and **bold underline**.

Article 2 – Effect of Ordinance No. 2

Repeal Article 2 in its entirety; incorporate appropriate provisions within Article 1. Placemark Article 2 for Development Approval Procedures.

Section 2.00 – Repeal of Parts of Ordinance No. 2

~~Section 1, 2 and Sections 50 through 72 of Ordinance No. 2 inclusively are hereby repealed.~~

Section 2.10 – Effect of Ordinance No. 2

~~A. All Sections of Ordinance No. 2 not repealed by Section 2.00 of this ordinance are in full effect.~~

~~B. Any structure, use, variance, plan, conditional use permit, land use permit granted under provision of Ordinance No. 2 shall be valid in accordance with the provision~~

Exhibit D – HRCZO

~~and conditions under which it was originally approved, unless additional conditions are established for conditional use permits pursuant to Section 68.10 of this ordinance.~~

//Editor's note: The Article refers to the zoning ordinance adopted in 1965. It is recommended to move 2.10.B to Article 1.//

Article 3 – Definitions

Repeal Article 3 in its entirety; incorporate it into the HRCZO Article 1.

Article 1 - Definitions

- 1. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Ordinance" is used herewith, it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted.**
- 2. For the purpose of this Ordinance, unless otherwise specifically provided, certain words, terms and phrases are defined as follows:**

ACCESSORY BUILDING OR USE: A building or use which (1) is subordinate to and serves a principle building or principle use; (2) is subordinate in area, extent or purpose to the principle building or principle use served; (3) contributes to the comfort, convenience, or necessity of occupants of the principle building or principle use; and (4) is located on the same zoning parcel or lot as the principle building or principle use. Examples of accessory buildings or uses are include private garages, storage sheds, carports or patio covers.

NON-MINISTERIAL ACTION (Type II or III): A decision that involves criteria that are subjective in nature and that require some level of interpretation or the exercise of policy or legal judgment. A non-ministerial action is the same as an "administrative action" or "land use decision," as defined in ORS 197.015, subject to the notice requirements, decision criteria, and appeal procedures, outlined in Article 72 (Director's Review Procedures).

//Editor's note: As part of the model code update it was not intended for Article 72 to apply to Articles 5 and 7 in light of updated CUP criteria.//

RELATIVE: As it applies to ~~relative farm help dwellings and temporary hardship dwellings~~, relative means a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin.

Exhibit D – HRCZO

RESIDENTIAL OR RESIDENTIAL USE: The occupancy of a dwelling unit on a non-transient basis. Uses where tenancy is arranged on a transient basis of less than 30 days are not considered residential.

//Editor’ note: After public input and deliberation, the above definition was recommended by the planning commission to be included to create clarity regarding types of occupancy and consistency with the STR regulations. It also furthers the county’s position regarding the need to distinguish residential use from commercial use associated with STRs.//

TRACT: One or more contiguous lots or parcels under the same ownership **as provided in ORS 215.010(2)**. Separate lots or parcels divided by a public highway are not considered contiguous.

Article 4 – Compliance with Ordinance Provisions, Classification of Zones & Zoning Map

Repeal Article 4 in its entirety; incorporate appropriate provisions within Article 1.

Article 5 – Forest Lands

Repeal Article 5 in its entirety; incorporate it into the HRCZO as Article 4.

Table 4.02 Use Table for Forest (F-1) & Primary Forest (F-2) Zone

Table 4.02: Use Table for Forest Zones		
I = Type I II = Type II III = Type III A= Allowed P = Prohibited		
Use	Review Type	SUBJECT TO
Utility, Power Generation, Solid Waste Uses		
Disposal site for solid waste that has been ordered established by the Oregon Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation	Type I	Section 5.09 Section 5.10
Forest, Farm and Natural Resource Uses		
Permanent facility for the primary processing of forest products that is: (a) located in a building, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or a proportionate combination of indoor and outdoor areas; and (b) adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.	C (Type II)	Section 4.05
Public and Quasi-public Uses		
Private firearms training facility as provided in ORS 197.770(2)	C (Type II)	Section 4.05

Exhibit D – HRCZO

Section 4.03 Definitions

G. Primary Processing of Forest Products: The initial treatments of logs or other forest plant or fungi materials to prepare them for shipment for further processing or to market, ~~in a building or buildings that do not exceed 10,000 square feet in total floor area, or an outdoor area that does not exceed one acre excluding laydown and storage yards, or both, that are adequately separated from surrounding properties to reasonably mitigate noise, odor and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body. Treatments may include, including but are not limited to, debarking, peeling, drying, cleaning, sorting, chipping, grinding, sawing, shaping, notching, biofuels conversion, or other similar methods of initial treatments.~~

Section 4.04 Use Standards

E. Temporary Hardship Dwelling, is subject to the following:

(***)

5. A property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists may not be approved.

Article 7 – Exclusive Farm Use Zone

Repeal Article 7 in its entirety; incorporate it into the HRCZO as Article 3

Table 3.02 Use Table for Exclusive Farm Use (EFU) Zone

Table 3.02: Use Table for EFU Zones I = Type I II = Type II III = Type III A= Allowed P = Prohibited	Review Type		SUBJECT TO
	HV	All Other	
Residential Uses			
Residential home or facility as defined in ORS 197.660, in existing dwellings	C (TYPE III)	C (TYPE III)	Section 3.04.V Section 7.05
Commercial Uses			
Commercial activities in conjunction with an on-premise farm use, including the processing of farm crops into biofuel not permitted under Section 7.04.B, but excluding activities in conjunction with a marijuana crop.	C (TYPE II)	C (TYPE II)	Section 7.05

Section 7.04 Use Standards (Residential Uses)

Exhibit D – HRCZO

D. Relative farm help dwelling, subject to the following standards:

1. The relative farm help dwelling shall be located on the same lot or parcel as the principal farm dwelling and must be on real property used for farm use.
2. The relative farm help dwelling shall be occupied by a relative(s) of the farm operator or the farm operator' spouse, whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling.
3. The farm operator shall continue to play the predominant role in the management and farm use of the farm. A farm operator is a person who operates a farm from the principal farm dwelling, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.
4. For the purposes of this Subsection D "relative" means a child, parent, stepparent, grandchild, grandparent, step-grandparent, sibling, stepsibling, niece, nephew or first cousin of the farm operator or the farm operator's spouse.

E. Temporary hardship dwelling, subject to the following standards

(***)

5. A property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists may not be approved

(Commercial Uses)

G. Farm stand, subject to the following standards

(***)

14. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.

Section 7.06 Dwellings Customarily Provided in Conjunction with Farm Use

A. Primary Farm Dwelling - Large Tract Standards. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The parcel on which the dwelling will be located is at least 160-acres.

Exhibit D – HRCZO

2. The subject tract is currently employed for farm use.
3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
4. Except for seasonal farm worker housing approved prior to 2001 ~~an accessory farm dwelling~~, there is no other dwelling on the subject tract.

C. Primary Farm Dwelling – Farm Income Standards (high value)

2. Except for seasonal farm worker housing approved prior to 2001 ~~for an accessory farm dwelling~~, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation; and

(***)

5. Farming of a marijuana crop, and the grow sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

Section 7.07 Accessory Farm Dwelling (Farm worker housing)

(***)

- B. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.

Section 7.14 Land Divisions

(***)

- D. A land division of a lot or parcel created before January 1, 1993, on which a nonfarm dwelling was approved pursuant to ORS 215.284(1) may not be approved.

(***)

- J. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:

1. If the parcel contains a dwelling, the parcel must be large enough to support continued residential use.

2. If the parcel does not contain a dwelling, it:

Exhibit D – HRCZO

- (i) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
- (ii) May not be considered in approving or denying an application for any other dwelling; and
- (iii) May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space or other natural resource area.

Section 7.09 Dwelling Not in Conjunction with Farm use

A. Non-farm dwelling. A non-farm dwelling sited on a parcel is subject to the following requirements:

1. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;
2. The following applies to non-farm dwellings:
 - a. The dwelling, including essential or accessory improvements or structures, is situated upon a new parcel, or, in the case of an existing lot or parcel, upon a portion of ~~a an existing~~ lot or parcel, that is generally unsuitable land for the production of farm crops and livestock or merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract. A lot or new parcel or portion of an existing parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and

(***)

Article 10 – Residential R-1 Zone (R-1)

Section 10.20 – Conditional Uses Permitted

(***)

- ~~1. Signs identifying a conditional use located on the same lot or parcel as the use and not exceeding 12 square feet in area.~~

Section 10.70 – Signs

~~In an R-1 Zone, signs shall be limited to those identifying the use of the premises or the sale, rental or lease of the property on which the sign is located. Signs shall not exceed six square~~

Exhibit D – HRCZO

~~feet in area, may be non-illuminated or indirectly illuminated, and shall be limited to one per parcel, except that two temporary signs, each not to exceed 12-square feet in area, may be erected to advertise the sale, lease or rental of a tract or more than four or five acres.~~

In an R-1 zone, signs may be allowed, subject to the following:

- A. Signs shall be limited to one per parcel except that two temporary sign, each not to exceed 12-square feet in area, may be erected to advertise the sale, lease, or rental of a lot or parcel.
- B. Signs shall be limited to those identifying the use of the premises or the sale, rental, or lease of the property on which the sign is located.
- C. The size limit of a sign shall not exceed 12-square feet in area, except for signs associated with a fire station, school, or other public facility, which may be enlarged up to 32-square feet.
- D. Sign may be non-illuminated or internally illuminated only. Exceptions include signs associated with a fire station, school, or other public facility may include electronic messaging when show to have minimal nighttime light intensity and illumination per industry standards.
- E. Signs are not permitted within a road or highway right-of-way, unless approved by either the County Public Work Departments or the State Highway Division.

Article 32 - Light Industrial (M-2)

Section 32.35 – Dimensional Requirements

- ~~E. Maximum height: Two (2) stories or 30 feet, whichever is less, if not equipped with a sprinkler system. Three (3) stories or 45 feet, whichever is less, if equipped with a sprinkler system approved by the Fire Marshall. Forty-five (45) feet.~~

Article 48 – Columbia Gorge Combining Zone (CG)

Repeal Article 48 in its entirety.

Article 49 – Scenic Protection Zone (SP)

Repeal Article 49 in its entirety.

Article 50 – Buffer Requirements

Exhibit D – HRCZO

Section 50.10 - Purpose and Intent

To protect the public health, safety, and welfare of the County's rural population by separating farm and forestry uses from non-farm and non-forest use dwellings within and on the boundaries of Exclusive Farm Use (EFU), ~~and Forest (FR F-1), and Primary Forest (F-2)~~ zones. More specifically, to help protect residences from orchard and forest spray drift, dust and noise as well as feedlot and dairy odor and unsightliness, and to help protect farm and forest operators from fire, trespass, vandalism and complaints concerning above conflicts.

Definitions

(***)

- E. Forest Use (commercial): The growing and harvesting of trees for wood production ~~on parcels 40 acres or more.~~ Land receiving forest tax deferral is considered commercial forest land.
- F. Orchard: Lands on which fruit or nut trees are grown and harvested on a commercial basis ~~on parcels 20 acres or more.~~

Section 50.15 Applicability

- A. This Article "Buffer Requirements" ~~section~~ shall apply to all proposed dwellings and subdivisions that are within or directly adjacent to Exclusive Farm Use (EFU), Forest (F-1), and Primary Forest (F-2) ~~and Forest (FR)~~ zones except dwellings located on and directly associated with farm uses.
- B. This Article does not apply to accessory buildings that are detached from the dwelling.

(***)

Section 50.35 - Variances

- A. If existing vegetation, topography and/or other conditions effectively accomplish the purpose and intent of the buffer requirements on a particular parcel, some or all of the requirements outlined in Section 50.45 may be ~~administratively~~ Ministerially (Type I) waived by the Planning Director after receiving a Site Plan pursuant to Section 50.20
- B. If a particular parcel's physical limitations makes it physically impossible to apply some or all of the applicable buffer requirement outlined in Section 50.45, some or all of the requirements shall be ~~administratively~~ Ministerially (Type I) waived by the Planning Director after receiving a Site Plan pursuant to Section 50.20. In

Exhibit D – HRCZO

no case shall the buffer requirements preclude a lot from being buildable.

Section 50.45 - Buffer Requirements

- A. If proposed dwelling or subdivision is to be adjacent to an orchard, feedlot, or dairy, the landowner or developer shall provide:
1. An 80-foot perimeter setback between the dwelling(s) and all lot lines which abut said farm use; and
 2. In the case of subdivisions, additional setback, planting, berm, and/or fence may be required if the Planning Director, Planning Commission, Board of Commissioners finds that **Section 50.35(A) and (B)** ~~above a) and b)~~ are not sufficient to preclude the conflict of the site.
- B. If proposed dwelling or subdivision is to be **located within or** adjacent to an EFU zone and adjacent to **land receiving farm tax deferral for** any farm use except those described in **Section 50.45(A) 1,** the landowner or developer shall provide: a 50 foot setback along all lot lines contiguous with such lands.
- C. If proposed dwelling is to be adjacent to a commercial forest use **and** ~~or~~ within or adjacent to a forest zone, the landowner or developer shall provide **an 80 foot setback along all lot lines contiguous with such land.** :
- ~~1. 80 foot setback; and~~
 - ~~2. A maintained firebreak.~~
- D. All proposed dwelling located within or adjacent to a forest zone shall provide a maintained fire break.**

Article 55 – Supplementary Provisions

Section 55.65 – Conditional Use Permits

Once a conditional use permit has been granted, accessory buildings or uses to the conditional use may be permitted provided original conditions and property development standards are met.

Section 55.70 – Accessory Buildings

- A. Accessory buildings may only be approved subsequent to or at the same time as the principal use.**

Exhibit D – HRCZO

- B. An accessory building connected to a dwelling by a breezeway shall be treated as a detached building.**
- C. All rooms comprising a dwelling unit shall have access through an interior doorway to other parts of the dwelling unit. An addition that shares a common wall, roof, or other connection with the dwelling, but does not have an interior passageway shall be treated as a detached building.**
- D. No manufactured dwelling or mobile home may be placed or retained on a lot or parcel for use as an accessory building.**

//Editor's note: The above provisions stem from a two-year process (circa 2010 – 2012) to amend the HRCZO to address accessory buildings. The planning commission held two planning meetings and five work session to consider a host of potential amendments to the HRCZO regarding the use and development of residential accessory buildings and other related structures in the county. The planning commission supported all of the above ideas regarding design limitations and use of manufactured dwellings as accessory buildings.

By definition, accessory buildings are “subordinate to and serve a principal building or principal use” and, therefore, the planning department has consistently interpreted this definition to preclude an accessory building from being approved for construction before the primary use. Most other jurisdictions share this same interpretation and, in fact, have standards in their codes to prevent such pre-dwelling construction. To avoid confusion and to support the current interpretation, the planning commission generally agreed that a standard should be established to clarify that accessory buildings may only be approved after or at the same time as the primary use, such as a single family dwelling.//

Section 55.75 – Setback Requirements for Accessory Buildings and Structures

- A. Except as otherwise allowed, all accessory buildings and structures, including those exempt from a land use permit pursuant to Article 64 (Land Use Permits) of this ordinance, shall comply with the minimum setbacks of the zone in which they are located.**
- B. For buildings accessory to a dwelling that are less than 200 square feet in size and 10 feet in heights, the rear yard setback requirement shall be reduced to match the appropriate side yard setback of the zone in which the property is located.**
- C. The front yard setback of 60-feet from the centerline of any arterial street/road, or 50-feet from the centerline of any local or collector street/road, or 20-feet from the right-of-way, whichever is greater shall not apply to private street/roads that serve or have the potential to serve four or fewer parcels. For such streets/roads, the following front yard setback shall apply:**

Exhibit D – HRCZO

- Ten (10) feet or more from the edge of the nearest street/road right-of-way line, except for garages that directly face the street/road, which shall be setback at least twenty (20) feet from the nearest right-of-way line.

//Editor's note: The HRCZO is not always clear as to which accessory buildings and structures must meet property line setback requirements and which are exempt. For instance, are buildings that are exempt from a building permit also exempt from having to meet property line setback requirements? What about covered patios or decks? What about uncovered patios and decks? What about fences, retaining walls, swimming pools, and hot tubs? To answer these and other questions, a new ordinance section is recommended to be developed. Many of these issues were addressed through amending the definition of "Setback" in Article 3 in updates to the HRCZO during the model code update project to the resource zone.

In reviewing this section and issues between 2010 and 2012, the planning commission generally supported its creation as a way to clarify what structures are exempt from meeting applicable setback requirements. They ultimately saw the benefits of having this information in the HRCZO instead of having it left open to interpretation.

The planning commission recommended the above provisions of Section 57.75 regarding property line setback requirements be adopted by the BOC as proposed.//

Article 63 – Conduct of Public Hearings

Repeal Article 63 in its entirety.

//Editor's note: Hearings and review procedures are outlined in State Statutes, Planning Commission Bylaws, Article 61 and County's Administrative Code.//

Article 64 – Land Use Permits

Section 64.30 99 - Land Uses Exempt from Permits

The uses specified below are exempt from the requirements of this article. However, any land use, structure or building shall comply with the general provisions, special conditions, additional restrictions and exceptions set forth in his ordinance requirements of this ordinance (e.g., dimensional and site development standards, property line setbacks and off-street parking requirements).

- ~~A. Farm use building other than dwellings, structures for public assembly, structures regulated by the State Fire Marshall, or the storage of chemicals, flammables or explosives.~~
- A. Walls, and fences not exceeding six feet in height. Fences and freestanding walls not exceeding eight-feet in height, including agricultural related fences, which are exempt

Exhibit D – HRCZO

regardless of their height. Although exempt from a land use permit, certain fences over six-feet in height are subject to building permit requirements.

- B. Retaining walls that are 4-feet or less in height as measured from the bottom on the footing to the top of the wall. Although exempt from a land use permit, certain retaining wall are subject to building permit requirements.
- C. Swimming Pools. Although exempt from a land use permit, swimming pools are subject to building permit requirements.
- D. Alteration of a building that does not increase the lots coverage, or change the land use.
- E. Temporary use of a real estate sign.
- F. Replacement signs of the same size.
- G. Accepted Timber Practice.
- H. Uses requiring Conditional Use Permits, except those involving the construction of a new structure or an addition to an existing structure requiring a building permit.
- I. Buildings or structures not exceeding \$400 in valuation. Accessory buildings or structures that are exempt from a building permit, except for agricultural buildings.
- J. Transportation improvements identified in Section 55.60(A) of Article 55 (“Supplementary Provisions”) of the County Zoning this ordinance.

//Editor’s note: The above provisions stem from a two-year process (circa 2010 – 2012) to amend the HRCZO to address accessory buildings. More specifically, the planning commission held two planning meetings and five work sessions to consider a host of potential amendments to the HRCZO regarding the use and development of residential accessory buildings and other related structures in the county. The planning commission generally agreed that the above changes to Section 64.99 of the HRCZO were reasonable and more in keeping with current requirements and review processes. As such, staff suggests that these changes to Section 64.99 be recommended for adoption by the BOC.//

Article 65 – Non-Conforming Use

Section 65.00 - Purpose & Intent

It is necessary and consistent with the establishment of this zoning code that all uses of land, or uses of structures not permitted in a zone, be regulated and permitted to exist under controls, the ultimate purpose of which is to phase out or change each non-conforming use to a conforming status.

Exhibit D – HRCZO

A lawfully established structure, which does not meet the site development standards of a zone in which it is located, is considered a nonconforming structure. The provisions of this article do not apply to nonconforming structures ~~in this instance~~ unless the structure(s) also contains a nonconforming use. The action of replacing or expanding a nonconforming structure, in which a site development standard(s) remains unmet, shall be subject to the provisions of Article 66 – Variances.

Article 66 – Variances

Section 66.15 – Exempt Activities

- A. Expansion of a non-conforming structure (a structure that does not meet setbacks) when the portion being expanded is located entirely outside of the setback area.
- B. In kind replacement of a non-conforming structure (a structure that does not meet setbacks).

Section 66.20 – Variance Standards

(***)

Minor Variance

- C. A variance may be granted only in the event that all of the following circumstances have been addressed.

(***)

- 3. An addition can extend beyond the existing building into the required setback, but not extend closer to the property line or road unless within the percentages provided in Subsection 4 below or with a Major Variance.

- 4. The variance does not exceed the following percentages; ~~or is for an addition which does not extend beyond the existing building into the required setback:~~

- a. *Setbacks:* No more than 25% of requirement
- b. *Lot Dimension:* No more than 10% of requirement
- c. *Height:* No more than 10% of requirement
- d. *Lot Area:* No more than 10% of requirement
- e. *Lot Coverage:* No more than 10% of requirement

Major Variance

Exhibit D – HRCZO

5. Exceptions to ~~the~~ Subsection ~~66.20.C.3.~~ above may be granted if the following circumstances exist:
- a. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of property, since enactment of this ordinance, have had no control.
 - b. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
 - c. Strict adherence to the requirement will result in a substantial economic impact to the property owner.

Article 68 – Revocation

Repeal Article 68 in its entirety; incorporate appropriate provisions within Article 1.

Article 69 – Filing Fees

Repeal Article 69 in its entirety; incorporate appropriate provisions within Article 1.

Article 70 – Compliance and Enforcement

Repeal Article 70 in its entirety; incorporate appropriate provisions within Article 1.

Article 71 - Separability

Repeal Article 71 in its entirety; incorporate appropriate provisions within Article 1.

AGENDA REQUEST FORM

DATE: 11-10-16 **DEPARTMENT:** Community Development **DEPT. HEAD SIGNATURE:** //John Roberts//

SUBJECT:

A public hearing to consider an appeal of the Planning Commission's decision to deny Apollo Land Holdings LLC's industrial land use permit application to establish a 50 room hotel located on a portion of their 32.64 acre Industrial (M-1) zoned property located at the former Dee Mill site.

AUTHORITY: ORS: _____ OAR _____ County Ordinance/ Code: Hood River County Zoning Ordinance

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

On February 24, 2016, the County Planning Department approved, with conditions, the above-referenced application. On March 10, 2016, the Planning Department's Decision was appealed by the Hood River Valley Residents Committee. On May 25, 2016, the County Planning Commission held a public hearing to consider the appeal. After receiving a staff summary and public testimony, and due deliberations, the Planning Commission voted 5-2 to overturn the Planning Department's decision and deny the application. On July 15, 2016, the applicant filed an appeal of the Planning Commission's decision.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item _____ Account Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: Eric Walker, Principal Planner
Comments: Fiscal impacts associated with this appeal are limited to staff time.

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other
(Planning Commission)

RECOMMENDATION FROM THE PLANNING COMMISSION:

The County Planning Commission recommends that their decision, dated July 1, 2016, to deny Apollo Land Holdings, LLC's commercial land use permit application for a 50-room hotel be upheld.

ADMINISTRATIVE COMMENTS/APPROVAL:

Conduct the hearing and determine the best action for the County.

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____
Copies (all info.):
Copies (ARF only):



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services

601 State Street, Hood River OR 97031

JOHN ROBERTS, DIRECTOR
(541) 387-6840 • plan.dept@co.hood-river.or.us

November 10, 2016

To: Board of County Commissioners

From: Eric Walker, Principal Planner *EW*

CC: Michael Robinson, Attorney Representing Apollo Land Holdings, LLC
Courtney Johnson, Attorney Representing Hood River Valley Residents Committee
Will Carey, County Land Use Counsel
Jason Taylor, Apollo Land Holdings, LLC (*via email*)
Bill Sumerfield, Attorney (*via email*)
Courtney Johnson, Attorney (*via email*)
Don Wiley, County Engineer (*via email*)
Heather Staten, Hood River Valley Residents Committee (*via email*)
Henry Hunt, Party of Record (*via email*)
Billy Sheeley, Party of Record (*via email*)
John Mills, Party of Record (*via email*)
Alison Bryan McDonald, Party of Record (*via email*)
Blake LaPointe Lawrence, Party of Record (*via email*)
Taylor Hood, Party of Record (*via email*)
Helen James, Party of Record (*via email*)
Joan Lawrence, Party of Record (*via email*)
Nick Eby, Party of Record (*via email*)
Butch Mohr, Party of Record (*via email*)
Ron Cohen, Party of Record (*via email*)
David Winans, Party of Record (*4195 Dee Highway, Hood River, OR*)
Carrington Barrs and Christine Olson (*4252 Linnaeus Road, Hood River, OR*)
Steven Hunt, Party of Record (*5515 Alder Road, Hood River, OR*)

RE: Summary of Appeal #16-0200 (Apollo Land Holdings, LLC)

Request: Appeal to the County Board of Commissioners of the County Planning Commission's decision to deny Commercial Land Use permit #15-0174 filed by Apollo Land Holdings, LLC, to construct a 50 room hotel on a portion of their property located at the former Dee Mill site. The proposed hotel is intended to operate in combination with an outdoor concert venue approved in September of 2014.

Background: The above stated request was initially reviewed and approved (*with 34 conditions*) by the County Planning Department on February 24, 2016. On March 10, 2016, the Planning Department's Decision was appealed by the Hood River Valley Residents Committee. On May 25, 2016, the County Planning Commission held a public hearing to consider the appeal. After receiving a staff summary and public testimony, and after a series of continuances, the Planning Commission voted 5-2 to overturn the Planning Department's decision and deny the application.

On July 15, 2016, the applicant filed an appeal of the Planning Commission's decision to the Board of Commissioners.

Summary of the Planning Commission's Decision: As part of their initial appeal, the Hood River Valley Residents Committee (HRVRC) identified four primary reasons for appealing the Planning Department's decision. First, they felt that inadequate notice was provided to nearby property owners. Second, they indicated that the decision defers resolution of certain elements of the application to a later date without the opportunity for notice and public hearing. Third, they expressed concerns that traffic, public safety, and storm water runoff were inadequately analyzed. Finally, they did not feel that the cumulative impacts of the larger project were considered in any depth.

During the Planning Commission hearing, the HRVRC attorney proposed the two new arguments. First, that allowing a commercial use on the subject property would conflict with the Hood River County Comprehensive Plan Exceptions Document, which designated the property for industrial uses only. And secondly, the proposed 50-room hotel amounts to an urban development on rural lands, which is prohibited under Statewide Planning Goal 14. Subsequently, the appellant also argued that approving the proposed development would require new exceptions to both Goals 4 (*Forest Land*) and 14 (*Urbanization*).

The Planning Commission also heard from other opponents of the application indicating that approval would result in the creation of a small destination resort, which is not allowed in proximity of a high value crop area per Oregon Revised Statute (ORS) 197.435 through 197.467. Opponents also expressed concerns about public safety and quality of life issues associated with the proposed hotel and previously approved concert venue.

The Planning Commission also received testimony in support of the Planning Department's decision to approve the application, including the recommended conditions of approval. Proponents of the application focused on the fact that the County Zoning Ordinance explicitly allows commercial uses outright in its Industrial (M-1) zone; which have historically been allowed and have not changed. Proponents also expressed their support of staff's findings that all applicable criteria had been successfully met, either outright or with conditions. The proponent of the application also argued against the appeal, especially in regards to the appellant's testimony concerning a prohibition of urban uses on rural lands, and conflicts with the County's Exception Document and Goal 14.

After considering all testimony and due deliberations, the Planning Commission voted 5-2 to overturn the Planning Department's decision based, primarily, on the legal arguments raised by the attorney for the HRVRC. Specifically, the Planning Commission supported testimony that (1) the County's Goal Exception for the property did not contemplate allowing the subject property

to be used for commercial use even though the County Zoning Ordinance explicitly lists such uses as allowed outright in the M-1 zone, and (2) approving the application will result in urban development on rural lands, which is prohibited under Goal 14. All other testimony relied upon by the Planning Commission in making its decision are listed in their order, dated July 1, 2016 (*attached*).

Summary of the Appeal to Board: In the written appeal, the applicant’s attorney identified multiple errors in the Planning Commission’s decision; primarily related to the testimony relied upon in support of the original appeal to the Planning Commission. A copy of the applicant’s “assignments of error” is attached to the record of this application.

Additional Comments Received: On October 10, 2016, the Planning Department mailed notice of the appeal to all parties who provided written or oral comments as part of the original application or initial appeal before the Planning Commission. Notice of this appeal was also published in the Hood River News. As of writing this report, only two letters were received, which were from Courtney Johnson, attorney representing the HRVRC, and Ron Cohen, a Parkdale resident and party of record.

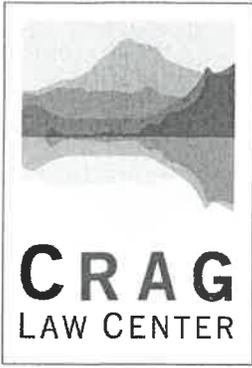
Recommendation: On behalf of the County Planning Commission, and based on the findings of fact and conclusions of law relied upon in making their decision (*attached*), it is recommended that the Board of County Commissioners listen to testimony and deliberate to determine if the Planning Commission’s decision, dated July 1, 2016, to deny Apollo Land Holdings, LLC’s commercial land use permit application for a 50-room hotel should be upheld.

Comments Received in Response to the Notice of Appeal

(Submitted Between October 10 and November 10, 2016)

(9 pages)

Appeal #16-0200



917 SW Oak St.
Suite 417
Portland, OR
97205

Tel:
503.525.2724

Fax:
503 296.5454

Web:
www.crag.org

Courtney Johnson
Staff Attorney
courtney@crag.org

October 31, 2016

Via Electronic Mail to eric.walker@co.hood-river.or.us

Hood River County Planning Commission
c/o Eric Walker, Principal Planner
601 State Street
Hood River, OR 97031

Re: Appeal #16-0200 of Appeal #16-0073 of Commercial Land Use Permit #15-0174; Appeal of Apollo Land Holdings LLC from Planning Commission denial of Hotel Project.

Dear Chair Rivers and Board:

On behalf of the Hood River Valley Residents Committee (“Residents Committee”), I submit these comments in opposition to Apollo Land Holdings LLC’s appeal from the Planning Commission decision denying the Commercial Land Use Permit #15-0174 for a 50-unit hotel on the site of the former Dee Mill. The Residents Committee submitted legal and factual testimony on the record before the Planning Commission, and hereby incorporates those comments by reference. Please notify me of any decisions related to this application and appeal.

The Residents Committee requests that the Board of Commissioners affirm the Planning Commission’s denial of the commercial land use permit application. The Planning Commission thoughtfully considered both the facts of the proposal and the legal framework in determining that the proposed 50-unit hotel is not consistent with the rural industrial lands Goal 4 exception for the property and would not be compatible with the surrounding rural resource uses or otherwise retain the property as rural lands. The Planning Commission also carefully considered the evidence in concluding that the proposed hotel would be an urban use of the property that would require a Goal 14 exception.

While the Residents Committee argued that the applicant also failed to demonstrate compliance with other criteria related to public services under Goal 11, water resources, traffic, and fire safety, the Board need not address those concerns if it agrees with the Planning Commission’s findings.

The applicant has not applied for a new Goal 4 or Goal 14 exception for the property. In the absence of a new Goal 4 and Goal 14 exception, the proposed hotel would violate those goals and cannot be approved.

The Residents Committee urges the Board of Commissioners to apply the Comprehensive Plan and Statewide Planning Goals, including the applicable state statutes and regulations, to preserve this property for rural industrial uses.

Sincerely,

A handwritten signature in black ink, appearing to read "Courtney Johnson", with a long horizontal flourish extending to the right.

Courtney Johnson
On Behalf of Hood River Valley Residents Committee

My name is Ron Cohen and I live at 5559 Dee Hwy, Mt. Hood Parkdale. Oregon

DEE TOUR APPEAL TO COUNTY COMMISSIONER:

I want to go on record again opposing the Dee Tour Hotel proposal and I agree and applaud the HR County Planning Commission for overwhelmingly opposing the hotel. This is totally an urban use that would require a Goal 14 Exception and also an incremental approach to siting a destination resort that is not allowed at that site. I urge the County Commission to support this decision.

Again this is my testimony from prior testimony that speak to the issues:

I am truly dismayed that we have to continue this fight against the Dee Tour project with now an effort to build 50 room hotel in the middle of rural farming area of the Hood River Valley. All the concerns from my previous testimony, are even more valid for this proposal. The health and safety and fire issue are of a more pressing concern. The Parkdale-Dee fire district does not have the capacity for dealing with a music venue to say the least a large hotel. Police staffing, water issues, sanitation issues, the list can go on and on. Have the Dee Tour owners accomplished any of the necessary studies for the music venue?

And now another proposal?

Here is my testimony from last year which is as relevant today as it was last year.

I have been a property owner near the Dee Mill Area for over 40 years and I have been a downtown business owner for over 30 years. During that time as a business owner, I realized the economic value to our community of a successful business. I, also, know that many businesses although successful ave a large negative impact on our economy, our community services, and on our resources.

I feel that the Dee Tour proposal may be short sighted and will have a negative impact on our community. The various conditions put on the project may not be mitigated to satisfy the health, safety and welfare of our community. This will be a dramatic change to the local residents around the Dee

Mill Area. There was an outpouring of opposition to this proposal and even though the project has been reduced in size, the many concerns are still valid and may not be able to be satisfied.

Here are my concerns: Family wage jobs, which are badly needed, will not be produced by this project. The project was approved with many conditions, and what if the conditions can not be satisfied, but the Dee Tour project is allowed to operate? The County should first make sure the conditions can be and will be completed and then approve the project. Isn't that better planning? What if the conditions of fire protection, police protection, noise, pollution and traffic are inadequate for the health and safety of our community? Will the County withdraw its approval? I doubt it!

There is a provision in the application for larger "mass gatherings". This could lead to a huge events that may be planned frequently through out the year and this is what was originally proposed, for events of over a few thousand people. This provision should be eliminated.

Traffic congestion is a major issue. The Dee Hwy is not the safest road under the best of conditions. There is only one intersection. Additional traffic from the event coupled with the fact that guests may have been drinking, etc. would lead to many accidents and unsafe driving. The Dee Hwy is a major road for farm vehicles and a popular bike riding road and problems already exist to make the Dee Hwy an unsafe road.

Noise mitigation: The sound from the Dee Mill Area funnels noise to the South and West and will effect the local residents.

Environmental Concerns: Storm water drainage and River protection for fisheries need to be implemented.

What about the potential industrial waste problems as the Dee Mill Area was a mill for decades?

Safety concerns: Is the Parkdale-Dee fire district capable of dealing with potential forest fire, structure fires, grass fires? Will increased police patrols be an added burden to the County Sheriff's resources?

There are just too many concerns to outright approve this project, please give consideration to the health and safety of the community and the health of the environment and make sure all conditions can and will be met before accepting this application.

Thank you,

Ron Cohen
5559 Dee Hwy
Mt Hood Oregon 97041 12/2/2015 and 12/5/2014 and Nov 5, 2016

November 10, 2016

Michael C. Robinson
MRobinson@perkinscoie.com
D. +1.503.727.2264
F. +1.503.346.2264

VIA EMAIL

Mr. Ron Rivers, Chair
Hood River County Board of Commissioners
Hood River County Courthouse
601 State Street
Hood River, OR 97031

Re: Hood River County File No. Appeal #16-0200 of Appeal #16-0073; Appeal by Apollo Land Holdings, LLC of Planning Commission Denial of Commercial Use Permit for Property Located in the Industrial (“M-1”) Zoning District for Approval of an Industrial Use Permit Application to Construct a 50-Room Hotel (the “Application”)

Dear Chair Rivers and Members of the Board of County Commissioners:

This office represents Apollo Land Holdings, LLC, the Applicant. This letter explains why the Board of County Commissioners (the “Board”) must reverse the Hood River Planning Commission’s (the “Planning Commission”) decision denying the Application. For the reasons explained in this letter, the Planning Commission committed reversible error by adopting incorrect legal and factual conclusions regarding the Application. Hood River Zoning Ordinance (“HRCZO”) Section 61.10.G.1 and .2 requires the Board to reverse the Planning Commission’s order in such circumstances. At the conclusion of the public hearing, the Applicant respectfully requests that the Board tentatively grant the appeal and approve the Application with the staff recommended conditions of approval and direct the prevailing party to prepare findings for adoption by the Board at a later public meeting.

1. Introduction.

This is an appeal of the Planning Commission’s denial of the Application. The Appellant timely filed the appeal within fifteen (15) days of the Planning Commission’s decision as required by HRCZO 61.00. The Planning Commission decision became final on July 1, 2016 and the Applicant filed its appeal on July 15, 2016.

The Planning Department reviewed the Application and issued a decision approving the Industrial Use Permit as required by HRCZO Section 64.25.C. and imposed conditions of approval. The Planning Director found that the approval criteria in HRCZO Section 64.25.D.1-.5 were satisfied. The Hood River Valley Residents Committee (the “Committee”) filed an appeal of the Planning Director’s decision. After an initial evidentiary *de novo* hearing, the

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Planning Commission granted the appeal and reversed the Planning Director's decision, thus denying the Application. This appeal followed.

The Planning Commission's decision included a rejection of the four (4) issues raised by the Committee in its appeal of the Planning Director's decision (Planning Commission Decision at page 2). The Committee did not file a timely appeal of the Planning Commission's rejection of their reasons. Therefore, those issues--inadequate notice of public hearing, insufficient detail on the storm water management plan for the proposed development, flawed traffic study and waste water and water availability concerns -- are waived and may not be considered further by the Board. To the extent parties before the Board attempt to raise those issues, the Applicant respectfully requests that the Board exercise its authority under HRCZO Article 61 and reject such testimony. Alternatively, if the Board considers these issues, the Board can find that the whole record contains substantial argument and evidence supporting the Planning Commission decision.

The appeal hearing is on the record pursuant to HRCZO Section 61.10.F. No party has requested that the Board hear the Application *de novo* and the time to make such a request was November 6, fifteen (15) days before the appeal hearing date. HRCZO Section 61.10.D.

The Board's scope of review is to determine whether the Planning Commission's order is unlawful in substance, or the order is not supported by reliable, probative, and substantial evidence on the whole record, or the order is not supported by probative and substantial findings of fact. HRCZO 61.10.G.1-2.

The Applicant requests that the Board reverse the Planning Commission for the following reasons and as explained in more detail in this letter:

- The Planning Commission's order is unlawful in substance because the Planning Commission erred by finding that the existing acknowledged Goal 4 exception does not allow the proposed use.
- The Planning Commission's order is unlawful in substance because the Planning Commission improperly limited the scope of the existing Goal 4 exception.
- The Planning Commission erred by finding that the Industrial Use Permit does not meet the requirements of the Hood River County Comprehensive Plan (the "Comprehensive Plan").
- The Planning Commission's order is unlawful in substance because the Planning Commission erred by finding that a new Goal 4 exception is required to allow the Industrial Use Permit.

- The notice of the Board appeal hearing correctly describes the requested Application as an “Industrial Use Permit”, as did the notice of the Planning Commission hearing. Opponents to the Application have not challenged this finding and to the extent the Planning Commission made a finding that a Commercial Use Permit has been required, the Planning Commission erred.
- The Planning Commission made an order unlawful in substance and erred by finding that a Goal 14 exception is required and that the proposed Industrial Use Permit constitutes an urban use outside of the Urban Growth Boundary (“UGB”).
- The Planning Commission’s order is not supported by reliable, probative and substantial evidence in the whole record because the Planning Commission erred in concluding that the proposed Industrial Use Permit was an urban use outside of an UGB, was not allowed by the acknowledged Goal 4 exception for the Dee Hardboard Mill Site and that the Industrial Use Permit application failed to meet the applicable requirements of the Comprehensive Plan.
- The Planning Commission’s order is not supported by sufficient probative and substantial findings of fact because the Planning Commission’s order incorrectly concludes that the Industrial Use Permit is not allowed by the acknowledged Goal 4 exception, does not meet the requirements of the Comprehensive Plan, requires a new Goal 4 exception, and requires a Goal 14 exception. Further, the Planning Commission’s decision cites no other provision of the Hood River County Comprehensive Plan that the Application failed to satisfy. Therefore, the Board should reject any new arguments regarding compliance with the Comprehensive Plan.

2. The Application Requested an Industrial Use Permit for the Site in Dee.

The appeal and Application before the Board concern a site in the Dee area (**Exhibit 1**). The site is zoned “Industrial” (“M-1”) and the zoning district implements the acknowledged Comprehensive Plan text and map (**Exhibit 2**). HRCZO Section 64.00 requires that a land use permit be issued by the Planning Director prior to the issuance of any building permit and prior to the commencement of a land use with certain exceptions not relevant here. The Applicant submitted a request for an Industrial Use Permit containing the information required by HRCZO Section 64.10 and 64.20.

3. The Decision Must be Based Only on the County’s Acknowledged Comprehensive Plan and Land Use Regulations.

The Industrial Use Permit is classified as a “permit” under ORS 215.402(4) (“Permit means a discretionary approval of the proposed development of land”). ORS 215.416(8)(a) requires that

approval or denial of a permit application “*shall* be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.” (Emphasis added).

Notably, ORS 215.416(8)(a) neither allows nor provides for review of a permit under the Statewide Planning Goals (the “Goals”), or their implementing Oregon Administrative Rules (the “OARs”). That is because ORS 197.175(2)(d) provides that land use decisions made pursuant to an *acknowledged* Comprehensive Plan and land use regulations shall be made in compliance with those acknowledged Plan and land use regulations, not the Goals and administrative rules. ORS 197.175(2)(d); *See* ORS 197.175(2)(c), providing that a land use decision subject to *unacknowledged* Comprehensive Plan and land use regulations must be made in compliance with the Goals. Acknowledgment means that the County’s Comprehensive Plan and land use regulations are deemed consistent with the Goals. ORS 197.625(1). Because there is no dispute that the County’s Comprehensive Plan and land use regulations are *acknowledged*, the Planning Commission’s unlawful and improper application of the Goals and administrative rules to the Application constitutes legal error and a basis for reversal by this Board.

4. The Board Must Reverse the Planning Commission for the Following Reasons.

There is no dispute that the County’s Comprehensive Plan and land use regulations are acknowledged under the Goals. Under ORS 197.175(2)(c) and (d), the County may not apply Goals and the administrative rules to this Industrial Use Permit. The Committee nevertheless improperly told the Planning Commission that it could do so. The Planning Commission erred by relying on the Committee’s legal argument and, for this reason alone, the Board must reverse the Planning Commission. As explained below, the Board’s decision in this appeal must be made solely on the County’s acknowledged Comprehensive Plan and land use regulations. To do otherwise constitutes an impermissible collateral attack on the acknowledged provisions.

A. The Planning Commission erred by improperly finding that the Industrial Use Permit violates Goal 14, “Urbanization”, and that the use would require an exception to Goal 14.

Goal 14 requires that urban uses, with certain exceptions, be located within UGBs. The Planning Commission improperly relied upon this argument by the Committee and erred legally by concluding that the Industrial Use Permit is an urban use so that a Goal 14 exception was required by the County before the County could approve the Application.

As noted above, the Goals do not apply to this Industrial Use Permit. Goal 14 does not apply where the County’s decision is based on acknowledged Comprehensive Plan and land use

regulations provisions. Moreover, LUBA has expressly held that Goal 14 did not apply to a permit decision made under an acknowledged land use regulation:

“Thus, even if petitioner is correct [that the ordinance] itself did not have the effect of acknowledging the water front use provisions, that argument does not mean that the water front use provisions are unacknowledged, and does not mean that Goal 14 does not directly apply to a land use decision made under those provisions, pursuant to ORS 197.175(2)(e)(footnote omitted). Petitioner’s challenges to the Hearings Officer’s conclusions regarding [the ordinance] do not provide a basis for reversal or demand.” *Squier v. Multnomah County*, 71 Or 98, 120 (2015).

Because the County’s Comprehensive Plan and land use regulations are acknowledged, Goal 14 does not apply to the Application and the Planning Commission improperly both applied Goal 14 and considered a Goal 14 issue of whether the proposed Industrial Use Permit was an urban use. As long as the use is allowed under the County’s acknowledged Comprehensive Plan and land use regulations, Goal 14 may not be legally considered and the use is allowed under the acknowledged Comprehensive Plan and land use regulations.

B. The Industrial Use Permit Meets the Requirements of the Comprehensive Plan, Including the Exception Statement for the Dee Hardboard Mill Site.

The Comprehensive Plan includes a number of elements. The “Exceptions” document is one of those elements. The Dee Hardboard Mill Site is included in the exception statement at Map 36 (Exhibit 3). The exception statement for the Dee Hardboard Mill Site under heading “D1, Land Use”, states that the site is “available for other industrial uses”.

As noted above, the County’s land use regulations and Comprehensive Plan are acknowledged. There is no dispute that the site is designated as “Industrial” on the County’s acknowledged Comprehensive Plan map. The Comprehensive Plan at Part IV, “Plan Designation Definitions”, explains at page 11 that designation “G. Industrial” applies to “lands to provide and maintain areas for heavier Industrial uses that are generally not in close proximity to residential or commercial use.” The Exception Statement at heading D.2 at page 1 notes that there are no adjacent residential or commercial uses. Further, Comprehensive Plan Goal 9 at page 21 under “Industrial Site Evaluation (Central Valley)” also notes that the Dee Hardboard Mill “site . . . is not readily accessible to nearby residential areas.” The section further provides that the “Exception justifies industrial development at this location and allows for expansion” (Exhibit 4).

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The County's acknowledged Industrial zoning district implements the acknowledged Comprehensive Plan map and text. The Industrial designation provides as a use permitted outright "any use permitted in the C-1 zone." HRCZO Section 31.10.A. The C1 zone, in turn, provides that "commercial and professional service establishments unless otherwise listed." HRCZO Section 21.10.C. Thus, the C-1 uses are uses permitted outright in the M-1 zone and are properly considered to be industrial uses.

Second, and more importantly, the proposed use is allowed only because it is a use permitted outright in the Industrial zoning district. The fact that the Industrial zoning district refers to the C1 zone is merely a matter of administrative efficiency by referring to uses in that zone as opposed to listing them individually in the Industrial zoning district. Nevertheless, because the use is allowed in the Industrial zoning district and is permitted outright in that zone, the use is properly characterized as an Industrial use under the County's acknowledged land use regulations.

The Board must find that, because its acknowledged Comprehensive Plan map designates the site as "Industrial", because the acknowledged land use regulations map zones the site "Industrial", and because the Industrial zoning district provides for commercial uses among the allowed industrial uses, that the proposed use is consistent with the Exception Statement for the Dee Hardboard Mill Site. To require otherwise ignores the acknowledged Comprehensive Plan map and text and land use regulation map.

Therefore, the Board must find the Planning Commission's order is unlawful in substance because it improperly determined that the use is not allowed and did not meet the requirements of the acknowledged Comprehensive Plan because it is consistent with the acknowledged Goal 4 exception.

C. Conclusion.

For the above reasons, the Board must reverse the Planning Commission's improper decision and findings that the Goals and administrative rules are applicable to the Application, must find that the Application may be judged only according to the acknowledged Comprehensive Plan and land use regulations, that the use is an allowed use in the Industrial zone and that the Dee Hardboard Mill Site Exception Statement is fully implemented by the County's acknowledged Comprehensive Plan and Industrial zoning district. The Planning Commission decision relies on an erroneous legal principal and thus is defective in terms of legal reasoning and factual findings and is not supported by substantial evidence in the whole record.

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5. The Board Should Grant the Appeal and Approve the Application.

The Applicant has met its legal and substantial evidence burden of proof to allow the Board to reverse the Planning Commission's unlawful and improper order. Because the Planning Commission decision must be reversed, the Board must adopt new findings explaining its decision. HRCZO Section 61.10.H; ORS 215.416(9). The Applicant respectfully requests that the Board tentatively approve the Application, direct the Applicant to prepare findings for review and approval by the Hood River County Counsel and Planning Department, and that the Hood River County Counsel and Planning Department return the proposed findings for adoption by the Board at a later public meeting.

Very truly yours,



Michael C. Robinson

MCR:rsr
Enclosures

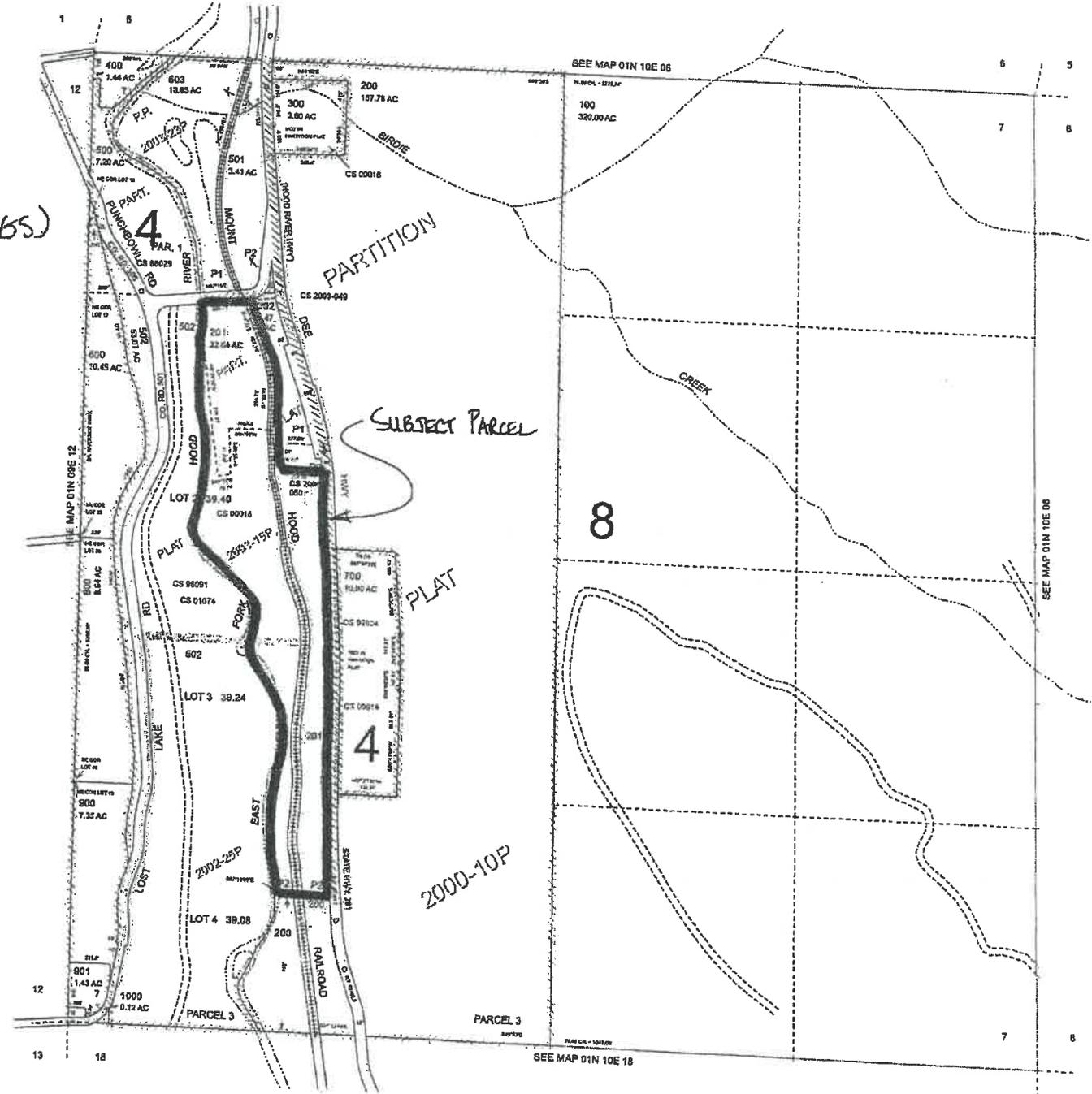
cc: Mr. Jason Taylor (via email) (w/ encls.)
Mr. Bill Sumerfield (via email) (w/ encls.)
Mr. John Roberts (via email) (w/ encls.)
Mr. Erick Walker (via email) (w/ encls.)
Mr. Will Carey (via email) (w/ encls.)

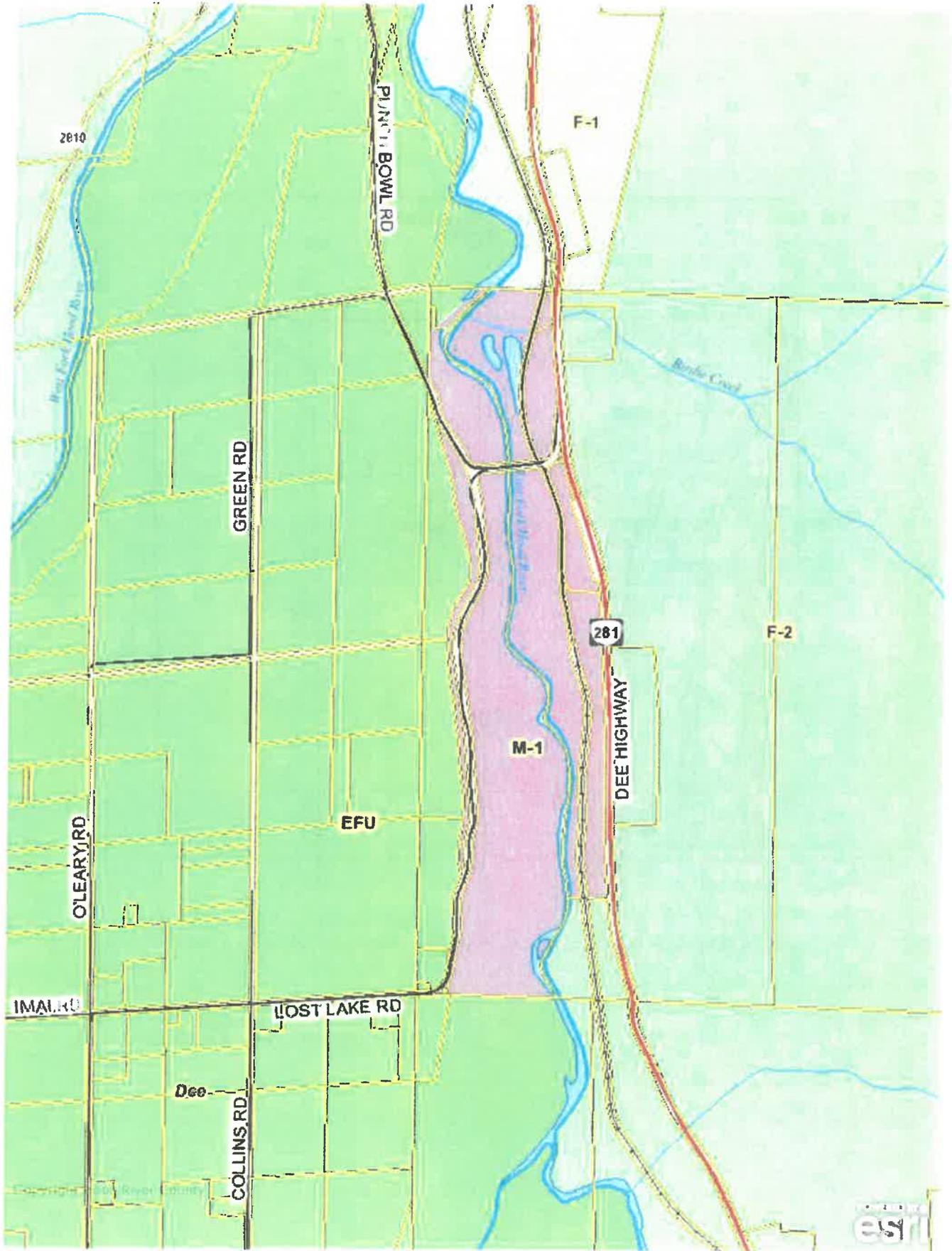
APPEAL #16-0200
(CAROLLO LAND HOLDINGS)

IN IOE 7 #201



VICINITY MAP

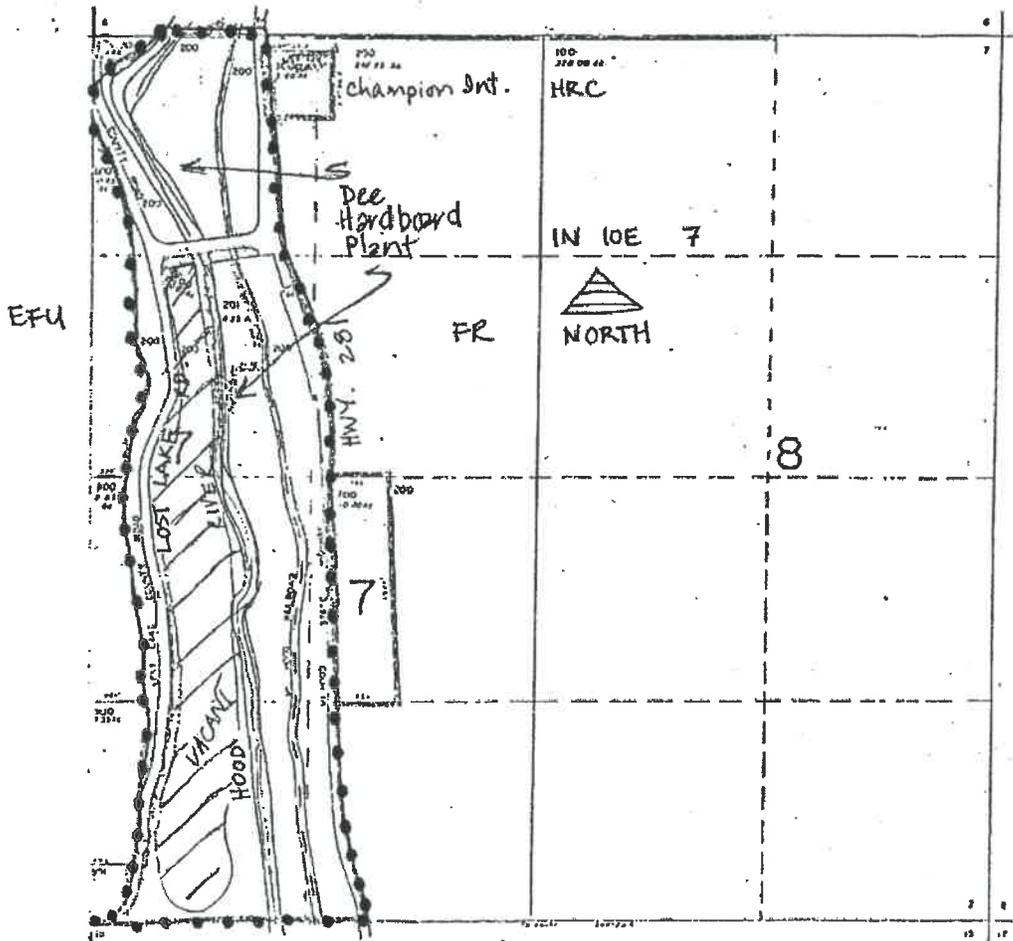




Section 7 T1N R30E W1M
Hood River County
1"=400'

IN 10

See Map #10 8



vacant
land

boundary of
creation

DEE HARDBOARD
INDUSTRIAL EXCEPTION

ATTACHMENT "A"

large unskilled labor force (training programs are available), proximity and accessibility to major northwest and foreign markets, and a favorable property tax rate.

7.

Industrial Site Evaluation (Central Valley): For additional detailed industrial site information regarding sites throughout Hood River County, see Section B above, Inventory, Commercial/Industrial Lands, TABLES 1 through 10 attached to this entire report and the County Exception Document.

The following general information analyzes some sites within the Central Valley area.

- a. Odell: The present industrial site at Odell currently gives support to the agriculture and logging economy in the Central and Upper Valley area. The site presently has a lumber mill operation, fruit processing and cold storage facilities. Room for physical expansion is considerable. The site has rail and highway access as well as secondary sewage treatment facilities. The Odell treatment plant is near capacity, however, and will have to be enlarged if additional residential, commercial and industrial growth is to be accommodated in this area. Another limitation of the Odell site is that it is located on Wy'East soil which is a somewhat poorly drained silt loam soil having a high water table from December to April. It is probable the present industrial activities on the site will be expanding as the general outlook for fruit production will most likely be expanding as more intensive orchard plantings begin to bear fruit. The County Exception Document discusses the Odell area under Map #22. The Exception justified Industrial and Commercial zoning within areas of Odell.
- b. Dee: A hardboard plant presently occupies much of the Dee industrial site. This site has access to rail transportation. Roads to the area are poor, however. Water from the East Fork of the Hood River might be available if minimum river flows are maintained. Sewage and effluent treatment would have to be taken care of by the user. The site has considerable room for expansion for both the existing operations and possibly for some new ones. ~~The site, however, is not readily accessible to nearby residential areas.~~ Additional facilities might also add to the water and air quality problems currently being experienced at the site. The County Exception Document discusses the Dee Hardboard Plant under Map #36. ~~The Exception justifies industrial development at this location and allows for expansion.~~
- c. Hanel: The Hanel site is occupied by a lumber mill and is conveniently located close to timber sources. This industrial site basically serves the existing mill operations. On-site effluent treatment is required. Soils are good in terms of drainage and bearing capacity. Additional expansion of

**Apollo Land Holdings, LLC Appeal to the Board of County
Commissioners #16-0200**

(July 15, 2016)

(2 pages)

Appeal #16-0200

RECORD AND ASSESSMENT
HOOD RIVER CO.

415-16-0200-PLNG

2016 JUL 15 PM 12 31

Appeal Fee \$ 2,025.00

COUNTY OF HOOD RIVER)
STATE OF OREGON)
PETITION FOR APPEAL OF THE)
PLANNING COMMISSION'S DECISION)
(COUNTY ZONING ORDINANCE))

HOOD RIVER VALLEY RESIDENTS
COMMITTEE APPEAL (FILE #16-0013) OF
COMMERCIAL LAND USE PERMIT (FILE #
15-0174) FOR APOLLO LAND HOLDINGS, LLC
Name and County File Number

Pursuant to Article 61, Hood River County Permanent Zoning Ordinance, an action or ruling of the Planning Commission authorized by this ordinance may be appealed to the Board of Commissioners within 15 days after the Commission has rendered its decision by filing written notice with the Department of Records and Assessments. If no appeal is taken within the 15 day period, the decision of the Commission shall be final.

The written notice of appeal should be accompanied with a statement indicating whether new evidence will be given. The Board may then order the Planning Commission to hear the new evidence presented. The Board's hearing on the appeal will be limited to the record of evidence presented to the Planning Commission unless the Board elects at its option to hear testimony and other evidence in addition to the Planning Commission record.

Notice of the public hearing shall be by one publication in a newspaper of general circulation in the County, not less than ten (10) days prior to the date of the hearing. The above filing fee shall be paid to Hood River County, Records and Assessment Department, 601 State Street, Hood River OR 97031.

Those making an appeal must have "standing" as prescribed in Section 61.06; see attached Appendix "A". Based upon consideration of provisions in Section 61.06, it is felt that I (we) have standing based upon the following justification:

APPELLANT APOLLO LAND HOLDINGS, LLC, IS THE APPLICANT
AND RESPONDENT IN THE APPEAL FILED BY THE RESIDENTS
COMMITTEE

Consequently, I (we) hereby appeal the decision of the Hood River County Planning Commission in the application of:

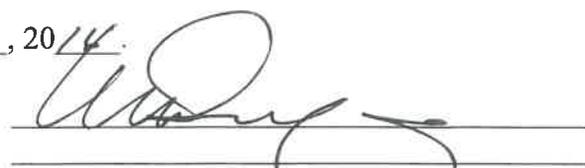
HOOD RIVER VALLEY RESIDENTS COMMITTEE APPEAL OF COMMERCIAL LAND
USE PERMIT # 15-0174

for: CONSTRUCTION OF A 50 ROOM HOTEL ON THE FORMER
DEE MILL SITE

heard before the Planning Commission on the 25th day of MAY, 20 16, for the
following reasons: SEE ATTACHED ASSIGNMENTS OF ERROR.

I (we) therefore petition the Board of Commissions to hold a public hearing to consider this appeal of the Planning Commission action on the above matter.

Dated this 15 day of July, 2014.



by:

WILLIAM H. SIMERHEID
ATTORNEY FOR APPELLANT/APPLICANT
APOLLO LAND HOLDINGS LLC

ASSIGNMENTS OF ERROR

1. The Planning Commission erred in finding that the existing goal exception does not allow for commercial uses.
2. The Planning Commission improperly limited the scope of the existing exception.
3. The Planning Commission erred in finding that the applicant failed to demonstrate that the proposed hotel would not alter the character of the former Dee Mill or the services required to support it.
4. The Planning Commission erred in finding that the hotel use is different and incompatible with the former mill and therefore is not allowed under the existing exception for the property.
5. The Planning Commission erred in finding that the hotel use is not compatible with the surrounding rural resource uses or would otherwise retain the property as rural lands.
6. The Planning Commission erred in finding that applicant has not provided evidence to demonstrate that a new Goal 4 exception is justified for the property.
7. The Planning Commission erred in finding that the existing exception did not authorize urban uses of the property or determine that the land is suitable, necessary, or intended for urban use under Goal 14.
8. The Planning Commission erred in finding that the hotel is an urban use.
9. The Planning Commission erred in concluding that the proposed hotel use required a Goal 14 exception.
10. The Planning Commission erred in concluding that the hotel violates Goal 14.

~~Appellant intends to offer new evidence.~~

THIS REQUEST WAS WITHDRAWN VIA EMAIL
DATED SEPT. 22. 2016

Planning Commission's Final Order and Record

(July 1, 2016)

(183 pages)

Appeal #16-0200



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services

601 State Street, Hood River, OR 97031

JOHN ROBERTS, DIRECTOR
(541) 387-6840 • plan.dept@co.hood-river.or.us

July 1, 2016

Hood River Valley Residents Committee
c/o Scott Franke
P.O. Box 1544
Hood River, OR 97031

FILE

RE: Appeal #16-0073 of Commercial Land Use Permit #15-0174

Dear Mr. Franke:

Enclosed is the signed final order outlining the results of the Planning Commission's June 15, 2016 hearing concerning your appeal of the Planning Department's decision to approve, with conditions, the above referenced commercial land use permit involving a 50-unit hotel on property at the former Dee mill.

Pursuant to Section 61.00 of the Hood River County Zoning Ordinance, the decision of the Planning Commission is final unless a written appeal is filed with the Hood River County Department of Records & Assessment within fifteen (15) days of the date of this letter. Appeal forms are available at the Hood River County Planning Department, 601 State Street, Hood River, OR 97031 or the County website at www.co.hood-river.or.us. The filing fee for an appeal to the County Board of Commissioners is \$2,025.

If you have any questions regarding this letter, please do not hesitate to give me a call at (541) 387-6840 or send me an email at eric.walker@co.hood-river.or.us.

Sincerely,

Eric Walker
Principal Planner

Enclosure: Final Order for Appeal #16-0073

cc: Jason Taylor, Apollo Land Holdings, LLC (*via email*)
Bill Sumerfield, Attorney (*via email*)
Courtney Johnson, Attorney (*via email*)
Don Wiley, County Engineer (*via email*)
Heather Staten, Hood River Valley Residents Committee (*via email*)
Henry Hunt, Party of Record (*via email*)
Billy Sheeley, Party of Record (*via email*)
John Mills, Party of Record (*via email*)
Alison Bryan McDonald, Party of Record (*via email*)
Blake LaPointe Lawrence, Party of Record (*via email*)
Taylor Hood, Party of Record (*via email*)
Helen James, Party of Record (*via email*)

Joan Lawrence, Party of Record (*via email*)

Nick Eby, Party of Record (*via email*)

Butch Mohr, Party of Record (*via email*)

David Winans, Party of Record (*4195 Dee Highway, Hood River, OR*)

Carrington Barrs and Christine Olson (*4252 Linnaeus Road, Hood River, OR*)

Steven Hunt, Party of Record (*5515 Alder Road, Hood River, OR*)

The Planning Commission also received testimony from the applicant who was supportive of the Planning Department's decision, including the recommended conditions of approval. The applicant's testimony focused on the proposed hotel being an outright allowed use in the M-1 zone. The applicant also testified to the facts of the case provided as part of the submitted application and staff report demonstrating that the use conformed to applicable criteria. The applicant disputed the opponent's original 4 arguments, as well as the new comments made during the hearing, such as the destination resort claim and burden of proof criteria not being met. However, in response to the large volume of new information received during the hearing regarding the appellant's Goals 4 and 14 arguments, the applicant requested that the hearing be continued pursuant to ORS 197.763 in order to give him time to adequately respond.

Once the public testimony portion of the hearing was over, and all Commissioner questions were asked, the Chair of the Planning Commission closed the hearing to further oral testimony. However, in response to the applicant's request, the Chair continued the hearing until June 15, 2016 at 5:30 p.m. to allow further written testimony to be received. As provided in ORS 197.763, the first seven day period was open to additional testimony or evidence; the second seven day period was limited to the rebuttal of new evidence submitted during the first 7 day period; and the third seven day period was limited to final rebuttal by the applicant only.

After reviewing all of the additional written testimony received during the continuance period, the Planning Commission reconvened on June 15, 2016 for final deliberations. As part of these deliberations, the Planning Commission determined that the original four issues of appeal raised by the appellant were insufficient to overturn the Planning Department's decision. However, they did determine that the two additional issues raised during the hearing concerning the comprehensive plan and Goal compliance were appropriate and, therefore, voted 5 to 2 to overturn the Planning Department's decision based on the following additional findings of fact and conclusions of law:

1. The subject property is the former Dee Mill site, near the intersection of Lost Lake Road and Dee Highway, 1N 10E 07 #201. The property is zoned M-1 Industrial. The industrial zoning was applied to this property pursuant to a Goal 4 Exception as rural industrial land in the Hood River County Comprehensive Plan. The Exception document recognizes the surrounding land characteristics as resource use, "farm to the west, forest to the east." Hood River County Exceptions Document (1984) at

page 237. The Exceptions Document identifies the property as built out and physically committed to the industrial mill use. Specifically, “[I]and designated and zoned either for industrial or light industrial use is located ... at the site of existing industrial operations (i.e., Hanel Mill Site and Dee Hardboard Plant Site).” Goal Exceptions Document at 4. In the Dee Mill exception itself, the justification for the exception is “committed” to industrial use. *Id.* at page 237. The *Central Valley Plan* document notes that the Dee Mill site is largely committed to industrial uses, and “[w]hatever industrial expansion occurs ... will likely be done only by the existing mill[] on the site[].” In sum, the Goal 4 exception for this property acknowledged the existing rural industrial land use—the mill in operation at the time the exception was taken.

2. “Physically developed or irrevocably committed exceptions ... are intended to recognize and allow continuation of existing types of development in the exception area.” Oregon Administrative Rule (OAR) 660-004-0018(1). According to the Court of Appeals, “the basis for the physically developed or committed lands exception evaporates with an incompatible proposed use, and a new rationale for not applying the otherwise applicable resource goal becomes necessary.” *Doty v. Coos County*, 185 Or App 233, 243 (2002).
3. In order to allow the proposed commercial use without a new Goal 4 exception, the County must determine whether the hotel can meet the requirements set out in OAR 660-004-0018(2)(b):¹
 - (A) The rural uses, density, and public facilities and services will maintain the land as “Rural Land” as defined by the goals, and are consistent with all other applicable goal requirements;
 - (B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and
 - (C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;
4. “Rural lands” are those which are outside the urban growth boundary and are non-urban agricultural, forest or open space lands, or other lands “suitable for sparse settlement, small farms or acreage

¹ In contrast to the proposed commercial use, the administrative rules expressly allow for industrial development uses to occur on exception areas planned and zoned for industrial use as of January 1, 2004. OAR 660-004-0018(2)(d).

homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.” See *1000 Friends v. LCDC (Curry County)*, 301 Or 447, 456 (1986).

5. The applicant suggests that the Goal 4 exception allows commercial uses of the property. However, the Exceptions Document discusses properties that are designated for commercial uses:

“In designating lands for commercial uses, many of the existing commercial uses were recognized while providing limited area for new commercial growth in established areas. ... Commercial areas are located south of Hood River along Tucker Road; at the junction of Highway 35 and Old Columbia River Drive; and in the communities of Odell, Mt. Hood and Parkdale. A few isolated site specific parcels are designated commercial to recognize existing operations.” Goal Exceptions Document at page 4.

6. The majority of the Planning Commission found that neither Dee nor the Dee Mill property was designated for commercial uses and that the County’s Goal Exception Document does not allow commercial hotel uses at the Dee Mill site.
7. The applicant acknowledges that the hotel is a different use than a mill, but suggests that the proposed hotel retains the character of the former mill because the property contained a hotel in the 1930s. However, the Goal 4 exception determined that the “existing use” of the property, the mill, committed the property to non-resource uses. The exceptions document does not discuss a hotel on the property and there is no evidence that a hotel was part of the industrial mill use at the time the exception was taken. Even if the Planning Commission considers the former mill town hotel, that hotel served the mill and its employees, and did not likely draw tourist visitors from urban areas.
8. Community members testified regarding the compatibility of the proposed use with the surrounding area, including the orchard and woodlot uses on surrounding resource lands. Testimony from the public also raised concerns comparing the regular and predictable hours of operation of the mill with the hotel visitor traffic at all hours. The applicant has not demonstrated that the proposed hotel use, as a tourist destination in the county, would not alter the character of the former Dee Mill use or the services required to support it.
9. The Planning Commission finds that the hotel use is different and incompatible with the former mill use and, therefore, is not allowed under the Goal 4 exception taken for this property. The Planning Commission concludes, based on the totality of the evidence presented, that the proposed hotel use would not be compatible with the surrounding rural resource uses or otherwise retain the property as rural lands.

The applicant has not provided evidence to demonstrate that a new Goal 4 exception is justified for this property. In addition, even if the applicant could demonstrate the commercial hotel use could be allowed under the existing Goal 4 exception, the County's prior Goal 4 exception did not authorize urban uses of the property or determine that the land is "suitable, necessary, or intended for urban use" under Goal 14. The county has not yet taken a Goal 14 exception for this property.

10. In order to determine whether a proposed land use is urban or rural, the county may consider several factors including the size of the area in relationship to the developed use (density), whether the proposed use is likely to become a magnet attracting people from outside the rural area, and the types and levels of services which must be provided to the proposed development. *1000 Friends v. LCDC (Curry County)*, 301 Or 447 (1986). Applying these factors, the Land Use Board of Appeals has previously found that a 50-unit hotel that would allow tourists to stay in the rural area rather than returning to the City of Portland is an urban development. *VinCEP v. Yamhill County*, 53 Or LUBA 514, 523 (2007).
11. Considering these factors, the Planning Commission finds that the proposed 50-unit hotel is designed to draw tourists from urban areas such as the City of Portland to the rural area, and would allow those tourists to stay overnight in the rural area rather than returning to the urban centers. For example, the Staff Report notes that the "proposal will increase tourism to Hood River County," and the site is "near the Mt. Hood National Forest, which is a popular recreational destination." Staff Report at pages 15 and 13. The hotel will also require an increased level of services for water, fire protection, and a new on-site wastewater treatment system to serve the 50-unit hotel. The applicant has not provided evidence to rebut the characterization of the proposed hotel as an urban use.
12. The majority of the Planning Commission concludes that the proposed hotel would require a Goal 14 Exception. In the absence of such an exception, the proposed hotel violates Goal 14 and, therefore, is not approved.

NOW THEREFORE, each application and land use is decided on its own merit and this decision is not intended to set precedence for other allowed uses that might be proposed on industrial zoned property in the future.

NOW THEREFORE, based upon the record before it and the testimony received, and being fully advised in the premises, the Planning Commission hereby accepts the Findings of Fact and Conclusions of Law provided as part of the staff report, dated May 13, 2016, and attached hereto as Exhibit "A" and incorporated herein by this reference, together with the additional findings and conclusions provided above.

Based upon the above information, it is **HEREBY ORDERED** that Commercial Land Use Permit #15-0174 be denied.

DATED THIS 18 DAY OF July, 2016.

HOOD RIVER COUNTY PLANNING COMMISSION


Bob Schuppe, Chair

APPROVED AS TO FORM: 
Wilford K. Carey, County Counsel



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services

601 State Street, Hood River, OR 97031

JOHN ROBERTS, DIRECTOR
(541) 387-6840 • plan.dept@co.hood-river.or.us

FILE COPY

To: Hood River County Planning Commission

From: Eric Walker, Principal Planner *EW*

CC: Scott Franke, Hood River Valley Residents Committee, Appellant
Jason Taylor, Apollo Land Holdings, LLC, Applicant
Carrington Barrs and Christine Olson, Adjacent Property Owners
Henry Hunt, Adjacent Property Owner

Date: May 13, 2016 (for May 25, 2016 Public Hearing)

Attachments: Attachment "A" – Submitted Appeal
Attachment "B" – Written Comments in Response to the Appeal Notice
Attachment "C" – Commercial Land Use Permit Decision w/Attachments
(File #15-0174)
Attachment "D" – Submitted Application
Attachment "E" – Miscellaneous Information

(The above attachments are available for review at www.co.hood-river.or.us. [Click Departments, click Community Development, click Planning and Zoning Services, and then click scroll down to the bottom.] A copy of this information is also available for inspection and/or purchase at the County Planning Department during normal working hours.)

RE: Appeal #16-0073 of Commercial Land Use Permit #15-0174

I. Request: Hood River Valley Residents Committee has filed an appeal (File #16-0073) of the County Planning Department's decision to approve, with conditions, a commercial land use permit application (File #15-0174) filed by Apollo Land Holdings, LLC, to construct a 50-room hotel on a portion of their property located at the former Dee Mill site. The proposed hotel is intended to operate, in part, in combination with an outdoor concert venue approved in September of 2014.

As part of their written appeal, the Hood River Valley Residents Committee has identified four primary reasons for appealing the County Planning Department's decision: (1) Inadequate notice was provided to nearby property owners; (2) The decision defers resolution of certain elements of the application to a later date without the opportunity for notice and public hearing; (3) Traffic, public safety, and storm water runoff need further analysis; and (4) Cumulative impacts of the larger project were not considered.

II. General Information:

A. **Appellant:** Hood River Valley Residents Committee

- B. **Applicant/Property Owner:** Apollo Land Holdings, LLC
- C. **Property Location:** The property involved in this application is located at the former Dee mill site, which is situated along the south side of Lost Lake Road, approximately 500 feet southwest of its intersection with Dee Highway. The parcel is described as 1N 10E 07 #201.
- D. **Zoning:** The parcel is zoned Industrial (*M-1*), with portions also zoned Floodplain Overlay (*FP*) and Stream Protection Overlay (*SPO*).
- E. **Legal Parcels Sizes:** 32.64 acres. The subject parcel was lawfully established by partition in 2003. (*Partition Plat #2003-15p*)
- F. **Onsite Land Use:** The parcel contains a number of abandoned buildings, building foundations, paved areas, and other structures that were developed as part of the former mill. The applicant's proposal does not involve occupying any of the existing onsite buildings.
- G. **Prior Land Use Actions:** On September 9, 2014, the County Planning Department approved, with conditions, a Commercial Land Use Permit (*File #13-0216*) allowing the applicant to develop an amphitheater for outdoor music concerts, festivals, weddings, and other commercial events on the subject property. This decision was appealed to the County Planning Commission by the Hood River Valley Residents Committee (*File #14-0219*). The appeal was denied for the lack of required affirmative votes necessary to make a decision.

III. Findings and Conclusions of Law: The following criteria (shown below in *italics*) apply to this application. The findings and conclusions provided under each criterion is the basis for the Planning Department's decision:

- A. *Section 31.10(A) states that the following uses and their accessory uses are permitted outright in the M-1 zone: "Any use permitted in the C-1 zone."*

Section 21.10(C) – Commercial (C-1) zone – allows outright: "Commercial and professional establishments unless otherwise listed."

As described above, the applicant is proposing to construct a 50-room hotel on the subject property. As part of the operation of this site, travelers and visitors would pay a fee for overnight accommodations and other related services at the site. As proposed, staff finds that the proposed use is a valid commercial use, which is allowed outright in the M-1 zone.

- B. *Section 31.30 – Limitations on Use – states that "in the M-1 zone, erection of a building or the use of property within 100 feet of a lot in the farm or residential zone shall be subject to the review and approval of the Planning Commission. The Planning Commission may impose limitations on openings, access, or other restrictions in order to reduce any adverse effects the use may be on adjacent properties."*

The subject parcel neither abuts nor is located within 100 feet of a farm or residential zone. Staff finds that this standard does not apply to this application.

- C. *Section 31.40 – Setback Requirements – states that the following setbacks apply in the M-1 zone:*
 1. *The front yard shall be a minimum of 20 feet from the edge of the right-of-way.*

The subject parcel abuts Lost Lake Road to the north and Dee Highway to the east. According to the applicant's submitted site plan, dated February 24, 2016, the proposed hotel is located further than 20 feet from the rights-of-way of both roadways. With the following conditions, staff finds that the request complies with this standard:

- The proposed hotel building shall be sited at least 20 feet from the edge of the rights-of-way of Lost Lake Road and Dee Highway.
 - The site shall be developed in a manner that is consistent with the layout provided as part of your tentative approved site plan, dated February 24, 2016. Changes to the site will require further review by the Planning Department to ensure compliance with the requirements of the County Zoning Ordinance and the conditions of this decision.
2. *No building shall be closer to an Exclusive Farm Use (EFU) or Residential (R-1 and R-2) zone property line than the height of the building or the required setback of buildings in the EFU, R-1, or R-2 zones, whichever distance is greater.*

The subject parcel is not located adjacent to property zoned EFU, R-1, or R-2. The nearest property zoned as such is located more than 300 feet from the edge of the subject parcel, well below the proposed building height of 48 feet. The request complies with this standard.

3. *Vision clearance setbacks from all street intersections shall be 35 feet.*

The applicant is proposing to construct a new driveway that will intersect Lost Lake Road. No new buildings or other improvements are proposed in close proximity to this new driveway. However, to ensure compliance with this standard, staff recommends a condition requiring that a 35-foot vision clearance area adjacent to the proposed access drive's intersection with Lost Lake Road be cleared and maintained to provide an unobstructed view between 2½ and 8 feet above the ground, not including utility poles or tree trunks. With this condition, staff finds that this standard is met.

- D. *Section 31.50 – Lot Coverage – states that buildings in the M-1 zone, except for covered parking or loading areas, shall not cover more than 60 percent of the lot area.*

The subject parcel is approximately 32.64 acres (or 1,421,798 square feet) in size. The cumulative size of the proposed hotel, previously approved venue pavilion building, and all other onsite buildings is estimated at approximately 27,000 square feet. At this size, the amount of building coverage occurring once the project is completed will be approximately 2 percent of the size of the property, which is well below the 60 percent allowed in the M-1 zone. The request complies with this standard.

- E. *Section 31.60 – Site Design Standards – requires that “at the time of new development, or change of use, the applicant shall demonstrate the following:*

1. *Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall all be considered.*

The applicant is proposing to construct one access drive to serve the site off Lost Lake Road. The access is shown to be located more than 100 feet west of the Mt. Hood Railroad tracks, as requested by the ODOT Rail Division as part of the earlier venue

application. The access driveway is also proposed to have more than 35-feet of visual clearance between the proposed access driveway and Lost Lake Road. Within the site, the applicant proposes 437 parking sites served by a 28-foot wide access driveway and 24 foot wide circulation aisles between parking rows. The number of parking spaces is intended to serve both the hotel and concert venue.

The applicant's site plan was submitted to the County Engineer, who provided written comments. Based on these comments, a condition is recommended that the applicant obtain a road approach permit for the proposed access drive onto Lost Lake Road prior to developing the site. As part of approving the approach permit, the applicant will be required to provide a memo from a certified traffic engineer indicating that the proposed driveway provides acceptable site distance.

As part of the onsite concert venue proposal, which was approved in September 2014, the applicant provided a Traffic Operation Analysis and Site Plan Review, dated May 30, 2014, which was prepared by Brad Coy, PE with the engineering consulting firm DKS Associates. The study evaluated the impact at the Lost Lake Road/Highway 281 intersection resulting from 500 vehicles entering and exiting the property in conjunction with approved venue site. The study established that the intersection is expected to meet or exceed ODOT mobility targets, which is to operate at a Level of Service (LOS) standard "C" or better at all times. Based on this information, staff concluded that unacceptable levels of traffic congestion would not occur as a result of using the property as a concert venue site.

To address the additional traffic generated by the proposed hotel, the application provided a supplemental Traffic Analysis prepared by DKS, dated August 18, 2015, which concluded that "the addition of a hotel to the approved concert venue site would not have any additional impacts beyond those already analyzed as part of the prior traffic study." In fact, since the proposed hotel will likely provide overnight accommodations to patrons of the concert venue, the applicant's traffic engineer concluded that "the hotel is expected to reduce the amount of traffic leaving the site, thereby improving conditions as compared with the results of the prior traffic study."

As part of their appeal, the appellants are questioning the accuracy and depth of both the earlier traffic study and the supplemental report. They feel that the traffic studies should have addressed "more seasonal accuracy" and covered a larger area of impact, which is the same argument raised as part of the concert venue appeal. Similar to the venue application, the traffic study and supplemental traffic analyses were both evaluated and accepted by County Public Works and ODOT. Given the limited information provided by the appellant, staff has no reason to question the professional opinions of the County Engineer and ODOT staff in determining the quality of applicant's submitted traffic studies, especially in this instance where the use is not expected to contribute any additional traffic during peak times beyond that occurring as part of the previously approved concert venue.

Nevertheless, staff finds it necessary to recommend two conditions of approval to ensure that the overall impact of the proposed facility is consistent with the estimates provided as part of the applicant's traffic study and that no further expansion or intensification of the site occurs without additional review and consideration. These conditions include Condition 1, which limits development to what the applicant requested, and Condition 13, which limits the total number of parking spaces for both the hotel and concert venue to

437. This latter condition will ensure that more traffic than what was evaluated does not occur.

To further address traffic safety, staff is recommending a number of other conditions that require the following:

- Maintain vision clearance triangles (*Condition 4*);
- Restrict parking along Lost Lake Road (*Condition 14*);
- Obtain a revised railroad crossing order from ODOT Rail Division and complete the required work (*Conditions 18 and 20*); and
- Restrict public access to the east side of the railroad tracks (*Conditions 21*).

Based on the above information and recommended conditions, staff finds that neither dangerous intersections nor traffic congestion will occur, and safe ingress and egress will be provided.

2. *The storm drainage or natural drainage system will handle the increased runoff created by the new development.*

Much of the site in and around the proposed hotel and parking area is already made up of impermeable surfaces, primarily concrete, left over when the site was formerly a lumber mill and hardboard plant. The applicant indicated that he intends to “accommodate all storm water quality and retention on site through permeable surfaces and biofiltration swales, and/or dry wells. All runoff would be treated with either swales or filtered catch basins.” The applicant has indicated that no runoff is planned to be sent directly into the Hood River.

In response to this standard and at the recommendation of the County Engineer, staff recommends Condition 22 requiring that the applicant submit a detailed storm water drainage plan to the County Engineer for review and approval. As part of the submitted plan, the applicant will need to hire an Oregon licensed civil engineer to demonstrate that (1) existing or proposed storm water drainage or natural drainage systems will be able to properly handle the increase runoff created by the proposed development, and (2) all runoff, whether existing or new, is properly treated before leaving the site and, in particular, before entering the East Fork of the Hood River. Once approved, recommended Condition 23 will require construction of the approved system prior to occupying the hotel. With these conditions, staff finds that the requirements of this provision will be met.

It should be noted that the appellant provided comments suggesting that greater details should have been provided about how storm water runoff will be managed in conjunction with the proposed hotel. After conferring with the County Engineer, staff finds that the information provided by the applicant was sufficient to grant preliminary approval. As noted above, final approval remains contingent upon the applicant providing a final engineered storm water drainage plan for review and approval by the County Engineer. This approach is consistent with how storm water and other similar engineered plans are evaluated. Requiring final plans as part of an initial application would result in unnecessary inefficiencies and costs, especially if the use ends up not being approved or getting modified. It would also undermine the role of the County Engineer as the County’s expert on such matters. For these reasons, staff finds Condition 22 is sufficient to ensure that an adequate storm water control system is provided in compliance with this

standard.

3. *No new building site shall be located within the 100-year floodplain without a floodplain permit.*

The entire western boundary of the subject parcel abuts the East Fork of the Hood River. County zoning maps and FEMA Federal Insurance Rate Maps (FIRM) indicate that portions of the subject parcel adjacent to the East Fork of the Hood River are located within the 100-year floodplain.

As part of the approved concert venue decision, the applicant was required to work with a hydrologist or other qualified profession to identify the 100-year floodplain along the subject property. The applicant hired Amec Foster Wheeler Environmental, who completed hydraulic and hydrological modeling and identified the location of the 100-year floodplain boundary. As part of their report and final mapping, the proposed hotel is found to be located entirely outside of the 100-year floodplain. A copy of the report and maps are included as part of Attachment D.

- F. *Section 31.70 – Access Management – references access management guidelines addressed in Article 19 of the County Zoning Ordinance.*

Applicable provisions of Article 19 are addressed under Subsection III(G) below.

- G. *Section 19.10(A)(2) requires that the following standards apply to new roads not designated as state highways:*

1. *New development shall accommodate on-site traffic circulation needs on the site and not by circulating on and off the site through multiple access points using the public road system.*

In compliance with this standard, the applicant is proposing a single point of access onto the subject property from Lost Lake Road.

2. *Construction of new private driveways onto roads under County jurisdiction will be allowed only upon approval of a road approach permit.*

The proposed access drive off Lost Lake Road is a County maintained road. No road approach permit has yet been obtained for the proposed driveway. Based on comments received from the County Engineer, staff recommends Condition 17, which requires that a road approach permit from the County Public Works Department be obtained for the new driveway prior to its construction.

3. *Spacing of new access points onto roads under County jurisdiction shall be measured from centerline to centerline and be at least 100 feet from other driveways located along a collector street.*

According to the County Engineer, Lost Lake Road is considered a collector street. The proposed private access road depicted on the applicant's submitted site plan is shown to meet the 100-foot minimum spacing requirements from other driveways located along Lost Lake Road. This was confirmed using aerial photographs and GIS measuring tool.

4. *Approach roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations at areas of restricted sight*

distance or at points which interfere with the placement and proper functioning of signs, guardrail, or other traffic control devices will not be permitted.

To ensure compliance with this standard, the County Engineer has recommended that, as part of his road approach permit application, the applicant provide a memo from a certified traffic engineer indicating that the proposed driveway provides acceptable intersection site distances. With this condition, staff finds that this standard is met.

5. *Site plans for new development shall show access locations to be retained, relocated, added or closed on the subject property, and on adjacent properties as necessary to assure conformance with spacing standards. Dimensions between driveways shall be shown to scale and labeled on the site plan.*

Staff finds that the applicant's submitted site plan depicts the information required as part of this standard.

H. *Section 51.30 provides the following design requirements for parking lots:*

1. *Areas used for standing and maneuvering of vehicles shall have durable and dustless, but not necessarily paved, surfaces maintained adequately for all weather use.*

The applicant is proposing to use an existing paved area for patron/guest parking. This parking area is proposed to accommodate approximately 437 parking spaces (*not including restricted parking located near the proposed venue pavilion building*), which are intended to serve both the hotel and previously approved concert venue. In compliance with this standard, staff recommends Condition 15 requiring all areas used for driving, parking, standing and maneuvering be developed for all weather use.

2. *Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.*

The proposed parking facility is intended to accommodate a commercial use. The subject property is not zoned or located adjacent to a residential zone or use and, therefore, this standard does not apply.

3. *Access aisles shall be of sufficient width for all vehicle turning and maneuvering.*

According to the County Engineer, the County does not have specific access aisle requirements; however, according to general traffic engineer guidelines, access aisles that serve parking spaces at 90 degree angles, such as those proposed as part of this application, are typically 24-26 feet in width depending on the depth of the parking space. Per the applicant's plan, access aisles of approximately this width are proposed. With a condition (*Condition 2*) requiring that the site be developed in a manner that is consistent with the layout provided as part of the applicant's tentative approved site plan, staff finds that adequate access aisle widths will be provided.

4. *Groups of more than four parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.*

In compliance with this standard, the applicant's proposal shows that all parking areas will be served by a single driveway off Lost Lake Road and that no backing movements or other maneuvering will be required within adjacent roads.

5. *Lighting of the parking area shall be deflected from a residential zone.*

The subject parcel is not located within or adjacent to a residential zone. The nearest residential zone is located more than a mile south of the subject parcel. Nevertheless, staff recommends Condition 31, which requires that all exterior lighting, including sign lighting, proposed as part of this project be shielded or hooded and directed downward or otherwise provided to ensure that it does not adversely impact nearby public roads and adjacent properties. The request complies with this standard.

I. *Section 51.40 requires that a minimum of one bicycle parking space for every 10 motor vehicle parking spaces be provided in all public and commercial parking lots and parking structures.*

The proposed parking facility is planned to contain 437 general parking spaces. In compliance with this standard, staff recommends Condition 16 requiring that at least one bicycle parking spaces be provided per every 10 motor vehicle parking spaces (± 44 spaces) prior to operating the hotel (or concert venue, if it is developed first).

J. *Section 42.20(B) restricts development within 50 feet of the bankfull stage area along a fish bearing stream with an average annual stream flow less than 1,000 cubic feet per second unless considered an "exempt activity" per Section 42.10 or an "allowed activity," subject to a review, per Sections 42.25 and 42.30.*

The East Fork of the Hood River is a fish bearing stream. In fact, it is identified as habitat for ESA-listed fish species. The County zoning maps indicate that the average annual stream flow of this section of river is less than 1,000 cubic feet per second and, therefore, the stream protection overlay zone affects the west 50 feet of the subject parcel, which abuts the river.

To ensure compliance with the requirements of the SPO zone, staff recommends Condition 27, which precludes development, including, but not necessarily limited to, cutting, clearing or removing live native vegetation; ground alteration, grading, excavation or placement of fill; construction or placement of new structures or impervious surfaces; the dumping, disposal or storage of materials such as garbage, yard debris, construction debris and hazardous materials; etc., **within 50 feet of the bankfull stage of the East Fork of the Hood River.**

To further protect the river, staff is also recommending the following conditions:

- Conditions 22 and 23 – Develop a storm water drainage plan that includes the use of bioswales or other similar structures that properly treat the water before leaving the site and entering the river;
- Condition 24 – Obtain all required permits from the US Army Corps of Engineers for any water discharge that may be proposed into the river; and
- Condition 25 – Acquire a DEQ storm water construction permit and use Best Management Practices during excavation in order to ensure that sediment is not allowed to enter adjacent waterways and/or wetland areas;

Based on the above information and recommended conditions, staff finds that the purpose and intent, as well as the basic requirements, of the SPO to protect water quality and fish habit along streams within the County will be met.

- K. Section 44.45 requires that a floodplain development permit be obtained before construction of development begins within the floodplain, including floodway, as defined in Section 44.05. This section also requires that an applicant retain an engineer, hydrologist, or other professional licensed in Oregon to demonstrate through a written report compliance with the requirements of Article 44.*

As stated above, applicant hired a professional water resources engineer who identified the 100-year floodplain of the East Fork of the Hood River along the subject property. As shown, the proposed hotel, parking lot, and other related improvements are located entirely outside of the floodplain boundary. Based on this report, staff finds that the requirements of the FP zone will be met.

- L. Section 64.20 identified the contents needed for submitting an application for a commercial land use permit.*

Staff finds that the contents of the applicant's submitted application and site plan were adequate to properly evaluate the request and to ensure compliance with applicable zoning ordinance requirements. In those areas where additional information is needed, such providing a final storm water drainage plan, staff finds that appropriate conditions of approval will ensure that it is provided prior to developing the site.

- M. Section 64.25(B) states that the Planning Director may submit the application to agencies or officials deemed necessary. (e.g. sanitarian)*

On November 26, 2015, notice of this application was mailed to all applicable agencies and officials deemed necessary by the Planning Director, including the County Engineer, County Records and Assessment's Director, County Environmental Health Manager, County Building Official, County Sheriff, ODOT, ODOT Rail Division, City of Hood River, Oregon Water Resources Dept., DEQ, Dept. of Forestry, Dept. of Fish and Wildlife, DLCD, Dept. of State Lands, Corps of Engineers, Parkdale Fire District, Dee Irrigation District, and Hood River Soil and Water Conservation District. Notice of this appeal was also mailed to these agencies /officials on March 31, 2016. Five agency comments were received as part of the application notice, but none were received in response to the appeal notice.

As addressed later in this report, staff also mailed notice of the application and appeal to all property owners within 250 feet of the perimeter of the subject parcel, which is consistent with the notice area required as part per Section 72.20(A) of the County Zoning Ordinance.

- N. Section 64.25(D) states that the Planning Director shall approve or conditionally approve the application if the following conditions are met:*
- 1. The application meets the requirements of this ordinance and the Comprehensive Plan and the use is permitted in the zone.*

As stated earlier, the proposed hotel is an allowable commercial use within the M-1 zone. The main purpose of the County Zoning Ordinance is to give effect to the Comprehensive Plan. With this relationship on mind, a proposal for a use permitted outright in the applicable zone that complies with the zoning ordinance is presumptively in compliance with the

Comprehensive Plan as well. The requirements of the Comprehensive Plan are further addressed in Subsection III(R)(3) below.

2. *If the proposed use requires sewerage disposal, the method of sewerage disposal shall be approved by the Department of Environmental Quality or an approved sanitary sewerage agency.*

The applicant provided a preliminary assessment for sanitary sewer prepared by a Registered Environmental Health Specialist with Environmental Management Systems, Inc. (See Attachment "D") As part of this initial evaluation, the soils of the site were evaluated and it was determined that certain wastewater treatment systems could be used to treat the sanitary waste generated by the proposed facility.

In response to the applicant's proposal, comments were received from Oregon DEQ who indicated that a Site Evaluation and Water Pollutant Control Facility (WPCF) permit would need to be obtained in compliance with applicable Oregon Administrative Rules prior to developing the site. Based on these comments, Condition 10 is recommended.

3. *If potable water supply is required, approval by the County Health Department or an approved public or community water supply agency or company is required.*

According to information provided by the applicant, domestic water is available to the property from the City of Hood River via a 2-inch water meter that is already installed and ready for use. The applicant has indicated that he also plans to drill a well to supplement the City's water. He also indicated that the property has water rights to Tony Creek and the East Fork of the Hood River that could also be used with the conversion of the water rights from industrial to commercial purposes.

Comments were received from the City of Hood River confirming that a 2-inch water service is available to the site. However, the City has indicated that it will not allow the size of the water service to be increased to serve supporting facilities, such as fire hydrants. The City also indicated that if an auxiliary water source is used, the applicant will need to install a reduced pressure backflow device meeting City standards. Based on these comments, staff recommends Conditions 6 and 7.

As confirmed by the State Watermaster for Hood River County, the water rights from Tony Creek are for industrial purposes only. Consequently, should these water rights be proposed for use in conjunction with the proposed hotel and/or event site, a "Character of Use Transfer" would need to be filed with and approved by the Oregon Water Resources Department. The Watermaster also indicated that only 5,000 gallons per day can be used for commercial purposes without a water right. To address these comments, staff recommends Conditions 8 and 9 as part of the final decision, which outlines the requirements of Oregon Water Resources Department.

Based on the above information and recommended conditions, staff finds that this standard is met.

4. *Approved access.*

This provision was addressed under Subsection III(G) above.

5. *Approval or conditional approval from the fire protection agency servicing the site.*

Notice of this application was provided to the Parkdale Fire District. No comments were received. Nevertheless, Condition 29 requires that the applicant obtain a sign-off from various public agencies, including the Parkdale Fire District, prior to receiving a building permit for the proposed hotel. As part of this process, the applicant will be advised of applicable Fire and Life Safety requirements implemented by Parkdale Fire District and/or County Building Department. Such requirements (*as outlined in Condition 5*) may include, but are not necessarily limited to, improving proposed access routes, proper turnouts and turnarounds, adequate fire flow for required suppression devices (*e.g. sprinkler systems and fire hydrants*), etc. With this condition, staff finds that this standard is met.

- O. *Section 64.25(E) states that the Planning Director may establish conditions on the approval, providing the conditions are consistent with this ordinance.*

As detailed throughout this report, multiple conditions of approval are recommended in order to ensure compliance with applicable ordinance requirements. Staff finds that these conditions are supported by this provision.

- P. *Section 64.25(F) states that if the decision is approved or conditionally approved, the Director shall issue a land use permit. If a building permit is required, he shall forward a copy of the permit to the building official. If the application is disapproved, the Director shall inform the applicant in writing of the disapproval, and shall specify the conditions necessary to make the application acceptable for approval.*

In compliance with this standard, the Planning Director issued a commercial land use permit on February 24, 2016, which conditionally approved the applicant's request to establish the proposed hotel. A copy of this decision was forwarded to the County Building Official.

The Planning Department's February 24th decision was only a tentative decision. Prior to actually developing the site and/or constructing the hotel, multiple conditions of the approval still need to be completed. One such condition is that the applicant obtains all required building permits from the County Building Department. As part of this process, the applicant, via an Oregon licensed engineer or other professional, will be required to complete a "code summary" and Fire and Life Safety analysis. Other site issues, such as ADA parking and accessibility, fire lanes, overall site capacity, etc., will also be addressed as part the County Building Department's review process.

Based on this information, staff finds that this standard is met.

- Q. *Section 64.25(G) states that if decisions of the Planning Director are final unless appealed to the Planning Commission within 15 days of the decision. The Planning Commission shall hear the appeal using the procedures outlined in Article 60.*

The Planning Director's decision was appealed on March 10, 2016, which was within the allowed 15 day appeal period established under this provision. As required, the hearing procedures outlined in Article 60 will be used.

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

Before addressing the requirements of Section 60.10, staff finds it necessary to again state its position that it does not believe that the Burden of Proof criteria are intended to apply to a use that is outright allowed by the zone in which it is located. Section 60.10 is specifically intended to apply to conditional uses, variances, and other similar uses that may or may be allowed giving a broader set of circumstances and site specific conditions. For instance, in the M-1 zone, under Section 31.20 – Conditional Uses Permitted – it specifically states that a conditional use may only be “authorized in accordance with the requirements of Article 60,” which includes the Burden of Proof requirements. Such language is also included under conditional uses allowed in other zones as well.

However, no such statement is included in the M-1 zone, or any other zone for that matter, under “uses permitted outright.” The distinction is clear given the inherent differences between outright allowed and conditionally permitted uses. Furthermore, under Article 64, which is the specific article that applies to land use permits involving outright allowed uses, there is no specific reference to meeting the requirements of Article 60 either. Although Section 72.15 identifies land use permits (*including commercial, industrial, and residential*) as a type of administrative action, staff does not believe that it is the intent to require that all permits, including land use permits, be subject to a full administrative review. If this were the case, then all permits, even those involving outright allowed uses, would be subject to the same set of requirements and the same review process.

This is not the way the ordinance has historically been implemented or administered, and staff cannot find that this was the intent of listing land use permits as an administrative action. With that said, however, staff will address the burden of proof criteria in this case in order to speak to the wording discrepancies within the ordinance and to avoid having to defend procedural arguments that have nothing to do with the actual merits of the appeal.

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

The subject parcel is zoned M-1, which allows commercial uses outright. Staff finds that it is in the public interest to allow commercial uses on property that is planned and zoned for such purposes. For these reasons, staff also finds that a lower burden of proof should apply in this case.

2. *The public interest is best carried out by granting the petition for the proposed action, and that interest is best served by granting the petition at this time.*

Staff finds that approving this request will provide for increased tourism/visitation, employment of local people, and the use of a site which has been vacant and unproductive since the demise of the mill approximately 20 years ago. Although, some negative comments were received concerning the application, staff finds that the conditions implemented as part of the final decision will insure that impacts are minimized or mitigated to within acceptable levels given the parcel’s zoning, which outright allows commercial development on this parcel.

3. *The proposed action is in compliance with the Comprehensive Plan.*

The County Comprehensive Plan consists of a number of elements, including the Policy Document, Background Document, Exceptions Document, Zoning Ordinance, and Zoning Maps. As part of the original Comprehensive Plan, which was adopted in 1984, the subject parcel was planned and zoned Industrial. As part of the industrial zone, commercial uses are allowed outright.

Under Goal 9 (*Economic Development*) of the Comprehensive Plan, the development of properties for commercial use is encouraged in the M-1 and C-1 zones, which allow such uses outright. Goal 9 also encourages new commercial development on property, such as the subject parcel, that are located with direct access to arterial and collector streets, have access to adequate public facilities, and are able to conform to applicable “locational criteria” of the zoning ordinance. As noted above, the proposed use complies, with conditions, with applicable criteria of the zoning ordinance, which is the implementing arm of the Comprehensive Plan.

Based on this information, staff finds that the proposed action is in compliance with the Comprehensive Plan.

4. *The factors set forth in applicable Oregon Law were consciously considered. Also, consideration will be given to the following factors:*
 - a. *The characteristics of the various areas of the County.*

The proposed hotel is located in Dee, which is a rural section of the County accessible from Dee Highway (Hwy 281). It is also located along the Mt. Hood railroad. The M-1 zoning of the property is based on its prior use as a lumber mill and hardboard processing plant. Other areas of the former mill site are either vacant or have been redeveloped into different industries, including a carousel restoration facility, a mushroom farm. The M-1 zoning found in this area is surrounded by farm and forest designated property. The nearest residential zoning is located more than a mile away, although there are a few home sites located within a half mile or so of the property. The site is also located along the East Fork of the Hood River and contains scenic views of the river and Mt. Hood. The site is also near the Mt. Hood National Forest, which is a popular recreational destination.

Overall, staff finds that the applicant’s proposed hotel is an appropriate use for the subject property, especially given its zoning (*which allows commercial activities outright*), its proximity to recreational opportunities in the area, and adequate facilities being available to the site.

- b. *The suitability of the subject area for the type of development in question.*

The subject property is suitable for the development of the proposed hotel. First, the property contains existing development and other infrastructure to accommodate the proposed use. Second, the terrain of the property can easily accommodate the proposed use without causing extensive excavation or other development. Third, the property is conveniently located along a State highway. Fourth, the site is relatively isolated from residential development or other uses that could potentially be adversely impacted by commercial activities. Finally, the property is zoned for commercial use, which is consistent with how the proposed facility will operate.

c. Trends in land development.

Staff finds that the application does not represent a trend in land development, but a unique application involving a particular commercial use. One issue that was raised as part of the submitted appeal involves “the cumulative impacts of the project” resulting from the “incremental submissions of the applicant.” The appellant is concerned that the applicant initially applied for the concert venue and now is applying for a hotel as part of a separate application. The appellant also speculates that the applicant will apply later for a “restaurant to be added to the hotel facility.”¹

The appellant suggests that the cumulative impacts of these various uses should all be evaluated prior to any of various individual projects being “permitted to move forward.” Although staff agrees that it would be more efficient and cost effective if the applicant developed a master plan for the site and applied for all potential uses as part of one application, staff cannot find that any ordinance or related provisions has been severed by submitting applications in a piecemeal fashion. Staff understands that developing a fine-tuned master plan may not always be feasible, especially given the large size of the property, development costs, availability of capital, and other factors only known by the applicant. Nevertheless, staff finds that the various elements of the particular development were addressed and appropriate decisions were able to be made even though it occurred as part of multiple applications.

d. Density of development.

The parcel contains a number of abandoned buildings, building foundations, paved areas, and other structures that were developed as part of the former mill. The cumulative size of onsite buildings is estimated at approximately 17,000 square feet. The proposed hotel is 3 stories in height and 7,000 square feet (footprint) in size. As mentioned earlier, less than 2 percent of the entire property will be developed with buildings should this application be approved.

To ensure that the density of the development does not exceed the capacity of the site and existing infrastructure needed to serve it, staff is recommending Condition 2, which requires that the site be developed in a manner that is consistent with the size and layout provided as part of the applicant’s submitted plan. Staff also recommends Condition 13, which limits the amount of general parking provided to accommodate the use to 437 spaces only.

e. Property values.

A number of written comments were received from adjacent property owners and others regarding the proposed hotel. Many of the comments expressed concern about the proposed hotel being located in a rural part of the County and resulting in changes to the overall character of the area. Others expressed concerns about increased traffic, inadequate facilities, and noise. No specific concerns regarding property values were made.

¹ A restaurant located within a hotel, that is designed and sized to primarily accommodate guests of the hotel, would likely be considered an accessory use to the hotel and not a new use that would be subject to a new commercial land use permit.

Although some impacts on adjacent and nearby properties will likely result from developing the subject parcel with a hotel, staff cannot find that these impacts will unreasonable effect property values. In this instance, it is important to emphasize again that the proposed use is outright allowed in the M-1 zone. Furthermore, the subject property is generally isolated from adjacent, non M-1 zoned, property by the East Fork of the Hood River, Dee Highway, and varying landscapes, thus minimizing direct conflicts. Secondary impacts, such as traffic, are adequately addressed in this report and should be minimized to within acceptable levels given the various conditions of approval recommended as part of the final decision.

f. The needs of economic enterprises in the future development of the County.

The County recognizes tourism/visitation as one of its major economic engines. The proposal will increase tourism to Hood River County, and will provide indirect benefits for other commercial businesses in the area, such as restaurants, gas stations, and other retail and service oriented establishments. Staff finds that the proposal facility will also provide a direct economic benefit for local people employed at and associated with the proposed hotel.

g. Access

The subject parcel is directly accessible from Lost Lake Road, a County maintained road, which intersects Dee Highway (Hwy 281) nearby. As stated earlier, the applicant provided a traffic study that confirms that the amount of traffic generated by the proposed use will not cause nearby intersections to operate at inappropriate levels of service. However, to further maximize traffic safety, dangerous intersections, and congestion, staff is recommending conditions that vision clearance triangles be maintained (*Condition 4*), parking along Lost Lake Road be restricted (*Condition 14*), a road approach permit from County Public Works be obtained (*Condition 17*), a revised railroad “crossing order” be obtained (*Condition 18*), and public access to the east side of the railroad tracks be restricted (*Condition 21*).

Based on this information and recommended conditions, staff finds that adequate and safe access will be provided.

h. Natural resources

The subject parcel is located along the East Fork of the Hood River, which is habitat for resident and anadromous fish, including ESA listed species. Wetland areas may also be present on certain parts of the property, although not within the area proposed to be developed as part of the hotel.

To ensure that nearby natural resources are appropriately maintained and protected, staff is recommending the following conditions:

- Develop and implement an approved storm water drainage plan prepared by an Oregon licensed civil engineer, including the use of bioswales or other similar structures that allow water to collect and percolate into the soil instead of flowing directly into the river. (*Conditions 22 and 23*)

- Use of Best Management Practices during site excavation to ensure that sediment is not allowed to enter the river and/or nearby wetland areas. (*Condition 25*)
- Identify and maintain riparian areas within at least 50 feet of the bankfull stage area of the river per requirements of the SPO zone. (*Condition 27*)
- Obtain appropriate permits from the Army Corps of Engineers and DSL for any work that might occur within or discharge into “waters of the state” or jurisdictional wetlands. (*Condition 24*)

i. *Public need for healthful, safe and aesthetic surroundings and conditions.*

Health: The applicant is working with a Registered Environmental Health Specialist to develop a plan for treating and disposing of sanitary sewage generated at the hotel. In response to comments received, Condition 10 is recommended requiring that the applicant complete a Site Evaluation and obtain a Water Pollutant Control Facility (WPCF) permit from Oregon DEQ prior to developing the site. By complying with applicable Oregon Administrative Rules concerning waste water treatment and disposal, staff finds that public health will be maintained.

As mentioned, the subject parcel is the site of a former lumber mill and hardboard processing plant. In the late 1990s the site was evaluated by DEQ for hazardous waste. Some clean-up occurred at that time. Although DEQ considers the site “protective of public health and the environment,” they also suggested as part of an earlier application that the applicant take soil samples as part of its development in order to ensure that no new or previously undisclosed hazardous sites exist. At DEQ’s suggestion, staff recommends Condition 26.

Safety: As part of this application, notice was mailed to multiple public safety agencies for their input and recommendations. Such agencies included the County Public Works, ODOT, ODOT Rail Division, County Sheriff, and Parkdale Fire District. Only limited comments were received. Nevertheless, to address public safety associated with this application, the following conditions of approval are recommended:

- Condition 4 – Maintain vision clearance triangles at roadway intersections.
- Conditions 5 – Comply with building code and fire & life safety requirements implemented as part of the building review and inspection process.
- Condition 11 – Work with the Oregon Department of Forestry to develop a plan that would restrict smoking and provide defensible space around the site in order to minimize the risk of a wildfire.
- Condition 17 – Obtain a road approach permit for the new driveway to ensure adequate intersection site distances.
- Conditions 18 and 19 – Work with County Public Works Department to apply for a revised railroad “crossing order” and construct all of the required improvements.
- Condition 21 – Restrict public access on that portion of the property located east of the railroad tracks.

Staff finds that with the above conditions in place, public safety should not be compromised as a result of this project.

It should be noted that the appellant has raised a concern that approving this application will “increase burdens upon law enforcement and emergency responders of the year-round hotel facility.” However, the appellant has provided no evidence to support this claim. As mentioned earlier, staff contacted the County Sheriff’s Department and Parkdale Fire District and neither agency provided any comments of concern regarding this application.

Aesthetics: The property currently contains a number of old, abandoned buildings, skeletons of former buildings and structures, and concrete foundations. Although subjective, staff would characterize the site as being fairly unattractive and having the characteristic of an EPA brownfield redevelopment site. Approval of this application should result in some improvement to the visual character of the site, especially over time, given the nature of the use and presence of the public. The more attractive the site looks, the greater the potential that the public and visitors will want to patronize events and the facility. At this time, however, the applicant’s plan does not discuss extensive decommissioning of old buildings, although some “sprucing up” of the site has been mentioned in the past.

- S. *Section 72.20 states that notice of an application shall be mailed to all property owners within 250 feet of the subject parcel, affected public agencies, and persons who pay a fee and request notice. This section also requires that notice be published in the local newspaper at least 10 days prior to the final decision.*

Notice of the original application was mailed to all applicable public agencies, property owners within 250 feet of the perimeter of the property, and others on November 26, 2015. Notice of the appeal was similarly provided on March 31, 2016.

Notice of the original application was published in the Hood River News on December 2, 2015, which is more than 10 days prior to the decision date of February 24, 2016. Notice of the appeal was published on April 6, 2015, which is also more than 10 days prior to the May 25, 2016 appeal hearing.

Based on this information, staff finds that the provisions of Article 72.20 have been met.

It should be noted that the appellant is suggesting that the County failed to adequately notify adjacent property owners of the pending application. The appellant suggests that because of the parcel’s narrow configuration, its proximity to farm and forest zoned properties, and the access “bottleneck” at the intersection of Lost Lake Road and Dee Highway, a wider notice area should have been used. Although following the appellant’s suggestion may have been ideal, it is not supported in ordinance or statute. As rightfully stated, the appellant points to ORS 215.416(11)(c)(A)(ii), which states that a 250 foot notice area be used when a property is located outside of an urban growth boundary and not within a farm or forest zone. Staff finds that using a wider notice area than required creates unauthorized discretion, arbitrary decision-making, and the perception of inequity. For these reasons, staff finds that the appellant’s arguments in this instance are unsupported by ordinance and, therefore, without merit.

- T. *Section 72.30(B) states that the Director's decision shall be made in a written report taking into consideration at least the following:*
1. *The Burden of Proof is upon the applicant seeking an action pursuant to the provisions of this ordinance. Consequently, the applicant shall present documented findings and other*

information addressing provisions of applicable ordinances at the time application is submitted. Such burden shall be to prove the proposed use complies with (a) Elements of the Comprehensive Plan; (b) Criteria, factors and provisions of the Zoning Ordinance; (c) Burden of Proof criteria as specified in Section 60.10, County Zoning Ordinance; and (d) Statewide Planning Goals.

The applicant is aware this it is his burden to prove that the provisions of the County Zoning Ordinance and Comprehensive Plan have been met. Staff finds that the applicant provided adequate findings and other information to address applicable ordinance requirements, all of which are addressed in this report.

2. *Relevant factors include proof of change in the Plan or mistake in the Plan or zoning for the subject property.*

The applicant is not proposing a change to the Comprehensive Plan, but is simply proposing to develop the property for commercial purposes, which is outright allowed in the M-1 zone.

3. *Written comments provided by the applicant, adjacent property owners, or affected public agencies and local jurisdictions, or other persons. The Director shall prepare a final report including Findings and Conclusions to justify his decision.*

All written comments received were given full consideration as detailed in this report and as reflected in many of the conditions recommended as part of the final decision. As stated above, this staff report includes findings of fact and conclusions of law to justify the decision to conditionally approve this commercial land use permit.

- U. *Section 72.30(C) states that if conditionally approved by the Director, the following limitations shall apply:*

1. *Conditions shall be fulfilled within the time limitation specified in the approval, or if no time is specified, within a reasonable time limit agreed upon by the applicant and Director;*

Part of the submitted appeal claims that the County Planning Department's decision "impermissibly defers decisions of compliance with approval criteria to a later date without the required notice and public hearing." Staff is not exactly sure what "decisions" the appellant is referring to. Staff agrees that a number of the conditions require certain actions be taken prior to either developing the site or occupying the hotel, but none defer decisions that would require public notice or hearings. In fact, most of the conditions that require future actions were based on agency comments and, therefore, will not require planning staff review except to confirm that the affected agency is satisfied.

Staff sees this decision and the conditions imposed no differently than other applications, such as subdivisions or site plan reviews, where tentative approval is granted subject to additional information being provided, various improvements being made, or certain actions being taken. Implementing such conditions is standard practice for these types of applications and is supported by this provision.

To further ensure compliance with this standard, staff recommends Condition 33, which requires that all applicable conditions of the permit be completed within 2-years of the date of the final decision, unless an extension of time is requested prior to the permit's

expiration. Staff finds that this condition is reasonable and consistent with the amount of time given for most development reviews.

2. *Conditions of approval shall be reasonable and shall insure the protection of the public's health, safety and welfare, or to fulfill public service demands generated by the proposed use;*

Staff finds that all of the recommended conditions of approval are reasonable because they are either based on applicable approval criteria from the County Zoning Ordinance or in response to comments received. As long as the proposed hotel operates in compliance with these conditions, staff finds that the health, safety, and welfare of the public will be protected and maintained.

IV. Recommendation: Based on the above findings of fact and conclusions of law, staff recommends that the Planning Commission approve Apollo Land Holdings, LLC's commercial land use permit to construct a 50-unit hotel, subject to the following conditions of approval:

1. This approval is specific to the commercial uses identified in your submitted application. Unless deemed a "minor adjustment" by the County Planning Director, as defined in the County Zoning Ordinance, any new use of the property, any additional uses not specifically identified, and/or any modifications that change the overall character of the use or increase the overall intensity of the site will require further review and approval by the County Planning Department.
2. The site shall be developed in a manner that is consistent with the layout provided as part of your tentative approved site plan, dated February 24, 2016. Changes to the site will require further review by the Planning Department to ensure compliance with the requirements of the County Zoning Ordinance and the conditions of this decision.
3. The proposed development shall occur in a manner that is consistent with the following siting standards of the Industrial (M-1) zone:
 - The proposed hotel shall be sited at least 20 feet from the edge of the rights-of-way of Lost Lake Road and Dee Highway.
 - The proposed hotel shall be sited at least 100 feet from the ordinary high water mark of the East Fork of the Hood River.
4. A minimum 35 foot vision clearance triangle shall be maintained on the subject property between the intersection of Lost Lake Road and the proposed access drive. Within this area, no parking, new structures, or vegetation shall be allowed that causes an obstructed view between 2½ and 8 feet above the ground.
5. **Prior to occupying the proposed hotel**, the applicant shall comply with all Fire and Life Safety requirements implemented by Parkdale Fire District and County Building Department. Such requirements may include, but are not necessarily limited to: improving proposed access routes, proper turnouts and turnarounds, adequate fire flow for required suppression devices (*e.g. sprinkler systems and fire hydrants*), etc. For more information regarding these requirements, please contact Mike McCafferty, Parkdale Fire Chief, at (541) 352-6092 or Mark Van Voast, County Building Official, at (541) 386-1306.
6. According to comments received from the City of Hood River, the 2-inch water service

available to serve the hotel and previously approved concert venue will not be allowed to be increased for additional domestic or fire use. An auxiliary water source will, therefore, likely need to be provided for fire suppression purposes.

7. The City of Hood River will require a reduced pressure principal backflow prevention assembly (RP) to be installed to City standards. Any questions regarding this condition should be directed to the City Public Works Department at (541) 386-2383.
8. According to comments received from the State Watermaster for Hood River County, the water rights from Tony Creek referenced in the application are for industrial uses only. Should these water rights be proposed for use in conjunction with the proposed hotel, a "Character of Use Transfer" would need to be filed with and approved by the Oregon Water Resources Department. Questions regarding this condition should be directed to Robert Wood, Watermaster, District 3; (541) 506-2652.
9. Oregon Revised Statutes 537.545 limits the amount of water used by a well for commercial purposes to 5,000 gallons or less per day without a water right.
10. **Prior to receiving Planning Department approval on a building permit application for the proposed hotel**, a Water Pollutant Control Facility (WPCF) permit shall be obtained from the Oregon Department of Environmental Quality (DEQ). Prior to obtaining this permit, a site evaluation will need to be conducted in compliance with the requirements of Oregon Administrative Rule, Chapter 340, Division 71, as determined by DEQ. For more information regarding this condition, please contact Mike Matthews, County Environmental Health, at (541) 387-6885 or Larry Brown, DEQ, at (541) 633-2025.
11. **Prior to developing the site**, the applicant will need to obtain a permit from the Oregon Department of Forestry (ODF) to operate power driven machinery on the property, which is classified as forestland and, therefore, under the jurisdiction of ODF for wildland fire protection. It is also recommended that the applicant work with ODF to develop a plan for restricting smoking and providing defensible space in and around the proposed hotel in order to minimize the risk of a wildfire. Any questions regarding this condition should be directed to David Jacobs, ODF Unit Forester; (541) 296-4626.
12. **Prior to occupying the proposed hotel**, a minimum of one parking space per guest room or suite, plus one space per owner/manager shall be developed on the site and clearly marked. Each regular required parking space shall be at least 8½ feet wide by 20 feet long. The size of ADA parking spaces shall be based on applicable ADA requirements, which are regulated by the County Building Official.
13. The number of parking spaces required for the proposed hotel shall be part of and not in addition to the 437 spaces already approved in conjunction with the proposed concert venue site per Commercial Land Use Permit #13-0216.
14. No parking shall be allowed to occur along Lost Lake Road or other adjacent roadways or railroad right-of-ways.
15. All areas used for driving, parking, standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved surface maintained adequately for all-weather use.

16. **Prior to occupying the proposed hotel**, a minimum of one bicycle parking space per every 10 motor vehicle spaces shall be provided. A fractional number of spaces shall be rounded up to the next whole number.
17. **Prior to developing the site**, a road approach permit shall be obtained from the County Public Works Department for the new driveway proposed along Lost Lake Road. As part of the permitting process, the applicant shall provide a memo from a certified traffic engineer indicating that the proposed driveway provides acceptable intersection site distance. Any questions regarding this condition should be directed to Don Wiley, County Engineer, at (541) 386-2616.
18. **Prior to developing the site**, the applicant shall formally request that the County Public Works Department submit a revised railroad “Crossing Order” application to ODOT for their review and approval. Since the Crossing Order is necessary due to improvements related to the proposed project, it will be the applicant’s responsibility for preparing any engineered submittals or studies required by ODOT for the railroad Crossing Order application. Any questions regarding this condition should be directed to Don Wiley, County Engineer, at (541) 386-2616. *(Please note that according to ODOT Rail, it typically takes a few months to review a Crossing Order application.)*
19. **Prior to occupying the proposed hotel**, all improvements required as part of the revised Crossing Order shall be completed, and approved by ODOT.
20. The applicant is fully responsible for the cost of any railroad related traffic controls (*such as signs or automated traffic controls*) or other improvements (*such as barriers, fencing, or street lighting*) that are warranted or required as part of the revised railroad Crossing Order.
21. No portion of the subject parcel east of the railroad tracks may be used in conjunction with the proposed hotel, unless otherwise authorized by Mount Hood Railroad, permitted by ODOT Rail, and approved by County Planning as part of a new or revised application.
22. **Prior to developing the site**, a storm water drainage plan, prepared by an Oregon licensed civil engineer, shall be submitted to the County Engineer for his review and approval. As part of this plan, the applicant’s engineer shall demonstrate that existing or proposed storm water drainage or natural drainage systems will be able to properly handle the increase runoff created by the proposed development and that all runoff, whether existing or new, is properly treated before leaving the site. Such treatment may include bioswales or other similar structures that allow storm water to collect and percolate into the soil instead of flowing directly into the East Fork of the Hood River, which is habitat for ESA-listed fish species. Any questions regarding this condition should be directed to Don Wiley, County Engineer, at (541) 386-2616.
23. **Prior to occupying the proposed hotel**, the approved storm water drainage system must be constructed by the applicant, and inspected and approved by the County Engineer.
24. The U.S. Army Corps of Engineers requires a permit for any work that either occurs within or discharges into “waters of the state,” such as the East Fork of the Hood River and/or any onsite wetland areas. It is the applicant’s responsibility to obtain such a permit(s) – if necessary – and comply with the requirements of the Corps of Engineers.

Any questions regarding this condition should be directed to the U.S. Army Corps of Engineers at (503) 808-4391.

25. **Prior to developing the site**, the applicant shall obtain a 1200C storm water construction permit and comply with the requirements of DEQ. If it is determined that a 1200C stormwater construction permit is not required by DEQ, Best Management Practices shall still be used during site excavation in order to ensure that sediment is not allowed to enter adjacent waterways and/or wetland areas.
26. The subject parcel is the site of a former lumber mill and hardboard processing facility. As explained by DEQ as part of an earlier application, portions of the site were evaluated in the late 1990s for hazardous waste and some clean-up occurred at that time. DEQ currently considers the site “protective of public health and the environment” and no further action is necessary under the Oregon Environmental Cleanup Law. Nevertheless, DEQ suggested as part of a prior application that the applicant consider taking soil samples as part of the development of this property in order to ensure that no new or previously undisclosed hazardous sites exist. The applicant is responsible that any contaminated soil and/or groundwater be disposed of in compliance with DEQ regulations and policies. Any questions regarding this condition should be directed to Bonnie Lamb, DEQ, at (541) 633-2027.
27. No development, including, but not necessarily limited to: cutting, clearing or removing live native vegetation; ground alteration, grading, excavation or placement of fill; construction or placement of new structures or impervious surfaces; the dumping, disposal or storage of materials such as garbage, yard debris, construction debris and hazardous materials; etc., shall occur **within 50 feet of the bankfull stage of the East Fork of the Hood River**, unless otherwise approved as part of a separate application. *For more information, please refer to Article 42 of the County Zoning Ordinance (available on the County website at www.co.hood-river.or.us) or contact the County Planning Department.*
28. No development, including, but not necessarily limited to, buildings, excavation, or fill placement, may occur within the 100-year floodplain boundary unless otherwise approved as part of a floodplain development permit. To ensure compliance with this condition, a revised site plan shall be submitted depicting the location of the 100-year floodplain boundary in relation to the proposed development.
29. **Prior to receiving Planning Department approval on a building permit application for the proposed hotel**, agency sign-offs will need to be obtained from the Parkdale Fire Protection District, County Environmental Health, City of Hood River Public Works Department or other water purveyor, and County Public Works Department (*access*). It is your responsibility to know and comply with the requirements of these and other applicable agencies or special districts.
30. Should signage be proposed to advertise the proposed hotel, it shall be placed outside of the adjacent road rights-of-way and not within the 35-foot vision clearance triangles adjacent to roadway intersections. Depending on the type and size of sign used, a building permit may be required for its construction.

31. All exterior lighting, including sign lighting, proposed as part of this project shall be shielded or hooded and directed downward or otherwise provided to ensure that it does not adversely impact nearby public roads and adjacent properties.
32. This approval does not condone nor require interference with existing easements, covenants, deeds, or restrictions of record that may affect this or adjacent properties. For further information regarding easements, etc., please contact the Hood River County Department of Records and Assessments, or a title company.
33. **This approval shall remain valid for two (2) years from the date of this letter.** Within this timeframe, all applicable conditions of this permit shall be completed and a building permit obtained for the proposed hotel. If necessary, an extension(s) of time may be requested prior to the permit's expiration.
34. Failure to comply with the above conditions may void this approval.

415-16-0073-PLNG

Appeal Fee: \$250

COUNTY OF HOOD RIVER
601 STATE STREET
STATE OF OREGON
PETITION FOR APPEAL OF THE)
PLANNING DIRECTOR'S DECISION)

) APOLLO LAND HOLDINGS, LLC
) COMMERCIAL LAND USE PERMIT #15-0174
)
Application Name and File Number

Pursuant to Article 72, Planning Directors Review Procedures, Section 72.40 - Appeal from Decision of the Director and Section 72.45 - Standing, of the Hood River County Zoning Ordinance, an action or ruling of the Planning Director authorized by this ordinance may be appealed to the Planning Commission within 15 days after the Director has rendered a decision, if those making an appeal have "standing". If no appeal is taken within the 15 day period, the decision of the Director shall be final. Contact the Planning Department for the filing fee.

Notice of the Planning Commission's public hearing shall be by one publication in a newspaper of general circulation in the County, not less than ten (10) days prior to the date of the hearing.

Pursuant to Article 72, those making an appeal must have "standing" as prescribed in Section 72.45; see Appendix "A". Based upon consideration of provisions in Section 72.45, it is felt that I (we) have standing based upon the following justification:

SEE ATTACHMENT

Consequently, I (we), the undersigned, hereby appeal the decision of the Hood River County Planning Director in the application of: (file number and type of application)

APOLLO LAND HOLDINGS, LLC
for: A 50 ROOM HOTEL, COMMERCIAL LAND USE
PERMIT #15-0174, TAX LOT 201

considered before the Planning Director on (date): FEBRUARY 24, 2016
for the following reasons:

SEE ATTACHMENT

I (we) therefore petition the Planning Commission to hold a public hearing to consider this appeal of the Planning Director action on the above matter.

Dated this 10TH day of MARCH 2016

Signature: 
Name (Please print): SCOTT FRANKÉ for the HOOD RIVER
Address: VALLEY RESIDENTS' COMMITTEE
PO Box 1544, HOOD RIVER, OR 97031
Phone Number: (541) 388-9955

ATTACHMENT "A" (1 PAGE)

Standing:

Hood River Valley Residents Committee submitted written comments on this application to the Planning Department on December 16, 2016. Additionally, HRVRC has standing to appeal this decision under Section 72.45 (B)(3) because it is a civic organization that has a valid interest in the preservation of aesthetic, healthful and conservation conditions for the welfare of the general public. HRVRC's mission is to protect Hood River Valley farms, forestlands, watersheds and the livability of its urban and rural communities through advocacy, education and monitoring land use processes and decisions.

Reasons for Appeal:

1. The decision was made after only notifying property owners within 250 feet of the property, which may not be appropriately extensive if the notice provisions of ORS 215.416 (11)(c)(A)(iii) apply (to give notice to owners "Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone") instead of the notice provisions of ORS 215.416 (11)(c)(A)(ii) apparently applied in this case (to only give notice to owners "Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone"), as, while the specific parcel is in fact zoned as industrial, it is a narrow parcel that has F-2 lands immediately to the East and EFU lands one lot away to the West, also likely less than 250 feet away from the parcel in question. Even if the statutory notice is deemed to be complied with by only providing the 250 foot notice due to the parcel itself not being zoned farm or forest zoned property, the simple fact that all properties to the west of this proposed project can only be accessed by the bottle neck of the Lost Lake Road passing by this parcel and busy proposed project suggest that this appeal needs to be made to offer the citizens of the Dee area an opportunity that has not been adequately provided to comment upon this troublesome proposal.
2. The decision impermissibly defers decisions of compliance with approval criteria to a later date without the opportunity for required notice and public hearing.
3. Among the issues needing to be studied in far greater depth before granting this application are: 1) a traffic study done with more seasonal accuracy and a greater examination of impacts upon the roadways between the site and the city of Hood River, as well as between the site and the communities of Odell and Parkdale, 2) the increased burdens upon law enforcement and emergency responders of the year-round hotel facility, not to mention the locals using the roads daily, 3) greater detail on the handling of stormwater runoff via the proposed swales and possible filtered retention areas and the handling of the volume of wastewater from the facility itself, 4) The decision contains other deficiencies that may be identified.
4. The county is not appropriately able to evaluate the cumulative impacts of the project due to the incremental submissions of the applicant, first for the music venue, now for a hotel, and almost certainly later for a restaurant to be added to the hotel facility, and these cumulative impacts need to be evaluated before any of the stages should be permitted to move forward.
5. The decision contains other deficiencies that may be identified.

Eric Walker

From: Eric Walker
Sent: Tuesday, April 26, 2016 7:32 AM
To: Eric Walker
Subject: FW: Public Comments

From: Henry Hunt <henryehunt@gmail.com>
Date: April 25, 2016 at 4:59:48 PM PDT
To: plan.dept@co.hood-river.or.us
Subject: Public Comments

I submit my comments as a resident of Dee Flat and orchardist.

My concerns are the potential impacts on traffic flow through the intersection of 281 and Lost Lake Road. The traffic study submitted with the Apollo application is essentially useless. The numbers used are taken from the dead of winter and then combined with numbers from a different road, HWY 35 to arrive at the submitted averages. While these numbers may be irrelevant, the issues raised by the proposed development are very real to the residents and farmers of Dee.

The intersection in question is the sole access point for the flat. This means that all the fruit and timber from the flat moves through this intersection. Given the lack of seriousness taken by the applicant in assessing traffic for this project, I feel obligated to provide some numbers to illustrate the problems that could arise from congestion at this intersection.

There are roughly a thousand acres of pears in Dee Flat. At 40 bins an acre, that is 40,000 bins that move through the intersection in question. Some growers haul their own bins and some pay to have their packing house haul bins. The operation I am a part of pay's about 3.50 per bin for hauling. While it is difficult to gauge the impact of the proposed development on traffic flow given the lack of viable study, a conservative 5% rise in cost would add about \$7200 to the cost of moving fruit out of Dee for all growers. While we currently pay for hauling in milage not time, an across the board slowdown in fruit movement would force our packing house to charge more per mile, adding to this cost.

Additionally and perhaps more importantly is the issue of fruit being unable to be delivered on time. While the traffic study assumes that events for the amphitheatre will take place only on weekends at 8pm, there is no indication elsewhere in the application that this will be the case. Bartlett pears constitute a substantial portion of the pears grown in Dee and are picked through the middle to end of August, prime concert season. Pears are harvested based on their ripeness, must be picked when ready, weekend or not. We take 3-4 days to pick bartletts in Dee and during that time, the other 1000 acres are being harvested and hauled as well. Good practice demands that fruit be delivered as soon as possible to the packing house for rapid cooling to assure that they will be viable commercial products through storage. A number of studies on postharvest storage of pears have indicated that rapid delivery of harvested fruit is paramount to their long-term storability.

The concern here is that, over the course of a season, the extra time spent navigating this intersection could prevent a number of loads from being delivered the day they are picked. Temperatures during Bartlett harvest are high in August and fruit forced to sit overnight becomes significantly more likely to become unsaleable during storage. The costs of loss during storage come out of growers pocket and this potential constitutes an additional burden on farmers in the flat.

Trucks vary in their capacity but if we use 40 bins per load, a reasonable valley wide average, divided by 40,000 bins, we get roughly a thousand loads of fruit leaving the flat. If 5% of these loads aren't able to be delivered the day of picking, we have 50 loads over the course of the year that will sit overnight, jeopardizing their profitability. Bartlett's were worth over \$300

per bin last, which is well above average but at \$200 per bin, that is \$400,000 worth of fruit in jeopardy.

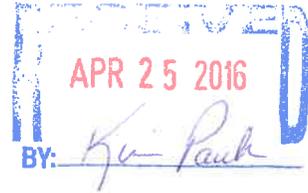
Additionally, there are costs concerned with the movement and delivery of fertilizer, sprays, equipment and personnel throughout the growing season. Slowdowns though the Lost Lake & 281 intersection add cost onto these for all growers, all summer long. County planning regulations clearly prioritize the success of the agriculture and timber industries as they are the backbone of our home, going so far as to state, planning goal #9, section A, number 1,

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

I would assert that potentially costing pear growers hundreds of thousands of dollars per year is detrimental to the stability and health of the industry. The fact that the traffic study in question was essentially falsified, raises serious concerns about Apollo’s understanding and respect for the rural and agricultural character of Dee Flat.

Henry Hunt

4/25/16



Dear Hood River County Planning Department,

I am writing to express my strong opposition to the development plans proposed by Jason Taylor at the former Dee Mill site. I am out of town on the date of the public hearing but please include my letter for review. The music venue and hotel is a terrible plan for this area. Highway 281 is not designed for this volume of traffic. The music venue was originally proposed to host events on the weekends in the summer. The addition of a hotel ensures nearly constant events throughout the year. The question that needs to be asked is "Would the music venue have been approved if a hotel was part of the original plan?" If the answer is no then the whole plan should be resubmitted for approval. The hotel radically changes the original plan by increasing the usage of the site from weekends in the summer to year-round events. The site is not equipped for this and the road is certainly not equipped to accommodate that amount of increased year-round traffic. The residents of Dee will be trapped in their homes during peak times of arrival and departure. I live off Iowa drive. I anticipate not being able to get to and from my house before and after large events. I also anticipate that emergency personnel will not be able to reach my home or more likely the concert venue and hotel site to address emergencies. A hotel and a music venue are the wrong developments for this piece of land. What else does Mr. Taylor have planned for this site? Mr. Taylor has no regard for the homeowners or the sensitive ecosystem in this area. I have read his proposal for the hotel. He addresses run off and waste management in general terms. Will there be on-going checks and balances to assess the real environmental impacts on the delicate East Fork of the Hood River? Can law enforcement commit to keeping highway 281 patrolled and safe from drunk drivers? How is it possible to avoid grid lock with over 400 cars arriving and departing at the same time on a narrow, winding, 2 lane highway? Highway 281 is dangerous now. Adding that many more cars year round, many of which will be piloted by drunk drivers, and you have a disaster.

What a mess. Please oppose Mr. Taylor's development plans.

Sincerely,
Christine Olson
Carrington Barrs
Sydney Barrs
Ole Barrs

"B" (2)



Hood River County Community Development

Planning, Building Codes, Code Compliance, Economic Development & Veterans' Services

601 State Street, Hood River, OR 97031

JOHN ROBERTS, DIRECTOR

(541) 387-6840 • plan.dept@co.hood-river.or.us

February 24, 2016

Apollo Land Holdings, LLC
c/o Jason Taylor
3701 SW Condor Ave #12
Portland, OR 97239

FILE COPY

RE: Commercial Land Use Permit #15-0174; 1N 10E 7, Tax Lot #201

Dear Mr. Taylor:

In compliance with applicable requirements of Article 31 (*Industrial Zone*), Article 19 (*Access Management*), Article 42 (*Stream Protection Overlay Zone*), Article 44 (*Floodplain Overlay Zone*), Article 51 (*Off-Street Parking and Loading*), and Article 64 (*Land Use Permits*) of the Hood River County Zoning Ordinance, your request for an commercial land use permit to construct a 50 room hotel on a portion on the above referenced parcel is hereby **approved**, subject to the following conditions:

1. This approval is specific to the commercial uses identified in your submitted application. Unless deemed a "minor adjustment" by the County Planning Director, as defined in the County Zoning Ordinance, any new use of the property, any additional uses not specifically identified, and/or any modifications that change the overall character of the use or increase the overall intensity of the site will require further review and approval by the County Planning Department.
2. The site shall be developed in a manner that is consistent with the layout provided as part of your tentative approved site plan, dated February 24, 2016. Changes to the site will require further review by the Planning Department to ensure compliance with the requirements of the County Zoning Ordinance and the conditions of this decision.
3. The proposed development shall occur in a manner that is consistent with the following siting standards of the Industrial (M-1) zone:
 - The proposed hotel shall be sited at least 20 feet from the edge of the rights-of-way of Lost Lake Road and Dee Highway.
 - The proposed hotel shall be sited at least 100 feet from the ordinary high water mark of the East Fork of the Hood River.
4. A minimum 35 foot vision clearance triangle shall be maintained on the subject property between the intersection of Lost Lake Road and the proposed access drive. Within this area, no parking, new structures, or vegetation shall be allowed that causes an obstructed view between 2½ and 8 feet above the ground.
5. **Prior to occupying the proposed hotel**, the applicant shall comply with all Fire and Life Safety requirements implemented by Parkdale Fire District and County Building Department. Such requirements may include, but are not necessarily limited to: improving proposed access routes, proper turnouts and turnarounds, adequate fire flow for required suppression devises (e.g. *sprinkler*

ATTACHMENT "C" (18 PAGES)

systems and fire hydrants), etc. For more information regarding these requirements, please contact Mike McCafferty, Parkdale Fire Chief, at (541) 352-6092 or Mark Van Voast, County Building Official, at (541) 386-1306.

6. According to comments from the City of Hood River, the 2-inch water service available to serve the hotel and previously approved concert venue will not be allowed to be increased for additional domestic or fire use. An auxiliary water source will, therefore, need to be provided for fire suppression purposes.
7. The City of Hood River will require a reduced pressure principal backflow prevention assembly (RP) to be installed to City standards. Any questions regarding this condition should be directed to the City Public Works Department at (541) 386-2383.
8. According to comments received from the State Watermaster for Hood River County, the water rights from Tony Creek referenced in the application are for industrial uses only. Should these water rights be proposed for use in conjunction with the proposed hotel, a "Character of Use Transfer" would need to be filed with and approved by the Oregon Water Resources Department. Questions regarding this condition should be directed to Robert Wood, Watermaster, District 3; (541) 506-2652.
9. Oregon Revised Statutes 537.545 limits the amount of water used by a well for commercial purposes to 5,000 gallons or less per day without a water right.
10. **Prior to receiving Planning Department approval on a building permit application for the proposed hotel**, a Water Pollutant Control Facility (WPCF) permit shall be obtained from the Oregon Department of Environmental Quality (DEQ). Prior to obtaining this permit, a site evaluation will need to be conducted in compliance with the requirements of Oregon Administrative Rule, Chapter 340, Division 71, as determined by DEQ. For more information regarding this condition, please contact Mike Matthews, County Environmental Health, at (541) 387-6885 or Larry Brown, DEQ, at (541) 633-2025.
11. **Prior to developing the site**, the applicant will need to obtain a permit from the Oregon Department of Forestry (ODF) to operate power driven machinery on the property, which is classified as forestland and, therefore, under the jurisdiction of ODF for wildland fire protection. It is also recommended that the applicant work with ODF to develop a plan for restricting smoking and providing defensible space in and around the proposed hotel in order to minimize the risk of a wildfire. Any questions regarding this condition should be directed to David Jacobs, ODF Unit Forester; (541) 296-4626.
12. **Prior to occupying the proposed hotel**, a minimum of one parking space per guest room or suite, plus one space per owner/manager shall be developed on the site and clearly marked. Each regular required parking space shall be at least 8½ feet wide by 20 feet long. The size of ADA parking spaces shall be based on applicable ADA requirements, which are regulated by the County Building Official.
13. The number of parking spaces required for the proposed hotel shall be part of and not in addition to the 437 spaces already approved in conjunction with the proposed concert venue site per Commercial Land Use Permit #13-0216.
14. No parking shall be allowed to occur along Lost Lake Road or other adjacent roadways or railroad right-of-ways.

15. All areas used for driving, parking, standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved surface maintained adequately for all-weather use.
16. **Prior to occupying the proposed hotel**, a minimum of one bicycle parking space per every 10 motor vehicle spaces shall be provided.¹
17. **Prior to developing the site**, a road approach permit shall be obtained from the County Public Works Department for the new driveway proposed along Lost Lake Road. As part of the permitting process, the applicant shall provide a memo from a certified traffic engineer indicating that the proposed driveway provides acceptable intersection site distance. Any questions regarding this condition should be directed to Don Wiley, County Engineer, at (541) 386-2616.
18. **Prior to developing the site**, the applicant shall formally request that the County Public Works Department submit a revised railroad "Crossing Order" application to ODOT for their review and approval. Since the Crossing Order is necessary due to improvements related to the proposed project, it will be the applicant's responsibility for preparing any engineered submittals or studies required by ODOT for the railroad Crossing Order application. Any questions regarding this condition should be directed to Don Wiley, County Engineer, at (541) 386-2616. *(Please note that according to ODOT Rail, it typically takes a few months to review a Crossing Order application.)*
19. **Prior to occupying the proposed hotel**, all improvements required as part of the revised Crossing Order shall be completed, and approved by ODOT.
20. The applicant is fully responsible for the cost of any railroad related traffic controls (*such as signs or automated traffic controls*) or other improvements (*such as barriers, fencing, or street lighting*) that are warranted or required as part of the revised railroad Crossing Order.
21. No portion of the subject parcel east of the railroad tracks may be used in conjunction with the proposed hotel, unless otherwise authorized by Mount Hood Railroad, permitted by ODOT Rail, and approved by County Planning as part of a new or revised application.
22. **Prior to developing the site**, a storm water drainage plan, prepared by an Oregon licensed civil engineer, shall be submitted to the County Engineer for his review and approval. As part of this plan, the applicant's engineer shall demonstrate that existing or proposed storm water drainage or natural drainage systems will be able to properly handle the increase runoff created by the proposed development and that all runoff, whether existing or new, is properly treated before leaving the site. Such treatment may include bioswales or other similar structures that allow storm water to collect and percolate into the soil instead of flowing directly into the East Fork of the Hood River, which is habitat for ESA-listed fish species. Any questions regarding this condition should be directed to Don Wiley, County Engineer, at (541) 386-2616.
23. **Prior to occupying the proposed hotel**, the approved storm water drainage system must be constructed by the applicant, and inspected and approved by the County Engineer.
24. The U.S. Army Corps of Engineers requires a permit for any work that either occurs within or discharges into "waters of the state," such as the East Fork of the Hood River and/or any onsite wetland areas. It is the applicant's responsibility to obtain such a permit(s) – if necessary – and

¹ A fractional number of spaces shall be rounded up to the next whole number.

"[" (2)

comply with the requirements of the Corps of Engineers. Any questions regarding this condition should be directed to the U.S. Army Corps of Engineers at (503) 808-4391.

25. **Prior to developing the site**, the applicant shall obtain a 1200C storm water construction permit and comply with the requirements of DEQ. If it is determined that a 1200C stormwater construction permit is not required by DEQ, Best Management Practices shall still be used during site excavation in order to ensure that sediment is not allowed to enter adjacent waterways and/or wetland areas.
26. The subject parcel is the site of a former lumber mill and hardboard processing facility. As explained by DEQ as part of an earlier application, portions of the site were evaluated in the late 1990s for hazardous waste and some clean-up occurred at that time. DEQ currently considers the site “protective of public health and the environment” and no further action is necessary under the Oregon Environmental Cleanup Law. Nevertheless, DEQ suggested as part of a prior application that the applicant consider taking soil samples as part of the development of this property in order to ensure that no new or previously undisclosed hazardous sites exist. The applicant is responsible that any contaminated soil and/or groundwater be disposed of in compliance with DEQ regulations and policies. Any questions regarding this condition should be directed to Bonnie Lamb, DEQ, at (541) 633-2027.
27. No development, including, but not necessarily limited to: cutting, clearing or removing live native vegetation; ground alteration, grading, excavation or placement of fill; construction or placement of new structures or impervious surfaces; the dumping, disposal or storage of materials such as garbage, yard debris, construction debris and hazardous materials; etc., shall occur **within 50 feet of the bankfull stage of the East Fork of the Hood River**, unless otherwise approved as part of a separate application. *For more information, please refer to Article 42 of the County Zoning Ordinance (available on the County website at www.co.hood-river.or.us) or contact the County Planning Department.*
28. No development, including, but not necessarily limited to, buildings, excavation, or fill placement, may occur within the 100-year floodplain boundary unless otherwise approved as part of a floodplain development permit. To ensure compliance with this condition, a revised site plan shall be submitted depicting the location of the 100-year floodplain boundary in relation to the proposed development.
29. **Prior to receiving Planning Department approval on a building permit application for the proposed hotel**, agency sign-offs will need to be obtained from the Parkdale Fire Protection District, County Environmental Health, City of Hood River Public Works Department or other water purveyor, and County Public Works Department (*access*). It is your responsibility to know and comply with the requirements of these and other applicable agencies or special districts.
30. Should signage be proposed to advertise the proposed hotel, it shall be placed outside of the adjacent road rights-of-way and not within the 35-foot vision clearance triangles adjacent to roadway intersections. Depending on the type and size of sign used, a building permit may be required for its construction.
31. All exterior lighting, including sign lighting, proposed as part of this project shall be shielded or hooded and directed downward or otherwise provided to ensure that it does not adversely impact nearby public roads and adjacent properties.
32. This approval does not condone nor require interference with existing easements, covenants, deeds, or restrictions of record that may affect this or adjacent properties. For further information regarding easements, etc., please contact the Hood River County Department of Records and Assessments, or a title company.

33. **This approval shall remain valid for two (2) years from the date of this letter.** Within this timeframe, all applicable conditions of this permit shall be completed and a building permit obtained for the proposed hotel. If necessary, an extension(s) of time may be requested prior to the permit's expiration.
34. Failure to comply with the above conditions may void this approval.

Pursuant to Section 64.25(G) of the County Zoning Ordinance, this decision will not become final until the appeal period for this decision expires, which is fifteen days from the date this decision letter was mailed. Persons who have been mailed a copy of this notice cannot appeal directly to the Oregon Land Use Board of Appeals under Oregon Revised Statute 197.830. Appeal forms are available at the Hood River County Planning Department on the second floor of the County Business Administration Building located at 601 State Street, Hood River, OR 97031. The filing fee for an appeal of the Planning Director's decision is \$250.00.

If you have any questions regarding this decision, please give me a call at (541) 387-6840 or send me an email at eric.walker@co.hood-river.or.us.

Sincerely,



Eric Walker
Principal Planner

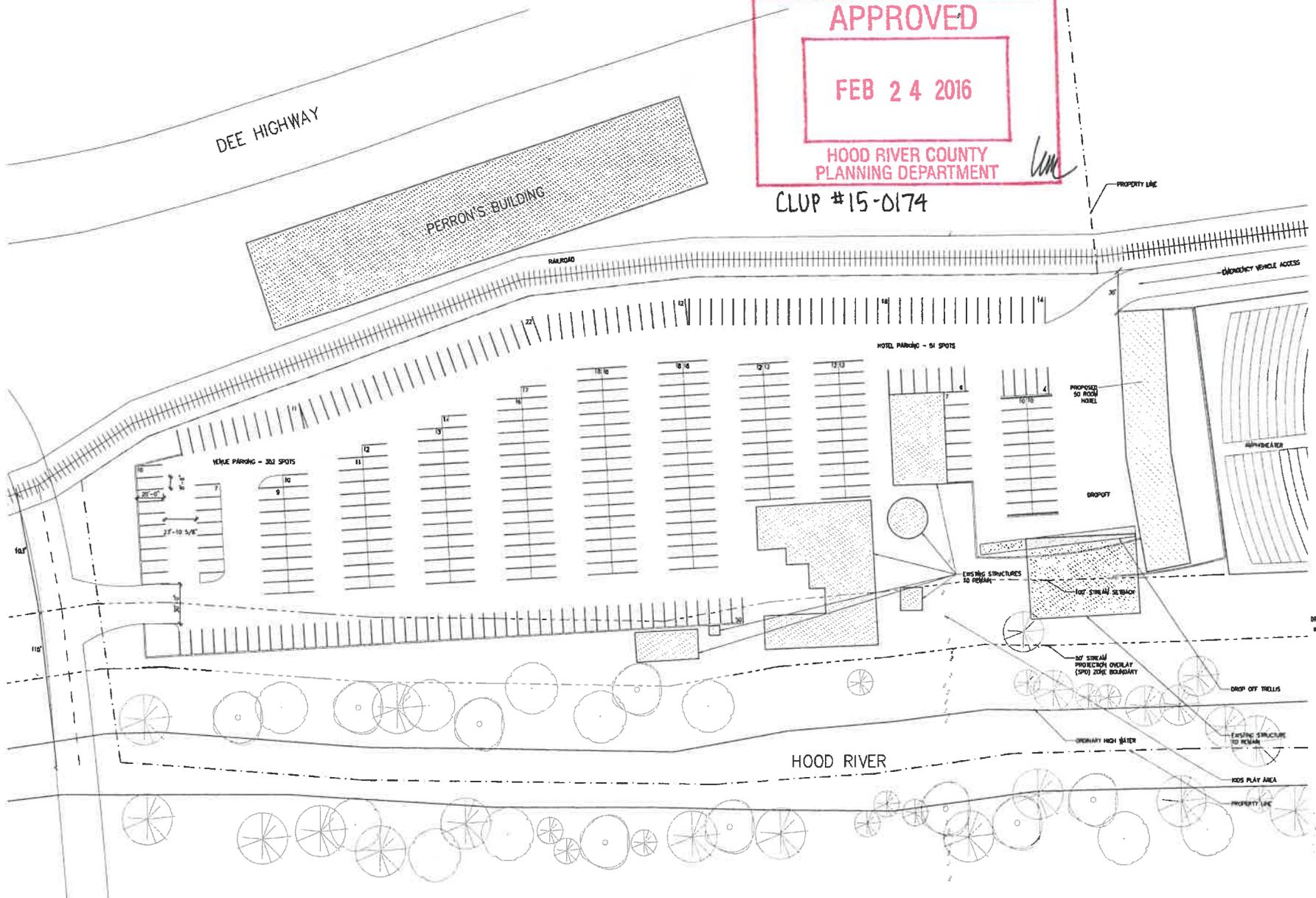
Enclosures: Tentative Approved Site Plan and Elevation Drawing, Dated February 24, 2016
Attachment "A" – Written Comments Received (*Applicant Only*)

cc: Brian Beebe, Director, County Dept. of Records and Assessment (*via email*)
Mike Matthews, Manager, County Environmental Health (*via email*)
Mark VanVoast, County Building Official (*via email*)
Don Wiley, County Engineer (*via email*)
Joshua Brooking, ODOT (Region 1) (*via email*)
Mike Keyes, ODOT (District 2C) (*via email*)
Prescott Mann, ODOT (Rail Division) (*via email*)
Ron Kauffman, Mount Hood Railroad (*via email*)
Bob Wood, Oregon Water Resources Department (*via email*)
Larry Brown, Oregon Department of Environmental Quality (Bend Office) (*via email*)
Bonnie Lamb, Oregon Department of Environmental Quality (Bend Office) (*via email*)
David Jacobs, Oregon Department of Forestry (*via email*)
Rod French, Oregon Department of Fish and Wildlife (*via email*)
Kevin Liburdy, City of Hood River Planning Department (*via email*)
Mark Lago, City of Hood River Public Works Dept. (*via email*)
Mike McCafferty, Parkdale Rural Fire Protection District (*via email*)
Scott Franke, Hood River Valley Residents Committee (*via email*)
Sue Kelso-Haines, Party of Record (*via email*)
Bonnie New, Party of Record (*via email*)
John Lewis, Party of Record (*via email*)
Joan Laurance, Party of Record (*via email*)
Glen Holmberg, Party of Record (*via email*)
Ron Cohen, Party of Record (*via email*)
Christine Olson and Carrington Barrs, Parties of Record
Pasquale Barone, River's Edge Holdings, LLC

APPROVED
FEB 24 2016
 HOOD RIVER COUNTY
 PLANNING DEPARTMENT

CLUP #15-0174

"C" (4)



1 DEE HOTEL - ACCESS AND PARKING PLAN
 1/27'-4'-0"

FLOOR PLAN

DEE HOTEL
 HOOD RIVER, OREGON

DESIGNED BY
 SERVEDANT ARCHITECTURE, INC.
 400 W. BROADWAY, SUITE 100
 HOOD RIVER, OR 97103
 503.225.6688

DATE
 02/24/16

PROJECT
 CONCEPT PHASE

SCALE
 AS SHOWN

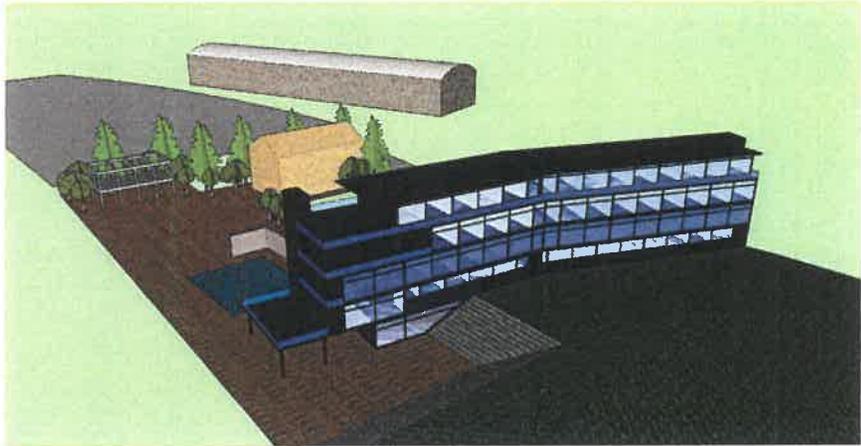
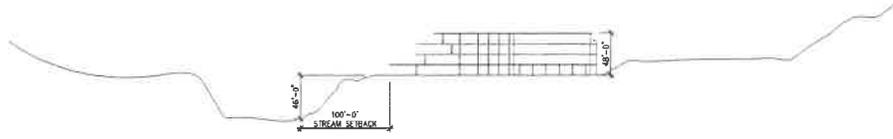
A102

APPROVED

FEB 24 2016

**HOOD RIVER COUNTY
PLANNING DEPARTMENT**

CLUP #15-0174

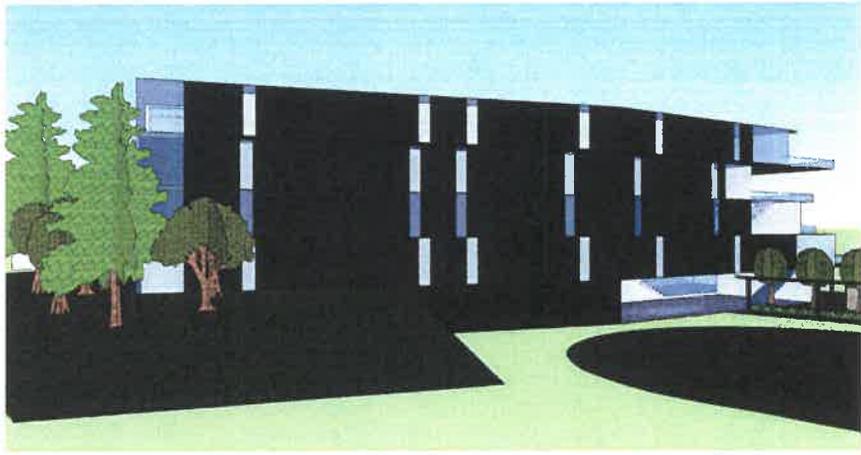


1 DEE HOTEL - SECTION
1/8"=1'-0"

2 DEE HOTEL - SOUTHWEST AERIAL PERSPECTIVE
1"=80'-0"



3 DEE HOTEL - SOUTHWEST GROUND PERSPECTIVE
1"=80'-0"



4 DEE HOTEL - NORTHEAST GROUND PERSPECTIVE
1"=80'-0"

"C" (5)

DRAWING REVISIONS
NO. DATE

BUILDING SECTIONS



EXIST PROJECT NAME : None
 DATE : 03.03.2015
 EXIST PROJECT LOCATION : None
 EXIST PHASE : None
 DRAWING NO. : 150224484
 PROJECT NO. : 150224484
 DATE : 03.03.2015

A401

January 15, 2016

TO: ERIC WALKER, COUNTY PLANNING

FROM: DON WILEY, COUNTY PUBLIC WORKS

SUBJECT: APOLLO LAND HOLDINGS COMMERCIAL LAND USE PERMIT #15-0174

Public Works has reviewed the application for a Commercial Land Use Permit to construct a 50 room hotel on a portion of the former Dee Mill site. The following are our comments and recommendations as they relate to specific provisions in the County Zoning Ordinance and general county requirements.

1. **Section 31.60 (A)** *Site access will not cause dangerous intersections or traffic congestion. They will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress. Roadway capacity, speed limits and number of turning movements shall be considered.*
 - The Traffic Operations Analysis dated May 30, 2014 for the DeeTour venue indicates that the Highway 281/Lost Lake Road Intersection “is expected to meet ODOT mobility targets and operate at a level of service “C”, no off-site mitigations are recommended at this time”. The DeeTour Hotel Supplemental Traffic Analysis dated August 18, 2015 indicates that “the addition of a hotel to the approved concert venue site would not have any additional impacts beyond those already analyzed as part of the prior traffic study”.
 - Prior to approval of a Road Approach Permit for the proposed site access, the applicant shall provide a memo from the applicant’s traffic engineer indicating that the proposed driveway provides acceptable intersection sight distance.
2. **Section 31.60 (B)** *The storm drainage or natural drainage system will handle the increase runoff created by the new development.*
 - Public Works recommends a condition of approval that prior to construction the applicant provide a drainage plan prepared by an Oregon licensed civil engineer that addresses this condition.
3. **Section 31.70** *Access management guidelines are addressed in Article 19.*
Article 19.10 (C) (i). *New development shall accommodate on-site traffic circulation needs on the site and not by circulating on and off the site through multiple access points using the public road system.*
 - The proposal appears to accommodate on site traffic circulation to the extent practical.

“C” (6)
~~ATTACHMENT “A” (13 PAGES)~~

4. **Article 19.10 (C) (ii).** *Construction of new private driveways onto roads under County jurisdiction will be allowed only upon approval of a road approach permit.*

- The applicant will be required to obtain a road approach permit for the proposed new access point on to Lost Lake Road. Prior to approval of a Road Approach Permit for the proposed site access, the applicant shall provide a memo from the applicant's traffic engineer indicating that the driveway location provides acceptable intersection sight distance.
- Since the proposed new site access is located within stopping sight distance of the Lost Lake Road railroad crossing, ODOT has indicated that a revised crossing order will be required.

5. **Article 19.10 (C) (iii).** *Spacing of new access points onto roads under County jurisdiction shall comply with spacing standards and policies in this section.*

- Lost Lake Road is classified as a collector. The private driveways depicted on the site plan appear to meet the 100 foot minimum spacing requirement.

6. **Article 19.10 (C) (vii).** *Approach roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations at areas of restricted sight distance or at points which interfere with the placement and proper functioning of signs, guardrail, or other traffic control devices will not be permitted.*

- Prior to approval of a Road Approach Permit for the proposed site access, the applicant shall provide a memo from the applicant's traffic engineer indicating that the proposed driveway provides acceptable intersection sight distance.

7. **Lost Lake Road Railroad Crossing**

- Since the proposed new site access is located within stopping sight distance of the Lost Lake Road railroad crossing, ODOT has indicated that a revised crossing order will be required. Public Works recommends a condition that the applicant is responsible for preparing any engineered submittals or studies required for the railroad crossing order application.
- Public Works recommends a condition that the applicant is fully responsible for the cost of any additional railroad related traffic controls (such as signs or automated traffic controls) or other improvements (such as barriers, fencing, or street lighting) that are warranted or required by a revised railroad crossing order for the Lost Lake Road crossing.



Oregon

Kate Brown, Governor

Department of Transportation
Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

December 18, 2015

ODOT #6705

ODOT Response

Project Name: Dee Mill - Hotel	Applicant: Apollo Land Holding, LLC
Jurisdiction: Hood River County	Jurisdiction Case #: P-15-0174
Site Address: 4647 Lost Lake Road	Legal Description: 01N 10E 07 Tax Lot(s): 00201
State Highway: OR 281	Mileposts: 11.45

ODOT has reviewed the applicant's proposal to construct a 50-room hotel at the Dee Amphitheatre site, a previously approved outdoor amphitheater for music concerts, festivals, weddings, and other commercial events. Hotel and event patrons will access the site from the intersection of Dee Highway and Lost Lake Road. The site of this proposed land use action is in the vicinity of OR-281 (Dee Highway) and a public rail crossing at Lost Lake Road. ODOT has permitting authority for these facilities and an interest in ensuring that this proposed land use is compatible with the safe and efficient operation of both facilities.

The following comments are supplemental recommendations and commentary to the previous Conditions of Approval established in Commercial Land Use Permit #13-0216 (Dee Amphitheatre).

The ODOT Rail and Public Transit Division (RPTD) Crossing Safety Section regulates public rail crossings. The existing Rail Crossing Order details the traffic control devices required at the Lost Lake Road crossing, any modifications (non-routine maintenance) to traffic control devices, accesses, or other crossing related items within the Safe Stopping Distance of the railroad crossing will trigger review by ODOT RPTD via the Rail Order process. Maintaining the Ordered Provisions spelled out in the Crossing Order is important to ensure the safety of the rail crossing and public.

The proposed and approved uses at 4647 Lost Lake Road (01N 10E 07 TL00201) constitutes modifications to the existing Rail Crossing Order. Prior to any site activity, demolition, grading, construction, or otherwise, a modification to the Rail Crossing Order must be obtained. Hood River County and the applicant must work with ODOT Rail and Public Transit Division (RPTD) to complete the Rail Crossing Order process, please see the RPTD contact listed below.

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

Region1_DEVREV_Applications@odot.state.or.us

"C" (7)
~~"A" (2)~~

Development Review Planner: Joshua Brooking	503.731.3049, joshua.c.brooking@odot.state.or.us
Traffic Contact: Avi Tayar, P.E.	503.731.8221

ODOT RPTD Contact: Prescott Mann	503.986.4322
District Contact: Mike Keyes	503.667.7441

CITY OF HOOD RIVER
PLANNING DEPARTMENT

TO: Eric Walker, Hood River County Principal Planner
FROM: Kevin Liburdy, City of Hood River Senior Planner
DATE: December 16, 2015
RE: Commercial Land Use Permit #15-0174 (Apollo Land Holding, LLC) - 1N 10E 07 #201

Thank you for the opportunity to comment on the application by Apollo Land Holding, LLC for a 50-room hotel on the above-referenced property. The proposed hotel is intended to operate in combination with an outdoor concert venue (CLUP File No. 13-0216).

The subject property is located outside of the City of Hood River and the Urban Growth Area but the applicant anticipates obtaining water from City of Hood River.

Water:

The application form states that water will be obtained from the City of Hood River and from a well. Application materials also note that water rights to both Tony Creek and the Hood River could be converted from use for industrial purposes to serve proposed commercial uses.

Public Works Director Mark Lago verified that the City of Hood River has an existing two-inch water service available to serve the subject property including the previously approved concert venue and the currently proposed hotel. However, the City will not allow the size of the existing water service to be increased for domestic or fire use. And, because an auxiliary water source (e.g. a well) will be used, the applicant for City water service will be required to install a reduced pressure principal backflow prevention assembly (RP) meeting City standards.

The only supporting facility for the hotel that is noted in the application materials is a pool, which may be used as a back-up water tank for fire suppression purposes. The applicant's traffic study references the Institute of Transportation Engineers land use category 310 (Hotel) which includes supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room) and/or other retail and service shops. Again, the City will not allow the size of the existing two-inch water service to be increased. As such the extent of the hotel's supporting facilities may be limited by the availability of water.

Other Issues:

The City of Hood River commented on transportation issues in association with the applicant's previous proposal for the outdoor concert venue and conditions of approval were adopted requiring a traffic control plan as well as obtaining permits through the City and/or ODOT for off-site parking facilities located in the city limits (CLUP File No. 13-0216).

If the hotel is approved and constructed without the outdoor concert venue, traffic impacts are expected to be less significant and there appears to be adequate area on the site for parking to serve the hotel without need for parking facilities located in the city limits (none are proposed).

"C" (8)

~~"A" (3)~~

Eric Walker

From: WOOD Robert L [robert.l.wood@state.or.us]
Sent: Monday, November 30, 2015 3:21 PM
To: Eric Walker
Subject: Apollo Land Holdings Permit #15-0174

Categories: Red Category

Eric,

I'd like to submit the following comments related to this application and the water sources/ uses mentioned in the emails from Jason Taylor dated 8/19/2015:

City Water- Municipal water from the City of Hood River is a legal source. No additional permitting needed from my perspective.

Well- a well could be used for commercial purposes not to exceed 5,000 gallons per day (gpd) without a water right (ORS 537.545). If the applicants expect to use more than this from the well, a water right would be required. This would be a new application through OWRD and a different process than the transfer mentioned below.

Tony Creek Water Rights- There are water rights for general industrial appurtenant to the property. Before using this source for commercial purposes, a Character of Use transfer would need to be applied for and approved by the Oregon Water Resources Department (OWRD).

Reuse Water- there was some mention made of possible land application of treated waste water. Land application (irrigation) under a DEQ permit may also require registration with OWRD.

Please contact me if there are any questions. Thank you for the opportunity to comment.

Robert Wood

Watermaster, District 3

2705 E 2nd St

The Dalles, OR 97058

541-506-2652 (Office)

541-980-3565 (Cell)

<http://www.oregon.gov/owrd/>

Eric Walker

From: Mike Matthews
Sent: Tuesday, December 01, 2015 3:19 PM
To: Eric Walker
Subject: FW: Apollo

Eric,

Please see DEQ comments below.

Mike

From: BROWN Larry [<mailto:BROWN.Larry@deq.state.or.us>]
Sent: Tuesday, December 01, 2015 11:53 AM
To: Mike Matthews
Subject: RE: Apollo

Good Morning Mike:

Thanks for the chance to comment. There appears to be some conflict between the consultant's report of 100 rooms which also mentions a restaurant and the conditional use permit requests that only mentions a 50 room hotel. In either case, a WPCF permit for this project, issued by DEQ, would be required for the construction, maintenance and operation of such sewage disposal and treatment system because predicted peak flows exceed 2,500 gallons per day.

For this proposal using sewage disposal methods DEQ would require that a site evaluation be conducted, meeting Oregon Administrative Rule, Chapter 340 - Division 71 with an approval being granted for the type and quantity of wastes to be disposed. If the site is denied DEQ cannot issue a WPCF onsite sewage disposal and treatment system permit. (OAR 340-071-0162 (2)(b) requires a site evaluation report approving the site)

This site evaluation report must list the type of system being approved. You will notice that drip irrigation (mentioned by the consultant) is not one of those systems listed in Division 71 that the SE has to consider for system approval. However, afterwards, I can consider drip irrigation if the site is approved. According to OAR 340-071-0150 the agent, or a qualified private contractor can evaluate the site. In either case, I will require that an appropriate site evaluation report be submitted meeting all the requirements of Division 71.

After the site evaluation has been conducted approving onsite sewage disposal methods and obtaining land use approval from the County the facility would be required to apply for a WPCF permit. The facility will need to obtain the services of a consultant (licensed Oregon engineer, licensed Oregon environmental health specialist or licensed Oregon wastewater sanitarian) to provide DEQ detail plans of the sewage disposal system. Plan review fees apply. After installation the designer is required to sign off on system construction.

There is more; but, I need to know the type of system being proposed before providing further guidance to these folks.

I would appreciate it if you could forward this email to the appropriate planning staff concerning this proposal. Thanks Mike!

Sincerely,

~~"A" (4)~~

"C" (9)

Lawrence (Larry) Brown REHS
Environmental Health Specialist
Water Quality, Land Application - DEQ; Bend office
475 NE Bellevue Drive, Suite 110
Bend, OR 97701
Phone: 541-633-2025
Fax: 541-388-8283

From: Mike Matthews [<mailto:mike.matthews@co.hood-river.or.us>]
Sent: Tuesday, December 01, 2015 9:32 AM
To: BROWN Larry
Subject: FW: Apollo

Larry,

See attached 50 room hotel proposal for your comment.

Regards,

Mike Matthews, REHS, Supervisor
Hood River County Environmental Health
1109 June Street
Hood River, OR 97031
541-387-7129

From: Mike Matthews
Sent: Tuesday, December 01, 2015 9:16 AM
To: Eric Walker
Subject: RE: Apollo

Thanks Eric, as this would require a WPCF permit I am forwarding the application to Larry Brown, DEQ Bend office, for comment. Mike

From: Eric Walker
Sent: Tuesday, December 01, 2015 9:04 AM
To: Mike Matthews
Subject: RE: Apollo

There is. Their entire application is available on the County website (see end of notice for instructions).
Thanks, Eric

From: Mike Matthews
Sent: Tuesday, December 01, 2015 8:00 AM
To: Eric Walker
Subject: Apollo

Eric,

On the application for the Hotel that Apollo Land Holdings turned in it says "Method of Sewerage disposal: See attached document". Is there another document they submitted that addresses wastewater that was not attached to notice you sent out?

Thanks,

Mike Matthews, REHS, Supervisor
Hood River County Environmental Health
1109 June Street
Hood River, OR 97031
541-387-7129

~~"A" (5)~~
"C" (10)

12/5/15

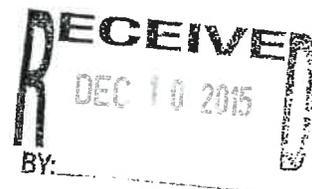
Dear Eric Walker,

I am writing to express my strong opposition to the development plans proposed by Jason Taylor. Highway 281 is not designed for this type of traffic. The music venue was originally proposed to host events on the weekends in the Summer. The addition of a hotel ensures nearly constant events throughout the year. The question that needs to be asked is "Would the music venue have been approved if a hotel was part of the original plan?" If the answer is no then the whole plan should be resubmitted for approval. The hotel radically changes the original plan by increasing the usage of the site from weekends in the Summer to year round events. The site is not equipped for this and the road is certainly not equipped to accommodate that amount of increased year round traffic. The residents of Dee will be trapped in their homes during peak times of arrival and departure. I live off Iowa drive. I anticipate not being able to turn onto Highway 281. I also anticipate that emergency personnel will not be able to reach my home or more likely the concert venue and hotel site to address emergencies. A hotel and a music venue are the wrong developments for this piece of land. What else does Mr. Taylor have planned for this site? Mr. Taylor has no regard for the homeowners or the sensitive ecosystem in this area. I have read his proposal for the hotel. He addresses run off and waste management in general terms. Will there be on-going checks and balances to assess the real environmental impacts on the delicate East Fork of the Hood River? Can law enforcement commit to keeping highway 281 patrolled and safe from drunk drivers? Highway 281 is dangerous now. Adding that many more cars year round, many of which will be piloted by drunk drivers, and you have a disaster. What a mess. Please oppose Mr. Taylor's development plans.

Sincerely,



Christine Olson
Carrington Barrs
Sydney Barrs
Ole Barrs



Eric Walker

From: Scott D. Franke [frankelaw@gorge.net]
Sent: Wednesday, December 16, 2015 4:47 PM
To: Eric Walker
Cc: John Roberts; Heather Staten
Subject: Re: Apollo Land Holdings, LLC application P-15-0174
Attachments: DeeTour traffic comment exerpt.pdf; Traffic Impacts of DeeTour.pdf

I am submitting this brief comment on behalf of the Hood River Valley Residents' Committee.

We remain concerned about the applicant's evolving proposals to use this property, with many of our previously submitted concerns regarding the DeeTour concert venue still remaining, which this hotel addition to that same site is essentially modifying into a much larger development with more significant impacts. Among our continuing concerns that are enlarged by this proposal are the traffic issues and the waste and stormwater impacts.

The broadening of the use of this parcel to really be year-round - as opposed to functionally being seasonal as a music venue only per the prior proposal - is a substantial reason for continuing concern about what is already an access highway with notable limitations, particular with regard to the increased volume of traffic, highway access, safety and related impacts upon existing users this proposed additional use will bring with it. I attach and incorporate into this submission some of the excerpted relevant paragraphs from our commentary on the amended DeeTour submissions from December of 2014, along with an attachment also previously submitted containing a more detailed delineation of our concerns over the DKS traffic study which was done for that earlier proposal, and which was recently supplemented by DKS for this hotel application. That traffic study needs to be done over with more seasonal accuracy and a greater examination of impacts upon the roadways between the site and the city of Hood River, as well as between the site and the communities of Odell and Parkdale. The amount of traffic projected on weekends appears to underestimate impacts from those trips associated with skier guests in the winter and those attending wedding events around the valley. There are also substantial concerns regarding problems that will likely be caused by guests less familiar than existing local users with the winding highway leading to the site and with traveling in adverse conditions of winter, including ice and snow at times, some with impairment from alcohol and marijuana use from activities at the site and elsewhere who will be traveling at times of day with increasingly difficult visibility due to the extended darkness of the shortened days outside of the concert season. The increased burdens upon law enforcement and emergency responders of the year-round hotel facility, not to mention the locals using the roads daily, have to be seriously considered, and adequately addressed if the proposal is to be approved, we believe.

The handling of stormwater runoff via the proposed swales and possible filtered retention areas mentioned without much specificity in the application remains a concern, as does the handling of the volume of wastewater from the facility itself. The impacts upon the nearby river and the endangered species need to be addressed squarely before this project is allowed to move forward. The significant hazardous deposition from vehicles parked there will now be continuous, should this proposal be granted, as well as the well-studied flushing via rain runoff carrying those hazardous chemicals combined with pathogens and nitrogenous contributions from hotel guest's animal's feces and urine, which can wreak havoc upon the various challenged species in the receiving areas.

We appreciate the opportunity to provide some comments upon this proposal, and hope that more public input will be sought before this significant commercial development in the midst of our valley is evaluated.

Sincerely,

Scott Franke
Member of HRVRC Board of Directors
212 Front Street
Hood River, OR 97031

"C" (11)
~~"A" (6)~~

Direct: (541) 386-9955

Fax: (541) 386-9956

Email: frankelaw@gorge.net



Please consider the environment before printing this e-mail.

Traffic Impacts of DeeTour

An accurate assessment—from the right time of year—of existing traffic is essential to establish a baseline for any calculation of the traffic impacts of this development. A winter traffic count on Highway 281 misses Fruit Loop traffic, Lost Lake and Punchbowl traffic, most farm traffic, tourists, second homes etc.

The DKS report uses a seasonal adjustment factor derived from Highway 35. The seasonal adjustment factor from Highway 35 is quite small because Highway 35 gets a substantial winter bump from ski traffic to Mt. Hood.

Data from Highway 281 would likely yield a much higher seasonal adjustment factor resulting in higher existing 30th hour numbers. This is because the difference in summer and winter traffic is much greater on Highway 281. Highway 281 is much busier in summer than winter.

Data Source	Average Daily Traffic (vehicles per day)
DKS Traffic Study Dec. 14-15, 2013	1348
ODOT 2001 Traffic Counts from Hood River Transportation System Plan	1,100- 2,100
Traffic added on Hwy 281 by DeeTour per land-use application	1000

The traffic added by this single development will increase daily traffic on Highway 281 by around 50% on the days the concert venue is in operation. It is highly unusual that a single development has such a significant impact on traffic volume. But 50% doesn't tell the whole story because it will be 50% more traffic compressed into only a few hours, immediately before and after the event.

The DKS study shows the intersection of Highway 281 and Lost Lake Road very close to not meeting the County mobility standard which requires a "C" level of service or better for all roads and intersections with its jurisdiction. For traffic leaving the concert venue by turning left to travel north towards Hood River the LOS is a "C" but barely—the control delay in seconds is 24.8 seconds. If it was 25 seconds, the intersection would be classified a "D" and fail to meet the county standard. We suspect that with a truly accurate assessment of existing summer traffic plus the unique configuration of the site (the need to keep cars from queuing on the railroad tracks), this development would easily cause the intersection to fall to a D or lower level of service.

DKS uses an ODOT mobility target of .85 for Highway 281. We question whether that is the correct standard. ODOT requires a mobility target of .70 for rural highways. In which case, the post-event traffic volume to capacity at .80 is projected to exceed ODOT's standard.

~~"A" (8)~~
"C" (12)

The report analyzes a single intersection but the project is certain to have a significant negative impact on other intersections, especially where Highways 281 and 282 meet. This intersection is already considered “at or near capacity” per the Hood River TSP. When a concert ends, the majority of traffic will travel north toward Hood River and I-84. Most will need to make a left hand turn onto Tucker Road. This intersection has been reconfigured in the last few years to give priority to the Odell Highway. Odell Highway traffic can move thru unimpeded while northbound traffic from the Dee Highway has to wait its turn. 400 cars is a very long time to wait. Allowing 40 feet per car, 437 cars would span over 3 miles.

The code standard is that the development must not cause dangerous intersections or congestion. That standard covers not only the intersection nearest the development but any intersection where a causal relationship can be demonstrated between the development-generated traffic and the operations of the intersection. At minimum, a traffic study must be done on the intersection of Highway 281 and 282, but depending on the applicants traffic plan—still an unknown quantity at this point—there could be other intersections and roads that should be analyzed.

“Congestion” is not defined in your code. In the dictionary it is defined to mean “a condition on road networks that occurs as use increases, and is characterized by slower speeds, longer trip times, and increased vehicular queuing.” We would argue that congestion does not just occur when an intersection is failing so badly that a stoplight needs to be added or when a highway needs an additional lane. You can take local circumstances into account. ODOT certainly does. Their mobility standard for a rural road is .70 but rises to 1.0 for urban areas. They allow a greater volume of traffic and longer wait times in cities than they allow in the country. You should do the same. Local residents relied on the County’s Comprehensive Plan in their decisions to live where they live. The land along the Dee Highway is zoned farm, forest and very widely dispersed residences. They had the expectation that they were purchasing property and embarking on a lifestyle that was very rural in nature. You should apply your congestion standard in a way that is faithful to the Comp Plan.

Submitted by Hood River Valley Residents Committee, December 10, 2014

Traffic. The project must be compliant with Section 31.60(A) that requires site access will not cause dangerous intersections or congestion. The impacts to traffic and level of congestion caused by the project are still unknown because the DKS Traffic Study is based on false assumptions and flawed methodology. The study was conducted at the wrong time of year to accurately show traffic on Highway 281 in the summer months when the concert venue will operate. The Study took traffic counts at the intersection of Highway 281 and Lost Lake Road on the weekend of December 14 and 15, 2013 saying "These dates were selected because Highway 281 experiences peaking characteristics in both the summer and winter recreational months." Anyone with local knowledge knows that supposition to be false. Highway 281 is not frequently used to access winter recreation areas and the considerable traffic going through this intersection to Lost Lake does not exist in this report because the area is closed in winter. Farm traffic (trucks taking fruit to packing houses, workers and tractors moving between plots) is very light in December but heavy in the months the concert venue will operate. The study then tries to seasonally adjust its traffic count to arrive at 30th highest hour volumes but it does so not by analyzing data on Highway 281, but by using data from Highway 35. The report gives no justification of why Highway 281 numbers would mirror those of Highway 35 other than that the roads are parallel. The study assumes that concerts will only take place on weekends and that concerts will start at 8 pm. There is nothing in the applicant's operations plan that indicates that they plan to restrict events to the times utilized by the traffic study.

Traffic studies are very much "garbage in, garbage out" propositions. If one starts with incorrect data on current conditions then builds the model on based on that incorrect data, the result is also flawed. We really don't know the effect the venue will have on this intersection or congestion along Highway 281 because current summer conditions have not been accurately calculated.

~~"A" (7)~~
"C" (13)

Eric Walker

From: Eric Walker
Sent: Thursday, December 03, 2015 7:53 AM
To: Eric Walker
Subject: FW: Public Comments - Proposed Hotel at the Dee Tour Site; Location of a Former Lumber Mill

From: Sue Kelso-Haines <skelso9314@aol.com>
Date: December 2, 2015 at 5:46:04 PM PST
To: plan.dept@co.hood-river.or.us
Subject: Public Comments - Proposed Hotel at the Dee Tour Site; Location of a Former Lumber Mill

To Whom it May Concern:

I would like to submit public comments as part of the planning record for the proposed hotel planned for the Dee Tour Site, the former lumber mill located at the intersection of Lost Lake Road and Dee Highway.

I believe the construction of a hotel on this site would detract from the charming, rural character and feel of the area and site and create traffic problems at that intersection. The original proposed plan for a 3,095 vehicle parking lot and concert pavilion elicited a public outpouring of concern regarding the site of the development and the potential traffic impacts. Though the parking lot has been scaled down, I can't imagine this project becoming acceptable to the public in its new form - a 437 car parking lot AND the addition of a hotel.

The Hood River Valley is different than the vast majority of other communities because it retains a rural feel, has a vast store of surrounding beauty, lacks a "sprawly" footprint so common elsewhere, and doesn't have significant traffic problems. In addition, one development project often brings more projects behind it - changing the wonderful character of the area which brought people there in the first place. A modern hotel at this intersection does not fit in with the character and surroundings of this site.

I personally have no problem with the idea of a rustic amphitheater that fits in with the character of the area and a small parking lot of say, 200 spaces with two or three spaces for shuttle bus parking. I would hate to see a hotel constructed there, but if this development is green-lighted - whether it be a small amphitheater with a small parking lot, or full blown hotel - it should be required to have a rustic design. If it is not constructed to fit in with its mountain surroundings, I believe it would become a great eye sore on a very special place. This intersection serves as an "anchor" for what lies beyond it. I would hope that whatever is constructed there would enhance the whole area. And as I previously stated, I would hope that the development would not be something with a large footprint like a hotel.

Sincerely,

Sue Kelso-Haines
Hood River, Oregon

~~"A" (A)~~

"C" (1A)

Eric Walker

From: Kim Paulk
Sent: Friday, December 11, 2015 2:17 PM
To: Eric Walker; John Roberts
Subject: FW: Hotel proposal at Dee Tour

FYI

From: Bonnie New [mailto:bnew1@live.com]
Sent: Friday, December 11, 2015 2:10 PM
To: plan dept
Subject: Hotel proposal at Dee Tour

Mr. Roberts,

I'm a resident of Hood River County and am writing to comment on the addition of a 50-room hotel to the proposal for the concert venue at the old Dee mill, which I understand will be up for review in the next week.

The original loud and negative reaction of many county residents to the concert venue proposal was because of justifiable noise and traffic concerns. The "scaling back" of the original proposal was allegedly a good faith effort on the part of the developer to minimize those undesirable invasions.

The addition of this hotel plan after the protests cooled down appears egregiously sneaky, and most definitely is not a good faith move. I encourage you to deny the addition of the hotel for all of the original concerns voiced about a developing an outsized "destination" in the middle of our ag community (noise, traffic, etc.). And the fact that the proposer has shown himself to be not worthy of the public's trust does not weigh in his favor. Sometimes you come across a rattlesnake - but you don't have to pick it up.

Thank you,
Bonnie New

Hood River, OR
541-490-9919

Bonnie New

Be joyful though you have considered all the facts. - Wendell Berry

Eric Walker

From: John P Lewis [skimaint1@aol.com]
Sent: Thursday, December 03, 2015 4:38 PM
To: Eric Walker
Subject: Re: DeeTour Hotel

Thank you for taking the time to reply. I am connecting the noise issue with the hotel because; In the traffic study it is stated that a large number of hotel guests are going to be the patrons of the amphitheater, thereby actually **decreasing** the amount of trips figured in the study. therefore they will contribute to the amphitheater use and could increase the frequency of events that will add the the noise the amphitheater creates. Not in noise levels but in the possible increased use of the amphitheater itself. Such as use for private events like weddings and other events the Hotel could draw with the access to the amphitheater use. I am not impressed with the pour quality of the above mentioned traffic study. there is no "scope" given by the county and there is very little information given in the study attached to the hotel application continually referring to a study done for the amphitheater project. I am also very concerned with the waste water and storm water managment plans. They are very vague and only are conceptual with no calculations or real engineering work preformed. The reuse of waste effluent is very complex and require immense amounts of testing and control to keep public out of contact with it and to protect the public from the health risks associated with exposure to it. i have some other concerns i will communicate when i have some more time to write. thank you

John Lewis

-----Original Message-----

From: Eric Walker <eric.walker@co.hood-river.or.us>
To: John P Lewis <skimaint1@aol.com>
Sent: Thu, Dec 3, 2015 3:14 pm
Subject: RE: DeeTour Hotel

John-

The applicant recently provided a noise study in compliance with a condition of their approval for the concert venue. That report has been forwarded on to a noise consultant hired by the County (paid for by the applicant) to make sure that anticipated noise level to not exceed required County noise thresholds. I expect the review to be completed in the next few weeks.

One point of clarification, though, is that the Dee concert venue has already been approved and so we are unable to address comments related to that application as part of the hotel proposal. The condition requiring a noise study was a result of concerns received, similar to yours, about the potential noise of the concert venue. Hotels, though, are typically not known to be large noise producers and so I do not anticipate the need to minimize noise related to the current proposal.

The other point of clarification is that the applicant is not proposing to change the zoning of the property, which is currently zoned Industrial (M-1). However, in the M-1 zone, both commercial and industrial uses are allowed outright. So even if we wanted to, the County has no authority to prohibit the commercial use of this property. We can, however, restrict certain elements of the use within the confines of the law, such as requiring a traffic study, proof of adequate utilities, etc.

Hopefully that all makes sense.

Eric

~~"A" (10)~~

"C" (15)

From: John P Lewis [<mailto:skimaint1@aol.com>]
Sent: Thursday, December 03, 2015 1:57 PM
To: Eric Walker
Subject: Re: DeeTour Hotel

Eric,

The other issue I failed to voice my concern with is the noise, I would like to know if there was any study done or any consideration given to the sound that the Amphitheater will produce in this small narrow valley, This concentrates the sounds in the valley as the noise echoes down the valley. We can here trucks using their compression breaks as they descend the hill behind the mill over a mile away so the sound produced by the use of the amphitheater most certainly will be echoing down the entire valley forcing all the resident to have to endure the performances too! Regardless of if we want to or not it will fill our valley with sound! this again will be changing the lives of the valley's current resident radically and is not fair to use that live outside of town for the piece and quit it affords us. there is a perfectly good and underused amphitheater in town at Jackson park. the last thing we need is more Hotel rooms that go vacant and more traffic and sound in a place that was not zoned for this use and will unfairly disrupt the lives of us that live here for that specific reason.

John Lewis

-----Original Message-----

From: Eric Walker <eric.walker@co.hood-river.or.us>
To: skimaint1 <skimaint1@aol.com>
Sent: Thu, Dec 3, 2015 12:53 pm
Subject: RE: DeeTour Hotel

The traffic study you request is located at the end of the application found at the below link.
Eric

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

http://www.co.hood-river.or.us/index.asp?Type=B_BASIC&SEC={FAAAEA92-68AC-48EE-A485-1261087DB96A}

From: John P Lewis [<mailto:skimaint1@aol.com>]
Sent: Thursday, December 03, 2015 11:55 AM
To: plan dept
Subject: DeeTour Hotel

My name is John Lewis and I own the property at 3975 Dee Hwy. My current concerns with this amphitheater and now this hotel are with the recently revised intersection at Dee Hwy and the Turn to Odell. This was revised to stop Dee hwy traffic going north. This intersection would be unreasonably backed up with the traffic the amphitheater will produce and will really be unable to handle the increase the proposed hotel would add. **Could you please send me the link to or a copy of the traffic study that was preformed to verify this will not be an issue.** also I am concerned with the rezoning of this from Industrial to a commercial use. this is not the right location for this type of development. There are no supporting infrastructure in the area and that would also increase traffic to the area. I an vehemently against this project and implore the planning commission to keep this an industrial area and maintain and preserve the quality of life we have come to expect in our neighborhood. please let me know how I can get access to the submitted project information and the plans.

Eric Walker

From: Kim Paulk
Sent: Wednesday, December 16, 2015 12:11 PM
To: Eric Walker
Subject: Fwd: Dee Hotel

From: Joan Laurance <joanlaurance@gmail.com>
Date: December 16, 2015 at 11:06:28 AM PST
To: plan.dept@co.hood-river.or.us
Subject: Dee Hotel

Dear Hood River County Planning Department,
I am writing to state my opposition to the proposed DeeTour hotel application. I feel hotel development should stay in urban zones. Hood River, with multiple lodging options is a mere 15 minute drive from the concert site which should pose no hardship for concert-goers.

The Dee site is adjacent to the pristine Hood River and I feel development should be limited. We need to work on restoring wild places, not continually developing for the sake of profit. There are many outdoor concert venues, such as Maryhill that do not provide lodging on site. If anything goes in this area at all, I would only recommend a potential campground if people really feel they can not drive. Or perhaps DeeTour could offer shuttle service to Hood River.

Thank you for considering my views.

Sincerely,
Joan Laurance (Parkdale resident)

~~"A" (11)~~
"C" (16)

Eric Walker

From: Eric Walker
Sent: Monday, December 21, 2015 4:58 PM
To: Eric Walker
Subject: FW: Dee hotel

From: Glen Holmberg <glenholmmy@yahoo.com>
Date: December 21, 2015 at 3:09:27 PM PST
To: "plan.dept@co.hood-river.or.us" <plan.dept@co.hood-river.or.us>
Subject: **Fw: Dee hotel**
Reply-To: Glen Holmberg <glenholmmy@yahoo.com>

On Friday, December 4, 2015 9:09 AM, Glen Holmberg <glenholmmy@yahoo.com> wrote:

Planning department,

I am opposed to the development on the Dee mill site. This is a rural area and the gateway to Lost Lake. I would like it to stay that way, or be occupied by a business that does not create lots of traffic. There will be several low-paying jobs created and the developer will probably make lots of money, but we will loose out big time by not preserving the rural character of the area.

Glen Holmberg
1767 12th Street #123
Hood River, OR

Eric Walker

From: Eric Walker
Sent: Monday, December 07, 2015 7:36 AM
To: Eric Walker
Subject: FW: DEE TOUR HOTEL TESTIMONY

From: Ron Cohen <taxsri@aol.com>
Date: December 5, 2015 at 12:41:55 PM PST
To: plan.dept@co.hood-river.or.us
Subject: DEE TOUR HOTEL TESTIMONY

From Ron Cohen
5559 Dee Hwy
Mt Hood Or 97041
541 386 1492

My name is Ron Cohen and I live at 5559 Dee Hwy, Mt. Hood Parkdale. I am truly dismayed that we

have to continue this fight against the Dee Tour project with now an effort to build 50 room hotel

in the middle of rural farming area of the Hood River Valley. All the concerns from my previous

testimony, are even more valid for this proposal. The health and safety and fire issue are of a more

pressing concern. The Parkdale-Dee fire district does not have the capacity for dealing with a music

venue to say the least a large hotel. Police staffing, water issues, sanitation issues, the list can go on

and on. Have the Dee Tour owners accomplished any of the necessary studies for the music venue?

And now another proposal?

Here is my testimony from last year which is as relevant today as it was last year.

I have been a property owner near the Dee Mill Area for over 40 years and I have been a downtown

business owner for over 30 years. During that time as a business owner, I realized the economic value

to our community of a successful business. I, also, know that many businesses although successful ave

a large negative impact on our economy, our community services, and on our resources.

I feel that the Dee Tour proposal may be short sighted and will have a negative impact on our

community. The various conditions put on the project may not be mitigated to satisfy the health, safety

and welfare of our community. This will be a dramatic change to the local residents around the Dee

Mill Area. There was an outpouring of opposition to this proposal and even though the project has

been reduced in size, the many concerns are still valid and may not be able to be satisfied.

Here are my concerns: Family wage jobs, which are badly needed, will not be produced by this project.

The project was approved with many conditions, and what if the conditions can not be satisfied, but

the Dee Tour project is allowed to operate? The County should first make sure the conditions can be

and will be completed and then approve the project. Isn't that better planning? What if the conditions

of fire protection, police protection, noise, pollution and traffic are inadequate for the health and safety

of our community? Will the County withdraw its approval? I doubt it!

There is a provision in the application for larger "mass gatherings". This could lead to a huge events

that may be planned frequently through out the year and this is what was originally proposed, for

events of over a few thousand people. This provision should be eliminated.

Traffic congestion is a major issue. The Dee Hwy is not the safest road under the best of conditions.

There is only one intersection. Additional traffic from the event coupled with the fact that guests may

have been drinking, etc. would lead to many accidents and unsafe driving. The Dee Hwy is a major

road for farm vehicles and a popular bike riding road and problems already exist to make the Dee

Hwy an unsafe road.

Noise mitigation: The sound from the Dee Mill Area funnels noise to the South and West and will

effect the local residents.

Environmental Concerns: Storm water drainage and River protection for fisheries need to be

implemented.

What about the potential industrial waste problems as the Dee Mill Area was a mill for decades?

Safety concerns: Is the Parkdale-Dee fire district capable of dealing with potential forest fire, structure

fires, grass fires? Will increased police patrols be an added burden to the County Sheriff's resources?

There are just too many concerns to outright approve this project, please give consideration to the

health and safety of the community and the health of the environment and make sure all conditions can

and will be met before accepting this application.

Thank you,

Ron Cohen
5559 Dee Hwy
Mt Hood Oregon 97041 12/2/2015 and 12/5/2014

~~"A" (13)~~
"C" (18)

APPLICATION FOR COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY
LAND USE PERMIT

Hood River County
Community Development
Hood River, Oregon 97031
(541) 387-6840

Application No. P-15-0174

JOB SITE INFORMATION:

Township: 1N Range: 10E Section: 07 Tax Lot: 201

Zone: M1

Job Address: Dee Mill 4647 Lost Lake Road

APPLICANT INFORMATION:

Name: Apollo Land Holding LLC

Mailing Address: 3961 Barrett Dr Hood River OR 97031

Telephone No.: 312-282-5452

Signature: Member Apollo Land Holding LLC: 

OWNER INFORMATION:

Name: Apollo Land Holding LLC

Mailing Address: 3961 Barrett Dr, Hood River OR 97031

Signature: Member Apollo Land Holding LLC: 

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

PROJECT DESCRIPTION: (also complete site plan attached)

See Attached

Water Supply Source HR City water & Well

Application Fee \$625⁰⁰

Method of Sewerage Disposal : See attached document

Collected By UM

Access : via existing and proposed ingress and egress

Date 8/19/15

I agree to comply with the above description and to abide by the conditions set on approval. I recognize that if the project is not started within 365 days of approval or abandoned for one year, the permit becomes null and void.

Member Apollo Land Holding LLC

Signature: 

ATTACHMENT **B** (44 PAGES)

Eric Walker

From: jason taylor [realisright@gmail.com]
Sent: Wednesday, August 19, 2015 7:07 AM
To: Eric Walker; Derek Deborde; Robert Benton
Subject: Apollo Land Holding LLC - Dee Mill Hotel Application
Attachments: Hotel North View.jpg; Floodplain and FEMA maps.pdf; Application.pdf; Projectect Description.pdf; Historical Reference.pdf; Legal Description.pdf; Architectural Rendering.pdf; Utility Maps.pdf

Eric,

On behalf of Apollo Land Holding LLC, Please see the attached application and supporting information for your consideration. We are sending you a lot of information and have broken the application up into several different emails. Included in this email is the actual Application, Floodplain FEMA maps and write-up, Project Description, Historical Reference, Legal Description, Architectural Renderings, Utility Maps, City Water Confirmation email, Internal Patron Movement summary and the below narratives. Can you please let us know the fee for this application and we will send payment asap. There will be 3 additional emails to follow.

Floodplain: Portions of the property are in the floodplain, however, the hotel site does not seem to be one of them. We have included the FEMA floodplain map showing the approximate location of the hotel, a measurement showing the distance from the center-line of the river to the hotel zone and a topographic map. In our previous correspondence it was noted that given that much of the project sites on a higher elevation it was obviously well above the floodplain boundary. We feel the hotel and the hotel zone fall into the category of being well above the floodplain boundary. Upon field survey it seems reasonable to come to this conclusion.

Water: We have included an email confirming our recently installed city water tap which should be enough for our purposes. Additionally, we have applied for a well which is scheduled to be installed sometime in November. Lastly, we have considerable water rights to both Tony Creek and the Hood River - we realize they are for industrial purposes, however, it is always an option to change this. We estimate having more than enough water.

ODOT update: our architect is planning to meet with ODOT on Thursday to discuss the new hotel addition.

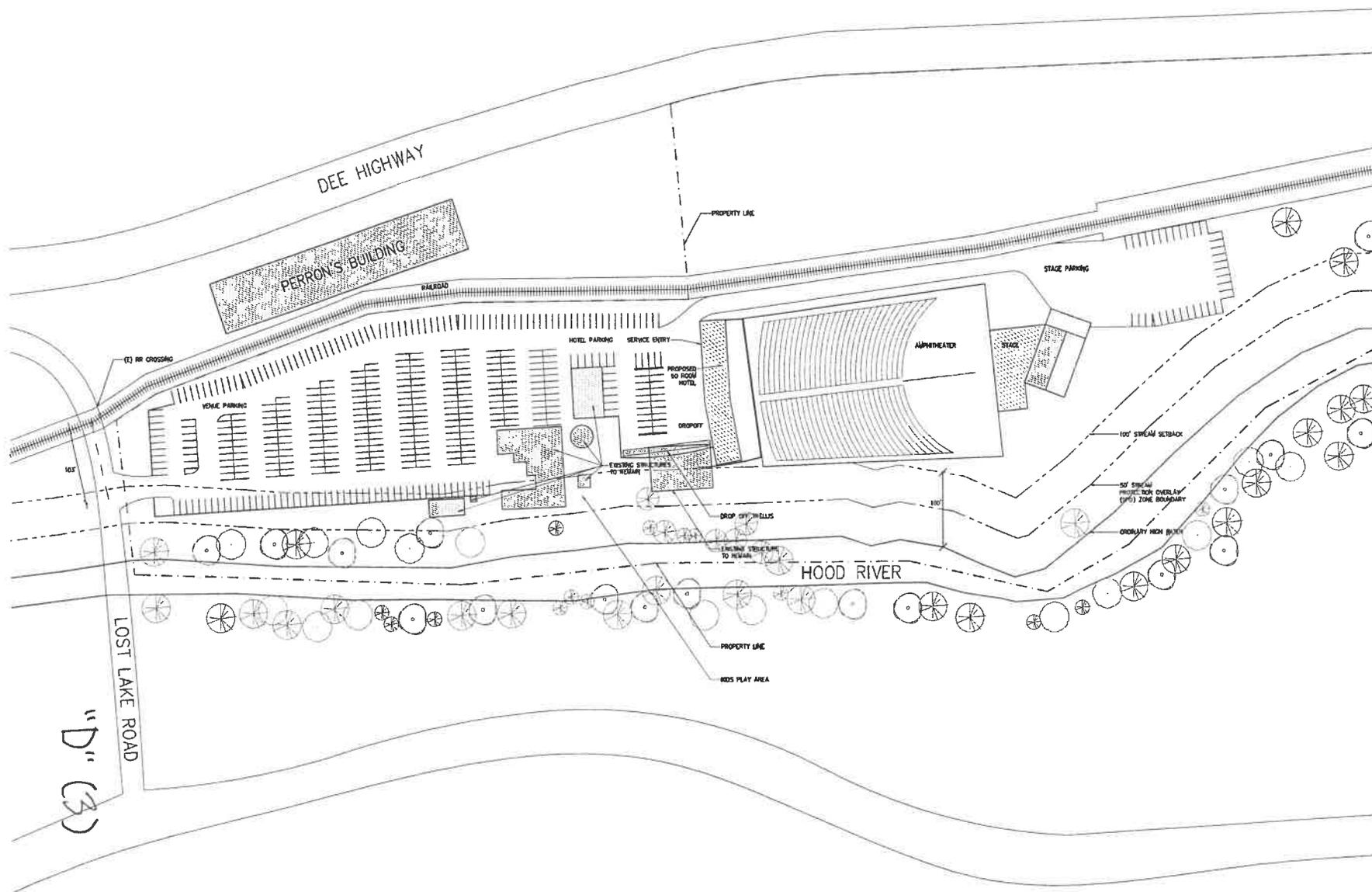
Hotel Fire suppression: we will have a NFPS sprinkler system. There is thought of possibly using the pool water as a back-up tank for the system in addition to the various water sources - this is TBD.

"D" (2)

We appreciate your time,

Apollo Land Holdings LLC
312-282-5452

This communication is for discussion purposes only and does not create any obligation to negotiate or enter into a binding agreement.



DRAWING REVISIONS

NO. DATE

FLOOR PLANS

DEE HOTEL

DEE, ONE FOUR

ARCHITECTS

DEE, ONE FOUR

CONCEPT PHASE

DATE: 1/2018

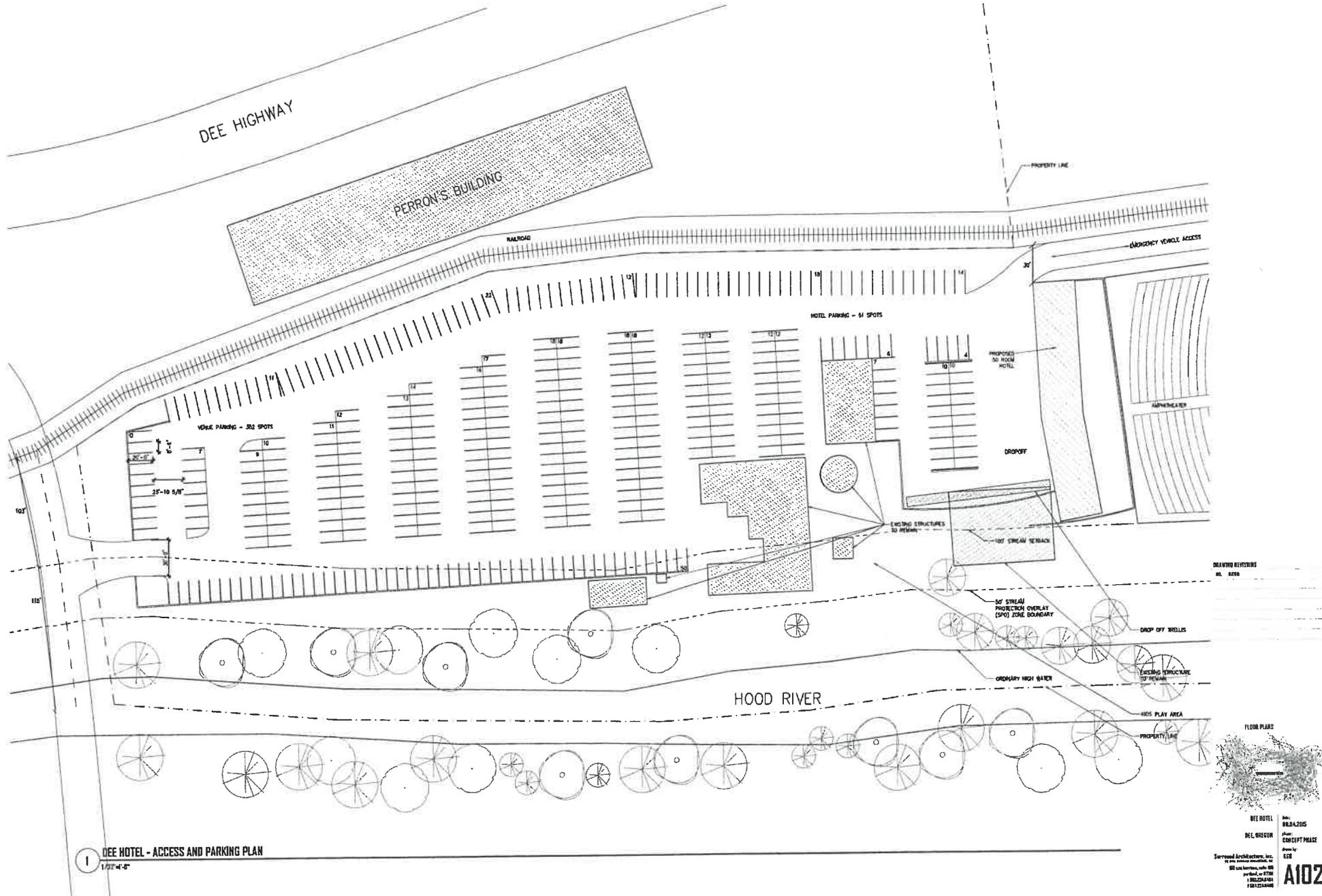
BY: ECR

Surrewind Architects, Inc.
 400 W. 10th Street, Suite 100
 Portland, OR 97208
 503.255.1111
 www.surrewind.com

ARCHITECT

AIOI

1 DEE HOTEL - SITE PLAN
 1/2018



1 DEE HOTEL - ACCESS AND PARKING PLAN
1/27/14-5"

DELETED REVISIONS
IN AREA

DROP OFF WELLS

EXISTING STRUCTURE TO RETAIN

HIGH PLAY AREA

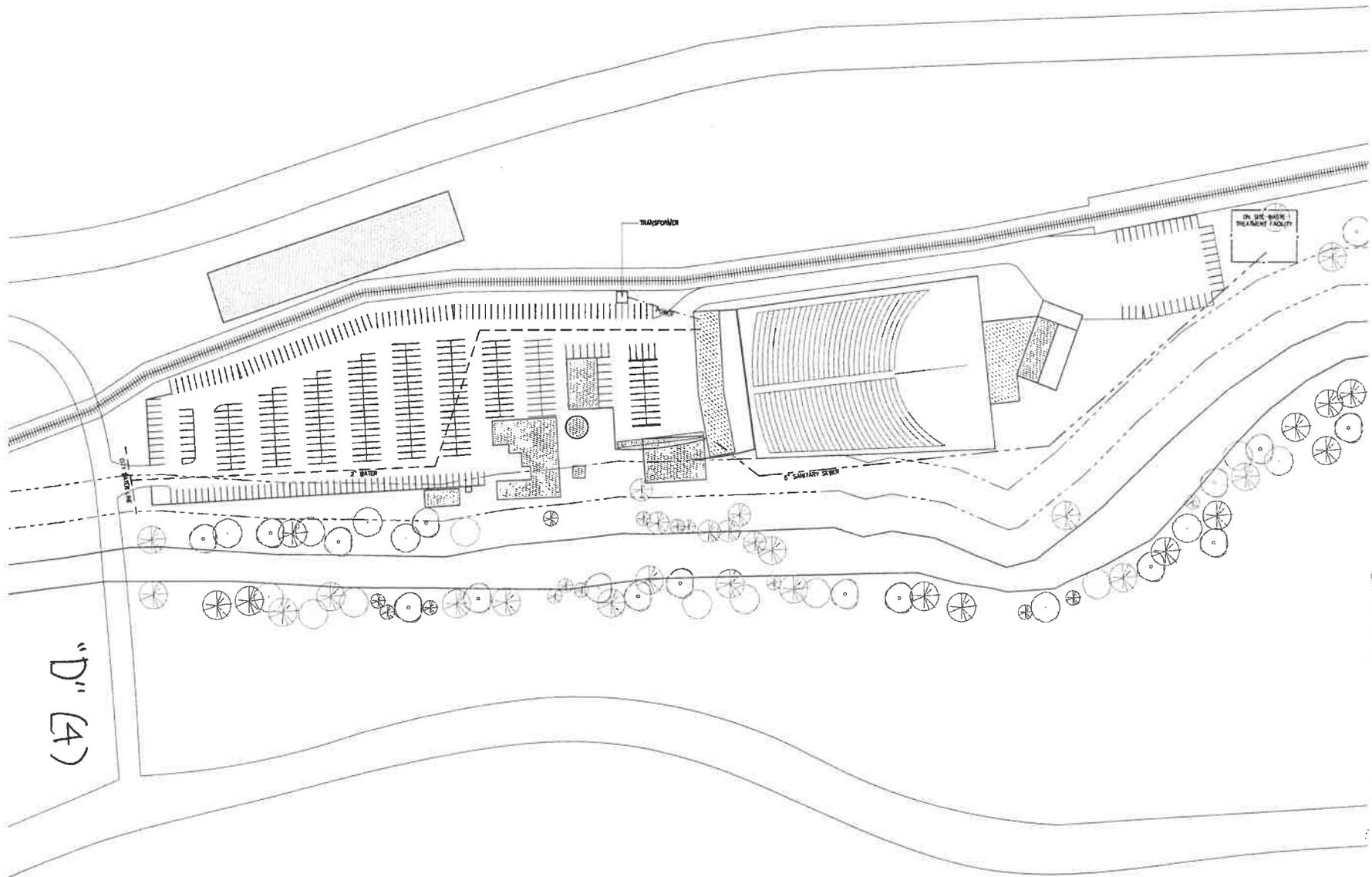
PROPERTY LINE

FLOOR PLANS

DEE HOTEL
Rev. 08.24.2015
Plan: CONCEPT PHASE
Drawn by: ECR

Surrewood Architecture, Inc.
10000 100th Ave, Suite 100
Portland, OR 97206
503.251.0000
www.surrewood.com

A102



"D" (4)

DRAWING REVISIONS
NO. DATE

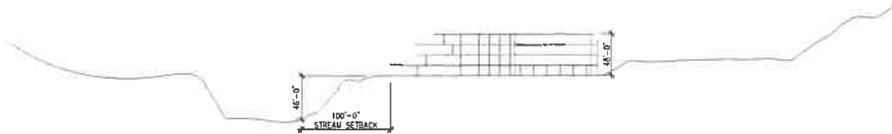


FLOOR PLANS
DEE HOTEL
DEE, OREGON
CONCEPT PHASE
DATE: 10/24/2015
DRAWN BY: EGS

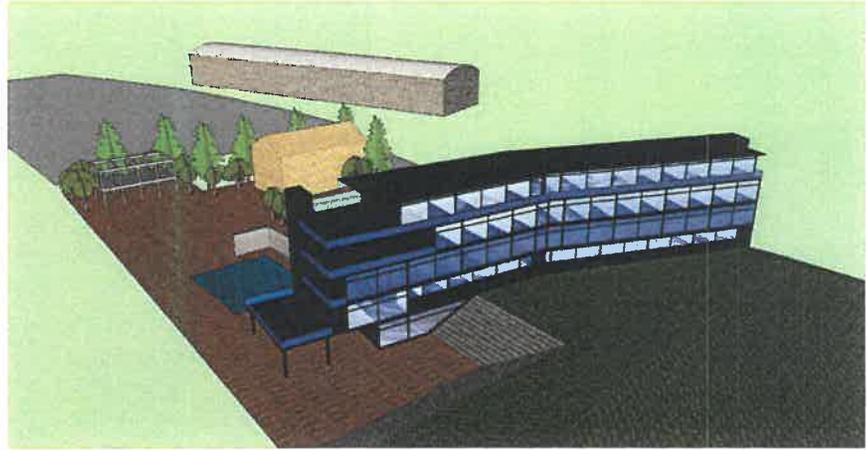
1 DEE HOTEL - SITE UTILITY PLAN
1'-0"=1'-0"

Surrewood Architecture, Inc.
20100 NE 12th Street, Suite 200
Portland, OR 97230
503.251.0000
1803.274.8888

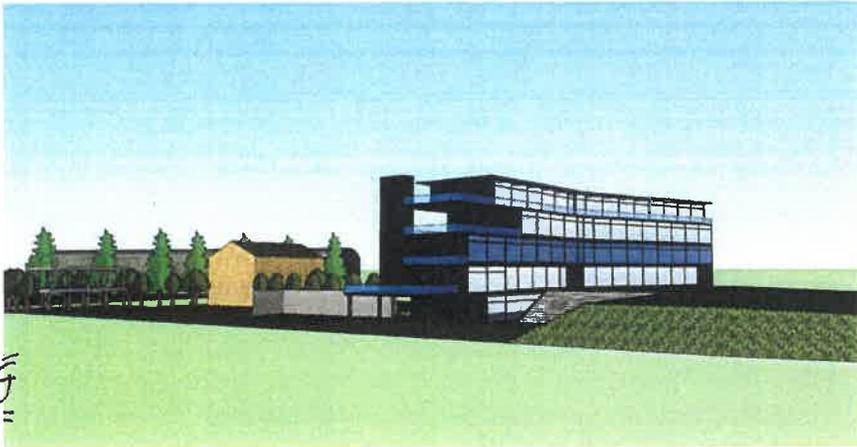
A103



1 DEE HOTEL - SECTION
1/8"=1'-0"

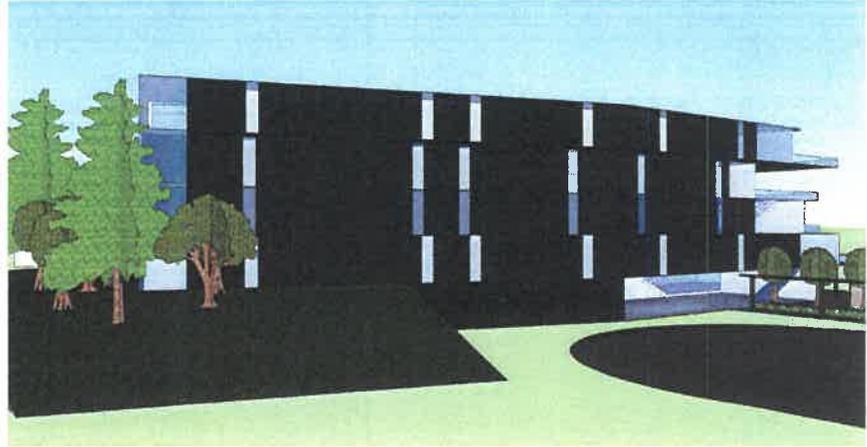


2 DEE HOTEL - SOUTHWEST AERIAL PERSPECTIVE
1"=80'-0"



"D"
(S)

3 DEE HOTEL - SOUTHWEST GROUND PERSPECTIVE
1"=80'-0"



4 DEE HOTEL - NORTHEAST GROUND PERSPECTIVE
1"=80'-0"

DRAWING REVISIONS
NO. DATE

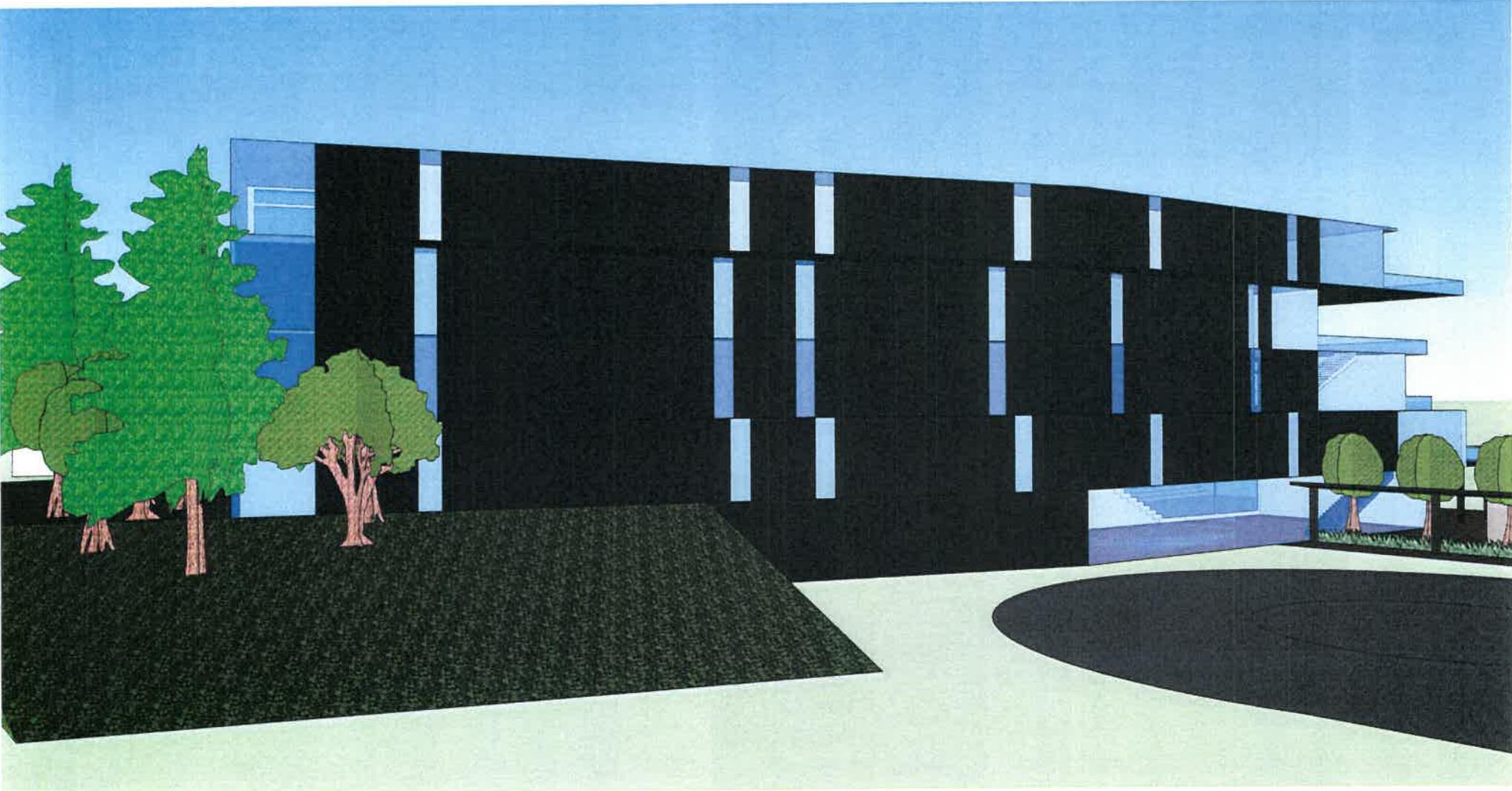
BUILDING SECTIONS



EDIT PROJECT NAME: 03.00.2105
 EDIT PROJECT LOCATION: FORT PHASE
 DRAWN BY: KGE
 SURROUND ARCHITECTURE, INC.
 800 W. HORTON, SUITE 100
 PORTLAND, OR 97208
 503.224.9444
 1.800.224.9444

A401

NORTH VIEW



LEGAL DESCRIPTION

Parcel 2 of Partition Plat No. 200315P, filed June 12, 2003, Hood River County Microfilm Records, being a portion of the West half of Section 7, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon.

EXCEPTING THEREFROM that portion conveyed to Bradford W. Perron by Deed recorded May 10, 2006, as Microfilm No. 20062361, Hood River County Microfilm Records, described as follows:

Beginning at the Southwest corner of Parcel 1 of Partition Plat No. 200315P; thence South $87^{\circ} 37' 33''$ East along the Southerly line of said Parcel 1, 277.59 feet to the centerline of Hood River Highway; thence South $14^{\circ} 30' 18''$ East along the centerline of said Hood River Highway, 26.39 feet to a point on a tangent curve concave Southwesterly and having a radius of 716.15 feet; thence Southeasterly along said tangent curve through a central angle of $10^{\circ} 39' 50''$, an arc length of 133.29 feet to a point; thence North $87^{\circ} 37' 33''$ West 268.52 feet to a point; thence North $15^{\circ} 30' 47''$ West 43.16 feet to a point; thence North $26^{\circ} 02' 56''$ West 34.91 feet to a point; thence North $06^{\circ} 46' 19''$ West 84.96 feet to the point of beginning.

Eric Walker

From: jason taylor [realisright@gmail.com]
Sent: Wednesday, August 19, 2015 7:07 AM
To: Eric Walker; Derek Deborde; Robert Benton
Subject: Fwd: Dee Mill Hotel waste water treatment facility plan
Attachments: waterreuse.pdf; DEQ Div 55 Recycled Water Use.pdf; BeneficialUseChart.pdf; Utility Map.pdf; EMS Correspondence.pdf

Apollo Land Holdings LLC has hired Environmental Management Systems, Inc to conduct a review and eventually design a waste water treatment system for the proposed Dee Mill hotel. Upon review, the sandy-loam soil lends itself well to an on site system. There are a number of different options we have ranging from a traditional septic system or a drip system to a treat and reuse system. I have attached the initial review from Bob Sweeney at EMS along with corresponding material that would cover each of the possible system attributes. Additionally, i have included a basic utility map showing the possible location of a treatment facility. The treatment facility's final location will be dictated upon further investigation.

Apollo Land Holding LLC
312-282-5452

This communication is for discussion purposes only and does not create any obligation to negotiate or enter into a binding agreement.

"D" (7)



jason taylor <realisright@gmail.com>

Fwd: Dee Mill

2 messages

Jason taylor <realisright@gmail.com>
 To: jason taylor <realisright@gmail.com>

Mon, Aug 10, 2015 at 10:51 AM

—— Forwarded message ——

From: **Bob Sweeney** <Bob@envmgtsys.com>
 Date: Mon, Aug 10, 2015 at 10:05 AM
 Subject: RE: Dee Mill
 To: jason taylor <realisright@gmail.com>

Jason,

The detailed feasibility study and conceptual design have not yet been developed, but the following points outline my thinking at this time:

1. Soils observed on the site are sandy-loam, which is very good for onsite treatment. Boulders and cobbles are present and do not provide good treatment, so will need to be factored in to the system sizing.
2. Because of the site's limitations (steep slope above the river & extensive prior development infrastructure) and to allow maximum building options, a high level of pre-treatment will be needed. Several proprietary and non-proprietary treatment systems are suitable, but have yet to be selected. Final dispersal via Drip Irrigation is likely to be the most effective & best method of treating the final effluent.
3. All the wastewater treatment systems appropriate for your project will be sized over 2,500 gallons per day, so require permitting directly through the Oregon DEQ via a Water Pollution Control Facility (WPCF) permit.

100 rooms x 100 gallons/day/room = 10,000 gpd. 50 rooms x 100 gallons/day/room = 5,000 gpd.

Additionally, Restaurants with alcohol service and Bars would be based on 50 gallons / seat.

Swimming pools, storm-water and site drainage would need to be coordinated with the onsite wastewater treatment system.

Permitting of the WPCF can be administered either in accordance with OAR (Oregon Administrative Rule) 340-071-0162 for Onsite Wastewater Treatment Systems or OAR 340-055 Recycled Water Use.

"D" (8)

OAR (Oregon Administrative Rule) 340-071-0162, which can use traditional pressure distribution trenches or pressure distribution Dripfields, subject to DEQ approval. Drip systems can be used for irrigation as well as final dispersal into the ground and generally need to meet all the same requirements as other septic system

permits.

340-071-0130 General Standards, Prohibitions and Requirements

(19) (a) For onsite systems subject to WPCF onsite permits, DEQ may allow variations of the criteria, standards, and technologies in this division and OAR chapter 340, division 073 based on adequate documentation of successful operation of the proposed technology or design. The system designer must demonstrate the performance of new processes, treatment systems, and technologies in accordance with OAR chapter 340, division 052;

OAR 340-055 Recycled Water Use. This allows greater flexibility in re-use for a multitude of needs, including: Fire Suppression, Toilet Flushing, Irrigation and other non-potable water uses. This allows greatly reduced setbacks from other components, but requires significant on-going testing, based on the level of potential human contact & environmental impact. (See Attached)

This project appears very feasible & we look forward to working with you to make it a reality.

Robert F. Sweeney, MS, REHS

President

ENVIRONMENTAL MANAGEMENT SYSTEMS, Inc.

Milwaukie, OR. (503) 353-9691

Garibaldi, OR. (503) 322-2700

Vancouver, WA. (360) 735-1109

www.envmgtsys.com



Check out what's new at EMS!



Water Reuse: Using Our Water Wisely

Background

Protecting Oregon's water is one of DEQ's highest priorities. Developing strategies to encourage water reuse is a key action to help achieve this priority. Water reuse means using water again that has been previously used for another purpose. Reusing water reduces the demand to use drinkable water for uses, such as irrigation, that don't require highly treated water. The quality of reused water determines how it can be used to ensure protection of public health and the environment.

The value of reusing water

In recent decades water has been treated to very high standards, used for a primary purpose, and then discharged to a river or stream as "wastewater." Although this water is typically of lower quality following a primary use, used water has resource value and can often be safely reused for additional purposes without adverse effects to public health or the environment. Reusing appropriately treated "wastewater" for irrigation, industrial, commercial and construction applications helps conserve drinking water supplies and improve water quality of surface waters.



Types of water reuse

DEQ encourages reuse of three general categories of water:

Graywater refers to water from showers, baths, bathroom sinks, kitchen sinks and laundries. Graywater can be reused for limited activities, such as subsurface irrigation, with minimal treatment.

Recycled water refers to treated effluent from a municipal wastewater treatment facility. Oregon recognizes four classes of recycled water, based on various levels of treatment, that can be reused for specific beneficial purposes.

Industrial wastewater refers to treated effluent from an industrial process, manufacturing or business, or from the development or recovery of any natural resource. An example of industrial

wastewater is water derived from the processing of fruit, vegetables or other food products.

Who can reuse water

Homeowners and small businesses can reuse graywater for toilet and urinal flushing with the appropriate plumbing permit from a local building department. Outdoor reuse of up to 1,200 gallons per day of graywater can occur by carefully planning reuse activities and obtaining a general Water Pollution Control Facility graywater reuse and disposal system permit from DEQ.

Municipal or industrial wastewater treatment facilities are required to manage and operate water reuse projects under a reuse management plan. These plans are specific to each facility and part of a facility's National Pollutant Discharge Elimination System or WPCF water quality permit. Site-specific conditions, such as application rates, setbacks to sensitive features, signage and other limitations may be required to ensure protection of public health and the environment.

Many beneficial uses

Although water reuse activities are limited to non-drinking water purposes, a wide-range of activities can occur, including irrigation of crops and pastureland, irrigation of urban landscapes (e.g., golf courses, playing fields, business parks), industrial cooling, dust control, street sweeping, and artificial groundwater recharge. Specific water reuse activities depend on the water treatment and resulting quality. More reuse activities can occur with higher-quality water. As treatment technologies improve and public awareness of water reuse benefits increase, more innovative and urban uses of water will become more common.

For more information

Contact Ron Doughten, DEQ water reuse program coordinator, Portland, at 503-229-5472, or call toll-free in Oregon at 1-800-452-4011, ext. 5472.

Alternative formats

Alternative formats of this document can be made available. Contact DEQ's Office of Communications and Outreach, Portland, for more information at 503-229-5696, or call toll-free in Oregon at 1-800-452-4011, ext. 5696. Hearing-impaired persons may call 711.



State of Oregon
Department of
Environmental
Quality

Water Quality Community & Program Assistance

811 SW 6th Avenue
Portland, OR 97204
Phone: 503-229-5472
800-452-4011
Fax: 503-229-6037
Contact: Ron Doughten
www.oregon.gov/DEQ

"D" (9)

Last Updated: 12/2011
05-WQ-001
By: Ron Doughten

A. DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 55

RECYCLED WATER USE

340-055-0005

Purpose

These rules (OAR 340-055-0005 to 340-055-0030) prescribe requirements for the use of recycled water for beneficial purposes. The purpose of this division is to protect the environment and public health in the State of Oregon.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.015 & 468B.020

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0007

Policy

It is the policy of the Environmental Quality Commission to encourage the use of recycled water for domestic, agricultural, industrial, recreational, and other beneficial purposes in a manner which protects public health and the environment of the state. The use of recycled water for beneficial purposes will improve water quality by reducing discharge of treated effluent to surface waters, reduce the demand on drinking water sources for uses not requiring potable water, and may conserve stream flows by reducing withdrawal for out-of-stream use.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.015

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0010

Definitions

The following definitions apply to this division of rules:

(1) "Artificial Groundwater Recharge" means the intentional addition of water diverted from another source to a groundwater reservoir.

(2) "Beneficial Purpose" means a purpose where recycled water is utilized for a resource value, such as nutrient content or moisture, to increase productivity or to conserve other sources of water.

(3) "Department" means the Oregon Department of Environmental Quality.

(4) "Disinfected Wastewater" means wastewater that has been treated by a chemical, physical or biological process and meets the criteria if applicable to its classification for use as recycled water.

"D" (10)

(5) "Filtered Wastewater" means an oxidized wastewater that meets the criteria defined in OAR 340-055-0012(7)(c).

(6) "Human Consumption" means water used for drinking, personal or oral hygiene, bathing, showering, cooking, or dishwashing.

(7) "Landscape Impoundment" means a body of water used for aesthetic purposes or other function that does not include public contact through activities such as boating, fishing, or body-contact recreation. Landscape impoundments include, but are not limited to, golf course water ponds or non-residential landscape ponds.

(8) "Nonrestricted Recreational Impoundment" means a constructed body of water for which there are no limitations on body-contact water recreation activities. Nonrestricted recreational impoundments include, but are not limited to, recreational lakes, water features accessible to the public, and public fishing ponds.

(9) "NPDES Permit" means a National Pollutant Discharge Elimination System permit as defined in OAR chapter 340, division 45.

(10) "Oxidized Wastewater" means a treated wastewater in which the organic matter is stabilized and nonputrescible, and which contains dissolved oxygen.

(11) "Person" means the United States and agencies thereof, any state, any individual, public or private corporation, political subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity.

(12) "Processed Food Crops" means those crops that undergo thermoprocessing sufficient to kill spores of *Clostridium botulinum*.

(13) "Recycled Water" means treated effluent from a wastewater treatment system which as a result of treatment is suitable for a direct beneficial purpose. Recycled water includes reclaimed water as defined in ORS 537.131.

(14) "Restricted Recreational Impoundment" means a constructed body of water that is limited to fishing, boating, and other non-body contact water recreation activities.

(15) "Sprinkler Irrigation" means the act of applying water by means of perforated pipes or nozzles operated under pressure so as to form a spray pattern.

(16) "Wastewater" or "Sewage" means the water-carried human or animal waste from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present. The admixture with sewage of wastes or industrial wastes shall also be considered "wastewater" within the meaning of this division.

(17) "Wastewater Treatment System" or "Sewage Treatment System" means an approved facility or equipment used to alter the quality of wastewater by physical, chemical or biological means or a combination thereof that reduces the tendency of the wastewater to degrade water quality or other environmental conditions.

(18) "Waters of the State" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a

junction with natural surface or underground waters) that are located wholly or partially within or bordering the state or within its jurisdiction.

(19) "WPCF Permit" means a Water Pollution Control Facilities permit as defined in OAR chapter 340, division 45.

(20) "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.005, 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0012

Recycled Water Quality Standards and Requirements

(1) Any person having control over the treatment or distribution or both of recycled water may distribute recycled water only for the beneficial purposes described in this rule, and must take all reasonable steps to ensure that the recycled water is used only in accordance with the standards and requirements of the rules of this division.

(2) Any person who uses recycled water may use recycled water only for the beneficial purposes described in this rule, and must comply with the standards and requirements of this rule and the rules of this division.

(3) The following requirements apply to nondisinfected recycled water.

(a) Beneficial Purposes. Nondisinfected recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Irrigation for growing fodder, fiber, seed crops not intended for human ingestion, or commercial timber; and

(B) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Nondisinfected recycled water must be an oxidized wastewater.

(c) Criteria. There are no disinfection criteria for nondisinfected recycled water.

(d) Monitoring. Monitoring must be in accordance with the wastewater treatment system owner's NPDES or WPCF permit.

(e) Setback Distances. There must be a minimum of 150 feet from the edge of the irrigation site to a water supply source used for human consumption. Other site specific setback distances for irrigation necessary to protect public health and the environment must be established in the recycled water use plan and must be met when irrigating.

(f) Access and Exposure. Public access to the irrigation site must be prevented.

(g) Site Management.

"D" (11)

(A) Irrigation with recycled water is prohibited for 30 days before harvesting.

(B) Sprinkler irrigation is prohibited unless authorized in advance and in writing by the department based on demonstration that public health and the environment will be adequately protected from aerosols.

(4) The following requirements apply to Class D recycled water.

(a) Beneficial Purposes. Class D recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Any beneficial purpose defined in subsection (3)(a) of this rule;

(B) Irrigation of firewood, ornamental nursery stock, Christmas trees, sod, or pasture for animals; and

(C) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Class D recycled water must be an oxidized and disinfected wastewater that meets the numeric criteria in subsection (c) of this section.

(c) Criteria. Class D recycled water must not exceed a 30-day log mean of 126 E. coli organisms per 100 milliliters and 406 E. coli organisms per 100 milliliters in any single sample.

(d) Monitoring. Monitoring for E. coli organisms must occur once per week at a minimum.

(e) Setback Distances.

(A) Where an irrigation method is used to apply recycled water directly to the soil, there must be a minimum of 10 feet from the edge of the site used for irrigation and the site property line.

(B) Where sprinkler irrigation is used, there must be a minimum of 100 feet from the edge of the site used for irrigation and the site property line.

(C) There must be a minimum of 100 feet from the edge of an irrigation site to a water supply source used for human consumption.

(D) Where sprinkler irrigation is used, recycled water must not be sprayed within 70 feet of an area where food is prepared or served, or where a drinking fountain is located.

(f) Access and Exposure.

(A) Animals used for production of milk must be restricted from direct contact with the recycled water.

(B) When using recycled water for irrigation of sod, ornamental nursery stock, or Christmas trees, the personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

(g) Site Management.

(A) When irrigating, signs must be posted around the perimeter of the irrigation site stating recycled water is used and is not safe for drinking.

(B) Irrigation of fodder, fiber, seed crops not intended for human ingestion, sod, commercial timber, firewood, ornamental nursery stock, or Christmas trees is prohibited for three days before harvesting.

(5) The following requirements apply to Class C recycled water.

(a) Beneficial Purposes. Class C recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Any beneficial purpose defined in subsection (4)(a) of this rule;

(B) Irrigation of processed food crops;

(C) Irrigation of orchards or vineyards if an irrigation method is used to apply recycled water directly to the soil;

(D) Landscape irrigation of golf courses, cemeteries, highway medians, or industrial or business campuses;

(E) Industrial, commercial, or construction uses limited to: industrial cooling, rock crushing, aggregate washing, mixing concrete, dust control, nonstructural fire fighting using aircraft, street sweeping, or sanitary sewer flushing;

(F) Water supply source for landscape impoundments; and

(G) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Class C recycled water must be an oxidized and disinfected wastewater that meets the numeric criteria in subsection (c) of this section.

(c) Criteria. Class C recycled water must not exceed a median of 23 total coliform organisms per 100 milliliters, based on results of the last seven days that analyses have been completed, and 240 total coliform organisms per 100 milliliters in any two consecutive samples.

(d) Monitoring. Monitoring for total coliform organisms must occur once per week at a minimum.

(e) Setback Distances.

(A) Where an irrigation method is used to apply recycled water directly to the soil, there must be a minimum of 10 feet from the edge of the site used for irrigation and the site property line.

(B) Where sprinkler irrigation is used, there must be a minimum of 70 feet from the edge of the site used for irrigation and the site property line.

(C) There must be a minimum of 100 feet from the edge of an irrigation site to a water supply source used for human consumption.

(D) Where sprinkler irrigation is used, recycled water must not be sprayed within 70 feet of an area where food is being prepared or served, or where a drinking fountain is located.

(f) Access and Exposure.

"D" (12)

(A) When irrigating for a beneficial purpose defined in subsection (4)(a) of this rule, the access and exposure requirements defined in subsection (4)(f) of this rule must be met.

(B) During irrigation of a golf course, a cemetery, a highway median, or an industrial or business campus, the public must be restricted from direct contact with the recycled water.

(C) If aerosols are generated when using recycled water for an industrial, commercial, or construction purpose, the aerosols must not create a public health hazard.

(D) When using recycled water for an agricultural or horticultural purpose where sprinkler irrigation is used, or an industrial, commercial, or construction purpose, the public and personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

(g) Site Management.

(A) When irrigating for a beneficial purpose defined in subsection (4)(a) of this rule, the site management requirements defined in subsection (4)(g) of this rule must be met.

(B) When using recycled water for a landscape impoundment or for irrigating a golf course, cemetery, highway median, or industrial or business campus, signs must be posted at the use area and be visible to the public. The signs must state that recycled water is used and is not safe for drinking.

(C) Irrigation of processed food crops is prohibited for three days before harvesting.

(D) When irrigating an orchard or vineyard, the edible portion of the crop must not contact the ground, and fruit or nuts may not be harvested off the ground.

(E) When using recycled water for a landscape impoundment, aerators or decorative fixtures that may generate aerosols are allowed only if authorized in writing by the department.

(6) The following requirements apply to Class B recycled water.

(a) Beneficial Purposes. Class B recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Any beneficial purpose defined in subsection (5)(a) of this rule;

(B) Stand-alone fire suppression systems in commercial and residential buildings, non-residential toilet or urinal flushing, or floor drain trap priming;

(C) Water supply source for restricted recreational impoundments; and

(D) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Class B recycled water must be an oxidized and disinfected wastewater that meets the numeric criteria in subsection (c) of this section.

(c) Criteria. Class B recycled water must not exceed a median of 2.2 total coliform organisms per 100 milliliters, based on results of the last seven days that analyses have been completed, and 23 total coliform organisms per 100 milliliters in any single sample.

(d) Monitoring. Monitoring for total coliform organisms must occur three times per week at a minimum.

(e) Setback Distances.

(A) Where an irrigation method is used to apply recycled water directly to the soil, there are no setback requirements.

(B) Where sprinkler irrigation is used, there must be a minimum of 10 feet from the edge of the site used for irrigation and the site property line.

(C) There must be a minimum of 50 feet from the edge of the irrigation site to a water supply source used for human consumption.

(D) Where sprinkler irrigation is used, recycled water must not be sprayed within 10 feet of an area where food is being prepared or served, or where a drinking fountain is located.

(f) Access and Exposure.

(A) During irrigation of a golf course, the public must be restricted from direct contact with the recycled water.

(B) If aerosols are generated when using recycled water for an industrial, commercial, or construction purpose, the aerosols must not create a public health hazard.

(C) When using recycled water for an agricultural or horticultural purpose where sprinkler irrigation is used, or an industrial, commercial, or construction purpose, the public and personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

(g) Site Management.

(A) When irrigating for a beneficial purpose defined in subsection (4)(a) of this rule, the site management requirements defined in subsection (4)(g) of this rule must be met.

(B) When using recycled water for a landscape impoundment or for irrigating a golf course, cemetery, highway median, or industrial or business campus, signs must be posted at the use area and be visible to the public. The signs must state recycled water is used and is not safe for drinking.

(C) Irrigation of processed food crops is prohibited for three days before harvesting.

(D) When irrigating an orchard or vineyard, the edible portion of the crop must not contact the ground, and fruit or nuts may not be harvested off the ground.

(7) The following requirements apply to Class A recycled water.

(a) Beneficial Purposes. Class A recycled water may be used only for the following beneficial purposes and only if the rules of this division are met:

(A) Any beneficial purpose defined in subsection (6)(a) of this rule;

(B) Irrigation for any agricultural or horticultural use;

"D" (13)

(C) Landscape irrigation of parks, playgrounds, school yards, residential landscapes, or other landscapes accessible to the public;

(D) Commercial car washing or fountains when the water is not intended for human consumption;

(E) Water supply source for nonrestricted recreational impoundments;

(F) Artificial groundwater recharge by surface infiltration methods or by subsurface injection in accordance with OAR chapter 340, division 44. Direct injection into an underground source of drinking water is prohibited unless allowed by OAR chapter 340, division 44; and

(G) Any beneficial purpose authorized in writing by the department pursuant to OAR 340-055-0016(6).

(b) Treatment. Class A recycled water must be an oxidized, filtered and disinfected wastewater that meets the numeric criteria in subsection (c) of this section are met.

(c) Criteria. Class A recycled water must not exceed the following criteria:

(A) Before disinfection, unless otherwise approved in writing by the department, the wastewater must be treated with a filtration process, and the turbidity must not exceed an average of 2 nephelometric turbidity units (NTU) within a 24-hour period, 5 NTU more than five percent of the time within a 24-hour period, and 10 NTU at any time, and

(B) After disinfection, Class A recycled water must not exceed a median of 2.2 total coliform organisms per 100 milliliters, based on results of the last seven days that analyses have been completed, and 23 total coliform organisms per 100 milliliters in any single sample.

(d) Monitoring.

(A) Monitoring for total coliform organisms must occur once per day at a minimum.

(B) Monitoring for turbidity must occur on an hourly basis at a minimum.

(e) Setback Distances. Where sprinkler irrigation is used, recycled water must not be sprayed onto an area where food is being prepared or served, or onto a drinking fountain.

(f) Access and Exposure. When using recycled water for an agricultural or horticultural purpose where spray irrigation is used, or an industrial, commercial, or construction purpose, the public and personnel at the use area must be notified that the water used is recycled water and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

(g) Site Management. When using recycled water for a landscape impoundment, restricted recreational impoundment, nonrestricted recreational impoundment, or for irrigating a golf course, cemetery, highway median, industrial or business campus, park, playground, school yard, residential landscape, or other landscapes accessible to the public, signs must be posted at the use area or notification must be made to the public at the use area indicating recycled water is used and is not safe for drinking. The recycled water use plan must specify how notification will be provided.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; Renumbered from 340-055-0015, DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0013

Exempted Use of Recycled Water

Recycled water used by a wastewater treatment system owner for landscape irrigation or for in plant processes at a wastewater treatment system is exempt from the rules of this division if:

- (1) The recycled water is an oxidized and disinfected wastewater;
- (2) The recycled water is used at the wastewater treatment system site where it is generated or at an auxiliary wastewater or sludge treatment facility that is subject to the same NPDES or WPCF permit as the wastewater treatment system. Contiguous property to the parcel of land upon which the treatment system is located is considered the wastewater treatment system site if under the same ownership;
- (3) Spray or drift or both from the use does not occur off the site; and
- (4) Public access to the site is restricted.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0016

General Requirements for Permitting the Use of Recycled Water

(1) NPDES or WPCF permit. A wastewater treatment system owner may not provide any recycled water for use unless authorized by a NPDES or WPCF permit issued by the department pursuant to OAR chapter 340, division 045.

(2) Recycled water use plan.

(a) Except for use of recycled water authorized by a NPDES or WPCF permit, a wastewater treatment system owner may not provide any recycled water for distribution or use or both until a recycled water use plan meeting the requirements of OAR 340-055-0025 has been approved in writing by the department. Upon approval of the plan, the permittee must comply with the conditions of the plan.

(b) Before approving or modifying any plan for the use of Class C, Class D, or nondisinfected recycled water, the department will submit the proposed plan to the Oregon Department of Human Services for comment.

(c) For use of recycled water previously authorized under a NPDES or WPCF permit but without a department approved recycled water use plan, the wastewater treatment system owner must submit a recycled water use plan to the department within one year of the effective date of these rules.

(3) Land application on land zoned exclusive farm use. A recycled water use plan will not be approved for the land application of recycled water on land zoned exclusive farm use until the requirements of ORS 215.213(1)(bb) and 215.283(1)(y) for recycled water are met.

(4) Compliance with this division. When the rules of this division require a limitation or a condition or both that conflicts with a limitation or a condition or both in an existing permit, the existing permit controls until

"D" (4)

the permit is modified or renewed by the department. When the existing permit is modified or renewed, the permittee will be given a reasonable compliance schedule to achieve new requirements if necessary.

(5) Additional permit limitations and conditions. The department may include additional permit limitations or conditions or both if it determines or has reason to believe additional requirements for the use of recycled water are necessary to protect public health or the environment or both.

(6) Authorization of other recycled water uses. The department may authorize through a NPDES or WPCF permit a use of recycled water for a beneficial purpose not specified in this division. When the department considers the authorization, it may request information and include permit limitations or conditions or both necessary to assure protection of public health and the environment. The department will confer with the Oregon Department of Human Services before authorizing other uses of Class C, Class D, or nondisinfected recycled water under this section.

(7) Setback distances. The department may consider and approve, on a case-by-case basis, a setback distance other than what is required in this division. For a reduced setback distance, it must be demonstrated to the department that public health and the environment will be adequately protected. The recycled water use plan must include any approved alternative setback distance.

(8) Public outreach and sign posting. When the rules of this division require the posting of signs at a use area, the department may, on a case-by-case basis, approve an alternative method for public outreach where it considers the method will assure an equivalent degree of public protection.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; Renumbered from 340-055-0015, DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0017

Treatment and Use of Recycled Water

(1) Alternative treatment process. The department may approve in writing an alternative wastewater treatment process not specified in the rules of this division if it is demonstrated that the treatment is equivalent to and can achieve the recycled water criteria required for a specific beneficial purpose.

(2) Additional treatment. A person using recycled water from a wastewater treatment system may provide additional treatment for a different class of recycled water that is identified in this division. The wastewater treatment system owner providing the additional treatment is subject to the rules of this division and must have a NPDES or WPCF permit issued by the department.

(3) Blending recycled water. The department may approve on a case-by-case basis blending recycled water with other water if proposed by a wastewater treatment system owner. Before blending recycled water, the owner must obtain written authorization from the department. In obtaining authorization, the wastewater treatment system owner must submit to the department, at a minimum the following:

- (a) An operations plan,
- (b) A description of any additional treatment process,
- (c) A description of blending volumes, and

(d) A range of final recycled water quality at the compliance point identified in the NPDES or WPCF permit.

(4) Water right. The rules of this division do not create a water right under ORS chapters 536, 537, 539 or 540. A person must contact the Oregon Water Resources Department to determine water right requirements for the use of recycled water.

(5) Prohibited use for human consumption. The use of recycled water for direct human consumption, regardless of the treatment class, is prohibited unless approved in writing by the Oregon Department of Human Services, and after public hearing, and it is so authorized by the Environmental Quality Commission.

(6) Prohibited use for a public pool. The use of recycled water as a source of supply for a public pool, spa, or bathhouse is prohibited unless authorized in writing by the department and with written approval from the Oregon Department of Human Services. Public pools are subject to the requirements of ORS 448 and the Oregon Department of Human Services administrative rules.

(7) Transporting recycled water. A vehicle used to transport or distribute recycled water must not be used to transport water for human consumption, unless authorized in writing by the department. The vehicle must be clearly identified with the words "nonpotable water" written in letters at least six inches high and displayed on each side and rear of the vehicle unless otherwise authorized by the department.

(8) Impoundments. Constructed landscape, and restricted and nonrestricted recreational impoundments approved for use under the rules of this division are not considered waters of the state for water quality purposes. Impoundments used for wastewater treatment are subject to ORS 215.213 and 215.283.

(9) Wetlands.

(a) The term "waters of the state" as provided in OAR 340-055-0012(18) includes, but is not limited to, the following wetlands and discharge to any of these wetlands requires a NPDES permit issued by the Department pursuant to OAR chapter 340, division 45:

(A) Enhanced or restored wetlands;

(B) Existing natural wetlands; and

(C) Wetlands created as mitigation for loss of wetlands under the Clean Water Act, Section 404.

(b) Wetlands constructed on non-wetland sites and managed for wastewater treatment are exempt from the rules of this division and are not considered waters of the state for water quality purposes.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; Renumbered from 340-055-0015, DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0020

Groundwater Quality Protection

Recycled water will not be authorized for use unless all groundwater quality protection requirements in OAR chapter 340, division 40 are met. The requirements in OAR chapter 340, division 40 are considered to be met if the wastewater treatment system owner demonstrates recycled water will be used or land

"D" (15)

applied in a manner and at a rate that minimizes the movement of contaminants to groundwater and does not adversely impact groundwater quality. If the use of recycled water occurs within a designated groundwater management area, the department may require additional conditions to be met.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.150 - 468B.190

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0022

Monitoring and Reporting

- (1) The department will include in a NPDES or WPCF permit authorizing the use of recycled water, at a minimum, the monitoring requirements in OAR 340-055-0012.
- (2) When chlorine or a chlorine compound is used as a disinfecting agent, the department may specify in the NPDES or WPCF permit a minimum chlorine residual concentration. When other disinfecting agents are used, the department may require additional monitoring requirements to assure adequate disinfection.
- (3) The department will include in a NPDES or WPCF permit authorizing the use of recycled water, a requirement that the wastewater treatment system owner submit an annual report to the department describing the effectiveness of the system to comply with the approved recycled water use plan, the rules of this division, and the permit limits and conditions for recycled water.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; Renumbered from 340-055-0015, DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0025

Recycled Water Use Plan

- (1) A recycled water use plan must describe how the wastewater treatment system owner will comply with the rules of this division and must include, but is not limited to, the following:
 - (a) A description of the wastewater treatment system, including treatment efficiency capability;
 - (b) A detailed description of the treatment methods that will be used to achieve a specific class of recycled water and for what beneficial purpose;
 - (c) The estimated quantity of recycled water to be provided by the wastewater treatment system owner to the user, and at what frequency and for what beneficial purpose;
 - (d) A description of contingency procedures that ensure the requirements of this division are met when recycled water is provided for use;
 - (e) Monitoring and sampling procedures;
 - (f) A maintenance plan that describes how the wastewater treatment system equipment and facility processes will be maintained and serviced;

(g) If notification is required by the rules of this division, a description of how the public and personnel at the use area will be notified; and

(h) A description of any measuring and reporting requirements identified by the Oregon Water Resources Department after consultation with that agency.

(2) If Class B, C, or D, or nondisinfected recycled water is to be used for irrigation, a recycled water use plan must also include, but is not limited to, the following:

(a) A description and identification of the land application site, including the zoned land use of the irrigation site and surrounding area, a site map with setbacks, and distances of nearest developed property from all boundaries of the irrigation site;

(b) A description of the irrigation system, including storage, distribution methods, application methods and rates, and shut off procedures;

(c) A description of the soils and crops or vegetation grown at the land application site;

(d) A description of site management practices including, but not limited to, the timing of application, methods used to mitigate potential aerosol drift, and if required by this division, posting of signs or public outreach; and

(e) If public access control or notification is required by this division, descriptions of public access control and how the public and personnel will be notified.

(3) If Class A recycled water is to be used for the beneficial purpose of artificial groundwater recharge, a recycled water use plan must also include, but is not limited to, the following:

(a) A groundwater monitoring plan in accordance with OAR 340-040-0030(2);

(b) A determination if the recharge will be to a drinking water protection area;

(c) A description of the soils and characteristics;

(d) The distance from the recharge area to the nearest point of withdrawal and the retention time in the aquifer until the time of withdrawal; and

(e) Verification from Oregon Water Resources Department that a request for authorization for this use has been initiated.

(4) Conditions contained in a department approved recycled water use plan are NPDES or WPCF permit requirements.

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

340-055-0030

Operational Requirements for the Treatment and Distribution of Recycled Water

"D" (16)

(1) Bypassing. The intentional diversion of wastewater from any unit process in the wastewater treatment system for a beneficial purpose is not allowed, unless with the unit process out of service the recycled water meets the criteria of this division for a specific class and beneficial purpose described in the recycled water use plan.

(2) Alarm devices. Alarm devices are required to provide warning of power loss and failure of process equipment essential to the proper operation of the wastewater treatment system and compliance with this division.

(3) Standby power. Unless otherwise approved in writing by the department, a wastewater treatment system providing recycled water for use must have sufficient standby power to fully operate all essential treatment processes. The department may grant an exception to this section only if the wastewater treatment system owner demonstrates that power failure will not result in inadequately treated water being provided for use and will not result in any violation of an NPDES or WPCF permit limit or condition or Oregon Administrative Rule.

(4) Redundancy. A wastewater treatment system that provides recycled water for use must have a sufficient level of redundant treatment facilities and monitoring equipment to prevent inadequately treated recycled water from being used or discharged to public waters.

(5) Distribution system requirements. Unless otherwise approved in writing by the department, all piping, valves, and other portions of the recycled water use system that is outside a building must be constructed and marked in a manner to prevent cross-connection with a potable water system. Unless otherwise approved in writing by the department or as required by the rules of this division, construction and marking must be consistent with sections (2), (3), (4), and (5) of the 1992 "Guidelines for the Distribution of Nonpotable Water" of the California-Nevada Section of the American Water Works Association.

(6) Cross-connection control. Connection between a potable water supply system and a recycled water distribution system is not authorized unless the connection is through an air gap separation approved by the department. A reduced pressure principle backflow prevention device may be used only when approved in writing by the department and the potable water system owner.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468.020, 468.705 & 468.710

Stats. Implemented: ORS 468B.030 & 468B.050

Hist.: DEQ 32-1990, f. & cert. ef. 8-15-90; DEQ 6-2008, f. & cert. ef. 5-5-08

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Recycled Water Beneficial Purposes

Beneficial Purpose	Class A	Class B	Class C	Class D	Nondisinfected
Irrigation					
Fodder, fiber, seed crops not intended for human ingestion, commercial timber	Yes	Yes	Yes	Yes	Yes
Firewood, ornamental nursery stock, Christmas trees	Yes	Yes	Yes	Yes	No
Sod	Yes	Yes	Yes	Yes	No
Pasture for animals	Yes	Yes	Yes	Yes	No
Processed food crops	Yes	Yes	Yes	No	No
Orchards or vineyards if an irrigation method is used to apply recycled water directly to the soil	Yes	Yes	Yes	No	No
Golf courses, cemeteries, highway medians, industrial or business campuses	Yes	Yes	Yes	No	No
Any agricultural or horticultural use	Yes	No	No	No	No
Parks, playgrounds, school yards, residential landscapes, other landscapes accessible to the public	Yes	No	No	No	No
Industrial, Commercial, or Construction					
Industrial cooling	Yes	Yes	Yes	No	No
Rock crushing, aggregate washing, mixing concrete	Yes	Yes	Yes	No	No
Dust control	Yes	Yes	Yes	No	No
Nonstructural fire fighting using aircraft	Yes	Yes	Yes	No	No
Street sweeping or sanitary sewer flushing	Yes	Yes	Yes	No	No
Stand alone fire suppression systems in commercial and residential buildings	Yes	Yes	No	No	No
Non-residential toilet or urinal flushing, floor drain trap priming	Yes	Yes	No	No	No
Commercial car washing	Yes	No	No	No	No
Fountains when the water is not intended for human consumption	Yes	No	No	No	No

Beneficial Purpose	Class A	Class B	Class C	Class D	Nondisinfected
Impoundments or Artificial Groundwater Recharge					
Water supply for landscape impoundments including, but not limited to, golf course water ponds and non-residential landscape ponds	Yes	Yes	Yes	No	No
Restricted recreational impoundments	Yes	Yes	No	No	No
Nonrestricted recreational impoundments including, but not limited to, recreational lakes, water features accessible to the public, and public fishing ponds	Yes	No	No	No	No
Artificial groundwater recharge	Yes	No	No	No	No

Eric Walker

From: jason taylor [realisright@gmail.com]
Sent: Wednesday, August 19, 2015 7:07 AM
To: Eric Walker; Derek Deborde; Robert Benton
Subject: Fwd: Dee Mill Hotel - Storm water plan
Attachments: IMG_4101.JPG; Biofiltration map.pdf

The existing conditions of the hotel site consist of a large concrete slab and a 8000sf chip-shed that is anchored to a 18" concrete slab - the entire site is currently made up of non-permeable surfaces, primarily extremely thick cement. Apollo's plan is to accommodate all storm water quality and retention on site, through permeable surfaces and biofiltration swales and or dry wells. All runoff would be treated with either swales or filtered catch basins. There would not be any runoff sent directly to the Hood River. Prior to development Apollo will obtain a storm water construction permit and comply with all DEQ requirements. Please see page 3 of the attached document labeled biofiltration. I have also attached a pictures of the surfaces and structures that would be effected by the hotel.

Apollo Land Holding LLC
312-282-5452

This communication is for discussion purposes only and does not create any obligation to negotiate or enter into a binding agreement.

"D" (18)

DRAWING NOTES

- 1. 21"
- 2. 24"

DRAWING LEGEND

- (E) WALL TO REMAIN
- (R) WALL OR ITEM TO BE REMOVED
- (O) WALL

KEYNOTES

- 1. 21"
- 2. 24"
- 3. 24"
- 4. 24"

DRAWING REVISIONS

NO. DESCRIPTION

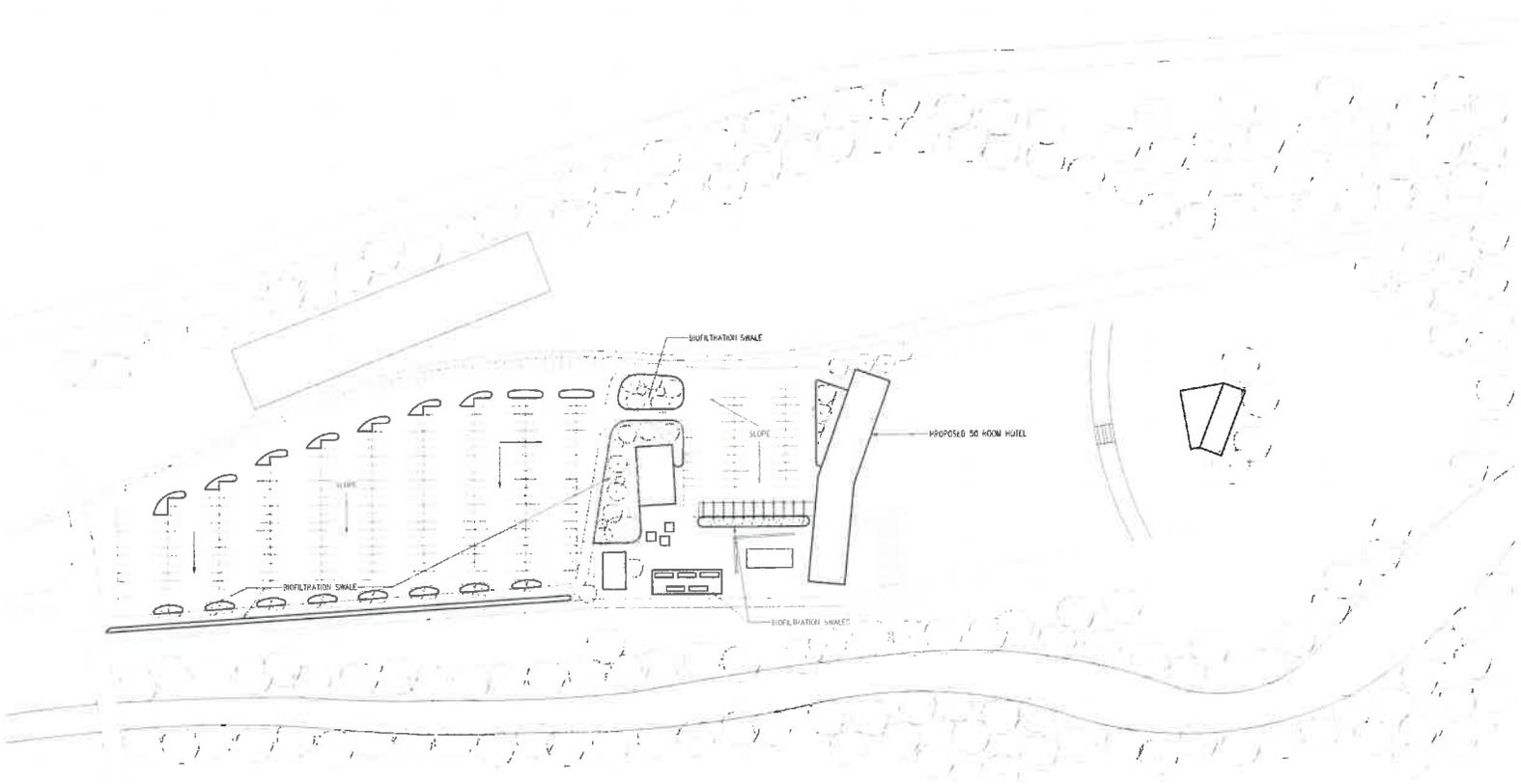
FLOOR PLANS



DEE HOTEL
 DEE, OREGON
 CONCEPT PHASE

Surremond Architecture, Inc.
 1000 NE Oregon Street, Suite 100
 Portland, OR 97232
 (503) 251-8888

A103



DEE HOTEL - STORMWATER MANAGEMENT PLAN

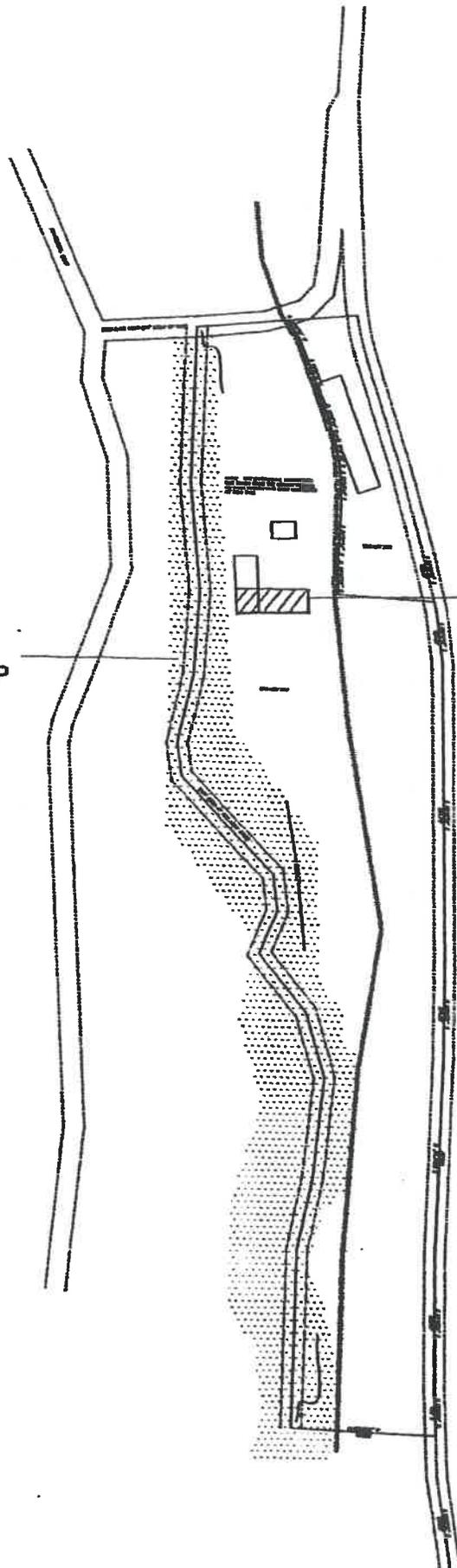
1"=60'-0"



"D" (19)

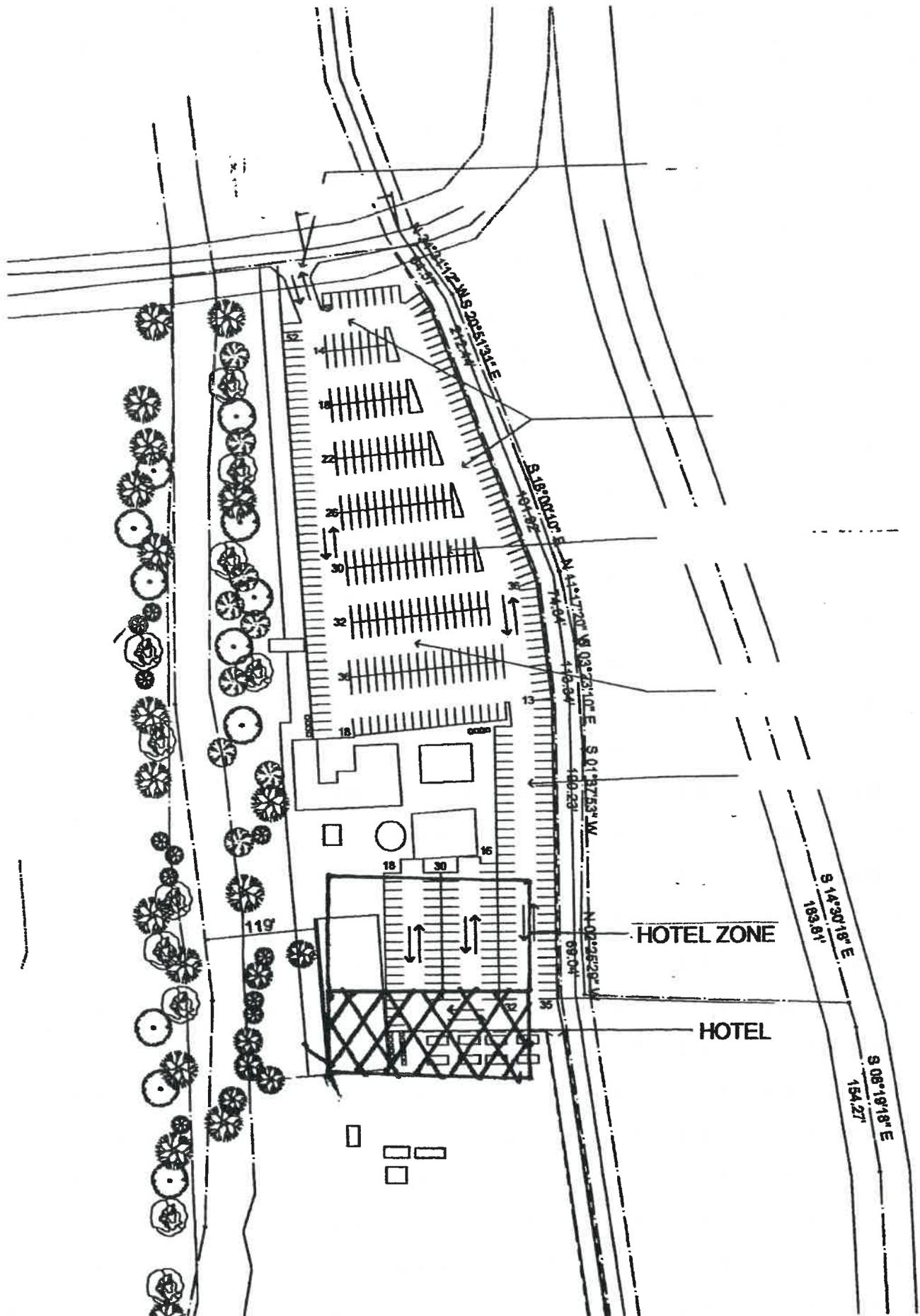


OVERLAY FROM THE
FEMA FLOOD PLAIN MAP



HOTEL

"D" (20)



DEE PARKING PLAN
SCALE: 1" = 100'

**DEETOUR
PRELIMINARY PARKING PLAN**



HOTEL

5121E6620

"D" (21)

PLANS PREPARED FOR BUILDINGS AT Plans which are being prepared by Architect P. M. Hall-Lew- for the new buildings at Dee will be in the hands of the contractors next Saturday, and it is expected that work will soon commence on them. The new hotel which the Mount Hood Lumber Company is about to erect will be of the modified colonial style with broad overhanging eaves, rustic sides and shingle roof. The building will be 80 and one half feet long by 30 and one half feet deep and will be set on a stone foundation. It will be of a T shaped plan and will contain in all about 30 rooms. On the first floor will be situated the office, dining room and kitchen and 2 sleeping rooms. There will also be two bath rooms on this floor, one for men and the other for women. A veranda in front of the building will be built so as to give separate accommodations for both sexes. Plans will be issued this week for figures on a residence for W. H. Eccles, president of the company. which is to be 30x38 feet and similar in architecture to the hotel building. The plans provide for eight rooms and bath, with open plumbing, electric wiring and open fire places. Both buildings will be plastered. In addition a number of four, five and six room cottages will be built for employees.

THOUGHT THEY WERE BEING KIDNAPPED

The well known fact of the capture of an American... The boys were not captured from... The capture of the boys... The boys were not captured from... The capture of the boys... The boys were not captured from...

PLANS PREPARED FOR BUILDINGS AT DEE

Plans were being prepared to... The buildings at Dee... The plans for the buildings... The buildings at Dee... The plans for the buildings... The buildings at Dee...

Money Saved IS Money Earned

You will save money by trading at our store... Our ambition is to lead in high grade goods and low prices... Remember our entire stock is new from top to basement...



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Not in formal staidish introductions, but with honest American freedom of speech... Come in - You need not buy.

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L. H. HUGGINS & CO.

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By the time you have read this we will display a line of Carpets, Rugs, Art Spunners, Bureaus, Linoleum, Oil Cloths, etc... Stewart's Furniture

Paints Glass Stewart's Stoves Crockery

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Stocked now goods of the best quality on the market... Everything reliable and all work guaranteed.

New Harness Shop.

Stocked now goods of the best quality on the market... Everything reliable and all work guaranteed.

Millinery Announcement

We are now ready to show you the latest creations in Millinery... Mme. ABBOTT

Spray Your Trees and Bushes

Every owner of fruit trees or bushes is required by law to spray them to prevent the spread of apple and cherry blight... Portland Seed Co.

Don't Forget Hood River Laundry

When you want first-class work done at home, all kinds of Laundry Work and Cleaning... Hood River Laundry

Patronize Home Industry

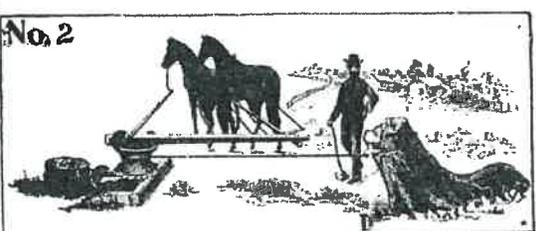
Our Work cannot be Excelled... Hood River Laundry

We Will Give You Free Electric Light

For one month if you will allow us to install it in your residence within the next 60 days... Free Electric Light

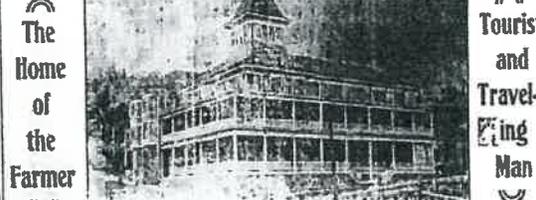
You cannot afford to miss this opportunity

Remember many electrical appliances that are practical, very handy, healthful and economical... You cannot afford to miss this opportunity



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MOUNT HOOD HOTEL



CLARENCE F. GILBERT, Manager

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Who Deposits your Money? Summer or winter it gets into the bank whether you put it there or not... Butler Banking Co.

Hotel Waucama

A First-Class House Moderate Rates Good Service Farmer's Dinner 25 cts... Hotel Waucama

The Ice Cream Season

IS HERE AGAIN And are prepared to serve our patrons with the Best Ice Cream in the City... The Ice Cream Season

Perfection Bakery

CHARLES HALVORSEN... Perfection Bakery

BARGAIN

White Salmon Land Co. White Salmon, Wash. Home Seekers, Attention... BARGAIN

White Salmon Land Co.

White Salmon, Wash. Home Seekers, Attention... White Salmon Land Co.

Home Seekers, Attention

White Salmon Land Co. White Salmon, Wash. Home Seekers, Attention... Home Seekers, Attention

Land to Lease

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Home Seekers, Attention

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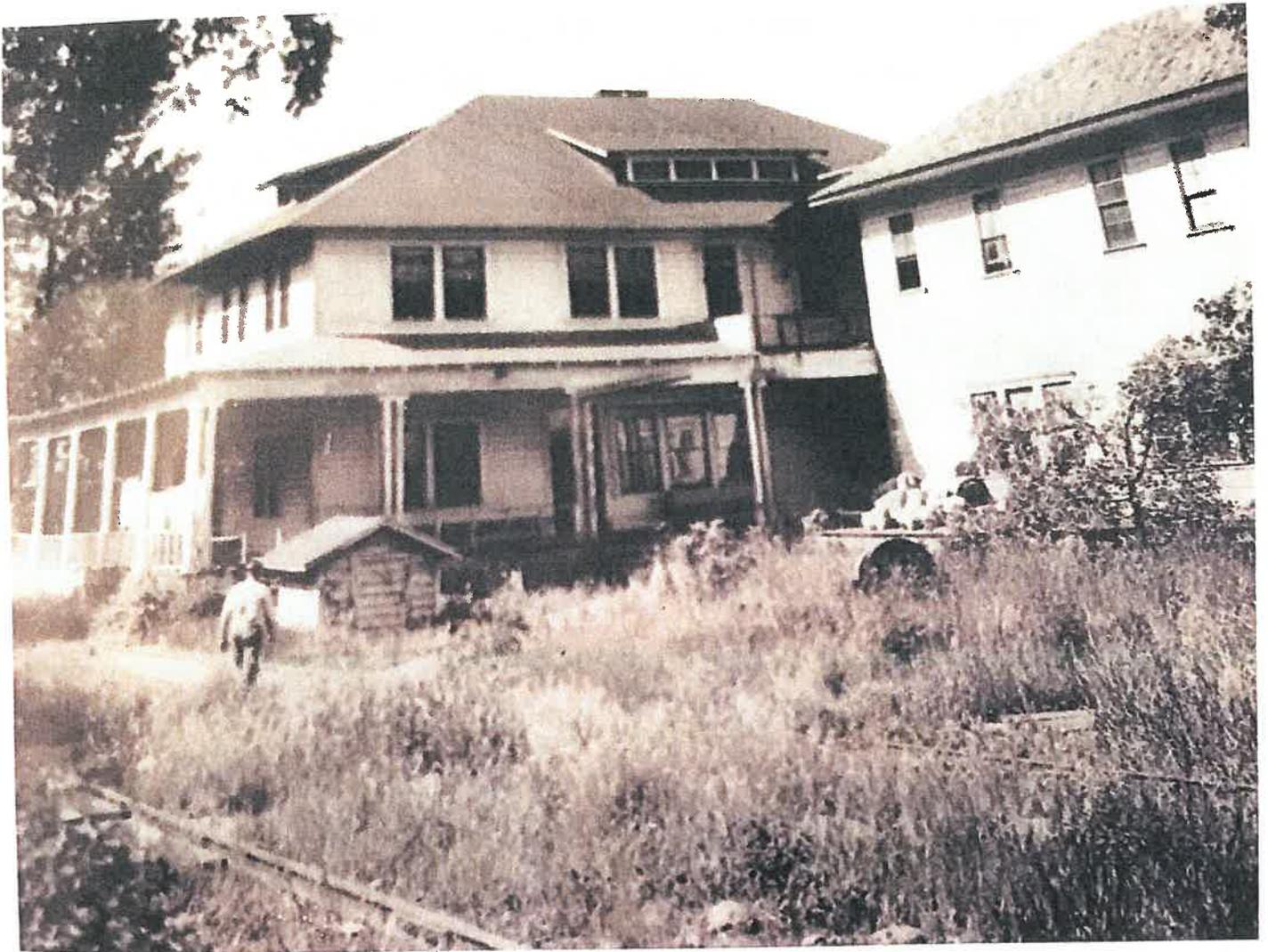
White Salmon Land Co. White Salmon, Wash. Home Seekers, Attention... Home Seekers, Attention

Home Seekers, Attention

White Salmon Land Co. White Salmon, Wash. Home Seekers, Attention... Home Seekers, Attention



"D" (23)





"D" (2A)

Project Description:

Apollo Land Holding LLC is proposing to build a 50 room hotel within the former Dee Lumber Mill site. The hotel would replace an existing cement slab and chip shed which currently are located on the approximate location of the former Dee Mill hotel. The hotel would have a main lobby, various sized rooms and a number of different balconies and common areas. The lobby would pay homage to the previous Dee Mill hotel and the mills past with numerous historical artifacts and photos. The previous hotel was built by David Eccles and the Oregon Lumber Company around 1908 and expanded in the early 1920's. Along with the hotel was a general store, post office and a number of single family homes that comprised the "mill town". These photos were taken by my father prior to the town being dismantled in the late 1950's.



MEMORANDUM

DATE: August 18, 2015
TO: Jason Taylor, Apollo Land Holdings
FROM: Brad Coy, P.E. *BC*
SUBJECT: DeeTour Hotel – Supplemental Traffic Analysis

P14059-000



117 Commercial Street NE
Suite 310
Salem, OR 97301
503.391.8773
www.dksassociates.com

An outdoor concert venue was previously approved in Hood River County along Lost Lake Road between Dee Highway (Oregon State Route 281) and the middle fork of the Hood River approximately 10 miles south of the City of Hood River. The venue's traffic impacts were analyzed and documented in a traffic study prepared in May 2014.¹

At the present time, the project sponsor is proposing to revise the site plan to include a 50-room hotel. This memorandum documents how the hotel is expected to affect the study area traffic and whether there are any revised recommendations as compared with the findings of the prior traffic study. The intent is to ensure the revised site also has acceptable traffic operations and safety.

Proposed Site Revisions

A revised site plan is provided in the appendix and includes the addition of a 50-room hotel. The hotel is planned for the middle of the site between the parking lot on the north and the amphitheater on the south. While the southern portion of the parking lot layout may change compared to the prior site plan, the norther portion (and driveway to Lost Lake Road) would not change. In addition, the number of parking stalls would stay the same at 437 approved parking stalls.

Trip Generation Comparison

Trip generation estimates were performed for the 50-room hotel to better understand how the hotel would affect traffic volumes on the nearby roadways as compared with the traffic previously analyzed for the site. Table 1 provides the hotel trip generation for the peak hours on a typical weekday and on Saturday (which is the highest weekend period), as determined using national trip generation rates provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*.² As shown, a hotel (Land Use 310) is expected to generate 410 daily trips on either Saturday or during the week and 36 trips during the Saturday peak hour.

¹ *DeeTour Traffic Operations Analysis and Site Plan Review*, Memorandum by DKS Associates for Jason Taylor and Bob Benton (Apollo Land Holdings), May 30, 2014.

² *Trip Generation Manual, 9th Edition*, Institute of Transportation Engineers, 2012.

/
"D" (25)



Table 1: Battle Creek Multi-Family Project Trip Generation Summary

Land Use (ITE Code)	Rooms	Time Period	Trip Generation Rate	Peak Hour Trips			Daily Trips
				In	Out	Total	
Hotel (310)	50	Weekday AM Peak Hour	0.53 trips/room	17	11	28	410
		Weekday PM Peak Hour	0.60 trips/room	16	14	30	
		Saturday Peak Hour	0.72 trips/room	20	16	36	

Because of the rural nature of the site, these hotel-related trip levels are expected to occur on an average Saturday during the summer recreation season and would be significantly lower during most other parts of the year. These volumes are also significantly lower than the 500 peak hour trips entering the site during the one-hour period prior to an event and then exiting the site during a one-hour period after the event (i.e., at least 1,000 daily trips). Therefore, hotel-related impacts are minimal compared with concert traffic.

On days when there is a concert at the amphitheater (and a combination of hotel and venue traffic), it is reasonable to expect hotel use to be at its highest. However, the expected near-exclusive use of the hotel by concert patrons and the limited parking (which affects the number of vehicles that can access the site, whether for the hotel or concert) means that any additional hotel traffic (i.e., employees and those not attending the concert) is expected to be minimal. In addition, the conservative nature of the prior traffic study³ (i.e., the 500 peak hour trips entering the site prior to the concert and then exiting after the concert) accounts for any additional hotel traffic during these peak periods. In fact, because the site would be able to provide overnight accommodations for up to 50 rooms of concert patrons, the hotel is expected to reduce the amount of traffic leaving the site, thereby improving conditions as compared with the results of the prior traffic study.

Findings

The addition of a hotel to the approved concert venue site would not have any additional impacts beyond those already analyzed as part of the prior traffic study because:

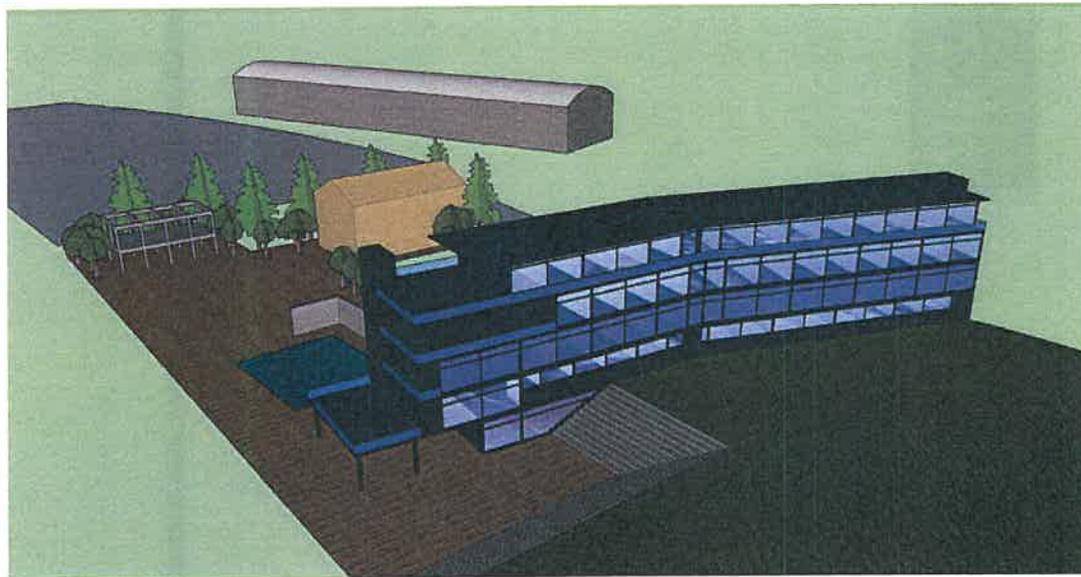
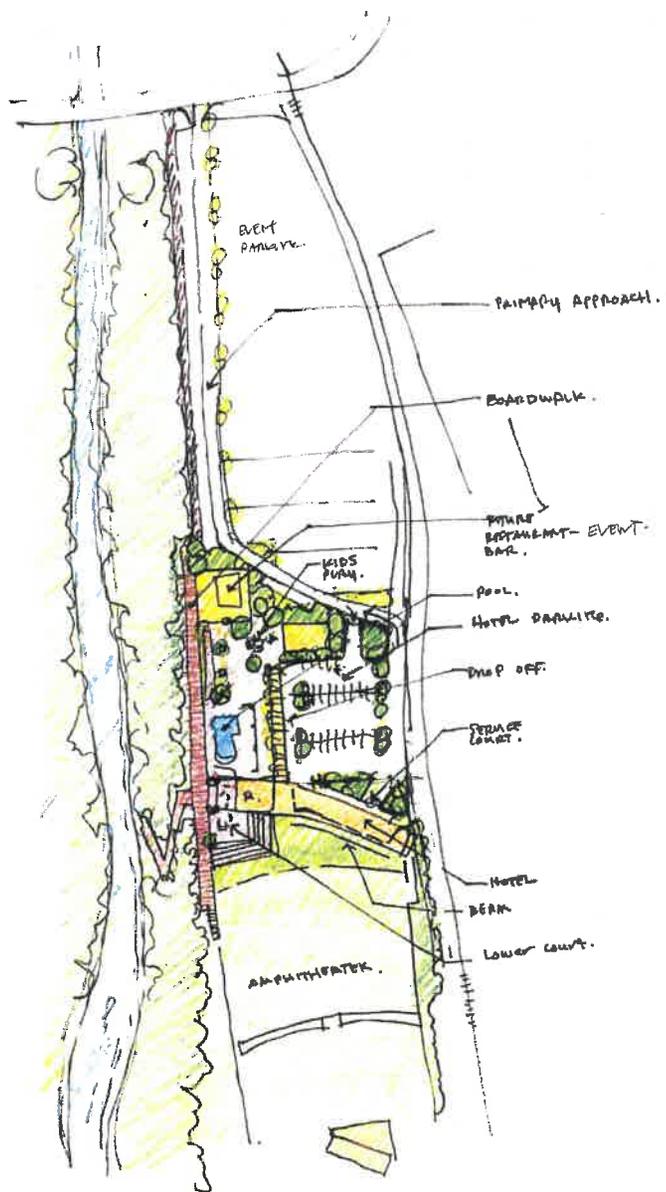
- The number of available parking stalls on the site (i.e., 437 parking stalls) is not changing.
- The hotel is expected to primarily serve concert patrons.
- The prior analysis was sufficiently conservative to account for more traffic than expected.

Please let us know if you have any questions or comments.

³ *DeeTour Traffic Operations Analysis and Site Plan Review*, Memorandum by DKS Associates for Jason Taylor and Bob Benton (Apollo Land Holdings), May 30, 2014. This prior memorandum assumed that 500 vehicles would be leaving the site, which included all concert patrons, plus a 15% safety factor to ensure conservative analysis.



Appendix



project	DEE HOTEL	SURROUND
issue date	07 28 2015	
phase	DESIGN	
surround architecture, inc. - portland, or - 503.224.8484 © 2011 Surround Architecture, Inc.		

8/7/2015

Gmail - Fwd: Dee Mill Taps



jason taylor <realisright@gmail.com>

Fwd: Dee Mill Taps

1 message

jason taylor <realisright@gmail.com>
To: jason taylor <realisright@gmail.com>

Fri, Aug 7, 2015 at 8:37 AM

From: **Mark Lago** <lago@ci.hood-river.or.us>
Date: Thu, Jul 9, 2015 at 3:07 PM
Subject: RE: Dee Mill Taps
To: Jason Taylor <realisright@gmail.com>

Jason,

The water meter is installed. All that has to happen now is you ask for it to be turned on by Public Works.

Sincerely,

Mark A. Lago
City of Hood River
Director of Public Works
211 2nd Street
Hood River, OR 97031
541.387.5205

From: Jason Taylor [mailto:realisright@gmail.com]
Sent: Thursday, July 09, 2015 7:20 AM
To: Mark Lago
Subject: Re: Dee Mill Taps

Mark,

I wanted to circle back. I don't think our meter has been installed - correct me if I am wrong. Would it be possible to have this completed?

Thanks
Jason

Sent from my iPhone

"D" (21)



December 17, 2015
Project No. 561M 132030

Apollo Land Holdings, LLC
3701 SW Condor Ave # 12
Portland, OR 97239

Attention: Jason Taylor

Subject: Report: Base Flood Mapping of East Fork Hood River above Lost Lake Road Bridge
Dee, Hood River County, Oregon

Dear Jason:

Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler) has completed hydraulic and hydrologic modeling and mapping of the base flood elevations along the East Fork Hood River. The base flood is the 1-percent annual exceedence probability (AEP) flood, commonly referred to as the 100-year flood. The area studied is as depicted in the conceptual site plan you provided dated November 16, 2015 (attached) and is located near 4647 Lost Lake Rd, Mount Hood, Oregon 97041 (south of Lost Lake Road, east of East Fork Hood River, and west of the railroad).

SUMMARY OF FINDINGS

The 100-year flood is contained within the channel in this area, and does not extend out of bank onto the proposed DeeTour amphitheater site. The water surface is approximately 35 to 40 ft below the top of bank in the area of interest, 15 feet deep above low flow, and 1.3 percent slope.

The water surface elevations were conservative (high estimates) based on hydraulic modeling of the 100-year flow using LiDAR data for the ground and using the LiDAR water surface as the channel invert (excluding the small underwater conveyance area). The 100-year flows were from published peak flow and watershed data at two gages (West Fork near the site at downstream at Tucker Road). Hydraulic roughness was estimated from published data. The hydraulic model was validated by comparing to measured data at the West Fork gage.

FLOWS

Figure 1 maps three watersheds that were utilized to calculate the base (100-year) flows for this analysis plus the study area, two flow gages, and other references.

Amec Foster Wheeler Environment & Infrastructure, Inc.
7376 SW Durham Road
Portland, Oregon
USA 97224
Tel+1 (503) 639-3400
Fax+1 (503) 620-7892
www.amecfw.com

"D" (28)

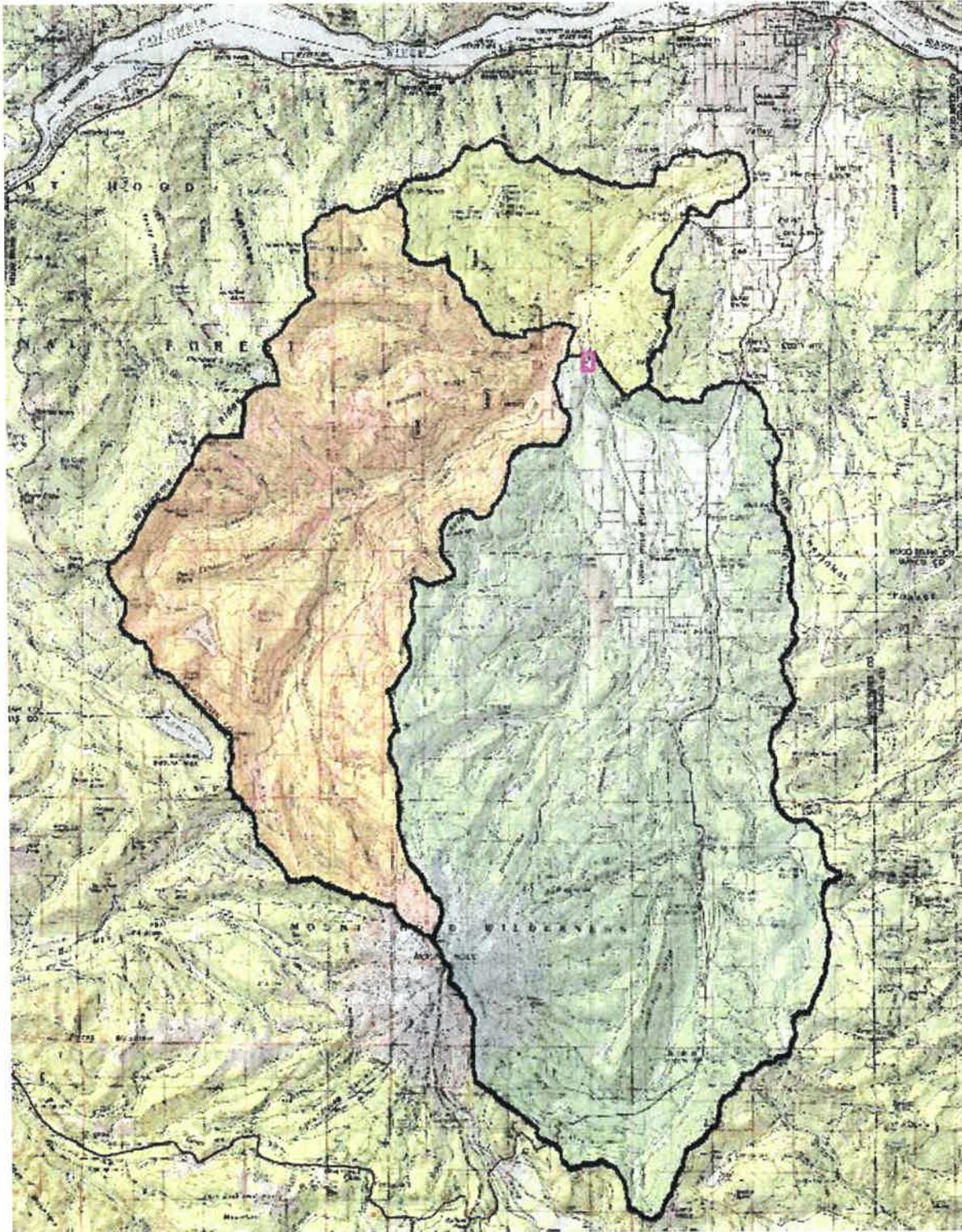


Figure 1. Study Area Watersheds and Vicinity

The three watersheds are as follows:

- East Fork Hood River above Lost Lake Rd Bridge (upstream of the study area). The watershed area is 156 mi² measured to the downstream point 1.39 miles upstream of the confluence with the West Fork Hood River.
- West Fork Hood River at US Geological Survey (USGS) gage 14118500 located 0.06 mile upstream of the Punchbowl Rd Bridge. The watershed area is 95.4 mi² measured to the downstream point 0.47 mile upstream of the confluence with the East Fork Hood River.
- Hood River at USGS gage 14120000 Tucker Road Bridge located about 6.14 miles downstream of the confluence of the East and West Forks Hood River. The total watershed area is 279 mi² including the East and West Fork watersheds.

Annual peak flow data were utilized to estimate peak annual exceedence probability (AEP) flow statistics at both USGS gages. These were then used to interpolate the 100-year (1-percent AEP) flow for the East Fork Hood River.

A 100-year (1-percent AEP) flow of 29,000 cubic feet per second (cfs) was calculated for the downstream Hood River at Tucker Bridge as shown in **Figure 2**. Annual peak flow data were downloaded from USGS gage 14120000 (USGS, 2015a). Data included 54 annual peak flows; early values for 1897, 1899, 1915, 1916, then 50 uninterrupted years for 1965 to 2014 (all years are "water years", the prior October 1 through current September 30). Multiple curve fits were compared in version 7.1 of USGS computer program PeakFQ (USGS, 2006). The bulletin 17-B estimates (labeled "B17B") were distorted by fitting the frequent (probability >0.5 AEP) flows. The annual peaks underestimated the "real" 0.5 AEP flow and likely also the 0.2 AEP. The systematic peak from PeakFQ appeared to provide a more realistic 100-year flow. Also, the highest observed flow appeared consistent with a lower AEP than shown.

A 100-year (1-percent AEP) flow of 19,000 cfs was calculated for the West Fork Hood River near Dee (above Punchbowl Rd Bridge) as shown in **Figure 3**. Data were downloaded from USGS gage 14118500 (USGS, 2015b). Data included 59 annual peak flows; early values for 1914 to 1915 and 57 uninterrupted years for 1933 to 1991. Multiple curve fits were compared in PeakFQ. The bulletin 17-B estimates were distorted by fitting the frequent (probability >0.5 AEP) flows and high flows were underestimated. Like the downstream gage, the annual peaks underestimated the "real" 0.5 AEP flow and likely also underestimate the 0.2 AEP. Also, the highest observed flow appeared consistent with a lower AEP.

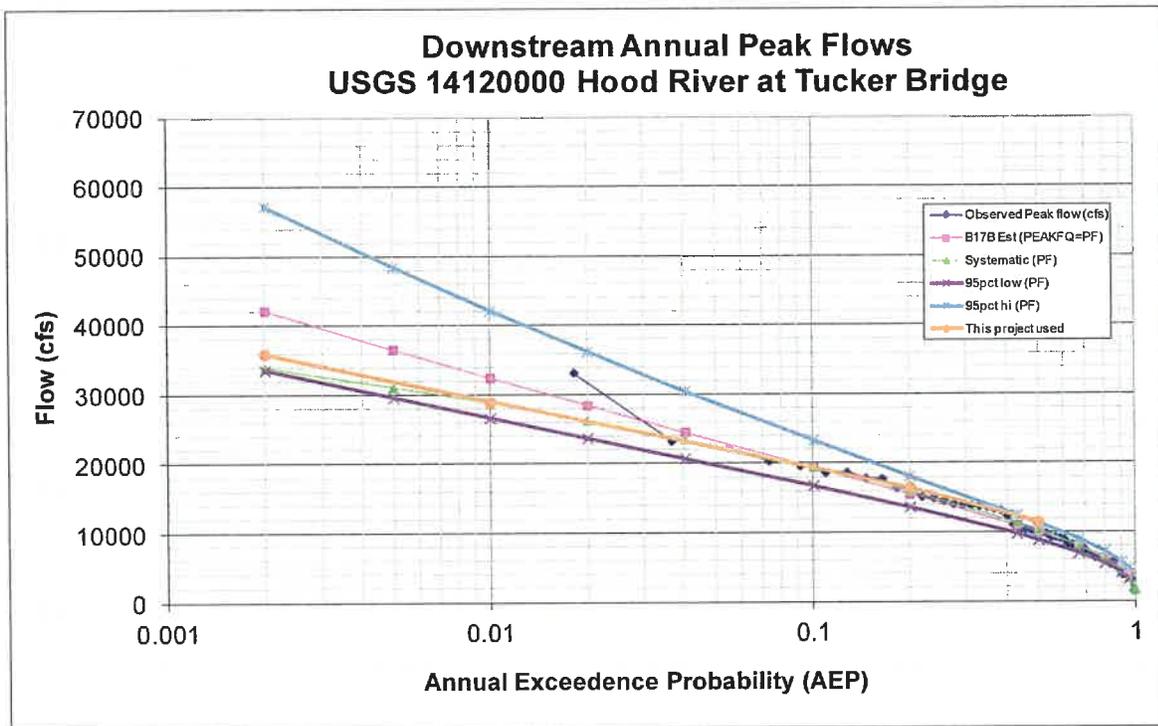


Figure 2. Peak Flows for Downstream Hood River

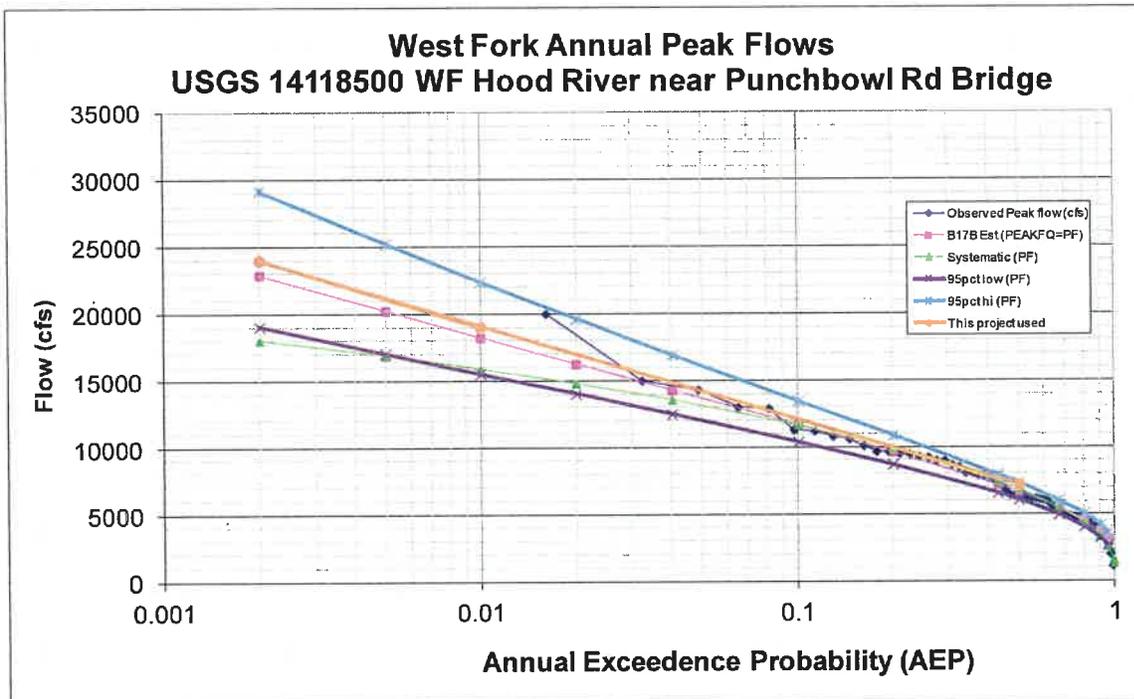


Figure 3. Peak Flows for West Fork Hood River

Report: Base Flood Mapping of East Fork Hood River above Lost Lake Road Bridge
 Dee, Hood River County, Oregon

Prediction equation	Percent standard error of the model,	Average standard error of sampling,	Average prediction error,	Average equivalent years of record
	in percent	in percent	in percent	
Q(2) = 0.7516 Area ^{0.8787} Slope ^{1.694} (Elev/1,000) ^{-1.060}	46.3	14.9	49.1	1.2
Q(5) = 1.986 Area ^{0.8862} Slope ^{1.691} (Elev/1,000) ^{-1.315}	38.6	13.3	41.1	2.4
Q(10) = 3.262 Area ^{0.6161} Slope ^{1.692} (Elev/1,000) ^{-1.464}	37.4	13.5	40.1	3.5
Q(25) = 5.352 Area ^{0.7820} Slope ^{2.011} (Elev/1,000) ^{-1.660}	38.5	14.4	41.5	4.7
Q(50) = 7.195 Area ^{0.7870} Slope ^{2.027} (Elev/1,000) ^{-1.868}	40.4	15.4	43.7	5.4
Q(100) = 9.242 Area ^{0.7783} Slope ^{2.045} (Elev/1,000) ^{-1.765}	42.9	16.4	46.5	5.8
Q(500) = 17.73 Area ^{0.7638} Slope ^{2.098} (Elev/1,000) ^{-1.912}	50.2	19.2	54.6	6.1

Figure 4. Flow Regression Equations for East Slope Cascade Mountains

Figure 4 shows the standard flow regression equations that utilized to interpolate the two gage flows to the East Fork Hood River at the study area. The equations are from Table 21, prediction equations for flood region 1, eastern slope of the Cascade Mountains) (OWRD, 2006). The USGS StreamStats Version 3 online web service was utilized to delineate the three watershed boundaries and to summarize statistics including drainage area, slope, and average elevation (USGS, 2015c). Table 1 lists the watershed parameters.

Table 1. Watershed Parameters for Flow Regressions

Location	Area (mi2)	Slope (degrees)	Elevation (ft)
Hood River at Tucker Bridge (gage)	279	15.6	3140
Hood River at Confluence of East and West Forks	261	15.7	3450
West Fork Hood River at Punchbowl Rd (gage)	95.4	18.0	3350
East Fork Hood River at Lost Lake Rd	156	14.4	3700

Where Area is the drainage area in square miles (mi2), Slope is mean watershed slope (degrees), and Elev is the mean watershed elevation (ft).

A 100-year (0.01 AEP) peak flow of 22,600 cfs was estimated for the East Fork Hood River at Lost Lake Rd Bridge and 28,100 cfs for the Hood River just below the confluence. These flows were interpolated using flows at Tucker Bridge downstream and at Punchbowl Rd Bridge on the West Fork. The interpolation used the watershed area together with its exponent from the 100-year regression equation because this yielded a conservative flow estimate. Lower flows would be interpolated using just area and elevation or using all three factors (with their corresponding exponents).

"D" (30)

WATER SURFACE ELEVATIONS

Figure 5 maps the reaches of the Hood River, West Fork, and East Fork for which base flood elevations (BFEs) were modeled. The study area (area where the floodplain was mapped) and other references are also mapped. Modeling utilized the Version 4.1 of the HEC-RAS computer program (USACE, 2010).

The analysis extended downstream (north) of Lost Lake Rd Bridge to establish a stable downstream profile. The analysis included a short reach of the Hood River below the confluence to include effects from downstream, and also included a short reach of the West Fork Hood River upstream to the USGS gage. Model results were compared to gage data to validate hydraulic parameters.

The analysis involved the following steps:

- **Ground Topography.** A detailed grid of ground elevations based on LiDAR was downloaded from the Oregon Department of Geology and Mineral Industries (DOGAMI, 2015) and then clipped to the model area. Because the Hood River 100-year flow was expected to remain within the canyon, the analysis was simplified to use only LiDAR for the geometry. The water surface elevations were conservative (high estimates) because the LiDAR data is smoothed so the channel is slightly narrower, and the LiDAR invert is at the low-flow water surface and excludes the small underwater conveyance area.
- **Cross-Section Locations.** Water surface elevations were modeled at cross-sections that were spaced within 500 ft, with closer spacing to reflect canyon geometry or points of interest such as structures or the West Fork USGS gage. The cross-sections are also mapped on Figure 5, but labels are omitted for clarity. Cross-sections were “cut” from the LiDAR data and formatted for input to HEC-RAS.
- **Hydraulic Roughness.** Manning’s n-values were estimated for the channel and canyon sides using professional judgment and the established references (USGS, 1967). The steep sides were modeled as n-value 0.100 corresponding to rough and forested. N-values for the river bottoms were varied as suggested by channel slope from analysis of the USGS, 1967 data. The West Fork n-value was 0.050 and had gradient 0.013; the East Fork n-value was 0.055 and had gradient 0.016; and the downstream n-values were 0.045, 0.050, and 0.060, and had gradients 0.008, 0.014, and 0.018.

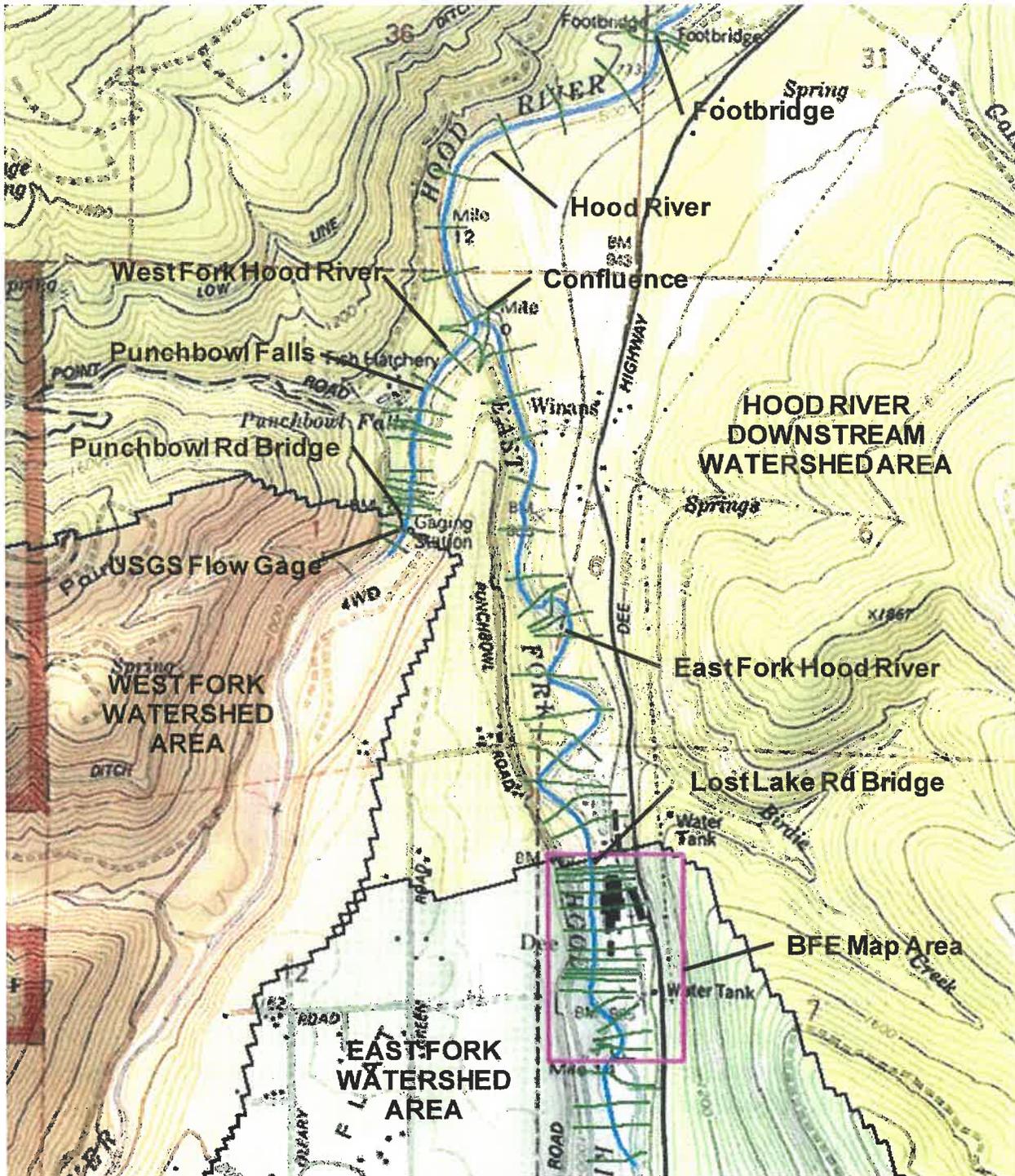


Figure 5. Hood River BFE Analysis Area

"D" (31)

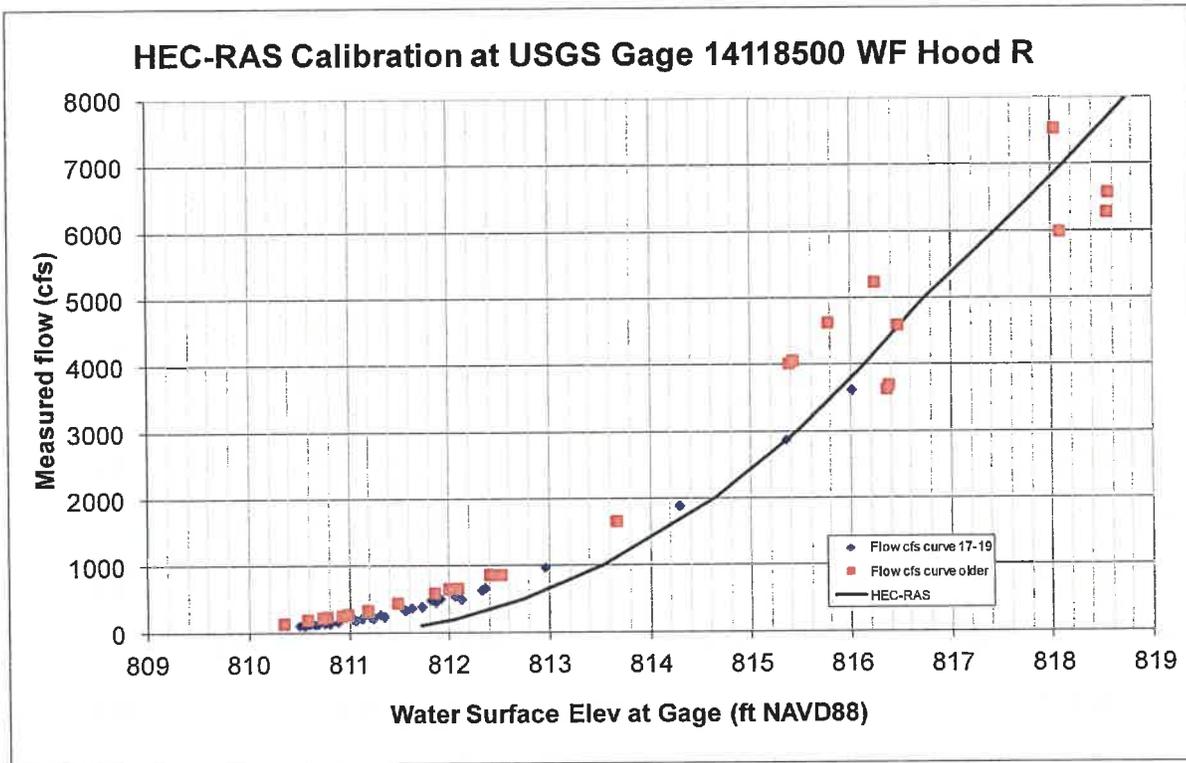


Figure 6. Model Validation at USGS West Fork Gage

- **Model Validation.** Water surfaces for a range of elevations were modeled and compared at the West Fork USGS flow gage, and showed a strong prediction for flows above 1500 cfs (Figure 6). Elevations for lower flows are under-predicted; however, that is acceptable and expected because n-values for lower flows are often much higher than for high flows.

HEC-RAS input and output data are attached.

BFE MAPPING AND RESULTS

Figure 7 maps the 100-year flood boundary near the proposed development. The 100-year floodplain extent was mapped in the study area vicinity by intersecting the water surface elevations from the HEC-RAS model output with the ground elevations from the LiDAR data. The figure includes labeled cross-sections and a shaded-relief presentation of the LiDAR data.

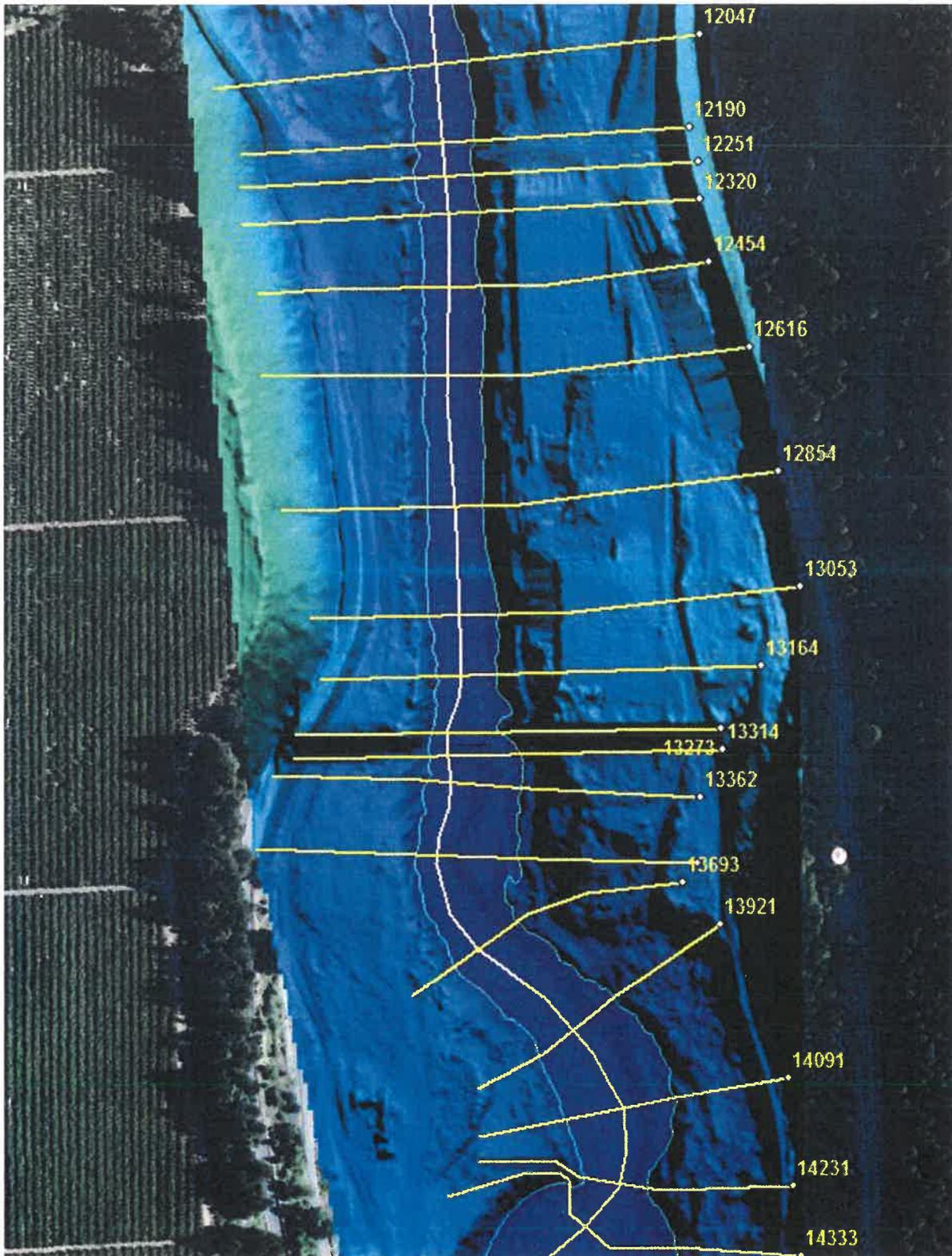


Figure 7. Floodplain Boundaries for 100-Year (Base) Flood

"D" (32)

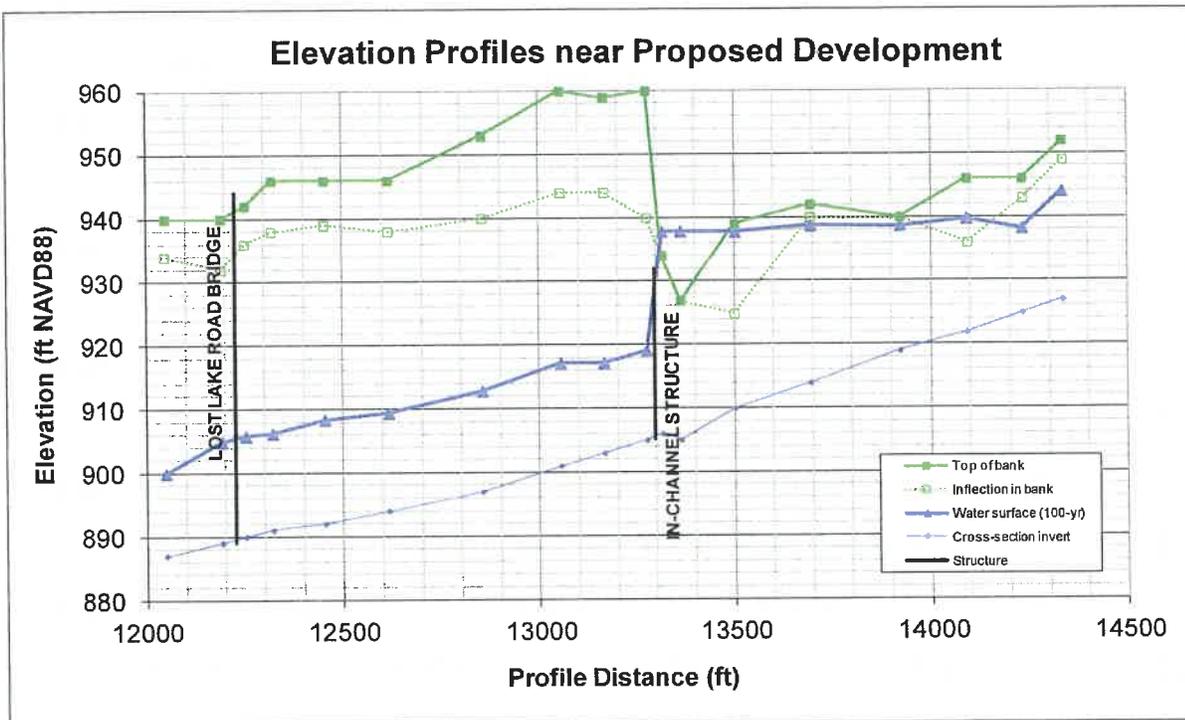


Figure 8. Water Surface Elevation Profiles for 100-Year Flow

Figure 8 compares the 100-year water surface profile to the top of bank profile near the proposed development. The profile distances marked correspond to the cross-sections from the HEC-RAS model. The two vertical lines correspond to two in-channel structures as labeled, the Lost Lake Road Bridge at distance 12,225 and a partial blockage at distance 13,314.

Based on the hydraulic analysis, the 100-year water surface is approximately 35 to 40 ft below the top of bank in the area of interest between Lost Lake Road and the inline structure. Thus the 100-year flood would be contained within the channel, and not extend out of bank onto the proposed DeeTour amphitheater site. The 100-year flow is approximately 15 feet deep above the cross-section inverts, and has 1.3-percent slope.

LIMITATIONS

This report was prepared exclusively for Apollo Land Holdings, LLC (Client) by Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler). The quality of information, conclusions, and estimates contained herein is consistent with the level of effort involved in Amec Foster Wheeler services and based on: i) information available at the time of preparation, ii) data supplied by outside sources, and iii) the assumptions, conditions, and qualifications set forth in this report. This report is intended to be used by Client for the DeeTour amphitheater project only, subject to the terms and conditions of its contract with Amec Foster Wheeler. Any other use of, or reliance on, this report by any third party is at that party's sole risk.

We appreciate the opportunity of serving Apollo Land Holdings with this project and look forward to working for you in the future when other projects develop that can benefit from our expertise.

Sincerely,

Amec Foster Wheeler
Environment & Infrastructure, Inc.

Reviewed by:



A handwritten signature in blue ink, appearing to read "Habib Matin".

Seth Jelen, PE, CFM, CWRE
Principal Engineer – Water Resources

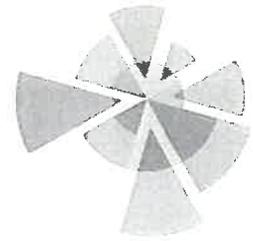
Habib Matin, PE, PhD
Principal Engineer – Water Resources

Attachments: HEC-RAS input and output data

SJ/

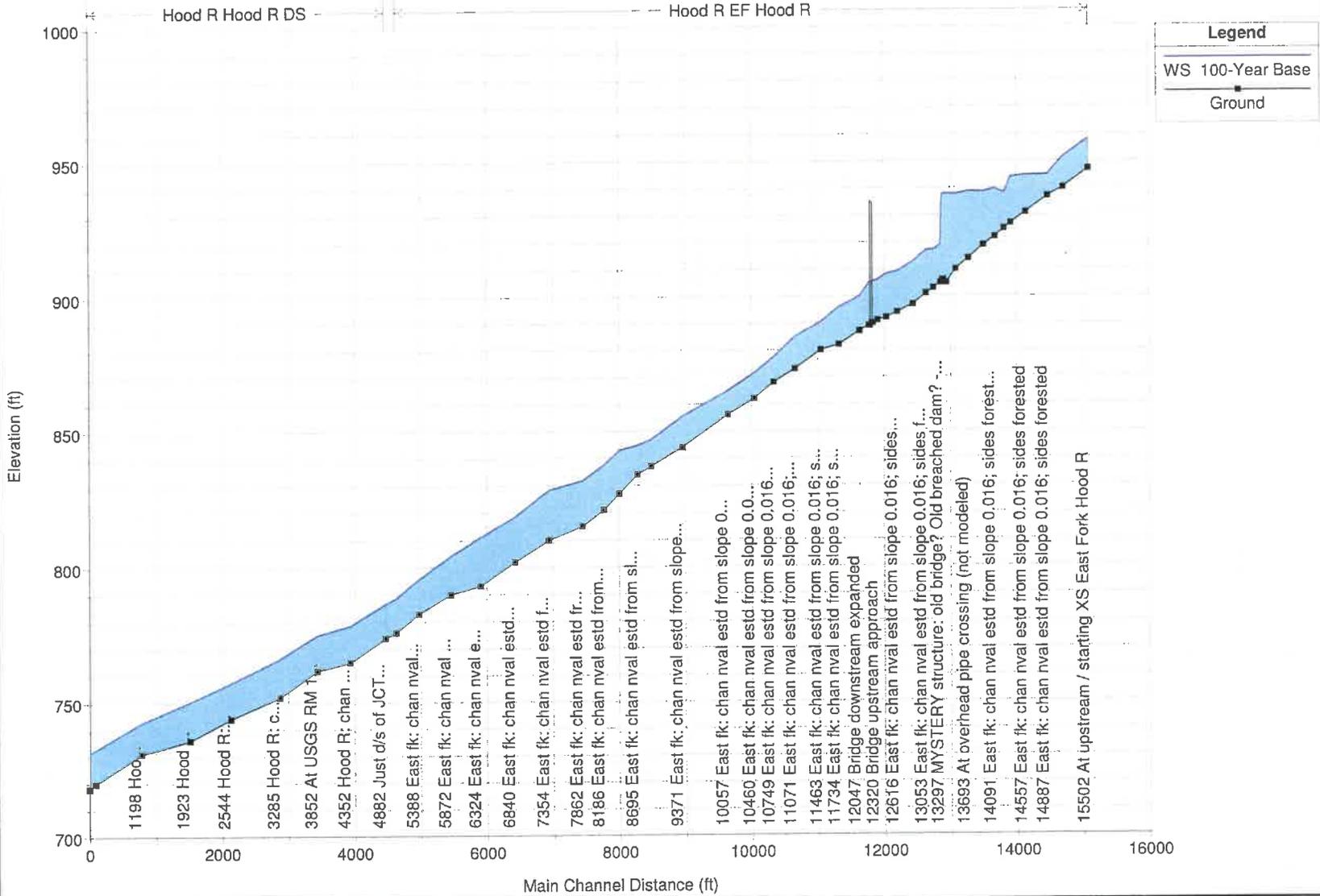
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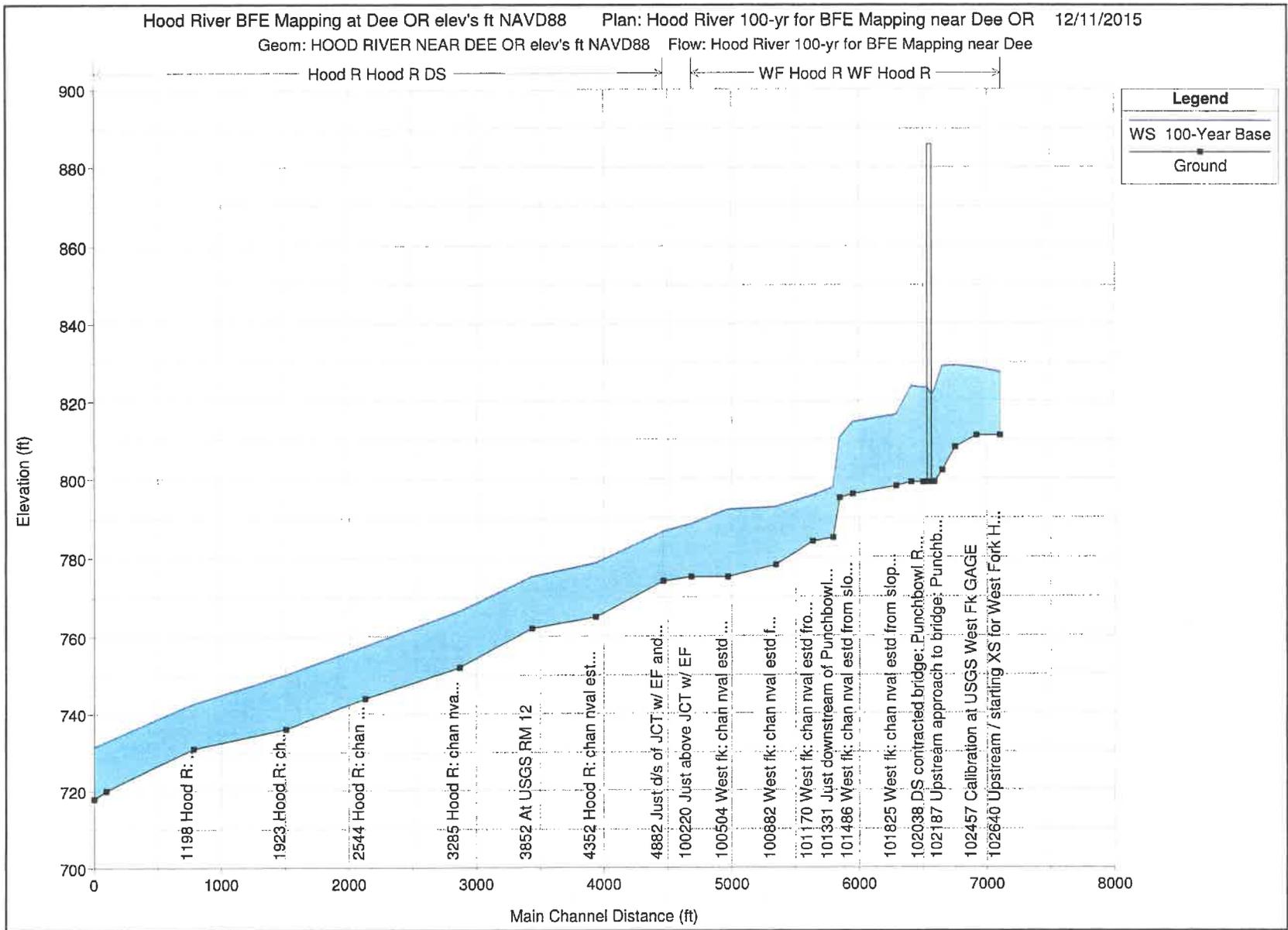


ATTACHMENTS

"D" (34)



(55) Dⁿ



Attachment 2: Output Summary - Existing Geometry Model with 100-year Flow

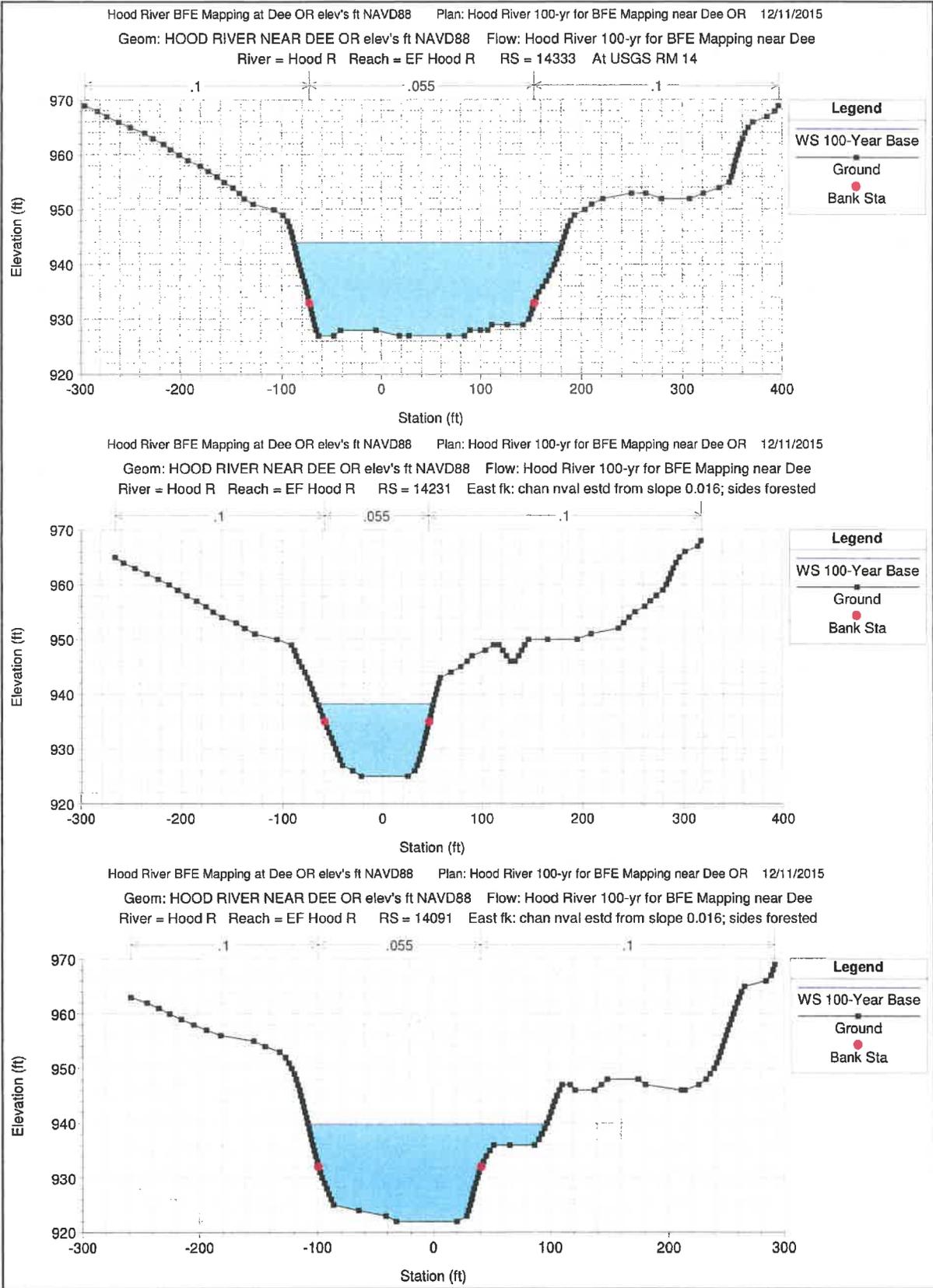
River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
WF Hood R	WF Hood R	102640	100-Year Base	19000	811	827.44	827.44	834.85	0.017171	21.91	896.65	65.98	0.99
WF Hood R	WF Hood R	102457	100-Year Base	19000	811	828.63		831.61	0.006845	13.88	1382.13	97.64	0.62
WF Hood R	WF Hood R	102287	100-Year Base	19000	808	829.17		830.54	0.002122	9.43	2075.88	116.83	0.38
WF Hood R	WF Hood R	102187	100-Year Base	19000	802	829.01		830.33	0.001782	9.27	2110.89	103.81	0.34
WF Hood R	WF Hood R	102125	100-Year Base	19000	799	822.79	818.94	828.73	0.00976	19.68	1030.91	54.99	0.74
WF Hood R	WF Hood R	102086											
WF Hood R	WF Hood R	102038	100-Year Base	19000	799	823.36		825.9	0.003478	12.85	1574.89	82.04	0.48
WF Hood R	WF Hood R	101944	100-Year Base	19000	799	823.78		825.05	0.001602	9.12	2271.75	122.08	0.34
WF Hood R	WF Hood R	101825	100-Year Base	19000	798	816.45	816.45	823.97	0.017396	22.08	891.72	66.11	0.98
WF Hood R	WF Hood R	101486	100-Year Base	19000	796	814.54		818.31	0.008203	15.6	1228.08	79.49	0.68
WF Hood R	WF Hood R	101382	100-Year Base	19000	795	810.51	810.51	816.83	0.018632	20.17	946.05	78.01	1
WF Hood R	WF Hood R	101331	100-Year Base	19000	785	797.67		801.53	0.011594	15.76	1209.09	103.34	0.8
WF Hood R	WF Hood R	101170	100-Year Base	19000	784	795.69		799.46	0.013919	15.58	1219.8	125.51	0.88
WF Hood R	WF Hood R	100882	100-Year Base	19000	778	792.79		796.13	0.009094	14.66	1302.3	107.62	0.73
WF Hood R	WF Hood R	100504	100-Year Base	19000	775	792.2		793.7	0.003117	9.83	1944.72	130.82	0.44
WF Hood R	WF Hood R	100220	100-Year Base	19000	775	788.61		792.07	0.009539	14.93	1284.42	108.53	0.74
Hood R	EF Hood R	15502	100-Year Base	22600	947	957.94	957.72	961.51	0.016275	15.54	1698.77	262.65	0.87
Hood R	EF Hood R	15123	100-Year Base	22600	940	951.26	951.26	954.31	0.021511	18.04	2167.28	320.35	1
Hood R	EF Hood R	14887	100-Year Base	22600	937	944.79	944.79	947.1	0.027312	12.2	1852.19	404.89	1.01
Hood R	EF Hood R	14557	100-Year Base	22600	931	944.58		944.97	0.00186	5.07	4546.69	539.86	0.3
Hood R	EF Hood R	14333	100-Year Base	22600	927	944.05		944.62	0.001259	6.07	3909.85	269.86	0.27
Hood R	EF Hood R	14231	100-Year Base	22600	925	938.23	938.23	943.79	0.020435	18.95	1208.52	116.12	0.99
Hood R	EF Hood R	14091	100-Year Base	22600	922	939.77		941.24	0.00346	9.86	2488.79	204.8	0.43
Hood R	EF Hood R	13921	100-Year Base	22600	919	938.66		940.56	0.004124	11.29	2261.93	174.92	0.48
Hood R	EF Hood R	13693	100-Year Base	22600	914	938.69		939.77	0.001545	8.4	2840.6	139.39	0.31
Hood R	EF Hood R	13500	100-Year Base	22600	910	937.75		939.34	0.0027	11.17	2876.55	180.48	0.39
Hood R	EF Hood R	13362	100-Year Base	22600	905	937.85		938.95	0.001246	8.82	3254.46	166.84	0.28
Hood R	EF Hood R	13314	100-Year Base	22600	906	937.81	920.15	938.87	0.001166	8.46	3171.46	171.69	0.27
Hood R	EF Hood R	13297											
Hood R	EF Hood R	13273	100-Year Base	22600	905	919.14		923.15	0.012451	16.09	1417.91	112.75	0.78
Hood R	EF Hood R	13164	100-Year Base	22600	903	917.18		921.6	0.013817	16.87	1349.74	105.94	0.82
Hood R	EF Hood R	13053	100-Year Base	22600	901	917.17		920.03	0.007497	13.6	1695.12	124.38	0.62
Hood R	EF Hood R	12854	100-Year Base	22600	897	912.81	911.29	917.81	0.014192	17.98	1281.33	97.62	0.84
Hood R	EF Hood R	12616	100-Year Base	22600	894	909.38	908.13	914.37	0.014689	17.97	1283.64	103.43	0.86
Hood R	EF Hood R	12454	100-Year Base	22600	892	908.35		912.08	0.009687	15.51	1480.15	104.87	0.7
Hood R	EF Hood R	12320	100-Year Base	22600	891	906.18		910.54	0.012571	16.79	1364.68	104.43	0.79
Hood R	EF Hood R	12251	100-Year Base	22600	890	905.8	902.62	909.4	0.009644	15.24	1498.21	105.96	0.7
Hood R	EF Hood R	12225											
Hood R	EF Hood R	12190	100-Year Base	22600	889	904.92	901.75	908.5	0.009564	15.2	1509.53	109.06	0.7
Hood R	EF Hood R	12047	100-Year Base	22600	887	899.98	899.98	905.85	0.021207	19.45	1168.63	103.56	1
Hood R	EF Hood R	11734	100-Year Base	22600	892	896.04		898.91	0.010776	13.61	1677.37	162.82	0.72
Hood R	EF Hood R	11463	100-Year Base	22600	880	890.47	890.47	894.67	0.022945	16.45	1374.03	165.57	1.01
Hood R	EF Hood R	11071	100-Year Base	22600	873	885.18		887.13	0.011948	11.2	2023.56	269.21	0.72
Hood R	EF Hood R	10749	100-Year Base	22600	868	877.54	877.54	881.89	0.021048	16.75	1378.33	179.2	0.98
Hood R	EF Hood R	10460	100-Year Base	22600	862	871.61	871.61	875.27	0.019707	15.79	1640.83	254.13	0.95
Hood R	EF Hood R	10057	100-Year Base	22600	856	864.98		866.41	0.012901	9.58	2378.13	438.65	0.72
Hood R	EF Hood R	9371	100-Year Base	22600	844	855.7	854.45	857.82	0.01197	11.79	2078.2	343.35	0.73
Hood R	EF Hood R	8903	100-Year Base	22600	837	847.05	847.05	850.29	0.021933	14.51	1619.07	286.51	0.96
Hood R	EF Hood R	8695	100-Year Base	22600	834	844.89		846.31	0.009273	9.57	2371.34	339.26	0.63
Hood R	EF Hood R	8418	100-Year Base	22600	827	843		844.12	0.006318	8.49	2670.33	335.31	0.53
Hood R	EF Hood R	8186	100-Year Base	22600	821	837.63	836.33	841.76	0.013362	16.51	1471.59	138.42	0.82
Hood R	EF Hood R	7862	100-Year Base	22600	815	831.93	831.93	836.6	0.017183	18.44	1479.18	165.2	0.92
Hood R	EF Hood R	7354	100-Year Base	22600	810	828.61		830.27	0.004003	10.36	2239.93	164.4	0.46
Hood R	EF Hood R	6840	100-Year Base	22600	802	818.65	818.65	825.82	0.019639	21.56	1085.54	83.53	0.98
Hood R	EF Hood R	6324	100-Year Base	22600	793	811.25	809.22	816.42	0.012436	18.36	1295.95	94.29	0.8
Hood R	EF Hood R	5872	100-Year Base	22600	790	804.38	804.03	809.72	0.017922	18.58	1249.51	117.55	0.94
Hood R	EF Hood R	5388	100-Year Base	22600	783	795.71	795.56	800.45	0.019728	17.49	1312.38	139.25	0.97
Hood R	EF Hood R	5048	100-Year Base	22600	776	788.72	788.72	793.19	0.022625	16.98	1333.46	155.88	1
Hood R	Hood R DS	4882	100-Year Base	28100	774	786.72		789.87	0.009559	14.24	1976.72	178.68	0.75
Hood R	Hood R DS	4352	100-Year Base	28100	765	778.63	777.75	783.66	0.013677	18.02	1569.67	131.06	0.9
Hood R	Hood R DS	3852	100-Year Base	28100	762	775.22		778	0.007585	13.37	2114.16	182.71	0.68
Hood R	Hood R DS	3285	100-Year Base	28100	752	766.58	766	771.89	0.014842	18.49	1522.33	127.45	0.93
Hood R	Hood R DS	2544	100-Year Base	28100	744	757.52		761.89	0.011683	16.77	1681.85	135.07	0.83
Hood R	Hood R DS	1923	100-Year Base	28100	736	750.32	748.95	755.19	0.009836	17.71	1594.38	122.32	0.85
Hood R	Hood R DS	1198	100-Year Base	28100	731	742.77	742.35	747.01	0.012434	16.53	1708.49	185.11	0.93
Hood R	Hood R DS	511	100-Year Base	28100	720	732.93		736.77	0.017733	15.73	1787.98	167.5	0.84
Hood R	Hood R DS	417	100-Year Base	28100	718	731.61	729.73	735.16	0.015025	15.12	1858.7	160.16	0.78

Notes:

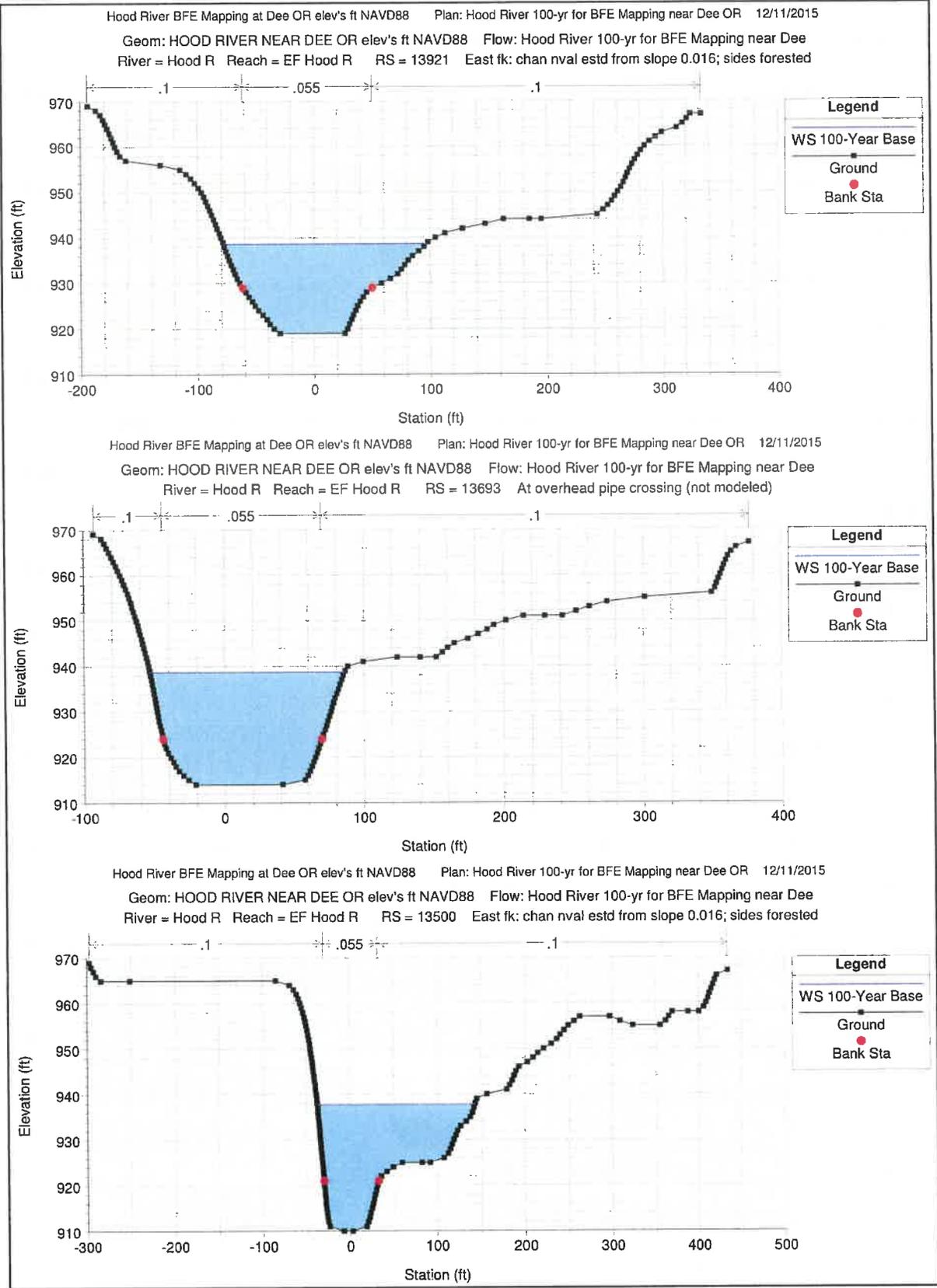
Cross-section output for project vicinity is highlighted in bold above

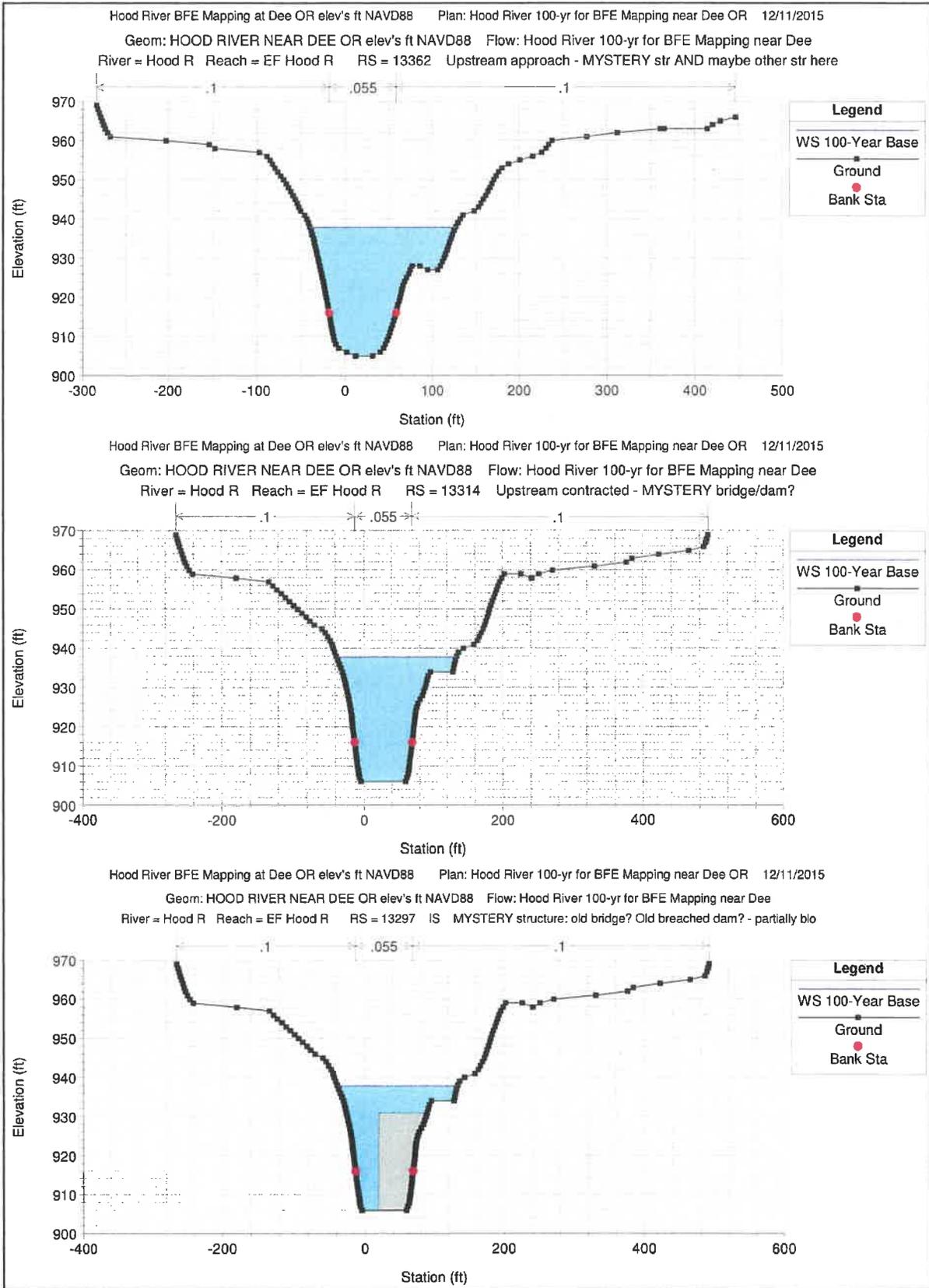
Key to field names:

River Sta	Distance in ft upstream from confluence with Tualatin River
Profile	One of four flood events: 10-, 50-, 100-, and 500-year
Q Total	Flow rate (cfs)
Min Ch El	Thalweg (minimum channel elevation) - ft NGVD29
W.S. Elev	Water surface elevation (ft NGVD29)
Crit W.S.	Critical water surface elevation (ft NGVD29)
E.G. Elev	Energy grade elevation (ft NGVD29)
E.G. Slope	Energy grade slope (ft/ft)
Vel Chnl	Average velocity of flow in channel (ft/second)
Flow Area	Wetted flow cross-section area (square-ft)
Top Width	Wetted top-width of flow (ft)
Froude # Chl	Froude Number (unitless)

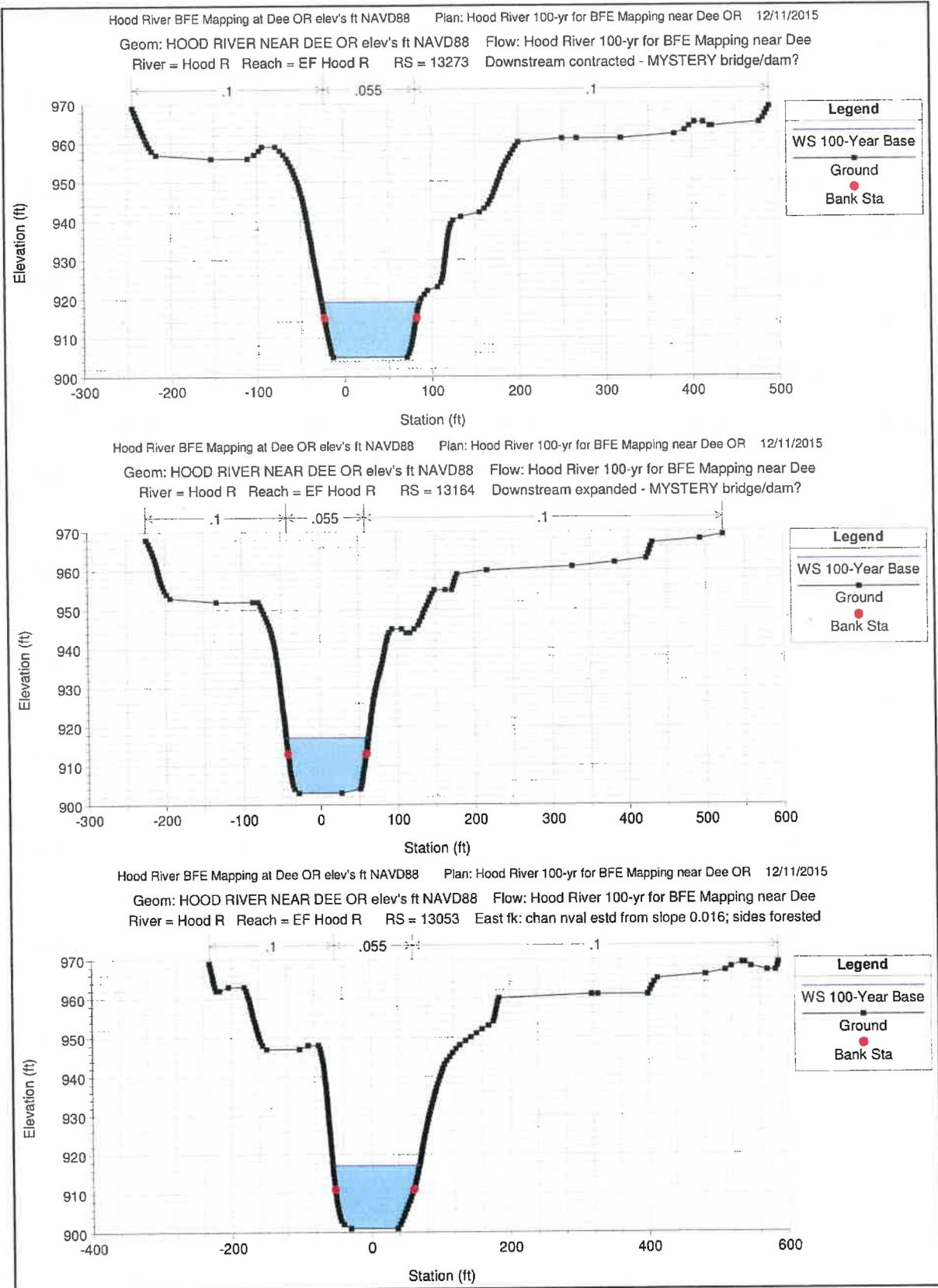


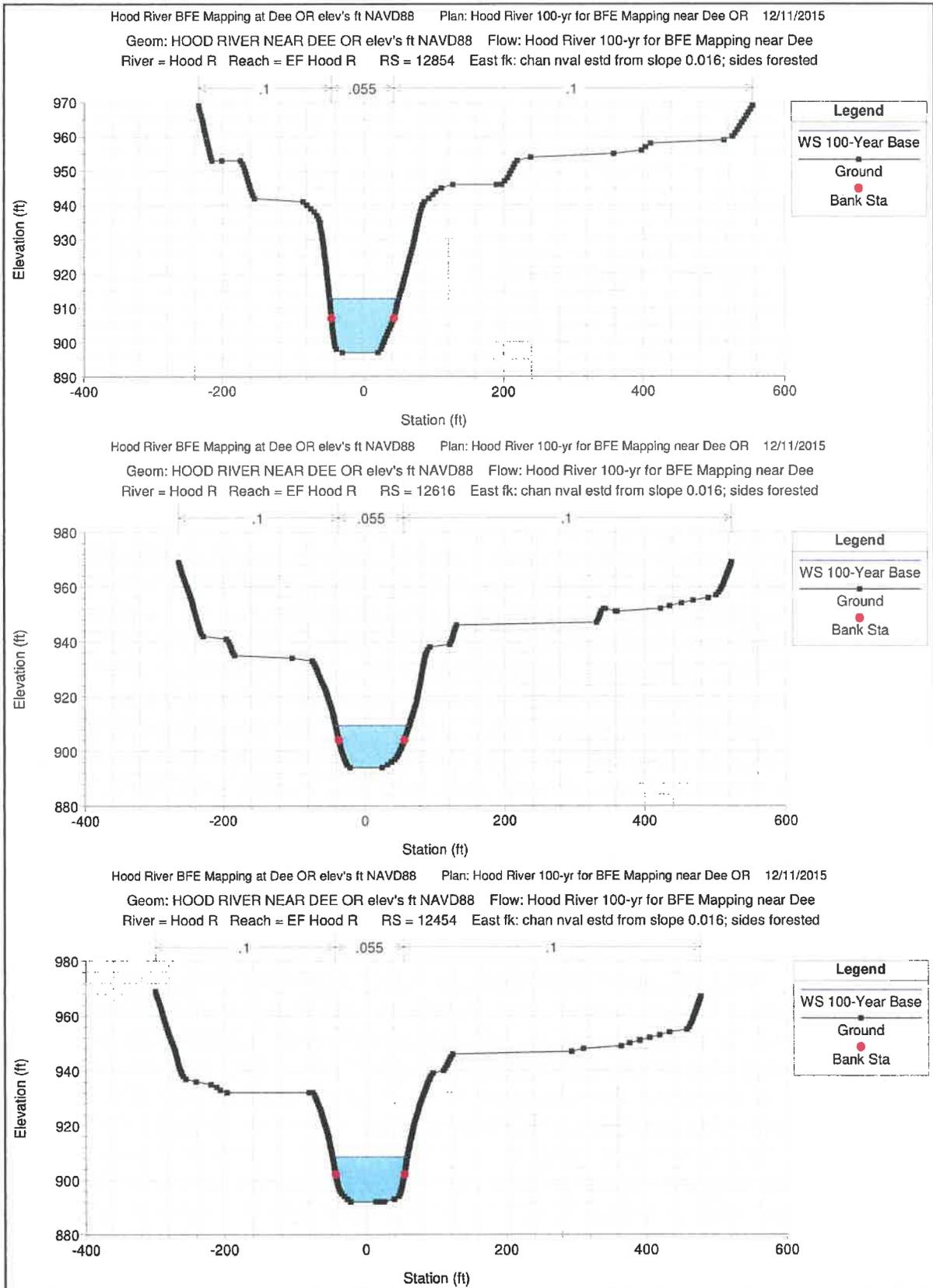
"D" (36)



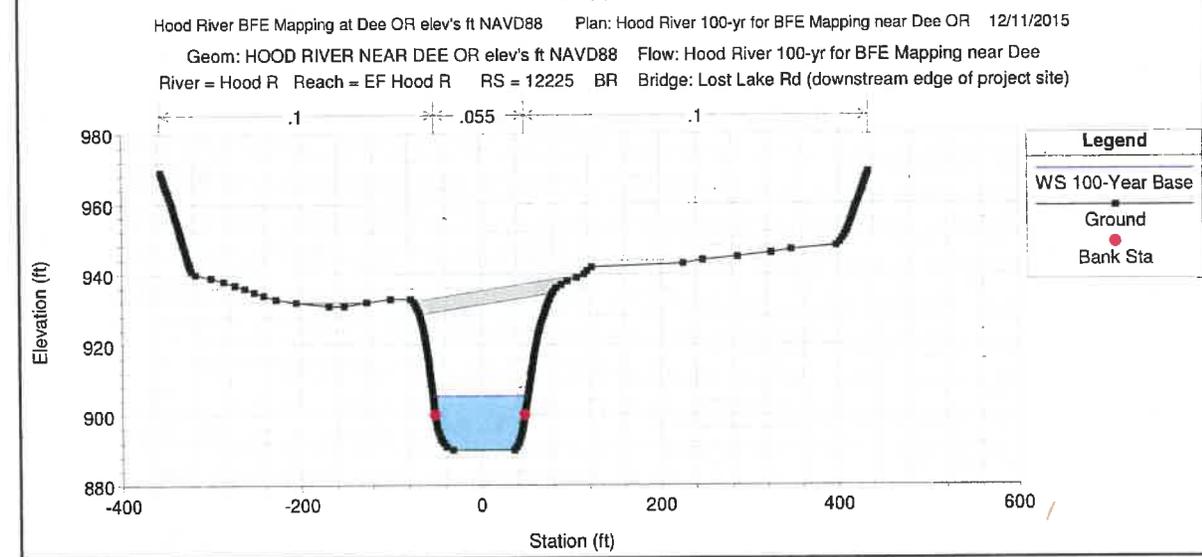
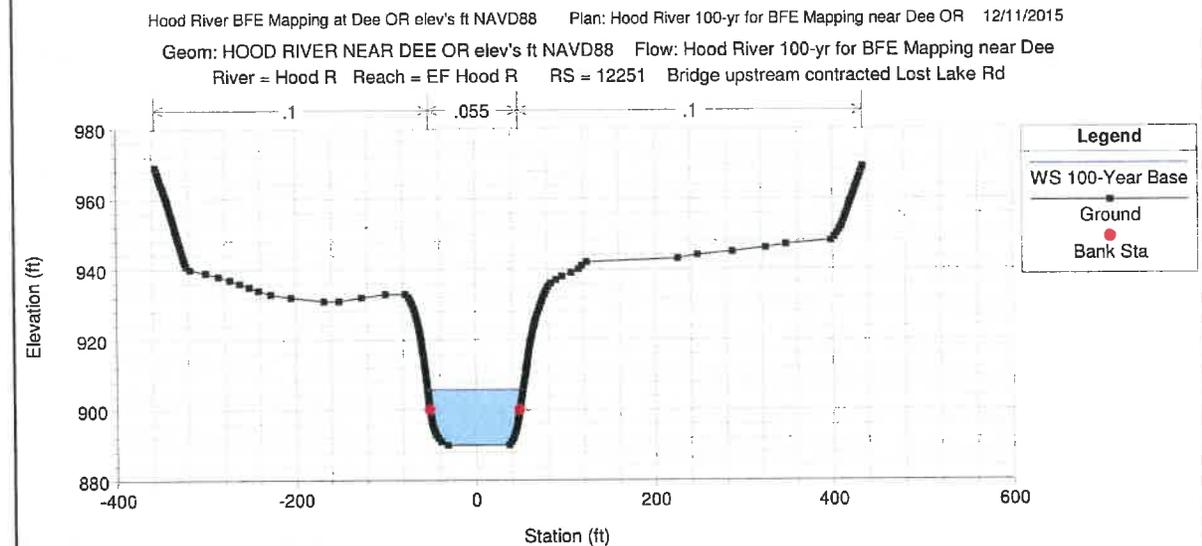
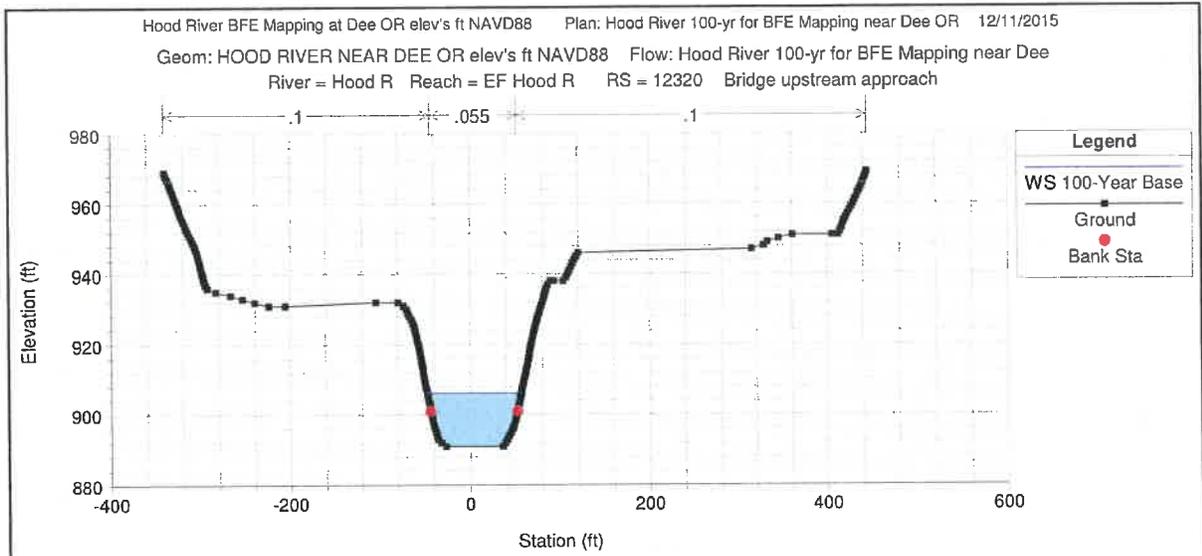


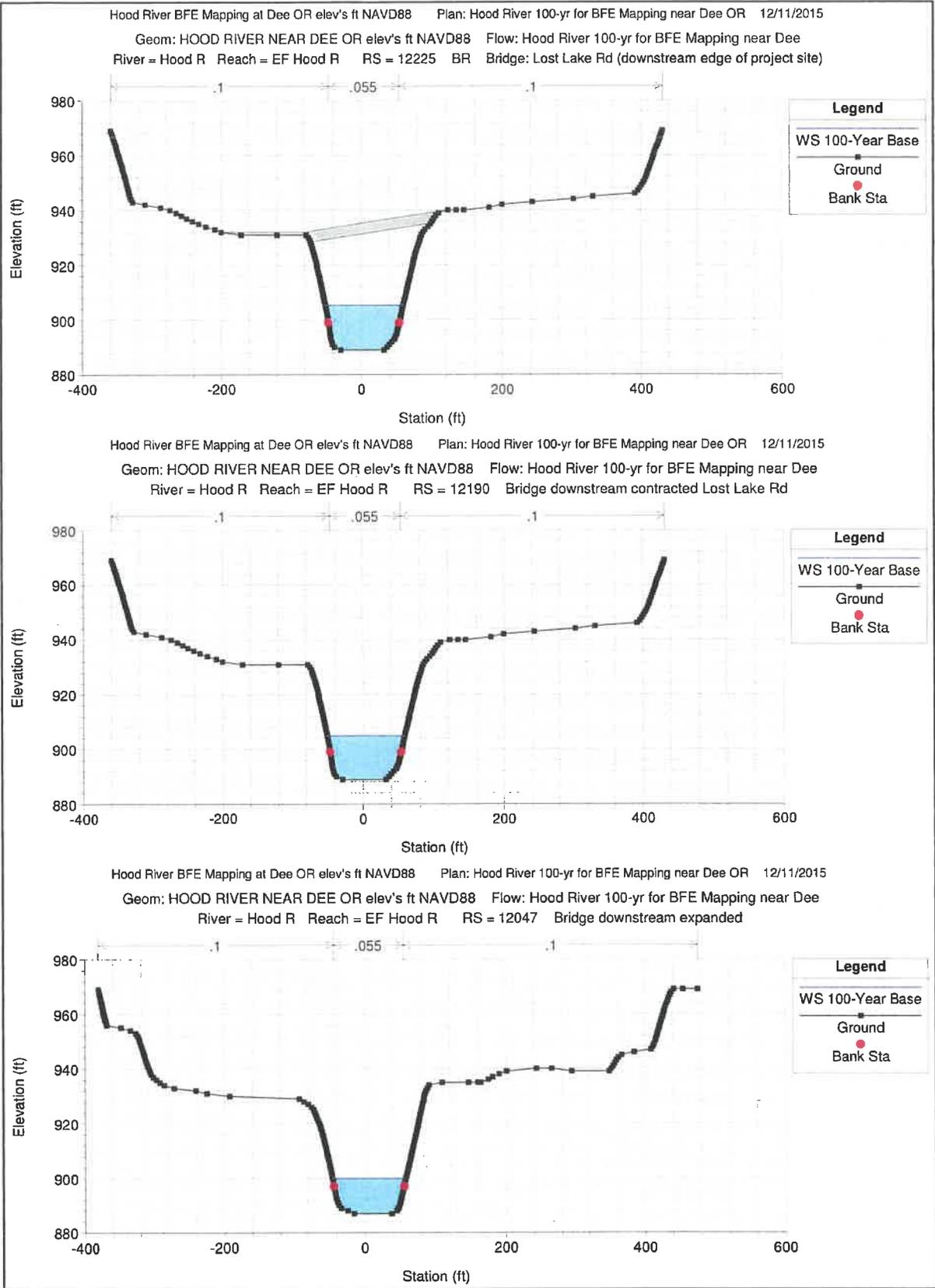
"D" (37)





"D" (38)





"D" (39)

Attachment 5: Output Summary - Existing Geometry Model with Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude #	Chi
WF Hood R	WF Hood R	102640	100 cfs at WF ga	100	811	812.53		812.58	0.002347	1.74	57.49	42.65		0.26
WF Hood R	WF Hood R	102640	200 cfs at WF ga	200	811	813.09		813.18	0.003147	2.43	82.37	45.93		0.32
WF Hood R	WF Hood R	102640	500 cfs at WF ga	500	811	814.14		814.37	0.004467	3.78	132.13	48.46		0.4
WF Hood R	WF Hood R	102640	1000 cfs at WF g	1000	811	815.31		815.74	0.005798	5.27	189.69	50.46		0.48
WF Hood R	WF Hood R	102640	2000 cfs at WF g	2000	811	816.95		817.77	0.007471	7.29	274.38	52.83		0.56
WF Hood R	WF Hood R	102640	3000 cfs at WF g	3000	811	818.22		819.41	0.008597	8.76	342.4	54.36		0.62
WF Hood R	WF Hood R	102640	4000 cfs at WF g	4000	811	819.3		820.84	0.009461	9.95	401.96	55.69		0.65
WF Hood R	WF Hood R	102640	5000 cfs at WF g	5000	811	820.25		822.12	0.010097	10.98	455.46	56.9		0.68
WF Hood R	WF Hood R	102640	6000 cfs at WF g	6000	811	820.97		823.24	0.01094	12.1	496.53	57.76		0.72
WF Hood R	WF Hood R	102640	7000 cfs at WF g	7000	811	821.57		824.27	0.011926	13.2	531.57	58.48		0.76
WF Hood R	WF Hood R	102640	8000 cfs at WF g	8000	811	822.1	820.73	825.26	0.012937	14.27	563.05	59.12		0.8
WF Hood R	WF Hood R	102640	19000 cfs at WF	19000	811	827.44	827.44	834.85	0.017171	21.91	896.65	65.98		0.99
WF Hood R	WF Hood R	102457	100 cfs at WF ga	100	811	811.72		811.8	0.009693	2.31	43.32	61.49		0.48
WF Hood R	WF Hood R	102457	200 cfs at WF ga	200	811	812.06		812.21	0.010613	3.1	84.5	62.76		0.54
WF Hood R	WF Hood R	102457	500 cfs at WF ga	500	811	812.75		813.08	0.012298	4.61	108.45	64.56		0.63
WF Hood R	WF Hood R	102457	1000 cfs at WF g	1000	811	813.54	813.03	814.15	0.01407	6.24	160.19	66.39		0.71
WF Hood R	WF Hood R	102457	2000 cfs at WF g	2000	811	814.64	814.18	815.77	0.016881	8.54	234.17	68.74		0.82
WF Hood R	WF Hood R	102457	3000 cfs at WF g	3000	811	815.46	815.13	817.1	0.019168	10.3	291.26	70.42		0.89
WF Hood R	WF Hood R	102457	4000 cfs at WF g	4000	811	816.14	815.97	818.29	0.021075	11.77	339.87	71.73		0.95
WF Hood R	WF Hood R	102457	5000 cfs at WF g	5000	811	816.74	816.73	819.39	0.022661	13.05	385.29	72.69		1
WF Hood R	WF Hood R	102457	6000 cfs at WF g	6000	811	817.44	817.44	820.4	0.022229	13.81	434.36	74.02		1
WF Hood R	WF Hood R	102457	7000 cfs at WF g	7000	811	818.13	818.13	821.35	0.021549	14.41	485.63	75.4		1
WF Hood R	WF Hood R	102457	8000 cfs at WF g	8000	811	818.75	818.75	822.25	0.021169	15.01	533.13	76.4		1
WF Hood R	WF Hood R	102457	19000 cfs at WF	19000	811	826.83	826.83	831.81	0.006645	13.88	1382.13	97.64		0.62
WF Hood R	WF Hood R	102287	100 cfs at WF ga	100	808	808.42	808.42	808.62	0.049782	3.62	27.65	68.53		1
WF Hood R	WF Hood R	102287	200 cfs at WF ga	200	808	808.66	808.66	808.97	0.04329	4.49	44.53	71.8		1.01
WF Hood R	WF Hood R	102287	500 cfs at WF ga	500	808	809.19	809.19	809.74	0.035788	5.94	84.16	77.18		1
WF Hood R	WF Hood R	102287	1000 cfs at WF g	1000	808	809.84	809.84	810.69	0.03127	7.42	134.85	79.82		1.01
WF Hood R	WF Hood R	102287	2000 cfs at WF g	2000	808	810.85	810.85	812.16	0.027152	9.21	217.15	82.95		1
WF Hood R	WF Hood R	102287	3000 cfs at WF g	3000	808	811.67	811.67	813.37	0.025253	10.47	286.57	85.01		1
WF Hood R	WF Hood R	102287	4000 cfs at WF g	4000	808	812.4	812.4	814.44	0.023989	11.45	349.41	86.73		1.01
WF Hood R	WF Hood R	102287	5000 cfs at WF g	5000	808	813.07	813.07	815.41	0.023071	12.26	407.83	88.26		1.01
WF Hood R	WF Hood R	102287	6000 cfs at WF g	6000	808	813.85	813.69	816.3	0.020344	12.57	477.24	89.97		0.96
WF Hood R	WF Hood R	102287	7000 cfs at WF g	7000	808	815.47		817.42	0.011944	11.18	626.08	93.2		0.76
WF Hood R	WF Hood R	102287	8000 cfs at WF g	8000	808	816.9		818.61	0.008604	10.52	760.49	95.99		0.68
WF Hood R	WF Hood R	102287	19000 cfs at WF	19000	808	829.17		830.54	0.002122	9.43	2075.88	116.83		0.38
WF Hood R	WF Hood R	102187	100 cfs at WF ga	100	802	802.83	802.83	803.13	0.044124	4.41	22.65	38.02		1.01
WF Hood R	WF Hood R	102187	200 cfs at WF ga	200	802	803.19	803.19	803.63	0.039292	5.29	37.8	44.27		1.01
WF Hood R	WF Hood R	102187	500 cfs at WF ga	500	802	803.94	803.94	804.66	0.033064	6.82	73.34	51.47		1.01
WF Hood R	WF Hood R	102187	1000 cfs at WF g	1000	802	804.79	804.79	805.88	0.029177	8.37	119.49	55.83		1.01
WF Hood R	WF Hood R	102187	2000 cfs at WF g	2000	802	806.9		807.94	0.012747	8.2	244.04	61.96		0.73
WF Hood R	WF Hood R	102187	3000 cfs at WF g	3000	802	809.08		810.02	0.007159	7.79	385.2	67.08		0.57
WF Hood R	WF Hood R	102187	4000 cfs at WF g	4000	802	810.96		811.9	0.005356	7.76	515.47	71.51		0.51
WF Hood R	WF Hood R	102187	5000 cfs at WF g	5000	802	812.6		813.57	0.004509	7.87	635.46	74.83		0.48
WF Hood R	WF Hood R	102187	6000 cfs at WF g	6000	802	814.1		815.1	0.003995	8	749.86	77.61		0.45
WF Hood R	WF Hood R	102187	7000 cfs at WF g	7000	802	815.51		816.54	0.003646	8.13	860.82	80.37		0.44
WF Hood R	WF Hood R	102187	8000 cfs at WF g	8000	802	816.85		817.9	0.003377	8.25	970.24	83		0.42
WF Hood R	WF Hood R	102187	19000 cfs at WF	19000	802	829.01		830.33	0.001782	9.27	2110.89	103.81		0.34
WF Hood R	WF Hood R	102125	100 cfs at WF ga	100	799	800.66	799.73	800.72	0.002669	2.02	49.59	31.75		0.28
WF Hood R	WF Hood R	102125	200 cfs at WF ga	200	799	801.3	800.15	801.42	0.003569	2.85	70.24	32.76		0.34
WF Hood R	WF Hood R	102125	500 cfs at WF ga	500	799	802.6	801.08	802.9	0.005009	4.39	113.83	34.5		0.43
WF Hood R	WF Hood R	102125	1000 cfs at WF g	1000	799	804.12	802.23	804.67	0.006222	5.96	167.86	36.63		0.49
WF Hood R	WF Hood R	102125	2000 cfs at WF g	2000	799	806.33	804.05	807.31	0.00753	7.94	251.74	39.15		0.55
WF Hood R	WF Hood R	102125	3000 cfs at WF g	3000	799	808.07	805.51	809.42	0.008371	9.34	321.29	40.88		0.59
WF Hood R	WF Hood R	102125	4000 cfs at WF g	4000	799	809.56	806.79	811.25	0.008984	10.42	383.89	42.62		0.61
WF Hood R	WF Hood R	102125	5000 cfs at WF g	5000	799	810.85	807.94	812.87	0.009171	11.38	439.73	43.95		0.63
WF Hood R	WF Hood R	102125	6000 cfs at WF g	6000	799	811.99	809.02	814.33	0.009288	12.29	490.15	44.99		0.64
WF Hood R	WF Hood R	102125	7000 cfs at WF g	7000	799	813.02	809.98	815.7	0.009436	13.13	537.28	46.02		0.66
WF Hood R	WF Hood R	102125	8000 cfs at WF g	8000	799	814	810.88	816.99	0.009559	13.9	582.5	46.8		0.67
WF Hood R	WF Hood R	102125	19000 cfs at WF	19000	799	822.79	818.94	828.73	0.00976	19.68	1030.91	54.99		0.74
WF Hood R	WF Hood R	102086												
			Bridge - Punchbowl Road											
WF Hood R	WF Hood R	102038	100 cfs at WF ga	100	799	800.4		800.46	0.003306	1.92	52.02	43.23		0.31
WF Hood R	WF Hood R	102038	200 cfs at WF ga	200	799	800.98		801.09	0.003734	2.57	77.72	45.44		0.35
WF Hood R	WF Hood R	102038	500 cfs at WF ga	500	799	802.21		802.42	0.004081	3.69	135.54	48.49		0.39
WF Hood R	WF Hood R	102038	1000 cfs at WF g	1000	799	803.7		804.05	0.004267	4.75	210.41	52.27		0.42
WF Hood R	WF Hood R	102038	2000 cfs at WF g	2000	799	805.93		806.49	0.004373	5.99	333.78	53.32		0.44
WF Hood R	WF Hood R	102038	3000 cfs at WF g	3000	799	807.71		808.43	0.004813	6.8	440.94	51.81		0.45
WF Hood R	WF Hood R	102038	4000 cfs at WF g	4000	799	809.26		810.11	0.004257	7.43	538.25	64.28		0.45
WF Hood R	WF Hood R	102038	5000 cfs at WF g	5000	799	810.61		811.6	0.004149	7.98	626.75	66.19		0.45
WF Hood R	WF Hood R	102038	6000 cfs at WF g	6000	799	811.82		812.95	0.004014	8.5	708.02	67.85		0.46
WF Hood R	WF Hood R	102038	7000 cfs at WF g	7000	799	812.94		814.19	0.003929	8.98	784.77	69.42		0.46
WF Hood R	WF Hood R	102038	8000 cfs at WF g	8000	799	813.98		815.36	0.003877	9.43	857.63	70.68		0.46
WF Hood R	WF Hood R	102038	19000 cfs at WF	19000	799	823.36		825.9	0.003478	12.85	1574.89	82.04		0.48
WF Hood R	WF Hood R	101944	100 cfs at WF ga	100	799	800.13		800.17	0.002768	1.58	63.17	61.57		0.28
WF Hood R	WF Hood R	101944	200 cfs at WF ga	200	799	800.72		800.78	0.002514	2	100.13	63.76		0.28
WF Hood R	WF Hood R	101944	500 cfs at WF ga	500	799	801.98		802.09	0.002311	2.73	183.01	67.64		0.29
WF Hood R	WF Hood R	101944	1000 cfs at WF g	1000	799	803.5		803.69	0.00222	3.45	289.77	72.36		0.3
WF Hood R	WF Hood R	101944	2000 cfs at WF g	2000	799	805.79		806.08	0.002132	4.32	462.45	78.51		0.31
WF Hood R	WF Hood R	101944	3000 cfs at WF g	3000	799	807.61		807.99	0.002085	4.92	609.57	82.74		0.32
WF Hood R	WF Hood R	101944	4000 cfs at WF g	4000	799	809.19		809.64	0.002059	5.38	743.17	86.57		0.32
WF Hood R	WF Hood R	101944	5000 cfs at WF g	5000	799	810.58		811.1	0.002005	5.77	866.36	90.12		0.33
WF Hood R	WF Hood R	101944	6000 cfs at WF g	6000	799	811.84		812.42	0.001929	6.14	981.55	93.55		0.33
WF Hood R	WF Hood R	101944	7000 cfs at WF g	7000	799	813		813.65	0.0					

Attachment 5: Output Summary - Existing Geometry Model With Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude #	Chi
WF Hood R	WF Hood R	101825	19000 cfs at WF	19000	798	816.45	816.45	823.97	0.017386	22.08	891.72	66.11		0.98
WF Hood R	WF Hood R	101488	100 cfs at WF ga	100	796	797.13	796.64	797.2	0.005582	2.1	47.73	51.89		0.39
WF Hood R	WF Hood R	101488	200 cfs at WF ga	200	796	797.59	796.97	797.71	0.005904	2.77	72.21	53.65		0.42
WF Hood R	WF Hood R	101488	500 cfs at WF ga	500	796	798.58		798.83	0.006102	3.94	126.94	56.31		0.46
WF Hood R	WF Hood R	101488	1000 cfs at WF g	1000	796	799.79		800.2	0.006148	5.09	196.32	58.53		0.49
WF Hood R	WF Hood R	101488	2000 cfs at WF g	2000	796	801.63		802.29	0.006151	6.52	306.85	61.61		0.51
WF Hood R	WF Hood R	101488	3000 cfs at WF g	3000	796	803.11		803.99	0.006175	7.51	399.69	63.8		0.53
WF Hood R	WF Hood R	101488	4000 cfs at WF g	4000	796	804.38		805.45	0.006273	8.3	482.07	66.09		0.54
WF Hood R	WF Hood R	101488	5000 cfs at WF g	5000	796	805.47		806.73	0.006459	9.01	555.19	68		0.56
WF Hood R	WF Hood R	101488	6000 cfs at WF g	6000	796	806.39		807.85	0.006771	9.7	618.41	69.49		0.57
WF Hood R	WF Hood R	101488	7000 cfs at WF g	7000	796	807.23		808.89	0.007065	10.34	676.96	70.76		0.59
WF Hood R	WF Hood R	101488	8000 cfs at WF g	8000	796	808.01		809.86	0.007323	10.92	732.88	72.01		0.6
WF Hood R	WF Hood R	101488	19000 cfs at WF	19000	796	814.54		818.31	0.008203	15.6	1228.08	79.49		0.68
WF Hood R	WF Hood R	101382	100 cfs at WF ga	100	795	795.6	795.6	795.9	0.044539	4.36	22.93	39.26		1.01
WF Hood R	WF Hood R	101382	200 cfs at WF ga	200	795	795.85	795.95	796.41	0.038403	5.41	36.95	40.8		1
WF Hood R	WF Hood R	101382	500 cfs at WF ga	500	795	796.72	796.72	797.53	0.032358	7.22	69.26	43.24		1.01
WF Hood R	WF Hood R	101382	1000 cfs at WF g	1000	795	797.69	797.69	798.92	0.028628	8.91	112.23	46.02		1.01
WF Hood R	WF Hood R	101382	2000 cfs at WF g	2000	795	799.16	799.16	801.02	0.025503	10.95	182.63	49.58		1.01
WF Hood R	WF Hood R	101382	3000 cfs at WF g	3000	795	800.36	800.36	802.71	0.02412	12.3	243.85	52.46		1.01
WF Hood R	WF Hood R	101382	4000 cfs at WF g	4000	795	801.44	801.44	804.16	0.023988	13.22	302.52	55.87		1
WF Hood R	WF Hood R	101382	5000 cfs at WF g	5000	795	802.49	802.49	805.42	0.022456	13.74	363.95	62.35		1
WF Hood R	WF Hood R	101382	6000 cfs at WF g	6000	795	803.38	803.38	806.52	0.022103	14.22	422.02	67.66		1
WF Hood R	WF Hood R	101382	7000 cfs at WF g	7000	795	804.11	804.11	807.52	0.021569	14.82	472.33	69.59		1
WF Hood R	WF Hood R	101382	8000 cfs at WF g	8000	795	804.77	804.77	808.47	0.02125	15.42	518.85	70.64		1
WF Hood R	WF Hood R	101382	19000 cfs at WF	19000	795	810.51	810.51	816.83	0.018632	20.17	946.05	78.01		1
WF Hood R	WF Hood R	101331	100 cfs at WF ga	100	785	785.75		785.78	0.004307	1.58	63.29	86.43		0.33
WF Hood R	WF Hood R	101331	200 cfs at WF ga	200	785	786.12		786.19	0.004433	2.09	95.78	87.78		0.35
WF Hood R	WF Hood R	101331	500 cfs at WF ga	500	785	786.9		787.04	0.004669	3.03	165.21	89.66		0.39
WF Hood R	WF Hood R	101331	1000 cfs at WF g	1000	785	787.82		788.07	0.005	4.03	248	91.37		0.43
WF Hood R	WF Hood R	101331	2000 cfs at WF g	2000	785	789.14		789.6	0.005484	5.4	370.65	93.2		0.48
WF Hood R	WF Hood R	101331	3000 cfs at WF g	3000	785	790.2		790.63	0.005801	6.39	469.76	94.66		0.51
WF Hood R	WF Hood R	101331	4000 cfs at WF g	4000	785	791.08		791.89	0.006123	7.22	553.92	95.8		0.53
WF Hood R	WF Hood R	101331	5000 cfs at WF g	5000	785	791.85		792.84	0.006441	7.96	628.17	96.72		0.55
WF Hood R	WF Hood R	101331	6000 cfs at WF g	6000	785	792.53		793.69	0.006808	8.65	693.42	97.53		0.57
WF Hood R	WF Hood R	101331	7000 cfs at WF g	7000	785	793.13		794.47	0.007194	9.31	752.12	98.21		0.59
WF Hood R	WF Hood R	101331	8000 cfs at WF g	8000	785	793.67		795.2	0.007586	9.93	805.58	98.7		0.61
WF Hood R	WF Hood R	101331	19000 cfs at WF	19000	785	797.67		801.53	0.011594	15.76	1209.09	103.34		0.8
WF Hood R	WF Hood R	101170	100 cfs at WF ga	100	784	784.65		784.73	0.011155	2.26	44.34	72.67		0.51
WF Hood R	WF Hood R	101170	200 cfs at WF ga	200	784	784.97		785.1	0.011477	2.93	68.23	77.09		0.55
WF Hood R	WF Hood R	101170	500 cfs at WF ga	500	784	785.61		785.88	0.012257	4.21	118.89	81.86		0.61
WF Hood R	WF Hood R	101170	1000 cfs at WF g	1000	784	786.36		786.63	0.012893	5.47	182.92	87.99		0.67
WF Hood R	WF Hood R	101170	2000 cfs at WF g	2000	784	787.31		788.16	0.0158	7.4	270.17	95.71		0.78
WF Hood R	WF Hood R	101170	3000 cfs at WF g	3000	784	787.91	787.61	789.2	0.019488	9.12	328.89	99.44		0.88
WF Hood R	WF Hood R	101170	4000 cfs at WF g	4000	784	788.49	788.32	790.14	0.021061	10.33	387.23	102.82		0.94
WF Hood R	WF Hood R	101170	5000 cfs at WF g	5000	784	789.03	788.94	791	0.021745	11.26	444.21	105.94		0.97
WF Hood R	WF Hood R	101170	6000 cfs at WF g	6000	784	789.58	789.5	791.79	0.021403	11.93	502.76	108.23		0.98
WF Hood R	WF Hood R	101170	7000 cfs at WF g	7000	784	790.12	790.02	792.53	0.020711	12.46	561.88	110.36		0.97
WF Hood R	WF Hood R	101170	8000 cfs at WF g	8000	784	790.65	790.51	793.23	0.019868	12.89	620.6	111.94		0.96
WF Hood R	WF Hood R	101170	19000 cfs at WF	19000	784	795.69		799.46	0.013919	15.58	1219.8	125.51		0.88
WF Hood R	WF Hood R	100882	100 cfs at WF ga	100	778	778.71	778.71	778.97	0.045347	4.12	24.3	46.25		1
WF Hood R	WF Hood R	100882	200 cfs at WF ga	200	778	779.03	779.03	779.4	0.04147	4.88	40.99	56.49		1.01
WF Hood R	WF Hood R	100882	500 cfs at WF ga	500	778	779.66	779.66	780.28	0.034869	6.33	79.04	64.72		1.01
WF Hood R	WF Hood R	100882	1000 cfs at WF g	1000	778	780.4		781.32	0.030634	7.69	130.11	71.99		1.01
WF Hood R	WF Hood R	100882	2000 cfs at WF g	2000	778	781.71	781.51	782.88	0.02123	8.68	230.48	80.2		0.9
WF Hood R	WF Hood R	100882	3000 cfs at WF g	3000	778	782.97		784.21	0.01543	8.94	335.67	87.42		0.8
WF Hood R	WF Hood R	100882	4000 cfs at WF g	4000	778	784		785.36	0.012972	9.34	428.06	91.01		0.76
WF Hood R	WF Hood R	100882	5000 cfs at WF g	5000	778	784.91		786.4	0.011601	9.77	511.76	92.92		0.73
WF Hood R	WF Hood R	100882	6000 cfs at WF g	6000	778	785.72		787.34	0.010888	10.21	587.55	94.62		0.72
WF Hood R	WF Hood R	100882	7000 cfs at WF g	7000	778	786.48		788.22	0.010469	10.65	657.47	96.02		0.72
WF Hood R	WF Hood R	100882	8000 cfs at WF g	8000	778	787.13		789.04	0.010208	11.07	722.97	97.25		0.72
WF Hood R	WF Hood R	100882	19000 cfs at WF	19000	778	792.79		796.13	0.009094	14.66	1302.3	107.62		0.73
WF Hood R	WF Hood R	100504	100 cfs at WF ga	100	775	776.39		776.41	0.000872	0.96	104.1	90.7		0.16
WF Hood R	WF Hood R	100504	200 cfs at WF ga	200	775	776.93		776.96	0.001012	1.3	153.92	95.2		0.18
WF Hood R	WF Hood R	100504	500 cfs at WF ga	500	775	777.96		778.02	0.001277	1.96	255.15	100.89		0.22
WF Hood R	WF Hood R	100504	1000 cfs at WF g	1000	775	779.12		779.23	0.00152	2.67	374.59	105.39		0.25
WF Hood R	WF Hood R	100504	2000 cfs at WF g	2000	775	780.74		780.95	0.001821	3.64	549.92	110.38		0.29
WF Hood R	WF Hood R	100504	3000 cfs at WF g	3000	775	781.97		782.26	0.00205	4.37	687.07	113.8		0.31
WF Hood R	WF Hood R	100504	4000 cfs at WF g	4000	775	783.02		783.4	0.002196	4.95	808.48	116.14		0.33
WF Hood R	WF Hood R	100504	5000 cfs at WF g	5000	775	783.96		784.42	0.002311	5.44	918.43	118.12		0.34
WF Hood R	WF Hood R	100504	6000 cfs at WF g	6000	775	784.78		785.33	0.002428	5.9	1016.26	119.3		0.36
WF Hood R	WF Hood R	100504	7000 cfs at WF g	7000	775	785.52		786.15	0.002552	6.34	1104.8	120.49		0.37
WF Hood R	WF Hood R	100504	8000 cfs at WF g	8000	775	786.2		786.91	0.002672	6.74	1187.25	121.63		0.38
WF Hood R	WF Hood R	100504	19000 cfs at WF	19000	775	792.2		793.7	0.003117	9.83	1944.72	130.82		0.44
WF Hood R	WF Hood R	100220	100 cfs at WF ga	100	775	776.07		776.09	0.001497	1.18	85.03	81.7		0.2
WF Hood R	WF Hood R	100220	200 cfs at WF ga	200										

Attachment 5: Output Summary - Existing Geometry Model with Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude #	Chl
Hood R	EF Hood R	15502	19000 cfs at WF	22600	947	957.94	957.72	961.51	0.016275	15.54	1898.77	262.65		0.87
Hood R	EF Hood R	15123	100 cfs at WF ga	120	940	941.03		941.18	0.017663	3.12	38.52	47.55		0.61
Hood R	EF Hood R	15123	200 cfs at WF ga	240	940	941.43	941.15	941.7	0.019489	4.17	57.59	49.28		0.68
Hood R	EF Hood R	15123	500 cfs at WF ga	590	940	942.2		942.77	0.022844	6.09	96.91	52.55		0.79
Hood R	EF Hood R	15123	1000 cfs at WF g	1200	940	943.12	942.9	944.16	0.025885	8.16	147.06	55.95		0.89
Hood R	EF Hood R	15123	2000 cfs at WF g	2400	940	944.61	944.61	946.18	0.024228	10.12	259.5	116.95		0.91
Hood R	EF Hood R	15123	3000 cfs at WF g	3600	940	945.94	945.94	947.38	0.018195	10.16	493.24	221.77		0.81
Hood R	EF Hood R	15123	4000 cfs at WF g	4800	940	946.85	946.85	948.15	0.014578	10.17	772.5	312.21		0.75
Hood R	EF Hood R	15123	5000 cfs at WF g	5900	940	947.26	947.26	948.71	0.01562	11.02	899.41	313.02		0.78
Hood R	EF Hood R	15123	6000 cfs at WF g	7100	940	947.69	947.69	949.26	0.016146	11.72	1034.4	313.88		0.8
Hood R	EF Hood R	15123	7000 cfs at WF g	8300	940	948.06	948.06	949.76	0.01684	12.41	1151.23	314.6		0.83
Hood R	EF Hood R	15123	8000 cfs at WF g	9500	940	948.4	948.4	950.23	0.017477	13.05	1258.76	315.15		0.85
Hood R	EF Hood R	15123	19000 cfs at WF	22600	940	951.26	951.26	954.31	0.021511	18.04	2167.28	320.35		1
Hood R	EF Hood R	14887	100 cfs at WF ga	120	937	938.2		938.26	0.009045	1.96	61.34	92.19		0.42
Hood R	EF Hood R	14887	200 cfs at WF ga	240	937	938.57		938.66	0.008836	2.49	96.32	98.75		0.44
Hood R	EF Hood R	14887	500 cfs at WF ga	590	937	939.37		939.52	0.008653	3.12	188.91	135.53		0.47
Hood R	EF Hood R	14887	1000 cfs at WF g	1200	937	940.28		940.48	0.009294	3.6	333.57	204.02		0.5
Hood R	EF Hood R	14887	2000 cfs at WF g	2400	937	941.24		941.53	0.009474	4.3	558.09	264.62		0.52
Hood R	EF Hood R	14887	3000 cfs at WF g	3600	937	941.91		942.27	0.009556	4.78	752.61	313.17		0.54
Hood R	EF Hood R	14887	4000 cfs at WF g	4800	937	942.46		942.87	0.00987	5.14	934.47	349.61		0.55
Hood R	EF Hood R	14887	5000 cfs at WF g	5900	937	942.86		943.32	0.010132	5.49	1077.43	373.34		0.57
Hood R	EF Hood R	14887	6000 cfs at WF g	7100	937	943.21		943.74	0.010723	5.83	1217.73	400.72		0.59
Hood R	EF Hood R	14887	7000 cfs at WF g	8300	937	943.57		944.15	0.010136	6.09	1361.81	401.76		0.58
Hood R	EF Hood R	14887	8000 cfs at WF g	9500	937	943.85		944.5	0.01026	6.45	1472.78	402.56		0.59
Hood R	EF Hood R	14887	19000 cfs at WF	22600	937	944.79	944.79	947.1	0.027312	12.2	1852.19	404.89		1.01
Hood R	EF Hood R	14557	100 cfs at WF ga	120	931	932.01	932.01	932.41	0.048158	5.09	23.56	29.41		1
Hood R	EF Hood R	14557	200 cfs at WF ga	240	931	932.52	932.52	933.04	0.044429	5.83	41.18	39.53		1.01
Hood R	EF Hood R	14557	500 cfs at WF ga	590	931	933.43	933.43	933.95	0.045312	5.77	102.25	101.31		1.01
Hood R	EF Hood R	14557	1000 cfs at WF g	1200	931	934.09	934.09	934.79	0.041138	6.74	175.13	130.07		1.01
Hood R	EF Hood R	14557	2000 cfs at WF g	2400	931	935.03	935.03	935.9	0.038237	7.46	321.78	190.97		1.01
Hood R	EF Hood R	14557	3000 cfs at WF g	3600	931	935.84	935.84	936.65	0.035113	8.04	447.68	222.57		1
Hood R	EF Hood R	14557	4000 cfs at WF g	4800	931	936.21	936.21	937.23	0.0353	8.14	589.97	289.47		1
Hood R	EF Hood R	14557	5000 cfs at WF g	5900	931	936.53	936.53	937.68	0.033574	8.6	685.89	297.82		1
Hood R	EF Hood R	14557	6000 cfs at WF g	7100	931	936.92	936.92	938.13	0.030091	8.85	802.39	307.68		0.97
Hood R	EF Hood R	14557	7000 cfs at WF g	8300	931	937.32	937.32	938.48	0.034196	8.66	958.95	418.88		1.01
Hood R	EF Hood R	14557	8000 cfs at WF g	9500	931	937.55	937.55	938.8	0.033788	8.99	1056.39	431.56		1.01
Hood R	EF Hood R	14557	19000 cfs at WF	22600	931	944.58		944.97	0.00186	5.07	4548.89	539.86		0.3
Hood R	EF Hood R	14333	100 cfs at WF ga	120	927	927.69		927.74	0.009186	1.85	64.99	107.66		0.42
Hood R	EF Hood R	14333	200 cfs at WF ga	240	927	928.1		928.1	0.009455	2.03	118.2	173.51		0.43
Hood R	EF Hood R	14333	500 cfs at WF ga	590	927	928.67		928.78	0.00766	2.71	217.78	176.92		0.43
Hood R	EF Hood R	14333	1000 cfs at WF g	1200	927	929.52		929.67	0.006062	3.11	385.88	213.67		0.41
Hood R	EF Hood R	14333	2000 cfs at WF g	2400	927	930.84		931.03	0.003967	3.57	672.77	219.93		0.36
Hood R	EF Hood R	14333	3000 cfs at WF g	3600	927	932.04		932.27	0.003011	3.83	939.31	223.51		0.33
Hood R	EF Hood R	14333	4000 cfs at WF g	4800	927	933.14		933.39	0.002507	4.05	1186.17	226.62		0.31
Hood R	EF Hood R	14333	5000 cfs at WF g	5900	927	934.06		934.34	0.002203	4.23	1397.18	229.55		0.3
Hood R	EF Hood R	14333	6000 cfs at WF g	7100	927	935		935.31	0.001984	4.41	1615.45	233.42		0.29
Hood R	EF Hood R	14333	7000 cfs at WF g	8300	927	935.89		936.21	0.001834	4.58	1823.31	237.92		0.29
Hood R	EF Hood R	14333	8000 cfs at WF g	9500	927	936.72		937.07	0.001721	4.75	2024.14	242.11		0.28
Hood R	EF Hood R	14333	19000 cfs at WF	22600	927	944.05		944.62	0.001259	6.07	3909.85	269.86		0.27
Hood R	EF Hood R	14231	100 cfs at WF ga	120	925	925.57	925.57	925.83	0.055074	4.11	29.2	55.89		1
Hood R	EF Hood R	14231	200 cfs at WF ga	240	925	925.88	925.88	926.28	0.048385	5.04	47.59	60.78		1
Hood R	EF Hood R	14231	500 cfs at WF ga	590	925	926.54	926.54	927.2	0.041096	6.51	90.57	59.57		1.01
Hood R	EF Hood R	14231	1000 cfs at WF g	1200	925	927.35	927.35	928.34	0.036125	7.98	150.33	77.06		1.01
Hood R	EF Hood R	14231	2000 cfs at WF g	2400	925	928.52	928.52	930.03	0.031467	9.83	244.12	82.04		1
Hood R	EF Hood R	14231	3000 cfs at WF g	3600	925	929.48	929.48	931.99	0.029307	11.1	324.34	85.73		1.01
Hood R	EF Hood R	14231	4000 cfs at WF g	4800	925	930.32	930.32	932.58	0.027888	12.07	397.54	88.85		1.01
Hood R	EF Hood R	14231	5000 cfs at WF g	5900	925	931.02	931.02	933.57	0.026923	12.81	460.42	91.35		1.01
Hood R	EF Hood R	14231	6000 cfs at WF g	7100	925	931.72	931.72	934.55	0.026115	13.52	525.2	93.67		1.01
Hood R	EF Hood R	14231	7000 cfs at WF g	8300	925	932.4	932.4	935.47	0.025137	14.07	590.05	96.04		1
Hood R	EF Hood R	14231	8000 cfs at WF g	9500	925	933.01	933.01	936.33	0.024717	14.62	649.62	98.25		1
Hood R	EF Hood R	14231	19000 cfs at WF	22600	925	938.23	938.23	943.79	0.020435	18.95	1208.52	116.12		0.99
Hood R	EF Hood R	14091	100 cfs at WF ga	120	922	922.9		922.97	0.009287	2.23	53.87	67.97		0.44
Hood R	EF Hood R	14091	200 cfs at WF ga	240	922	923.32	922.82	923.44	0.009949	2.84	84.45	77.74		0.48
Hood R	EF Hood R	14091	500 cfs at WF ga	590	922	924.13	923.46	924.35	0.01062	3.78	155.9	97.87		0.53
Hood R	EF Hood R	14091	1000 cfs at WF g	1200	922	925.07	924.21	925.41	0.010498	4.64	258.46	118.14		0.55
Hood R	EF Hood R	14091	2000 cfs at WF g	2400	922	926.36		926.88	0.009278	5.81	413.17	122.28		0.56
Hood R	EF Hood R	14091	3000 cfs at WF g	3600	922	927.45		928.12	0.008473	6.57	548.31	125.51		0.55
Hood R	EF Hood R	14091	4000 cfs at WF g	4800	922	928.42		929.22	0.007843	7.15	671.73	128.49		0.55
Hood R	EF Hood R	14091	5000 cfs at WF g	5900	922	929.25		930.14	0.007552	7.57	779.38	131.25		0.55
Hood R	EF Hood R	14091	6000 cfs at WF g	7100	922	930.08		931.07	0.007264	7.95	889.72	134.07		0.55
Hood R	EF Hood R	14091	7000 cfs at WF g	8300	922	930.67		931.81	0.00762	8.56	969.52	136.02		0.57
Hood R	EF Hood R	14091	8000 cfs at WF g	9500	922	931.61		932.77	0.006806	8.65	1098.24	138.93		0.54
Hood R	EF Hood R	14091	19000 cfs at WF	22600	922	939.77		941.24	0.00346	9.86	2498.79	204.8		0.43
Hood R	EF Hood R	13921	100 cfs at WF ga	120	919	919.52	919.52	919.77	0.055944	4.01	29.89	59.87		1
Hood R	EF Hood R	13921	200 cfs at WF ga	240										

Attachment 5: Output Summary - Existing Geometry Model with Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Hood R	EF Hood R	13693	19000 cfs at WF	22600	914	938.69		939.77	0.001545	8.4	2840.6	139.38	0.31
Hood R	EF Hood R	13500	100 cfs at WF ga	120	910	911.01	911.01	911.33	0.053023	4.54	26.45	42.42	1.01
Hood R	EF Hood R	13500	200 cfs at WF ga	240	910	911.38	911.38	911.87	0.045785	5.65	42.48	43.69	1.01
Hood R	EF Hood R	13500	500 cfs at WF ga	590	910	912.19	912.19	913.06	0.038399	7.47	78.94	46.29	1.01
Hood R	EF Hood R	13500	1000 cfs at WF ga	1200	910	913.24	913.24	914.58	0.039818	9.3	129.07	46.83	1.01
Hood R	EF Hood R	13500	2000 cfs at WF ga	2400	910	915.57		917.06	0.016981	9.47	253.52	53.44	0.77
Hood R	EF Hood R	13500	3000 cfs at WF ga	3600	910	918.66		919.8	0.008385	8.56	420.34	58.42	0.56
Hood R	EF Hood R	13500	4000 cfs at WF ga	4800	910	921.17		922.26	0.006057	8.39	572.47	63.25	0.48
Hood R	EF Hood R	13500	5000 cfs at WF ga	5900	910	923.21		924.3	0.004557	8.41	711.02	74.53	0.44
Hood R	EF Hood R	13500	6000 cfs at WF ga	7100	910	925.24		926.35	0.003822	8.52	898.38	126.94	0.41
Hood R	EF Hood R	13500	7000 cfs at WF ga	8300	910	927.16		928.23	0.003118	8.42	1156.08	145.47	0.38
Hood R	EF Hood R	13500	8000 cfs at WF ga	9500	910	928.96		929.96	0.00261	8.31	1422.1	150.4	0.36
Hood R	EF Hood R	13500	19000 cfs at WF	22600	910	937.75		939.34	0.0027	11.17	2876.55	180.48	0.39
Hood R	EF Hood R	13362	100 cfs at WF ga	120	905	907.54		907.56	0.000932	1.18	101.39	53.68	0.15
Hood R	EF Hood R	13362	200 cfs at WF ga	240	905	908.38		908.43	0.001032	1.62	148.49	57.55	0.18
Hood R	EF Hood R	13362	500 cfs at WF ga	590	905	910.21		910.26	0.001128	2.28	258.87	63.07	0.2
Hood R	EF Hood R	13362	1000 cfs at WF ga	1200	905	912.58		912.71	0.001121	2.89	415.19	68.84	0.21
Hood R	EF Hood R	13362	2000 cfs at WF ga	2400	905	916.13		916.33	0.001063	3.56	673.81	76.5	0.21
Hood R	EF Hood R	13362	3000 cfs at WF ga	3600	905	918.99		919.24	0.000938	4.03	900.27	82.07	0.21
Hood R	EF Hood R	13362	4000 cfs at WF ga	4800	905	921.46		921.77	0.000975	4.43	1109.63	87.18	0.21
Hood R	EF Hood R	13362	5000 cfs at WF ga	5900	905	923.5		923.85	0.000938	4.74	1291.94	91.71	0.21
Hood R	EF Hood R	13362	6000 cfs at WF ga	7100	905	925.53		925.92	0.000912	5.04	1484.27	98.06	0.21
Hood R	EF Hood R	13362	7000 cfs at WF ga	8300	905	927.41		927.84	0.000792	5.32	1679.92	120.29	0.21
Hood R	EF Hood R	13362	8000 cfs at WF ga	9500	905	929.15		929.62	0.000776	5.57	1914.4	142.15	0.21
Hood R	EF Hood R	13362	19000 cfs at WF	22600	905	937.85		938.95	0.001246	8.82	3254.46	166.84	0.28
Hood R	EF Hood R	13314	100 cfs at WF ga	120	906	907.49	906.48	907.51	0.001228	1.2	100.23	69.68	0.18
Hood R	EF Hood R	13314	200 cfs at WF ga	240	906	908.34	906.75	908.37	0.001085	1.5	160	71.64	0.18
Hood R	EF Hood R	13314	500 cfs at WF ga	590	906	910.17	907.85	910.23	0.000936	2.01	294.15	74.58	0.18
Hood R	EF Hood R	13314	1000 cfs at WF ga	1200	906	912.55	909.15	912.64	0.000862	2.52	475.32	78.07	0.18
Hood R	EF Hood R	13314	2000 cfs at WF ga	2400	906	916.11	909.37	916.26	0.000811	3.15	761.89	82.62	0.18
Hood R	EF Hood R	13314	3000 cfs at WF ga	3600	906	918.97	910.99	919.18	0.000741	3.61	1003.31	86.17	0.18
Hood R	EF Hood R	13314	4000 cfs at WF ga	4800	906	921.45	911.3	921.7	0.000705	3.98	1220.97	89.44	0.18
Hood R	EF Hood R	13314	5000 cfs at WF ga	5900	906	923.5	912.05	923.78	0.000686	4.29	1406.5	92.35	0.19
Hood R	EF Hood R	13314	6000 cfs at WF ga	7100	906	925.53	912.62	925.86	0.000673	4.59	1598.7	96.89	0.19
Hood R	EF Hood R	13314	7000 cfs at WF ga	8300	906	927.41	913.52	927.77	0.000664	4.86	1786.79	104	0.19
Hood R	EF Hood R	13314	8000 cfs at WF ga	9500	906	929.15	914.19	929.55	0.000658	5.11	1973.69	110.15	0.19
Hood R	EF Hood R	13314	19000 cfs at WF	22600	906	937.81	920.15	938.87	0.001166	8.46	3171.46	171.69	0.27
Hood R	EF Hood R	13297											
			Inl Struct - Partial blockage of channel (structure remains)										
Hood R	EF Hood R	13273	100 cfs at WF ga	120	905	905.8		905.62	0.02781	2.81	42.77	86.85	0.7
Hood R	EF Hood R	13273	200 cfs at WF ga	240	905	905.8		905.99	0.022775	3.45	69.92	88.27	0.69
Hood R	EF Hood R	13273	500 cfs at WF ga	590	905	906.46		906.79	0.018245	4.59	128.41	90.08	0.68
Hood R	EF Hood R	13273	1000 cfs at WF ga	1200	905	907.3		907.83	0.016616	5.87	204.4	91.91	0.69
Hood R	EF Hood R	13273	2000 cfs at WF ga	2400	905	908.57		909.43	0.015187	7.42	323.54	94.83	0.71
Hood R	EF Hood R	13273	3000 cfs at WF ga	3600	905	909.6		910.73	0.014603	8.53	422.18	96.63	0.72
Hood R	EF Hood R	13273	4000 cfs at WF ga	4800	905	910.5		911.86	0.014351	9.43	509.11	98.19	0.73
Hood R	EF Hood R	13273	5000 cfs at WF ga	5900	905	911.24		912.83	0.014212	10.13	582.22	99.43	0.74
Hood R	EF Hood R	13273	6000 cfs at WF ga	7100	905	911.98		913.79	0.014132	10.82	656.24	100.47	0.75
Hood R	EF Hood R	13273	7000 cfs at WF ga	8300	905	912.67		914.7	0.014075	11.42	728.5	101.64	0.75
Hood R	EF Hood R	13273	8000 cfs at WF ga	9500	905	913.34		915.55	0.01399	11.96	794.39	102.8	0.76
Hood R	EF Hood R	13273	19000 cfs at WF	22600	905	919.14		923.15	0.012451	16.09	1417.91	112.75	0.78
Hood R	EF Hood R	13164	100 cfs at WF ga	120	903	903.83	903.5	903.9	0.009913	2.13	56.32	79.81	0.45
Hood R	EF Hood R	13164	200 cfs at WF ga	240	903	904.18	903.78	904.3	0.010852	2.81	85.38	85.34	0.5
Hood R	EF Hood R	13164	500 cfs at WF ga	590	903	904.81	904.32	905.09	0.013163	4.22	139.86	87.54	0.59
Hood R	EF Hood R	13164	1000 cfs at WF ga	1200	903	905.58		906.1	0.015116	5.78	207.73	89.47	0.67
Hood R	EF Hood R	13164	2000 cfs at WF ga	2400	903	906.64		907.61	0.017705	7.89	304.15	91.49	0.76
Hood R	EF Hood R	13164	3000 cfs at WF ga	3600	903	907.54		908.88	0.018478	9.31	386.8	93.02	0.8
Hood R	EF Hood R	13164	4000 cfs at WF ga	4800	903	908.36		910.02	0.018488	10.95	468.7	94.41	0.82
Hood R	EF Hood R	13164	5000 cfs at WF ga	5900	903	909.06		910.98	0.018286	11.12	530.65	95.58	0.83
Hood R	EF Hood R	13164	6000 cfs at WF ga	7100	903	909.8		911.96	0.017845	11.81	601.35	96.54	0.83
Hood R	EF Hood R	13164	7000 cfs at WF ga	8300	903	910.51		912.89	0.01739	12.39	669.96	97.48	0.83
Hood R	EF Hood R	13164	8000 cfs at WF ga	9500	903	911.16		913.77	0.01701	12.91	735.9	98.35	0.83
Hood R	EF Hood R	13164	19000 cfs at WF	22600	903	917.18		921.6	0.013817	16.87	1349.74	105.94	0.82
Hood R	EF Hood R	13053	100 cfs at WF ga	120	901	901.46	901.46	901.68	0.058684	3.77	31.85	72.85	1
Hood R	EF Hood R	13053	200 cfs at WF ga	240	901	901.73	901.72	902.06	0.046574	4.6	52.15	76.63	0.98
Hood R	EF Hood R	13053	500 cfs at WF ga	590	901	902.37	902.28	902.87	0.032822	5.88	103.83	82.71	0.89
Hood R	EF Hood R	13053	1000 cfs at WF ga	1200	901	903.23		903.94	0.025082	8.8	176.6	87.64	0.84
Hood R	EF Hood R	13053	2000 cfs at WF ga	2400	901	904.59		905.53	0.018819	8	299.88	93.25	0.79
Hood R	EF Hood R	13053	3000 cfs at WF ga	3600	901	905.74		906.94	0.015922	8.79	409.72	97.07	0.75
Hood R	EF Hood R	13053	4000 cfs at WF ga	4800	901	906.79		908.14	0.014142	9.35	513.24	100.81	0.73
Hood R	EF Hood R	13053	5000 cfs at WF ga	5900	901	907.68		909.16	0.012887	9.75	604.84	103.38	0.71
Hood R	EF Hood R	13053	6000 cfs at WF ga	7100	901	908.59		910.19	0.011944	10.14	700.01	105.98	0.7
Hood R	EF Hood R	13053	7000 cfs at WF ga	8300	901	909.45		911.15	0.011234	10.48	791.71	108.41	0.68
Hood R	EF Hood R	13053	8000 cfs at WF ga	9500	901	910.24		912.06	0.010734	10.81	878.63	110.48	0.68
Hood R	EF Hood R	13053	19000 cfs at WF	22600	901	917.17		920.03	0.007497	13.6	1695.12	124.38	0.62
Hood R	EF Hood R	12854	100 cfs at WF ga	120	897	897.98		898.05	0.007801	2.19	54.92	82.5	0.41
Hood R	EF Hood R	12854	200 cfs at WF ga	240	897	898.39		898.52	0.008949	2.97	80.94	84.42	0.47
Hood R	EF Hood R	12854	500 cfs at WF ga	590	897	899.24		899.53	0.009902	4.28	137.71	87.63	0.53
Hood R	EF Hood R	12854	1000 cfs at WF ga	1200	897	900							

Attachment 5: Output Summary - Existing Geometry Model with Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	Mn Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Hood R	EF Hood R	12616	7000 cfs at WF g	8300	894	903.01		905.41	0.015616	12.43	667.65	89.92	0.8
Hood R	EF Hood R	12616	8000 cfs at WF g	9500	894	903.71		906.33	0.015562	13	731	91.39	0.81
Hood R	EF Hood R	12616	19000 cfs at WF	22600	894	909.38	908.13	914.37	0.014689	17.97	1283.64	103.43	0.86
Hood R	EF Hood R	12454	100 cfs at WF ga	120	892	893.08		893.14	0.00568	1.94	62	68.74	0.35
Hood R	EF Hood R	12454	200 cfs at WF ga	240	892	893.52		893.62	0.006619	2.6	92.2	71.29	0.4
Hood R	EF Hood R	12454	500 cfs at WF ga	590	892	894.38		894.6	0.007736	3.76	157.03	78.49	0.47
Hood R	EF Hood R	12454	1000 cfs at WF g	1200	892	895.42		895.8	0.008333	4.97	241.62	83.61	0.51
Hood R	EF Hood R	12454	2000 cfs at WF g	2400	892	896.91		897.56	0.008751	6.49	369.72	87.88	0.56
Hood R	EF Hood R	12454	3000 cfs at WF g	3600	892	898.09		898.98	0.008978	7.58	474.86	90.26	0.58
Hood R	EF Hood R	12454	4000 cfs at WF g	4800	892	899.1		900.22	0.009162	8.46	567.41	92.07	0.6
Hood R	EF Hood R	12454	5000 cfs at WF g	5900	892	899.94		901.24	0.009284	9.14	645.36	93.41	0.61
Hood R	EF Hood R	12454	6000 cfs at WF g	7100	892	900.79		902.28	0.009404	9.8	724.41	94.6	0.62
Hood R	EF Hood R	12454	7000 cfs at WF g	8300	892	901.57		903.25	0.009506	10.38	799.27	95.81	0.63
Hood R	EF Hood R	12454	8000 cfs at WF g	9500	892	902.3		904.15	0.009543	10.93	869.49	96.92	0.64
Hood R	EF Hood R	12454	19000 cfs at WF	22600	892	908.35		912.08	0.009687	15.51	1480.15	104.87	0.7
Hood R	EF Hood R	12320	100 cfs at WF ga	120	891	891.62		891.76	0.023908	2.96	40.59	68.01	0.67
Hood R	EF Hood R	12320	200 cfs at WF ga	240	891	892		892.2	0.019207	3.59	66.94	71.19	0.65
Hood R	EF Hood R	12320	500 cfs at WF ga	590	891	892.76		893.12	0.016764	4.81	122.69	75.6	0.67
Hood R	EF Hood R	12320	1000 cfs at WF g	1200	891	893.68		894.27	0.0161	6.18	194.19	79.24	0.7
Hood R	EF Hood R	12320	2000 cfs at WF g	2400	891	895.04		896	0.015508	7.86	305.25	83.63	0.73
Hood R	EF Hood R	12320	3000 cfs at WF g	3600	891	896.14		897.4	0.015238	9.03	398.57	86.89	0.74
Hood R	EF Hood R	12320	4000 cfs at WF g	4800	891	897.09		898.63	0.014933	9.95	482.47	88.92	0.75
Hood R	EF Hood R	12320	5000 cfs at WF g	5900	891	897.9		899.65	0.014664	10.63	555.02	90.86	0.76
Hood R	EF Hood R	12320	6000 cfs at WF g	7100	891	898.72		900.69	0.014352	11.27	630.01	92.32	0.76
Hood R	EF Hood R	12320	7000 cfs at WF g	8300	891	899.48		901.66	0.014102	11.83	701.38	93.67	0.76
Hood R	EF Hood R	12320	8000 cfs at WF g	9500	891	900.2		902.57	0.013978	12.36	768.39	94.91	0.77
Hood R	EF Hood R	12320	19000 cfs at WF	22600	891	906.18		910.54	0.012571	16.79	1364.68	104.43	0.79
Hood R	EF Hood R	12251	100 cfs at WF ga	120	890	890.85	890.45	890.91	0.006979	1.95	61.69	76.92	0.98
Hood R	EF Hood R	12251	200 cfs at WF ga	240	890	891.22	890.72	891.33	0.008202	2.66	90.38	79.83	0.44
Hood R	EF Hood R	12251	500 cfs at WF ga	590	890	891.91	891.27	892.16	0.01049	4.02	146.76	83.23	0.53
Hood R	EF Hood R	12251	1000 cfs at WF g	1200	890	892.87	892	893.3	0.010529	5.25	228.74	86.76	0.57
Hood R	EF Hood R	12251	2000 cfs at WF g	2400	890	894.3	893.11	895.01	0.010426	6.75	355.54	90.85	0.6
Hood R	EF Hood R	12251	3000 cfs at WF g	3600	890	895.43	894.02	896.38	0.010431	7.83	459.88	93.29	0.62
Hood R	EF Hood R	12251	4000 cfs at WF g	4800	890	896.42	894.82	897.59	0.01037	8.68	553.13	94.79	0.63
Hood R	EF Hood R	12251	5000 cfs at WF g	5900	890	897.26	895.48	898.61	0.010273	9.32	633	95.99	0.64
Hood R	EF Hood R	12251	6000 cfs at WF g	7100	890	898.11	896.15	899.64	0.010196	9.93	714.89	97.26	0.65
Hood R	EF Hood R	12251	7000 cfs at WF g	8300	890	898.9	896.78	900.6	0.010144	10.48	792.34	98.45	0.65
Hood R	EF Hood R	12251	8000 cfs at WF g	9500	890	899.63	897.37	901.5	0.01017	10.99	864.13	99.35	0.66
Hood R	EF Hood R	12251	19000 cfs at WF	22600	890	905.8	902.62	909.4	0.009644	15.24	1498.21	105.96	0.7
Hood R	EF Hood R	12225											
Bridge - Lost Lake Rd													
Hood R	EF Hood R	12190	100 cfs at WF ga	120	889	889.9		889.96	0.006789	1.97	61.06	73.45	0.38
Hood R	EF Hood R	12190	200 cfs at WF ga	240	889	890.32		890.43	0.007166	2.59	92.69	76.67	0.41
Hood R	EF Hood R	12190	500 cfs at WF ga	590	889	891.16		891.37	0.007859	3.72	158.75	81.54	0.47
Hood R	EF Hood R	12190	1000 cfs at WF g	1200	889	892.17		892.54	0.00846	4.93	243.64	86.21	0.52
Hood R	EF Hood R	12190	2000 cfs at WF g	2400	889	893.55		894.22	0.009429	6.54	366.75	91.08	0.57
Hood R	EF Hood R	12190	3000 cfs at WF g	3600	889	894.65		895.57	0.009871	7.69	468.21	93.7	0.61
Hood R	EF Hood R	12190	4000 cfs at WF g	4800	889	895.62	893.94	896.76	0.009993	8.57	560.35	95.37	0.62
Hood R	EF Hood R	12190	5000 cfs at WF g	5900	889	896.46	894.61	897.78	0.009954	9.22	640.23	96.58	0.63
Hood R	EF Hood R	12190	6000 cfs at WF g	7100	889	897.3	895.28	898.8	0.009909	9.83	722.41	97.85	0.64
Hood R	EF Hood R	12190	7000 cfs at WF g	8300	889	898.09	895.91	899.76	0.009886	10.38	799.97	99.02	0.64
Hood R	EF Hood R	12190	8000 cfs at WF g	9500	889	898.8	896.5	900.65	0.009889	10.92	870.34	99.94	0.65
Hood R	EF Hood R	12190	19000 cfs at WF	22600	889	904.92	901.75	908.5	0.009564	15.2	1509.53	109.06	0.7
Hood R	EF Hood R	12047	100 cfs at WF ga	120	887	887.53	887.53	887.77	0.055869	3.97	30.24	61.65	1
Hood R	EF Hood R	12047	200 cfs at WF ga	240	887	887.82	887.82	888.19	0.049295	4.9	48.99	66.25	1.01
Hood R	EF Hood R	12047	500 cfs at WF ga	590	887	888.44	888.44	889.07	0.041624	6.38	92.49	74.03	1
Hood R	EF Hood R	12047	1000 cfs at WF g	1200	887	889.21	889.21	890.17	0.036479	7.83	153.23	81.44	1.01
Hood R	EF Hood R	12047	2000 cfs at WF g	2400	887	890.41	890.34	891.8	0.029255	9.45	254.1	86.41	0.97
Hood R	EF Hood R	12047	3000 cfs at WF g	3600	887	891.37	891.27	893.13	0.02681	10.64	338.33	88.85	0.96
Hood R	EF Hood R	12047	4000 cfs at WF g	4800	887	892.18	892.06	894.3	0.02579	11.68	411.05	90.61	0.97
Hood R	EF Hood R	12047	5000 cfs at WF g	5900	887	892.82	892.74	895.27	0.025615	12.57	489.54	91.7	0.98
Hood R	EF Hood R	12047	6000 cfs at WF g	7100	887	893.47	893.41	896.26	0.02545	13.41	529.49	92.8	0.99
Hood R	EF Hood R	12047	7000 cfs at WF g	8300	887	894.09	894.05	897.19	0.025206	14.14	587.08	93.85	1
Hood R	EF Hood R	12047	8000 cfs at WF g	9500	887	894.72	894.67	898.07	0.02443	14.58	648.97	94.93	0.99
Hood R	EF Hood R	12047	19000 cfs at WF	22600	887	899.98	899.98	905.85	0.021207	19.45	1168.63	103.56	1
Hood R	EF Hood R	11734	100 cfs at WF ga	120	882	883.26		883.3	0.004496	1.66	72.11	81.82	0.31
Hood R	EF Hood R	11734	200 cfs at WF ga	240	882	883.69		883.77	0.004932	2.21	108.77	86.57	0.35
Hood R	EF Hood R	11734	500 cfs at WF ga	590	882	884.54		884.7	0.005647	3.19	185.05	93.61	0.4
Hood R	EF Hood R	11734	1000 cfs at WF g	1200	882	885.53		885.81	0.006393	4.27	281.03	100.33	0.45
Hood R	EF Hood R	11734	2000 cfs at WF g	2400	882	886.84		887.35	0.007575	5.73	418.86	108.74	0.51
Hood R	EF Hood R	11734	3000 cfs at WF g	3600	882	887.9		888.8	0.008064	6.7	537.33	115.12	0.55
Hood R	EF Hood R	11734	4000 cfs at WF g	4800	882	888.79		889.66	0.008412	7.48	641.51	119.79	0.57
Hood R	EF Hood R	11734	5000 cfs at WF g	5900	882	889.52		890.54	0.008572	8.08	730.53	122.94	0.58
Hood R	EF Hood R	11734	6000 cfs at WF g	7100	882	890.22		891.39	0.008849	8.68	817.76	126.11	0.6
Hood R	EF Hood R	11734	7000 cfs at WF g	8300	882	890.84		892.17	0.009259	9.26	895.88	129.41	0.62
Hood R	EF Hood R	11734	8000 cfs at WF g	9500	882	891.47		892.93	0.009732	9.7	979.58	136.97	0.64
Hood R	EF Hood R	11734	19000 cfs at WF	22600	882	898.04		898.91	0.010776	13.61	1677.37	162.82	0.72
Hood R	EF Hood R	11463	100 cfs at WF ga	120	880	880.57		880.73	0.030973	3.14	38.17	70.92	0.76
Hood R	EF Hood R	11463	200 cfs at WF ga	240	880	880.9	880.75	881.13	0.026998	3.86	62.17	75.89	0.75
Hood R	EF Hood R	11463	500 cfs at WF ga	590	880	881.63	881.35	881.97	0.022237	4.69	125.93	100.1	0.74
Hood R	EF Hood R	11463	1000 cfs at WF g	1200	880	882.36	882.05	882.89	0.021358	5.81	206.54	115.15	0.76
Hood R	EF Hood R	11463	2000 cfs at WF g	2400	880	883.41		884.23	0.019102	7.28	329.74	120.12	0.77
Hood R	EF Hood R	11463	3000 cfs at WF g	3600	880	884.15		885.29	0.019899	8.57	420.29	123.32	0.82
Hood R	EF Hood R	11463	4000 cfs at WF g	4800	880	884.8		886.22	0.020445	9.59	500.7	126.35	0.85
Hood R	EF Hood R	11463	5000 cfs at WF g	5900	880	885.39	884.91	887.01	0.021147	10.21	577.97	136.03	0.87
Hood R	EF Hood R	11463	6000 cfs at WF g	7100	880	886.02	885.56	887.77	0.021546	10.64	667.39	149.69	0.89
Hood R	EF Hood R	11463	7000 cfs at WF g	8300	880	886.49	886.13	888.45	0.021436	11.22	739.57	152.32	0.9
Hood R	EF Hood R	11463	8000 cfs at WF g	9500	88								

Attachment 5: Output Summary - Existing Geometry Model with Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	MIn Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude #	Chl
Hood R	EF Hood R	11071	5000 cfs at WF g	5800	873	879.07	878.18	880.13	0.014145	8.29	711.59	168.44	0.71	
Hood R	EF Hood R	11071	6000 cfs at WF g	7100	873	879.55	878.64	880.79	0.014374	8.94	794.16	169.52	0.73	
Hood R	EF Hood R	11071	7000 cfs at WF g	8300	873	880		881.42	0.014603	9.53	870.82	170.51	0.74	
Hood R	EF Hood R	11071	8000 cfs at WF g	9500	873	880.44		882.01	0.014658	10.05	945.24	171.51	0.75	
Hood R	EF Hood R	11071	19000 cfs at WF	22600	873	885.18		887.13	0.011948	11.2	2023.56	269.21	0.72	
Hood R	EF Hood R	10749	100 cfs at WF ga	120	868	868.41		868.53	0.037286	2.79	43.08	110.35	0.79	
Hood R	EF Hood R	10749	200 cfs at WF ga	240	868	868.63		868.82	0.035118	3.54	67.77	115.76	0.82	
Hood R	EF Hood R	10749	500 cfs at WF ga	590	868	869.05	868.99	869.43	0.036081	4.95	119.13	125.54	0.9	
Hood R	EF Hood R	10749	1000 cfs at WF g	1200	868	869.58	868.52	870.22	0.035512	6.43	186.49	131	0.95	
Hood R	EF Hood R	10749	2000 cfs at WF g	2400	868	870.5	870.34	871.42	0.027829	7.71	311.12	137.6	0.9	
Hood R	EF Hood R	10749	3000 cfs at WF g	3600	868	871.12	871.01	872.4	0.028275	9.06	397.35	140.21	0.95	
Hood R	EF Hood R	10749	4000 cfs at WF g	4800	868	871.71	871.6	873.28	0.02723	9.98	480.74	142.22	0.96	
Hood R	EF Hood R	10749	5000 cfs at WF g	5900	868	872.21	872.09	873.98	0.026442	10.89	552.02	143.96	0.96	
Hood R	EF Hood R	10749	6000 cfs at WF g	7100	868	872.75	872.6	874.72	0.025092	11.26	630.58	145.91	0.95	
Hood R	EF Hood R	10749	7000 cfs at WF g	8300	868	873.26	873.09	875.41	0.024012	11.77	705.33	147.48	0.95	
Hood R	EF Hood R	10749	8000 cfs at WF g	9500	868	873.73	873.53	876.07	0.023252	12.25	775.49	148.71	0.95	
Hood R	EF Hood R	10749	19000 cfs at WF	22600	868	877.54	877.54	881.89	0.021048	16.75	1378.33	179.2	0.98	
Hood R	EF Hood R	10460	100 cfs at WF ga	120	862	862.88		862.88	0.011667	2.56	46.79	56.57	0.5	
Hood R	EF Hood R	10460	200 cfs at WF ga	240	862	863.39	862.87	863.49	0.011274	2.55	94.17	111.98	0.49	
Hood R	EF Hood R	10460	500 cfs at WF ga	590	862	864.08		864.24	0.010516	3.26	181.04	141.04	0.51	
Hood R	EF Hood R	10460	1000 cfs at WF g	1200	862	864.78		865.06	0.010351	4.25	282.55	145.99	0.54	
Hood R	EF Hood R	10460	2000 cfs at WF g	2400	862	865.67		866.19	0.012299	5.78	415.55	153.82	0.62	
Hood R	EF Hood R	10460	3000 cfs at WF g	3600	862	866.47		867.16	0.011913	6.67	539.9	158.66	0.63	
Hood R	EF Hood R	10460	4000 cfs at WF g	4800	862	867.07		867.96	0.012381	7.57	637.63	168.16	0.68	
Hood R	EF Hood R	10460	5000 cfs at WF g	5900	862	867.59		868.6	0.012921	8.32	726.93	195.69	0.69	
Hood R	EF Hood R	10460	6000 cfs at WF g	7100	862	867.93		869.22	0.013864	9.15	806.68	202.19	0.73	
Hood R	EF Hood R	10460	7000 cfs at WF g	8300	862	868.28		869.8	0.015078	9.95	878.09	208.73	0.77	
Hood R	EF Hood R	10460	8000 cfs at WF g	9500	862	868.59	867.94	870.34	0.016148	10.71	943.53	211.13	0.8	
Hood R	EF Hood R	10460	19000 cfs at WF	22600	862	871.61	871.61	875.27	0.019707	15.79	1640.83	254.13	0.95	
Hood R	EF Hood R	10057	100 cfs at WF ga	120	856	856.89		857.01	0.019409	2.74	43.85	70.67	0.61	
Hood R	EF Hood R	10057	200 cfs at WF ga	240	856	857.2		857.4	0.021227	3.56	67.5	78.51	0.68	
Hood R	EF Hood R	10057	500 cfs at WF ga	590	856	857.81		858.2	0.022793	5.01	117.69	86.13	0.76	
Hood R	EF Hood R	10057	1000 cfs at WF g	1200	856	858.64		859.23	0.021414	6.17	154.55	99.35	0.78	
Hood R	EF Hood R	10057	2000 cfs at WF g	2400	856	860.55		860.86	0.01383	4.59	222.41	109.19	0.61	
Hood R	EF Hood R	10057	3000 cfs at WF g	3600	856	861.14		861.52	0.016053	4.96	275.23	113.73	0.66	
Hood R	EF Hood R	10057	4000 cfs at WF g	4800	856	861.42		861.92	0.017712	5.72	338.79	117.32	0.71	
Hood R	EF Hood R	10057	5000 cfs at WF g	5900	856	861.65		862.27	0.016615	6.28	399.24	120.4	0.74	
Hood R	EF Hood R	10057	6000 cfs at WF g	7100	856	861.94		862.64	0.016279	6.7	459.15	124.1	0.75	
Hood R	EF Hood R	10057	7000 cfs at WF g	8300	856	862.21	861.7	862.98	0.017824	7.08	517.08	126.38	0.75	
Hood R	EF Hood R	10057	8000 cfs at WF g	9500	856	862.46	861.91	863.31	0.017471	7.42	580.29	128.19	0.75	
Hood R	EF Hood R	10057	19000 cfs at WF	22600	856	864.98		866.41	0.012901	9.58	2378.13	158.65	0.72	
Hood R	EF Hood R	9371	100 cfs at WF ga	120	844	844.82		844.94	0.01603	2.76	43.5	59.95	0.57	
Hood R	EF Hood R	9371	200 cfs at WF ga	240	844	845.24		845.43	0.014589	3.43	69.95	64.69	0.58	
Hood R	EF Hood R	9371	500 cfs at WF ga	590	844	846.1		846.43	0.013328	4.62	127.68	70.35	0.6	
Hood R	EF Hood R	9371	1000 cfs at WF g	1200	844	847.09		847.65	0.013642	6.02	199.36	74.79	0.65	
Hood R	EF Hood R	9371	2000 cfs at WF g	2400	844	848.8		849.4	0.020469	7.15	305.5	131.66	0.79	
Hood R	EF Hood R	9371	3000 cfs at WF g	3600	844	849.76	849.11	850.48	0.016056	6.79	330.48	137.82	0.71	
Hood R	EF Hood R	9371	4000 cfs at WF g	4800	844	850.6	849.63	851.32	0.013564	6.85	400.88	145.57	0.67	
Hood R	EF Hood R	9371	5000 cfs at WF g	5900	844	851.18	850.12	851.97	0.012328	7.11	450.3	152.66	0.65	
Hood R	EF Hood R	9371	6000 cfs at WF g	7100	844	851.68	850.56	852.56	0.012023	7.53	512.99	158.91	0.65	
Hood R	EF Hood R	9371	7000 cfs at WF g	8300	844	852.12	850.95	853.1	0.01184	7.94	574.2	166.91	0.68	
Hood R	EF Hood R	9371	8000 cfs at WF g	9500	844	852.53	851.3	853.61	0.01164	8.34	630.45	174.96	0.68	
Hood R	EF Hood R	9371	19000 cfs at WF	22600	844	855.7	854.45	857.62	0.01197	11.79	2078.2	234.35	0.73	
Hood R	EF Hood R	8903	100 cfs at WF ga	120	837	838.04		838.14	0.013219	2.53	47.39	64.32	0.52	
Hood R	EF Hood R	8903	200 cfs at WF ga	240	837	838.41		838.58	0.014656	3.29	72.97	72.19	0.58	
Hood R	EF Hood R	8903	500 cfs at WF ga	590	837	839.13		839.45	0.016815	4.54	128.93	87.65	0.66	
Hood R	EF Hood R	8903	1000 cfs at WF g	1200	837	840		840.48	0.017148	5.55	218.16	109.23	0.7	
Hood R	EF Hood R	8903	2000 cfs at WF g	2400	837	841.62		842.12	0.011936	5.67	323.42	157.49	0.61	
Hood R	EF Hood R	8903	3000 cfs at WF g	3600	837	842.13		842.92	0.016199	7.11	506.35	168.25	0.72	
Hood R	EF Hood R	8903	4000 cfs at WF g	4800	837	842.55		843.62	0.020186	8.28	578.46	180.37	0.81	
Hood R	EF Hood R	8903	5000 cfs at WF g	5900	837	843.05	842.54	844.24	0.0229	8.76	673.51	211.9	0.87	
Hood R	EF Hood R	8903	6000 cfs at WF g	7100	837	843.38	843.11	844.8	0.02393	9.53	744.84	213.24	0.9	
Hood R	EF Hood R	8903	7000 cfs at WF g	8300	837	843.71	843.5	845.32	0.024463	10.19	814.82	214.55	0.92	
Hood R	EF Hood R	8903	8000 cfs at WF g	9500	837	844.01	843.85	845.82	0.025067	10.8	879.3	215.75	0.94	
Hood R	EF Hood R	8903	19000 cfs at WF	22600	837	847.05	847.05	850.29	0.021933	14.51	1619.07	286.51	0.96	
Hood R	EF Hood R	8695	100 cfs at WF ga	120	834	834.71	834.52	834.84	0.019487	2.82	42.49	65.45	0.62	
Hood R	EF Hood R	8695	200 cfs at WF ga	240	834	835.11		835.29	0.017105	3.45	69.48	71.72	0.62	
Hood R	EF Hood R	8695	500 cfs at WF ga	590	834	835.94		836.24	0.014071	4.39	134.45	83.6	0.61	
Hood R	EF Hood R	8695	1000 cfs at WF g	1200	834	836.89		837.37	0.013153	5.52	217.54	91.01	0.63	
Hood R	EF Hood R	8695	2000 cfs at WF g	2400	834	839.18		839.5	0.01279	4.56	326.14	109.23	0.59	
Hood R	EF Hood R	8695	3000 cfs at WF g	3600	834	839.96		840.31	0.009084	4.78	453.88	126.2	0.53	
Hood R	EF Hood R	8695	4000 cfs at WF g	4800	834	840.74		841.11	0.006972	4.83	592.79	131.58	0.48	
Hood R	EF Hood R	8695	5000 cfs at WF g	5900	834	841.26		841.66	0.006883	5.09	719.03	139.08	0.48	
Hood R	EF Hood R	8695	6000 cfs at WF g	7100	834	841.71		842.17	0.006507	5.43	830.46	146.73	0.48	
Hood R	EF Hood R	8695	7000 cfs at WF g	8300	834	842.07		842.6	0.006684	5.81	947.39	154.96	0.49	
Hood R	EF Hood R	8695	8000 cfs at WF g	9500	834	842.4		842.99	0.006895	6.2	1053.72	163.86	0.51	
Hood R	EF Hood R	8695	19000 cfs at WF	22600	834	844.89		846.31	0.009273	9.57	2371.34	239.26	0.63	
Hood R	EF Hood R	8418	100 cfs at WF ga	120	827	828.09		828.35	0.028557	4.06	29.54	34.98	0.78	
Hood R	EF Hood R	8418	200 cfs at WF ga	240	827	828.51	828.39	828.96	0.031734	5.37	44.59	37.57	0.87	
Hood R	EF Hood R	8418	500 cfs at WF ga	590	827	829.31	829.31	830.23	0.03687	7.68	76.78	41.95	1	
Hood R	EF Hood R	8418	1000 cfs at WF g	1200	827	830.46	830.46	831.83	0.032607	9.4	127.69	46.56	1	
Hood R	EF Hood R	8418	2000 cfs at WF g	2400	827	832.11	832.11	834.16	0.029672	11.51	208.5	51.38	1.01	
Hood R	EF Hood R	8418	3000 cfs at WF g	3600	827	833.46	833.46	836.02	0.02768	12.94	280.27	54.84	1	
Hood R	EF Hood R	8418	4000 cfs at WF g	4800	827	835.27	835.27	837.45	0.02905					

Attachment 5: Output Summary - Existing Geometry Model with Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude #	Chi
Hood R	EF Hood R	8186	5000 cfs at WF g	5900	821	831.17		832.46	0.010739	9.12	650.11	113.21		0.65
Hood R	EF Hood R	8186	6000 cfs at WF g	7100	821	831.92		833.4	0.01052	9.76	736.39	117.18		0.66
Hood R	EF Hood R	8186	7000 cfs at WF g	8300	821	832.58		834.25	0.010529	10.38	814.69	120.26		0.67
Hood R	EF Hood R	8186	8000 cfs at WF g	9500	821	833.13		835.02	0.010842	11.05	881.65	122.76		0.69
Hood R	EF Hood R	8186	19000 cfs at WF g	22600	821	837.63	836.33	841.76	0.013362	16.51	1471.59	138.42		0.82
Hood R	EF Hood R	7862	100 cfs at WF ga	120	815	816.51		816.71	0.013932	3.54	33.87	28.46		0.57
Hood R	EF Hood R	7862	200 cfs at WF ga	240	815	817.17		817.47	0.014396	4.46	53.84	32.66		0.61
Hood R	EF Hood R	7862	500 cfs at WF ga	590	815	818.38	817.72	818.94	0.015457	5.98	98.64	40.19		0.67
Hood R	EF Hood R	7862	1000 cfs at WF g	1200	815	819.67		820.61	0.017527	7.81	153.65	45.49		0.75
Hood R	EF Hood R	7862	2000 cfs at WF g	2400	815	821.25		822.91	0.022744	10.34	232.12	54.35		0.88
Hood R	EF Hood R	7862	3000 cfs at WF g	3600	815	822.38	822.3	824.64	0.027411	12.07	298.34	63.69		0.98
Hood R	EF Hood R	7862	4000 cfs at WF g	4800	815	823.55	823.55	826.03	0.027807	12.62	380.28	76.84		1
Hood R	EF Hood R	7862	5000 cfs at WF g	5900	815	824.43	824.43	827.07	0.027169	13.05	452.06	85.37		1
Hood R	EF Hood R	7862	6000 cfs at WF g	7100	815	825.17	825.17	828.1	0.026764	13.74	516.77	90.43		1.01
Hood R	EF Hood R	7862	7000 cfs at WF g	8300	815	825.84	825.84	829.05	0.025295	14.38	579.59	95.43		1
Hood R	EF Hood R	7862	8000 cfs at WF g	9500	815	826.58	826.58	829.84	0.022933	14.72	663.86	125.22		0.97
Hood R	EF Hood R	7862	19000 cfs at WF g	22600	815	831.93	831.93	836.8	0.017183	18.44	1479.18	165.2		0.92
Hood R	EF Hood R	7354	100 cfs at WF ga	120	810	811.36		811.44	0.007916	2.22	53.95	60.48		0.41
Hood R	EF Hood R	7354	200 cfs at WF ga	240	810	811.82	811.24	811.95	0.008355	2.9	82.7	64.66		0.45
Hood R	EF Hood R	7354	500 cfs at WF ga	590	810	812.79	811.91	813.02	0.008813	3.86	152.68	80.63		0.49
Hood R	EF Hood R	7354	1000 cfs at WF g	1200	810	813.91	812.79	814.26	0.008946	4.74	253.39	99.57		0.52
Hood R	EF Hood R	7354	2000 cfs at WF g	2400	810	815.35		815.9	0.008543	5.95	403.12	107.9		0.54
Hood R	EF Hood R	7354	3000 cfs at WF g	3600	810	816.57		817.26	0.008098	6.66	540.77	117.12		0.55
Hood R	EF Hood R	7354	4000 cfs at WF g	4800	810	817.63		818.43	0.007961	7.19	667.43	123.03		0.54
Hood R	EF Hood R	7354	5000 cfs at WF g	5900	810	818.5		819.4	0.0073	7.58	777.38	127.07		0.54
Hood R	EF Hood R	7354	6000 cfs at WF g	7100	810	819.41		820.39	0.006913	7.94	894.55	130.81		0.53
Hood R	EF Hood R	7354	7000 cfs at WF g	8300	810	820.28		821.33	0.006568	8.23	1008.77	134.04		0.53
Hood R	EF Hood R	7354	8000 cfs at WF g	9500	810	821.1		822.22	0.006259	8.48	1120.52	136.82		0.52
Hood R	EF Hood R	7354	19000 cfs at WF g	22600	810	826.61		830.27	0.004003	10.36	2239.93	164.4		0.46
Hood R	EF Hood R	6840	100 cfs at WF ga	120	802	802.65	802.65	802.97	0.05253	4.5	26.66	42.78		1
Hood R	EF Hood R	6840	200 cfs at WF ga	240	802	803.03	803.03	803.51	0.04528	5.57	43.12	44.91		1
Hood R	EF Hood R	6840	500 cfs at WF ga	590	802	803.82	803.82	804.67	0.038484	7.37	80.09	48.09		1.01
Hood R	EF Hood R	6840	1000 cfs at WF g	1200	802	804.87	804.87	806.14	0.033882	9.05	132.6	52.69		1.01
Hood R	EF Hood R	6840	2000 cfs at WF g	2400	802	806.39	806.39	808.29	0.030139	11.05	217.28	57.9		1
Hood R	EF Hood R	6840	3000 cfs at WF g	3600	802	807.6	807.6	810.01	0.028374	12.45	289.22	60.8		1.01
Hood R	EF Hood R	6840	4000 cfs at WF g	4800	802	808.66	808.66	811.5	0.027195	13.53	354.75	63.05		1.01
Hood R	EF Hood R	6840	5000 cfs at WF g	5900	802	809.56	809.56	812.74	0.02621	14.31	412.17	64.91		1
Hood R	EF Hood R	6840	6000 cfs at WF g	7100	802	810.44	810.44	813.98	0.025587	15.1	470.3	66.55		1
Hood R	EF Hood R	6840	7000 cfs at WF g	8300	802	811.27	811.27	815.14	0.025075	15.77	526.2	68.13		1
Hood R	EF Hood R	6840	8000 cfs at WF g	9500	802	812.05	812.05	816.22	0.024691	16.38	580.06	69.9		1
Hood R	EF Hood R	6840	19000 cfs at WF g	22600	802	818.65	818.65	825.82	0.019639	21.56	1085.54	83.53		0.98
Hood R	EF Hood R	6324	100 cfs at WF ga	120	793	794.16		794.26	0.007919	2.52	47.7	44.1		0.43
Hood R	EF Hood R	6324	200 cfs at WF ga	240	793	794.78		794.93	0.007433	3.17	75.81	47.12		0.44
Hood R	EF Hood R	6324	500 cfs at WF ga	590	793	796.02		796.3	0.007311	4.26	138.59	54.1		0.47
Hood R	EF Hood R	6324	1000 cfs at WF g	1200	793	797.44		797.9	0.007575	5.46	219.95	60.14		0.5
Hood R	EF Hood R	6324	2000 cfs at WF g	2400	793	799.36		800.13	0.008079	7.03	341.49	66.04		0.54
Hood R	EF Hood R	6324	3000 cfs at WF g	3600	793	800.82		801.86	0.008474	8.17	440.74	69.58		0.57
Hood R	EF Hood R	6324	4000 cfs at WF g	4800	793	802.06		803.34	0.008816	9.08	528.47	72.72		0.59
Hood R	EF Hood R	6324	5000 cfs at WF g	5900	793	803.04		804.53	0.009103	9.82	600.86	74.9		0.61
Hood R	EF Hood R	6324	6000 cfs at WF g	7100	793	803.97		805.71	0.009139	10.59	671.87	77.42		0.62
Hood R	EF Hood R	6324	7000 cfs at WF g	8300	793	804.8		806.78	0.009279	11.32	737.1	79.11		0.64
Hood R	EF Hood R	6324	8000 cfs at WF g	9500	793	805.54		807.79	0.009533	12.04	796.04	80.85		0.65
Hood R	EF Hood R	6324	19000 cfs at WF g	22600	793	811.25	809.22	816.42	0.012438	18.36	1295.95	94.29		0.8
Hood R	EF Hood R	5872	100 cfs at WF ga	120	790	791.05		791.12	0.00611	2.09	57.38	57.9		0.37
Hood R	EF Hood R	5872	200 cfs at WF ga	240	790	791.51		791.63	0.007157	2.84	84.57	60.66		0.42
Hood R	EF Hood R	5872	500 cfs at WF ga	590	790	792.4		792.67	0.008865	4.19	140.77	65.79		0.5
Hood R	EF Hood R	5872	1000 cfs at WF g	1200	790	793.46		793.95	0.010183	5.62	213.69	71.08		0.57
Hood R	EF Hood R	5872	2000 cfs at WF g	2400	790	794.95		795.8	0.011504	7.39	324.61	77.78		0.64
Hood R	EF Hood R	5872	3000 cfs at WF g	3600	790	796.08		797.25	0.01245	8.68	414.93	82.55		0.68
Hood R	EF Hood R	5872	4000 cfs at WF g	4800	790	797.01		798.48	0.013304	9.72	493.72	86.74		0.72
Hood R	EF Hood R	5872	5000 cfs at WF g	5900	790	797.77		799.49	0.013881	10.51	561.11	90.25		0.74
Hood R	EF Hood R	5872	6000 cfs at WF g	7100	790	798.4		800.44	0.015159	11.47	618.76	93.06		0.78
Hood R	EF Hood R	5872	7000 cfs at WF g	8300	790	799.02		801.35	0.015999	12.26	676.87	95.76		0.81
Hood R	EF Hood R	5872	8000 cfs at WF g	9500	790	799.64		802.22	0.016332	12.88	737.47	98.2		0.83
Hood R	EF Hood R	5872	19000 cfs at WF g	22600	790	804.38	804.03	809.72	0.017822	18.58	1249.51	117.55		0.94
Hood R	EF Hood R	5388	100 cfs at WF ga	120	783	784.12	784.12	784.36	0.057972	3.9	30.8	66.21		1.01
Hood R	EF Hood R	5388	200 cfs at WF ga	240	783	784.45	784.39	784.77	0.040123	4.52	53.1	69.24		0.91
Hood R	EF Hood R	5388	500 cfs at WF ga	590	783	785.18	785	785.66	0.027581	5.58	105.77	75.81		0.83
Hood R	EF Hood R	5388	1000 cfs at WF g	1200	783	786.07	785.77	786.78	0.023226	6.77	177.34	83.46		0.82
Hood R	EF Hood R	5388	2000 cfs at WF g	2400	783	787.34		788.41	0.021125	8.3	289.29	93.17		0.83
Hood R	EF Hood R	5388	3000 cfs at WF g	3600	783	788.36		789.7	0.020065	9.27	388.46	101.81		0.84
Hood R	EF Hood R	5388	4000 cfs at WF g	4800	783	789.25		790.79	0.019309	9.94	483.04	110.67		0.84
Hood R	EF Hood R	5388	5000 cfs at WF g	5900	783	789.95	789.33	791.66	0.01908	10.47	565.36	118.12		0.85
Hood R	EF Hood R	5388	6000 cfs at WF g	7100	783	790.74		792.55	0.017272	10.79	658.29	122.24		0.82
Hood R	EF Hood R	5388	7000 cfs at WF g	8300	783	791.4		793.36	0.016576	11.23	738.19	125.01		0.81
Hood R	EF Hood R	5388	8000 cfs at WF g	9500	783	791.91	791.1	794.08	0.016814	11.82	803.75	126.96		0.83
Hood R	EF Hood R	5388	19000 cfs at WF g	22600	783	795.71	795.56	800.45	0.019728	17.49	1312.38	139.25		0.97
Hood R	EF Hood R	5048	100 cfs at WF ga	120	776	777.7	777.07	777.82	0.008272	2.73	44.01	37.31		0.44
Hood R	EF Hood R	5048	200 cfs at WF ga	240	776	778.39	777.59	778.53	0.010334	3	80.02	69.46		0.49
Hood R	EF Hood R	5048	500 cfs at WF ga	590	776	779.17	778.56	779.43	0.012812	4.07	145.01	93.32		0.58
Hood R	EF Hood R	5048	1000 cfs at WF g	1200	776	779.93	779.35	780.4	0.015175	5.47	219.38	102.22		0.66
Hood R	EF Hood R	5048	2000 cfs at WF g	2400	776	780.93	780.38	781.76	0.017813	7.3	328.76	111.51		0.75
Hood R	EF Hood R	5048	3000 cfs at WF g	3600	776	781.83	781.17	782.84	0.020045	8.82	407.86	113.29		0.82
Hood R	EF Hood R	5048	4000 cfs at WF g	4800	776	782.23	781.86	783.81	0.021855	10.09	475.78	114.93	</	

Attachment 5: Output Summary - Existing Geometry Model with Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Hood R	Hood R DS	4882	5000 cfs at WF g	7400	774	778.76	778.76	780.83	0.023155	11.55	640.72	154.71	1
Hood R	Hood R DS	4882	8000 cfs at WF g	8900	774	779.41	779.3	781.64	0.021066	12	741.72	157.12	0.97
Hood R	Hood R DS	4882	7000 cfs at WF g	10400	774	780.11	779.83	782.42	0.01857	12.2	852.44	159.77	0.83
Hood R	Hood R DS	4882	8000 cfs at WF g	11800	774	780.71	780.3	783.11	0.017024	12.42	949.9	161.89	0.9
Hood R	Hood R DS	4882	19000 cfs at WF	28100	774	786.72		789.87	0.009559	14.24	1976.72	178.68	0.75
Hood R	Hood R DS	4352	100 cfs at WF ga	150	765	766.13		766.17	0.002707	1.59	94.05	89.47	0.27
Hood R	Hood R DS	4352	200 cfs at WF ga	300	765	766.65		766.72	0.003035	2.1	143.07	98.2	0.31
Hood R	Hood R DS	4352	500 cfs at WF ga	740	765	767.61		767.76	0.003567	3.05	242.83	106.94	0.36
Hood R	Hood R DS	4352	1000 cfs at WF g	1500	765	768.69		768.96	0.00415	4.16	360.82	110.88	0.41
Hood R	Hood R DS	4352	2000 cfs at WF g	3000	765	770.14		770.65	0.005045	5.73	523.9	114.34	0.47
Hood R	Hood R DS	4352	3000 cfs at WF g	4400	765	771.11		771.85	0.005899	6.92	635.62	116.64	0.52
Hood R	Hood R DS	4352	4000 cfs at WF g	5900	765	771.96		772.96	0.006716	8.02	735.28	118.5	0.57
Hood R	Hood R DS	4352	5000 cfs at WF g	7400	765	772.69		773.94	0.007449	9	822.67	120.18	0.61
Hood R	Hood R DS	4352	6000 cfs at WF g	8900	765	773.31		774.84	0.008199	9.91	898.22	121.46	0.64
Hood R	Hood R DS	4352	7000 cfs at WF g	10400	765	773.87		775.67	0.008906	10.76	966.7	122.47	0.67
Hood R	Hood R DS	4352	8000 cfs at WF g	11800	765	774.38		776.42	0.009448	11.47	1029.1	123.46	0.7
Hood R	Hood R DS	4352	19000 cfs at WF	28100	765	778.63	777.75	783.66	0.013677	18.02	1569.67	131.06	0.9
Hood R	Hood R DS	3852	100 cfs at WF ga	150	762	762.39	762.39	762.57	0.051847	3.46	43.37	118.61	1.01
Hood R	Hood R DS	3852	200 cfs at WF ga	300	762	762.61	762.61	762.89	0.044208	4.25	70.61	125.83	1
Hood R	Hood R DS	3852	500 cfs at WF ga	740	762	763.07	763.07	763.56	0.037526	5.58	132.64	138.86	1.01
Hood R	Hood R DS	3852	1000 cfs at WF g	1500	762	763.65	763.65	764.42	0.032294	7.01	213.84	141.64	1.01
Hood R	Hood R DS	3852	2000 cfs at WF g	3000	762	764.61	764.55	765.74	0.02586	8.55	350.99	145.91	0.97
Hood R	Hood R DS	3852	3000 cfs at WF g	4400	762	765.47	765.25	766.78	0.020928	9.21	477.73	149.46	0.91
Hood R	Hood R DS	3852	4000 cfs at WF g	5900	762	766.3	765.91	767.78	0.017542	9.77	604.17	152.93	0.87
Hood R	Hood R DS	3852	5000 cfs at WF g	7400	762	767.08	766.53	768.7	0.015608	10.22	723.79	156.32	0.84
Hood R	Hood R DS	3852	6000 cfs at WF g	8900	762	767.83		769.56	0.014002	10.56	842.85	159.48	0.81
Hood R	Hood R DS	3852	7000 cfs at WF g	10400	762	768.54		770.37	0.012816	10.86	957.75	162.26	0.79
Hood R	Hood R DS	3852	8000 cfs at WF g	11800	762	769.18		771.1	0.011952	11.11	1062.02	164.63	0.77
Hood R	Hood R DS	3852	19000 cfs at WF	28100	762	775.22		778	0.007595	13.37	2114.16	182.71	0.68
Hood R	Hood R DS	3285	100 cfs at WF ga	150	752	753.31	752.8	753.38	0.005181	2.04	73.58	78.79	0.37
Hood R	Hood R DS	3285	200 cfs at WF ga	300	752	753.72		753.84	0.006527	2.82	106.34	83.04	0.44
Hood R	Hood R DS	3285	500 cfs at WF ga	740	752	754.63		754.88	0.006895	3.99	185.4	89.28	0.49
Hood R	Hood R DS	3285	1000 cfs at WF g	1500	752	755.71	754.61	756.14	0.007409	5.27	284.61	94.88	0.54
Hood R	Hood R DS	3285	2000 cfs at WF g	3000	752	757.17	755.85	757.93	0.00834	6.99	428.96	101.61	0.6
Hood R	Hood R DS	3285	3000 cfs at WF g	4400	752	758.19	756.81	759.25	0.009112	8.24	534.08	105.21	0.64
Hood R	Hood R DS	3285	4000 cfs at WF g	5900	752	759.1	757.69	760.46	0.009817	9.34	631.47	108.52	0.68
Hood R	Hood R DS	3285	5000 cfs at WF g	7400	752	759.99	758.46	761.54	0.01041	10.3	718.31	110.97	0.71
Hood R	Hood R DS	3285	6000 cfs at WF g	8900	752	760.6	759.22	762.53	0.01099	11.16	797.29	113.39	0.74
Hood R	Hood R DS	3285	7000 cfs at WF g	10400	752	761.24	759.91	763.45	0.011511	11.95	870.61	115.49	0.77
Hood R	Hood R DS	3285	8000 cfs at WF g	11800	752	761.79	760.51	764.26	0.011959	12.63	934.47	117.08	0.79
Hood R	Hood R DS	3285	19000 cfs at WF	28100	752	766.58	766	771.89	0.014842	18.49	1522.33	127.45	0.93
Hood R	Hood R DS	2544	100 cfs at WF ga	150	744	744.41	744.41	744.61	0.049077	3.61	41.57	102.27	1
Hood R	Hood R DS	2544	200 cfs at WF ga	300	744	744.73	744.65	744.98	0.028489	4.01	74.77	104.2	0.83
Hood R	Hood R DS	2544	500 cfs at WF ga	740	744	745.27	745.18	745.76	0.027632	5.63	131.35	107.27	0.9
Hood R	Hood R DS	2544	1000 cfs at WF g	1500	744	745.97	745.87	746.78	0.025845	7.21	207.93	111.13	0.93
Hood R	Hood R DS	2544	2000 cfs at WF g	3000	744	747.1	746.95	748.32	0.022598	8.85	339.04	119.86	0.93
Hood R	Hood R DS	2544	3000 cfs at WF g	4400	744	747.98	747.75	749.49	0.020404	9.88	445.21	122.92	0.92
Hood R	Hood R DS	2544	4000 cfs at WF g	5900	744	748.81	748.51	750.61	0.018777	10.76	548.21	124.38	0.9
Hood R	Hood R DS	2544	5000 cfs at WF g	7400	744	749.58	749.2	751.63	0.017633	11.49	644.03	125.62	0.89
Hood R	Hood R DS	2544	6000 cfs at WF g	8900	744	750.3	749.82	752.58	0.018666	12.1	735.81	126.63	0.88
Hood R	Hood R DS	2544	7000 cfs at WF g	10400	744	750.99	750.45	753.47	0.015888	12.83	823.51	127.39	0.88
Hood R	Hood R DS	2544	8000 cfs at WF g	11800	744	751.62	750.96	754.27	0.015275	13.06	903.31	128.39	0.87
Hood R	Hood R DS	2544	19000 cfs at WF	28100	744	757.52		761.89	0.011683	16.77	1661.83	135.07	0.83
Hood R	Hood R DS	1923	100 cfs at WF ga	150	736	737.12		737.16	0.003114	1.7	88.25	99.54	0.32
Hood R	Hood R DS	1923	200 cfs at WF ga	300	736	737.31		737.43	0.006565	2.81	106.94	100.38	0.48
Hood R	Hood R DS	1923	500 cfs at WF ga	740	736	738.1		738.34	0.006533	3.95	187.56	108.8	0.52
Hood R	Hood R DS	1923	1000 cfs at WF g	1500	736	739.07		739.49	0.006525	5.16	290.66	106.87	0.55
Hood R	Hood R DS	1923	2000 cfs at WF g	3000	736	740.49		741.2	0.006888	6.75	444.25	110.08	0.59
Hood R	Hood R DS	1923	3000 cfs at WF g	4400	736	741.53		742.49	0.006875	7.86	559.96	112	0.62
Hood R	Hood R DS	1923	4000 cfs at WF g	5900	736	742.5		743.7	0.007039	8.82	668.73	113.54	0.64
Hood R	Hood R DS	1923	5000 cfs at WF g	7400	736	743.36		744.8	0.007183	9.65	767.1	114.9	0.66
Hood R	Hood R DS	1923	6000 cfs at WF g	8900	736	744.13		745.81	0.00735	10.39	856.33	115.96	0.67
Hood R	Hood R DS	1923	7000 cfs at WF g	10400	736	744.84		746.74	0.007525	11.08	938.62	116.8	0.69
Hood R	Hood R DS	1923	8000 cfs at WF g	11800	736	745.44		747.56	0.007709	11.69	1009.75	117.49	0.7
Hood R	Hood R DS	1923	19000 cfs at WF	28100	736	750.32	748.95	755.19	0.009838	17.71	1594.39	122.32	0.85
Hood R	Hood R DS	1198	100 cfs at WF ga	150	731	731.41	731.41	731.61	0.040653	3.59	41.76	105.29	1.01
Hood R	Hood R DS	1198	200 cfs at WF ga	300	731	731.99		732.12	0.008102	2.84	105.62	112.9	0.52
Hood R	Hood R DS	1198	500 cfs at WF ga	740	731	732.65		732.91	0.008649	4.08	181.38	118.12	0.58
Hood R	Hood R DS	1198	1000 cfs at WF g	1500	731	733.44		733.89	0.009216	5.41	277.41	123.99	0.64
Hood R	Hood R DS	1198	2000 cfs at WF g	3000	731	734.57	733.84	735.36	0.009873	7.11	422.13	131.51	0.7
Hood R	Hood R DS	1198	3000 cfs at WF g	4400	731	735.4	734.62	736.46	0.010262	8.25	533.22	136.41	0.74
Hood R	Hood R DS	1198	4000 cfs at WF g	5900	731	736.15		737.48	0.010631	9.26	637.31	140.63	0.77
Hood R	Hood R DS	1198	5000 cfs at WF g	7400	731	736.8		738.4	0.011055	10.14	730.03	144.6	0.8
Hood R	Hood R DS	1198	6000 cfs at WF g	8900	731	737.4		739.24	0.011373	10.9	816.62	148.01	0.82
Hood R	Hood R DS	1198	7000 cfs at WF g	10400	731	737.94		740.02	0.011628	11.57	898.5	151.08	0.84
Hood R	Hood R DS	1198	8000 cfs at WF g	11800	731	738.42	737.7	740.71	0.011814	12.14	971.63	153.64	0.85
Hood R	Hood R DS	1198	19000 cfs at WF	28100	731	742.77	742.35	747.01	0.012434	16.53	1708.48	165.11	0.93
Hood R	Hood R DS	511	100 cfs at WF ga	150	720	720.85	720.75	721.03	0.041599	3.41	44.05	79.54	0.81
Hood R	Hood R DS	511	200 cfs at WF ga	300	720	721.17	721.08	721.42	0.041189	3.99	75.21	106.33	0.84
Hood R	Hood R DS	511	500 cfs at WF ga	740	720	721.75	721.62	722.19	0.036029	5.33	138.77	114.73	0.85
Hood R	Hood R DS	511	1000 cfs at WF g	1500	720	722.48	722.29	723.17	0.031846	6.65	225.63	121.94	0.98
Hood R	Hood R DS	511	2000 cfs at WF g	3000	720	723.58	723.3	724.63	0.028114	8.23	364.36	129.69	0.87
Hood R	Hood R DS	511	3000 cfs at WF g	4400	720	724.43	724.09	725.75	0.026317	9.21	477.74	136.41	0.87
Hood R	Hood R DS	511	4000 cfs at WF g	5900	720	725.24	724.83	726.79	0.024764	9.98	591.02	142.48	0.86
Hood R	Hood R DS	511	5000 cfs at WF g	7400	720	725.97	725.48	727.73	0.023351	10.64	695.49	145.38	0.86
Hood R	Hood R DS	511	6000 cfs at WF g	8900	720	726.64							

Attachment 5: Output Summary - Existing Geometry Model with Range of Calibration Flows

River	Reach	River Sta	Profile	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Hood R	Hood R DS	417	5000 cfs at WF g	7400	718	724.49	723.24	725.88	0.015002	9.46	782.02	139.8	0.71
Hood R	Hood R DS	417	6000 cfs at WF g	8900	718	725.2	723.86	726.78	0.015008	10.09	882.3	142.99	0.72
Hood R	Hood R DS	417	7000 cfs at WF g	10400	718	725.85	724.45	727.61	0.015006	10.65	976.68	145.61	0.72
Hood R	Hood R DS	417	8000 cfs at WF g	11800	718	726.42	724.95	728.34	0.015003	11.13	1058.76	147.42	0.73
Hood R	Hood R DS	417	19000 cfs at WF	28100	718	731.61	729.69	735.16	0.015024	15.12	1858.76	160.16	0.78

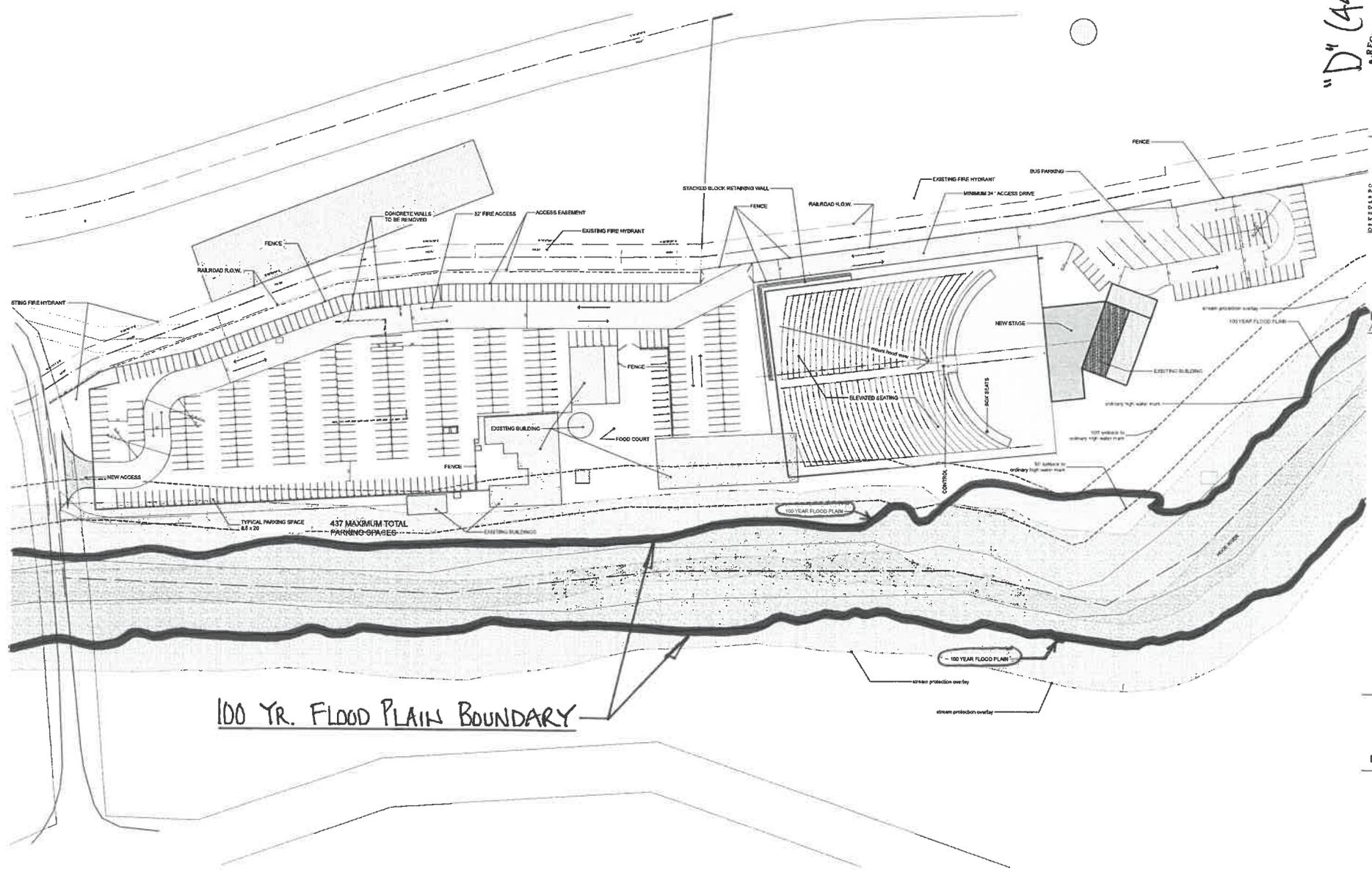
Notes:

Cross-section output for project vicinity is highlighted in bold above

Key to field names:

River Sta	Distance in ft upstream from confluence with Tualatin River
Profile	One of four flood events: 10-, 50-, 100-, and 500-year
Q Total	Flow rate (cfs)
Min Ch El	Thalweg (minimum channel elevation) - ft NGVD29
W.S. Elev	Water surface elevation (ft NGVD29)
Crit W.S.	Critical water surface elevation (ft NGVD29)
E.G. Elev	Energy grade elevation (ft NGVD29)
E.G. Slope	Energy grade slope (ft/ft)
Vel Chnl	Average velocity of flow in channel (ft/second)
Flow Area	Watted flow cross-section area (square-ft)
Top Width	Watted top-width of flow (ft)
Froude # Chl	Froude Number (unitless)

"D" (44)
 REGISTERED ARCHITECT
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 STATE OF OREGON



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 Architect
 305 State Street - B3 -
 Hood River, OR 97031
 541.398.0555
 davidbears.com

100 YR. FLOOD PLAIN BOUNDARY

DEE TOUR
 APOLLO
 HOLDINGS
 DEE, OREGON

1 100 year floodplain
 3/31/2016



sheet

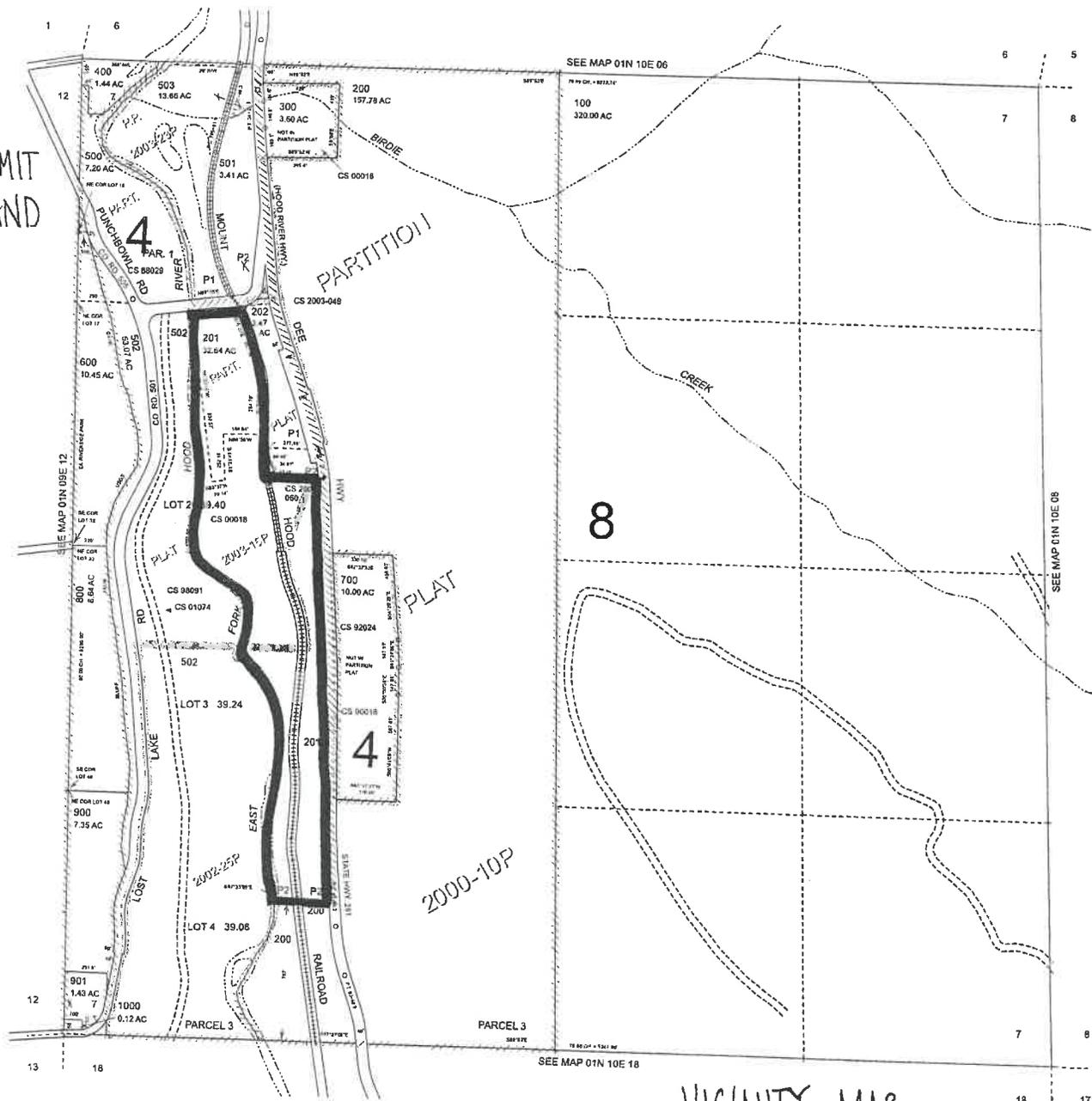
5

1. 100 year floodplain

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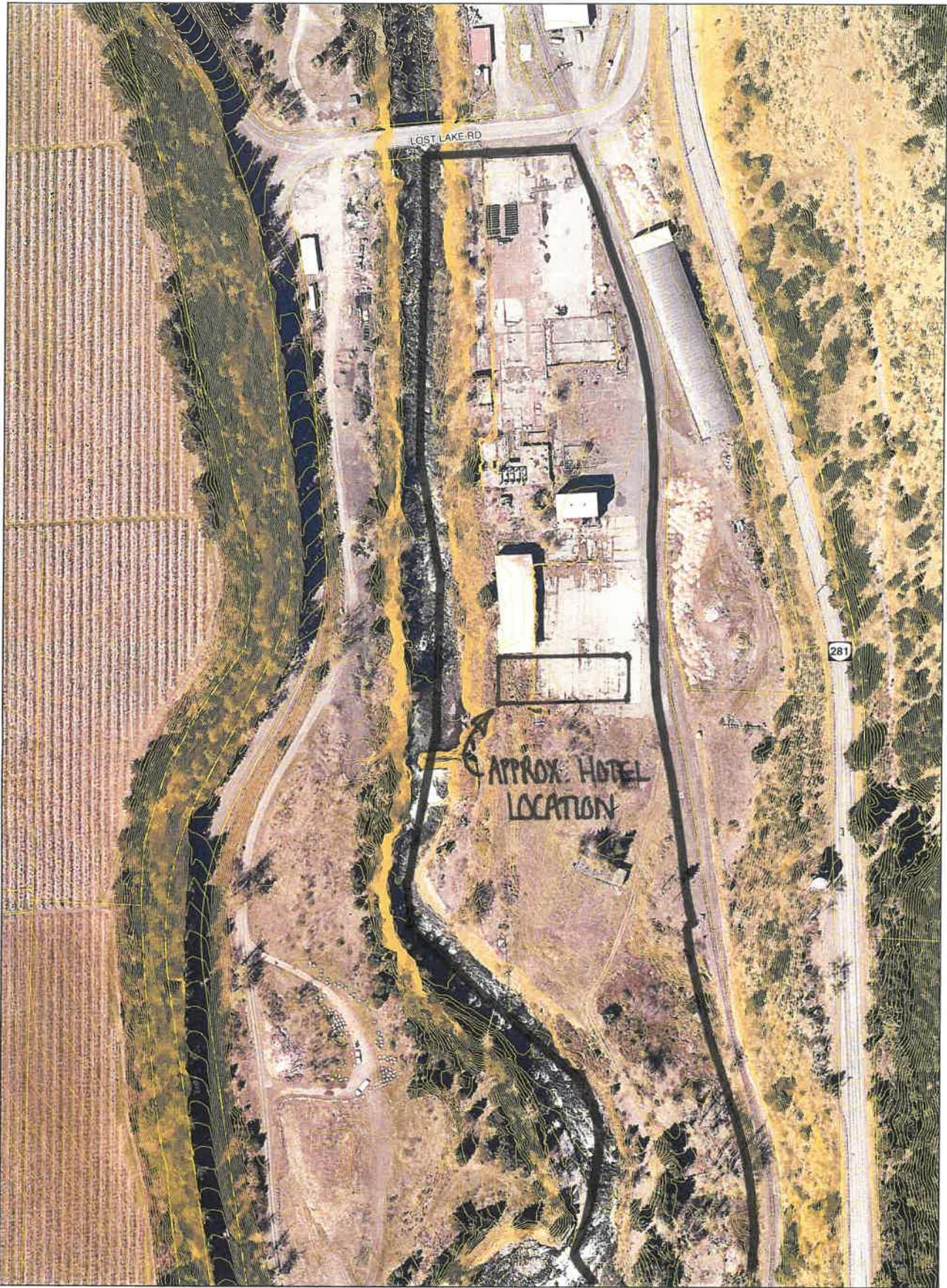
INDUSTRIAL LAND USE PERMIT
#15-0174 (APOLLO LAND
HOLDINGS, LLC)

IN 10E 7 #201



ATTACHMENT "E" (2 PAGES)

VICINITY MAP



Topo Map
South Portion of the Dee Mill Site
Hood River, OR

 Taxlot
 Elevation 2-Foot

0 75 150 300
Feet



"E" (2)

**The Following Written Testimony was Received the Night
of or Right Before the May 25, 2016 Hearing.**

June 15, 2016

Eric Walker

From: Don Wiley
Sent: Thursday, May 19, 2016 6:56 PM
To: Eric Walker
Subject: Appeal of 50 Room Hotel at Dee Mill Site

Eric,

The Public Works Department has the following comments regarding questions raised in the appeal of Land Use Permit #15-0174:

1. *Seasonal accuracy of the traffic study.* According to the May 30, 2014 traffic study by DKS for the Dee Tour concert venue, traffic counts in the study were adjusted using a Seasonal Adjustment Factor based on ODOT methodology. Page 4 of the 2014 DKS Traffic Study states "All of these assumptions and the resulting SAF were coordinated with ODOT staff."

The August 18, 2015 Supplemental Traffic Analysis for the proposed hotel found that the hotel would not have any additional impacts beyond those analyzed in the 2014 study. The 2015 study also indicated that on days when there is a concert at the amphitheater, the hotel would be expected to reduce the amount of traffic leaving the site, thereby improving conditions as compared with the 2014 study for the concert venue.

2. *Traffic impacts of the hotel on more distant intersections.* According to the August 18, 2015 Supplemental Traffic Analysis the hotel is expected to generate 30 weekday PM peak hour trips. This amounts to about 1 new trip every 2 minutes that would be diluted as traffic is distributed towards Hood River, Odell, and Parkdale. While these new trips will result in some increase in delay at busier intersections, we don't expect they will be the cause of significant congestion.
3. *Greater detail on handling storm water runoff.* Condition of approval #22 requires that prior to developing the site the applicant submit a storm water drainage plan prepared by an Oregon licensed civil engineer. Because of the cost associate with an engineered storm water plan it has been the standard practice in the county's land use review to allow this type of detailed study to be submitted prior to issuing a building permit.

Don Wiley
Hood River County Public Works

Eric Walker

From: Billy Sheeley [wrsheeley@gmail.com]
Sent: Monday, May 23, 2016 10:10 AM
To: Eric Walker
Subject: Fwd: Hotel appeal on Dee Highway

From: Billy Sheeley <wrsheeley@gmail.com>
Subject: Hotel appeal on Dee Highway
Date: May 22, 2016 6:54:06 PM PDT
To: eric.walker@co.hood-river.or.us

Hello Mr. Walker,

My name is Billy Sheeley, I live at 5920 Iowa Dr. right off the Dee highway very close to the proposed hotel site. My wife and I will be unable to make the meeting this Wednesday and would like to voice our concerns with the proposed hotel.

There are so many reasons why this proposed hotel will have an adverse effect on our small community, but I will do my best to focus on a few. First off, was there another assessment of foreseen traffic issues on the Dee highway? When the original traffic survey was done it sounded like they conducted the survey in the winter. Which would not reflect the real traffic issues and hazards that we face during the summer time. The major concern is access for response vehicles in case of any type of emergency that will occur when there is an event taking place at the Dee Tour. If there were to be any type of traffic incident on either side of the venue it would cause a massive delays in response time. As we saw last summer this area is very prone to wild fires. We are concerned that with the elevated traffic fire crews will not have the adequate response time to protect our homes in this area.

Secondly, we feel like this is an extreme environmental hazard to to a river corridor and eco-system that has been designated Wild and Scenic by the United States Government. How is it that this is being overlooked by our local government that this is a protected area? How will we know for sure that effects of building a 50 room hotel will not effect this Wild and Scenic river system. With a development this size, you would have to assume that there will be some sort of run off issues. The amount of vehicles in the parking lot, the amount of sewage from the bathrooms, as well as the amount of garbage that will be created must all be factored in. The United States Government does not just hand out these designations, and by approving this development, you are basically saying you don't really care that people are trying to protect this area for generations to come.

And lastly, the small community of Dee does not have the infrastructure to support this type of development. This is a rural area that does not have many attributes that would allow this type of development to go in. I can't even get my cell phone to ring out here. Would they need to put in a cell tower? The road is not wide enough and has no shoulder. There is a constant threat of rock fall in the area. Would they make improvements to road to support the increased traffic?

I understand that many many many years ago this property was granted industrial zoning when the logging industry was booming. That is not the case anymore. This is an area that we need to protect from people like this. This group just wants to develop instead of considering the long term affects towards the eco system that

we have already spent millions on protecting the fish and water supply. And, It is just flat out unnecessary the tourism industry in Hood River will thrive with or without this 50 room hotel in the middle of nowhere.

Please do what is right,

Billy Sheeley
(512)423-2973
wrsheeley@gmail.com

Eric Walker

From: Mills & Kubala [pakjam@gmail.com]
Sent: Thursday, May 19, 2016 6:48 PM
To: Eric Walker
Subject: Testimony for Planning Commission Meeting, May 25, 2016

RE: Appeal of the Planning Department's approval of a commercial land use permit by Apollo Land Holdings LLC to construct a 50-room hotel on the former Dee Mill site.

Dear Hood River Planning Commission members,

The applicant (Apollo) is exploiting a loophole to create a de facto and substandard destination resort - each small step seems to be permitted but over time the result is clearly a very disruptive and incompatible land use at the wrong place. And it would set off a wave of applications for more substandard resorts on industrial lands.

For decades, de facto subdivisions have been illegal in Hood River County and this project should be denied now, for the same reasons. Piecemeal destination resorts violate the county comprehensive plan under any conditions.

Thank you for your time,

John Mills

4588 Woodworth Road

Mt Hood/Parkdale OR 97041

pakjam@yahoo.com

Eric Walker

From: Blake LaPointe Lawrence [blakeblade@gmail.com]
Sent: Friday, May 20, 2016 10:00 AM
To: Eric Walker
Subject: Appeal of the Planning Department's approval of a commercial land use permit by Apollo Land Holdings LLC to construct a 50-room hotel on the former Dee Mill site

Sir,

Please consider the families in the surrounding area of this proposal that would be negatively affected by this development. The safety of their children, at most, will be threatened by the traffic alone of this construction. Thank you for your consideration.

--

Blake LaPointe Lawrence

Eric Walker

From: Alison Bryan [alisonb@gorge.net]
Sent: Wednesday, May 25, 2016 11:13 AM
To: Eric Walker
Subject: Dee project

Dear County Commissioners and Planning,

As a county resident of 22 years, I think it is very appropriate to have a larger music venue that is in a beautiful location, not too far out of town. Hood River residents have consistently shown a love and support of music, and our musical fame is growing. The Dee flats location seems very appropriate, with the river fork and yet few houses in proximity. The Hotel seems a nice addition. I would rather people stay at the venue's hotel after a night of partying, than attempting to drive down to Hood River or up to Parkdale. Free overnight parking for those wishing to call a taxi as needed. The Dee highway also needs upgrades to make it safer, including a separated bike and walking lane. Perhaps the venue could contribute to this effort, long sought after by all locals. My husband, John Bryan thinks there is also a lot of revenue to be gained. Better music than cutting down more trees in Post Canyon, I say!

Alison Bryan McDonald
4150 Post Canyon Dr.
Hood River

Eric Walker

From: Taylor Hood [taylorhood@gmail.com]
Sent: Tuesday, May 24, 2016 12:04 PM
To: Eric Walker
Subject: DEE TOUR

Categories: Red Category

Hi Eric,

I am writing to you over the general concern for the Dee Tour Development in the Upper Valley of Hood River. For many reasons this appears to be a bad idea for almost all of the residents of the Upper Valley as well as the town as a whole.

Traffic:

The biggest issue I see is the influx of people to the Upper Valley on roads that are already close to capacity during our busiest summer months. The additional impact of 3000 or so people trying to make their way on country roads to the Upper Valley will virtually shut down both the Upper Valley and the Downtown area. This will negatively affect every full time resident of Hood River and will erode the small town feel we all love here.

Transparency:

From the beginning of this process, the Dee Tour project has been quietly pursued behind closed doors with out full transparency from our local government. It seems every step of the way the developers are trying to constantly add more and more to see what they can get away with. This needs to stop immediately. We live in this town and deserve full clarity on any large scale project that could possibly affect us for decades to come.

Impact on residents:

Not only is Hood River currently at 100% capacity in the summer months, adding another 3000+ people at peak season will push the town past what it is capable of and will hugely impact the quality of life in the Hood River Valley. The additional jobs that Dee Tour will add are not beneficial in the summer as there are no shortage of jobs from May to September 1. The small amount of seasonal jobs that the Dee tour is claiming it will supply are seasonal and part time. Fire and Police are already stretched very thin on both budget and manpower, with the additional load on our roads and emergency call volume, Police and Fire will not have the ability to respond quickly to the full time residents.

Location:

A music venue in a rural farm area does not make any sense, mostly because of the reasons and issues stated above but for many other reasons as well. Noise, Environmental impact, access etc..

I strongly request that this project on all levels gets shut down immediately. Please listen to the people of the community and act accordingly.

Thank you for your time and consideration in this matter,

Taylor Hood

SUBMITTED
By HRVRC
5/25/16

Traffic Volume Highway 281 north of Lost Lake Road

Data Source	Average Daily Traffic (vehicles per day)
DKS Traffic Study, May 20, 2014 (based on traffic counts collected December 2013)	1,450
2014 Transportation Volume Tables, Oregon Department of Transportatio, Transportation Data Section, published September 2015	2,300
Percentage higher daily trips reported by ODOT than DKS	63%
Daily Trips added by DeeTour Concert Venue per land-use application DKS Traffic Study	1000
Daily Trips added by DeeTour Concert Venue per land-use application DKS Traffic Study	401

**Conditions related to Traffic from Commercial Land Use Permit #13-0216;
1N 10E 7, Tax Lot #201 dated September 8, 2014:**

19. Prior to developing the site, a draft traffic control plan shall be developed and provided to the Oregon Department of Transportation (ODOT) and County Engineer for review. At minimum, the traffic control plan shall address the following:

- Address queuing and safety at the Lost Lake Rd / OR 281 intersection. Traffic should not queue back from the venue to OR 281.
- Address northbound queuing on OR 281 and outline measures to prevent rear end crashes. There is no northbound left turn lane on OR 281 to access Lost Lake Rd and vehicles must stop in the through lane to wait for a gap in traffic. Due to the horizontal curve on the highway, vehicle queuing at this location has the potential to reduce sight distance to the back of the queue.
- Prevent queuing on the railroad tracks.
- Address other highway intersections such as OR 281/Odell Hwy and OR 281/Hwy 35 that could experience significant delay before or after large events.
- Monitoring requirements to ensure that “lessons learned” are incorporated into subsequent events.
- Describe how alternative modes of transportation will be integrated into the overall strategy. *(If alternative transportation sites are proposed, associated parking and circulation may need to be addressed as part of the applicant’s traffic control plan. This issue is addressed in greater specificity in later conditions.)*
- All of the strategies developed and approved as part of your traffic control plan shall be implemented as part of any onsite commercial event.
- Please note that review of your draft traffic control plan will take approximately 90 days to complete. No commercial activities may commence from the site prior to your traffic control plan being approved by ODOT and the County Engineer.

20. Prior to developing the site, a road approach permit shall be obtained from the County Public Works Department for the new driveway proposed along Lost Lake Road. As part of the permitting process, the applicant shall provide a memo from a certified traffic engineer indicating that the proposed driveway provides acceptable intersection site distance. Any questions regarding this condition should be directed to Don Wiley, County Engineer, at (541) 386-2616.

21. **Prior to developing the site**, the applicant shall formally request that the County Public Works Department submit a revised railroad "Crossing Order" application to ODOT for their review and approval. Since the Crossing Order is necessary due to improvements related to the proposed project, it will be the applicant's responsibility for preparing any engineered submittals or studies required by ODOT for the railroad Crossing Order application. Any questions regarding this condition should be directed to Don Wiley, County Engineer, at (541) 386-2616. (Please note that according to ODOT Rail, the typically review time for processing a Crossing Order application is approximately 2 months.)

22. **Prior to commencing commercial activities** from the site, all improvement required as part of the revised Crossing Order shall be completed and approved by ODOT.

23. The applicant is fully responsible for the cost of any railroad related traffic controls (such as signs or automated traffic controls) or other improvements (such as barriers, fencing, or street lighting) that are warranted or required as part of the revised railroad Crossing Order.

24. No portion of the subject parcel east of the railroad tracks may be used in conjunction with the proposed concert venue, unless otherwise authorized by Mount Hood Railroad, permitted by ODOT Rail, and approved by County Planning as part of a new or revised application.

Stephen Hunt
5515 Alder Rd.
Hood River, OR 97031

Testimony of Stephen Hunt, of Dee, Oregon to the Hood River County Planning Commission
Re: Appeal 16-0073 of CLUP-15-0174

May 25, 2016 Hood River, Oregon

I would like to make 2 main points. Firstly, the burden of proof has not been rigorously applied to this application, as the criteria demand. Secondly, the proposal by the applicant taken in its entirety fits the definition of a “small destination resort”, which is not an allowable use in Hood River County.

1) **Section 60.10 Hood River County Zoning Ordinance – The Burden of Proof**

- The burden of proof applies to this application.
- The “greater departure from present land use pattern, the greater the burden on the applicant”.

The parcel in question has not been in use since 1996. Previously it operated as a hardboard mill. The applicant’s proposal is a great departure from the present land use pattern. Therefore, the burden of proof on the applicant is very high.

The burden of proof particularly demands greater scrutiny in these areas:

a) Traffic Study

This must be of the highest quality, and geared toward the unique circumstances, traffic usage and peak demand stresses in this area. The present traffic study is not adequate to address this.

b) High Value Farmland

A concentration of nearly 1,000 acres of High Value Farmland is located a stone’s throw away from this parcel. The effects of this proposal on this concentration of agricultural land has never been discussed in any staff report, either for the amphitheater or the hotel. A detailed examination of the effects on this farmland needs to be done.

c) Lack of Condition on the Amphitheater

No limitation by condition was placed on the applicant as to the type or frequency of events.

2) **Destination Resort**

As the project evolves with the current application for a hotel, it has become what is defined as “a small scale destination resort” by Goal 8 of Oregon’s Statewide Planning Goals and Guidelines.

There is no eligible land mapped in the county for destination resorts. Nonetheless, if the county had mapped eligible land, this parcel would not qualify.

has been extended upon mutual consent of the applicant and the hearings body, or hearings officer.

C. The action may be to approve the application as submitted, to deny the application or to conditionally approve the application with conditions as may be necessary to carry out the Comprehensive Plan and as provided in Section 6. In all cases the hearings body or officer shall state its decision upon the close of the hearing or upon continuance of the matter to a time certain.

Section 60.10 - The Burden of Proof

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

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

B. The public interest is best carried out by granting the petition for the proposed action, and that interest is best served by granting the petition at this time.

C. The proposed action is in compliance with the Comprehensive Plan.

D. The factors set forth in applicable Oregon law were consciously considered.

Also, consideration will be given to the following factors:

1. The characteristics of the various areas of the county.
2. The suitability of the subject area for the type of development in question.
3. Trends in land development.
4. Density of development.
5. Property values.
6. The needs of economic enterprises in the future development of the county.
7. Access.
8. Natural resources.

Oregon's Statewide Planning Goals & Guidelines

GOAL 8: RECREATIONAL NEEDS

OAR 660-015-0000(8)

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

RECREATION PLANNING

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.

DESTINATION RESORT SITING

Comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of state law, including ORS 197.435 to 197.467, this and other Statewide Planning Goals, and without an exception to Goals 3, 4, 11, or 14.

Eligible Areas

(1) Destination resorts allowed under the provisions of this goal must be sited on lands mapped as eligible by the affected county. A map adopted by a county may not allow destination resorts approved under the provisions of this goal to be sited in any of the following areas:

(a) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort;

(b) On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the United States Natural Resources Conservation Service or its predecessor agency; or within three miles of a High Value Crop Area except that "small destination resorts" may not be closer to a high value crop area than one-half mile for each 25 units of overnight lodging or fraction thereof;

(c) On predominantly Cubic Foot Site Class 1 or 2 forest lands, as determined by the State Forestry Department, that are not subject to an approved goal exception;

(d) In the Columbia River Gorge National Scenic Area as defined by the Columbia River Gorge National Scenic Act, P.L. 99-663;

(e) In an especially sensitive big game habitat as generally mapped by the Oregon Department of Fish and Wildlife in July 1984 and as further refined through development of comprehensive plans implementing this requirement.

(2) "Small destination resorts" may be allowed consistent with the siting requirements of section (1), above, in the following areas:

(a) On land that is not defined as agricultural or forest land under Goal 3 or 4; or

(b) On land where there has been an exception to Statewide Planning Goals 3, 4, 11, or 14.

Siting Standards

(1) Counties shall ensure that destination resorts are compatible with the site and adjacent land uses through the following measures:

(a) Important natural features, including habitat of threatened or endangered species, streams, rivers, and significant wetlands shall be maintained. Riparian vegetation within 100 feet of streams, rivers and significant wetlands shall be maintained. Alterations to important natural features, including placement of structures that maintain the overall values of the feature, may be allowed.

(b) Sites designated for protection in an acknowledged comprehensive plan designated pursuant to Goal 5 that are located on the tract used for the destination resort shall be preserved through conservation easements as set forth in ORS 271.715 to 271.795. Conservation easements adopted to implement this requirement shall be sufficient to protect the resource values of the site and shall be recorded with the property records of the tract on which the destination resort is sited.

(c) Improvements and activities shall be located and designed to avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area. At a minimum, measures to accomplish this shall include:

(i) Establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fences, berms, landscaped areas, and other similar types of buffers.

(ii) Setbacks of structures and other improvements from adjacent land uses.

(iii) Measures that prohibit the use or operation in conjunction with the resort of a portion of a tract that is excluded from the site of a destination resort pursuant to ORS 197.435(7). Subject to this limitation, the use of the excluded property shall be governed by otherwise applicable law.

Implementing Measures

(1) Comprehensive plans allowing for destination resorts shall include implementing measures that:

(a) Adopt a map consisting of eligible lands for large destination resorts within the county. The map shall be based on reasonably available information, and shall not be subject to revision or refinement after adoption except in conformance with ORS 197.455, and 197.610 to 197.625, but not more frequently than once every 30 months. The county shall develop a process for collecting and processing concurrently all map amendments made within a 30-

month planning period. A map adopted pursuant to this section shall be the sole basis for determining whether tracts of land are eligible for siting of large destination resorts under the provisions of this goal and ORS 197.435 to 197.467.

(b) Limit uses and activities to those permitted by this goal.

(c) Assure developed recreational facilities and key facilities intended to serve the entire development and visitor oriented accommodations are physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.

DEFINITIONS

Destination Resort -- A self-contained development providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities, and that qualifies under the definition of either a "large destination resort" or a "small destination resort" in this goal. Spending required under these definitions is stated in 1993 dollars. The spending required shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index.

Large Destination Resort -- To qualify as a "large destination resort" under this Goal, a proposed development must meet the following standards:

(1) The resort must be located on a site of 160 acres or more except within two miles of the ocean shoreline where the site shall be 40 acres or more.

(2) At least 50 percent of the site must be dedicated as permanent open space excluding yards, streets and parking areas.

(3) At least \$7 million must be spent on improvements for onsite developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer, and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities.

(4) Commercial uses allowed are limited to types and levels necessary to meet the needs of visitors to the development. Industrial uses of any kind are not permitted.

(5) Visitor-oriented accommodations including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodging must be provided. Accommodations available for residential use shall not exceed two such units for each unit of overnight lodging, or two and one-half such units on land that is in Eastern Oregon as defined by ORS 321.805. However, the rentable overnight lodging units may be phased in as follows:

(a) On land that is not in Eastern Oregon, as defined in ORS 321.805:

(A) A total of 150 units of overnight lodging must be provided.

(B) At least 75 units of overnight lodging, not including any individually owned homes, lots or units must be constructed or guaranteed through surety

bonding or equivalent financial assurance prior to the closure of sale of individual lots or units.

(C) The remaining overnight lodging units must be provided as individually owned lots or units subject to deed restrictions that limit their use to overnight lodging units. The deed restrictions may be rescinded when the resort has constructed 150 units of permanent overnight lodging as required by this section.

(D) The number of units approved for residential sale may not be more than two units for each unit of permanent overnight lodging provided under this section.

(E) The development approval shall provide for the construction of other required overnight lodging units within five years of the initial lot sales.

(b) On lands in Eastern Oregon, as defined in ORS 321.805:

(A) A total of 150 units of overnight lodging must be provided.

(B) At least 50 units of overnight lodging must be constructed prior to the closure of sale of individual lots or units.

(C) At least 50 of the remaining 100 required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurance within five years of the initial lot sales.

(D) The remaining required overnight lodging units must be constructed or guaranteed through surety bonding or equivalent financial assurances within 10 years of the initial lot sales.

(E) The number of units approved for residential sale may not be more than 2-1/2 units for each unit of permanent overnight lodging provided under this section.

(F) If the developer of a resort guarantees the overnight lodging units required under paragraphs (C) and (D) of this subsection through surety bonding or other equivalent financial assurance, the overnight lodging units must be constructed within four years of the date of execution of the surety bond or other equivalent financial assurance.

(6) When making a land use decision authorizing construction of a "large destination resort" in Eastern Oregon, as defined in ORS 321.805, the governing body of the county or its designee shall require the resort developer to provide an annual accounting to document compliance with the overnight lodging standards of this definition. The annual accounting requirement commences one year after the initial lot or unit sales. The annual accounting must contain:

(a) Documentation showing that the resort contains a minimum of 150 permanent units of overnight lodging or, during the phase-in period, documentation showing the resort is not yet required to have constructed 150 units of overnight lodging.

(b) Documentation showing that the resort meets the lodging ratio described in section (5)(b) of this definition.

(c) For a resort counting individually owned units as qualified overnight lodging units, the number of weeks that each overnight lodging unit is available for rental to the general public as described in section (2) of the definition for "overnight lodgings" in this goal.

Small Destination Resort -- To qualify as a "small destination resort" under Goal 8, a proposed development must meet standards (2) and (4) under the definition of "large destination resort" and the following standards:

(1) The resort must be located on a site of 20 acres or more.

(2) At least \$2 million must be spent on improvements for onsite developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer, and water facilities and roads. Not less than one-third of this amount must be spent on developed recreation facilities.

(3) At least 25 but not more than 75 units of overnight lodging shall be provided.

(4) Restaurant and meeting rooms with at least one seat for each unit of overnight lodging must be provided.

(5) Residential uses must be limited to those necessary for the staff and management of the resort.

(6) The county governing body or its designee must review the proposed resort and determine that the primary purpose of the resort is to provide lodging and other services oriented to a recreational resource that can only reasonably be enjoyed in a rural area. Such recreational resources include, but are not limited to, a hot spring, a ski slope or a fishing stream.

(7) The resort shall be constructed and located so that it is not designed to attract highway traffic. Resorts shall not use any manner of outdoor advertising signing except:

(a) Tourist oriented directional signs as provided in ORS 377.715 to 377.830; and

(b) Onsite identification and directional signs.

Developed Recreation Facilities -- are improvements constructed for the purpose of recreation and may include but are not limited to golf courses, tennis courts, swimming pools, marinas, ski runs and bicycle paths.

High-Value Crop Area -- an area in which there is a concentration of commercial farms capable of producing crops or products with a minimum gross value of \$1,000 per acre per year. These crops and products include field crops, small fruits, berries, tree fruits, nuts, or vegetables, dairying, livestock feedlots, or Christmas trees as these terms are used in the 1983 County and State Agricultural Estimates prepared by the Oregon State University Extension Service. The High-Value Crop Area Designation is used for the purpose of minimizing conflicting uses in resort siting and is not meant to revise the requirements of Goal 3 or administrative rules interpreting the goal.

Map of Eligible Lands -- a map of the county adopted pursuant to ORS 197.455.

Open Space -- means any land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or

nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, land preserved for farm or forest use and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas.

Overnight Lodgings – are permanent, separately rentable accommodations that are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins, and time-share units. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms, and similar accommodations do not qualify as overnight lodgings for the purpose of this definition. Individually owned units may be considered overnight lodgings if:

(1) With respect to lands not in Eastern Oregon, as defined in ORS 321.805, they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service, or

(2) With respect to lands in Eastern Oregon, as defined in ORS 321.805, they are available for overnight rental use by the general public for at least 38 weeks per calendar year through a central reservation system operated by the destination resort or by a real estate property manager, as defined in ORS 696.010.

Recreation Areas, Facilities and Opportunities – provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelers; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities.

Recreation Needs – refers to existing and future demand by citizens and visitors for recreations areas, facilities and opportunities.

Self-contained Development – means a development for which community sewer and water facilities are provided onsite and are limited to meet the needs of the development or are provided by existing public sewer or water service as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" must have developed recreational facilities provided on-site.

Tract -- means a lot or parcel or more than one contiguous lot or parcel in a single ownership. A tract may include property that is not included in the proposed site for a destination resort if the property to be excluded is on the boundary of the tract and constitutes less than 30 percent of the total tract.

Visitor-Oriented Accommodations -- are overnight lodging, restaurants, meeting facilities which are designed to and provide for the needs of visitors rather than year-round residents.

GUIDELINES FOR GOAL 8

A. PLANNING

1. An inventory of recreation needs in the planning area should be made based upon adequate research and analysis of public wants and desires.

2. An inventory of recreation opportunities should be made based upon adequate research and analysis of the resources in the planning area that are available to meet recreation needs.

3. Recreation land use to meet recreational needs and development standards, roles and responsibilities should be developed by all agencies in coordination with each other and with the private interests. Long range plans and action programs to meet recreational needs should be developed by each agency responsible for developing comprehensive plans.

4. The planning for lands and resources capable of accommodating multiple uses should include provision for appropriate recreation opportunities.

5. The *State Comprehensive Outdoor Recreation Plan* could be used as a guide when planning, acquiring and developing recreation resources, areas and facilities.

6. When developing recreation plans, energy consequences should be considered, and to the greatest extent possible non-motorized types of recreational activities should be preferred over motorized activities.

7. Planning and provision for recreation facilities and opportunities should give priority to areas, facilities and uses that

(a) Meet recreational needs requirements for high density population centers,

(b) Meet recreational needs of persons of limited mobility and finances,

(c) Meet recreational needs requirements while providing the maximum conservation of energy both in the transportation of persons to the facility or area and in the recreational use itself,

(d) Minimize environmental deterioration,

(e) Are available to the public at nominal cost, and

(f) Meet needs of visitors to the state.

8. Unique areas or resources capable of meeting one or more specific recreational needs requirements should be inventoried and protected or acquired.

9. All state and federal agencies developing recreation plans should allow for review of recreation plans by affected local agencies.

10. Comprehensive plans should be designed to give a high priority to enhancing recreation opportunities on the public waters and shorelands of the state especially on existing and potential state and federal wild and scenic waterways, and Oregon Recreation Trails.

Deetour Hotel Appeal Hearing Testimony, May 25, 2015

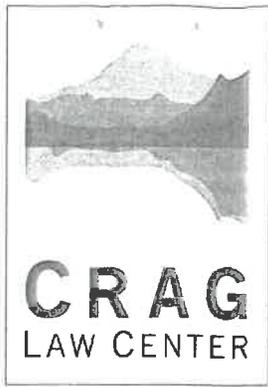
I am Heather Staten, Executive Director of the Hood River Valley Residents Committee and I live at 2931 Reed Road, Hood River.

When the amphitheater and hotel were approved, a lot of people asked “How could such an intense, urban use be allowed way out in the country?” They were surprised that Oregon’s strict land use laws would allow a big development like this in such a remote rural setting. They asked lots of questions about traffic and compatibility with the surrounding area and impacts to nearby farming and forestry practices. I confess it had us scratching our heads too. When the county applied for a conditional use permit for Punchbowl Falls to become a public park, it had to show that the new park would not significantly impact farm costs or practices for nearby orchards. But here was a concert venue and hotel in the exact same setting with infinitely bigger impacts. Even if every farmer on the Dee Flat lost money and time hauling fruit to market because of this development, it wasn’t a criteria that could be used to evaluate the project because, we were told, under Hood River County’s code, commercial uses are allowed by right in industrial zones.

But it’s more complex than that. State law and administrative rules also come into play. It’s not enough for a proposal to comply with county code, it must also comply with state regulations. The core premise—and the thing that is truly special about Oregon’s land use system-- is the idea of controlling sprawl by putting urban development and uses in urban areas (inside cities and Urban Growth Areas). Everything outside those urban areas is protected and zoned as farmland, forests or natural resource zones. There are exceptions to that—“Exception Areas”—because there was development in rural areas that preceded Oregon’s land use system. This site, the old Dee Mill is an example of that. The Dee area was an important forestry and lumber center for 100 years prior to Senate Bill 100 and there was an operating sawmill on the property when the county zoned the land in 1984. Based on its location well outside an urban growth area, the property would have been zoned for resource use (farm or forest) but because there was a working mill on the site, the county took an exception, saying that the property was irrevocably committed to an industrial use.

Exception areas are a way to recognize facts on the ground, they are not “anything goes” zones. The Dee mill exception was for a rural, industrial use. As our attorney, Ms. Johnson, has explained, the Oregon Administrative Rules on exception areas are very clear and this proposal is well outside what the rules allow. The proposed hotel is neither rural nor industrial and cannot be approved under state law.

Thank you for the opportunity to comment on the application.



917 SW Oak St.
Suite 417
Portland, OR
97205

Tel:
503.525.2724

Fax:
503 296.5454

Web:
www.crag.org

Courtney Johnson
Staff Attorney
courtney@crag.org

May 25, 2016

Via Hand Delivery

Hood River County Planning Commission
c/o Eric Walker, Principal Planner
601 State Street
Hood River, OR 97031

**Re: Appeal #16-0073 of Commercial Land Use Permit #15-0174;
Hood River Valley Residents Committee Appeal of Apollo Land Holdings
LLC Hotel Project on the former Dee Mill site.**

Dear Chair Schuppe and Planning Commission:

On behalf of the Hood River Valley Residents Committee (“Residents Committee”), I submit these comments in support of Appeal #16-0073 regarding the Commercial Land Use Permit #15-0174 for a 50-unit hotel on the site of the former Dee Mill. For the reasons set forth below, the Residents Committee requests that the Planning Commission deny the commercial land use permit application. Please notify me of any decisions related to this application and appeal.

Overview

The subject property is the former Dee Mill site, near the intersection of Lost Lake Road and Dee Highway, 1N 10E 07 #201. The property is subject to a Goal 4 Exception as Rural Industrial land in the Hood River County Comprehensive Plan. Dee Hardboard Industrial Exception Map #36 (Exhibit A). The historic uses of the property were rural industrial in nature, and the county planning documents reflect that use of the property, taking into consideration the surrounding resource (farm and forest) land uses. State law does not allow a new use of the property that is inconsistent with the use justified in the County’s Goal Exception document.

The applicant previously received approval for an event venue at this property. *See* Exhibits B, C. Now, in addition to the 2,250 square foot concert pavilion, 437-space parking lot, food cart area, large lawn, and portable restroom facilities, the site would also house a 50-room hotel, on-site wastewater treatment system, wells and/or water supply, and other utility and circulation improvements. In all, the proposed development would have most or all of the characteristics of a destination resort as defined by Oregon law, as “a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities.” ORS 197.445. However, destination resorts are not allowed in Hood River county farm and forestland areas.

The Residents Committee is concerned that this series approach to the development proposal will, in effect, result in a destination resort style development despite the fact the Hood River County as recently as last fall retained its prohibition on destination resorts on farm and forestlands. In addition, the Residents Committee has concerns regarding the urban nature of the proposed use in this rural area, the impacts of traffic and other services including wastewater treatment and water use, impacts to the East Fork of Hood River, and the residual contamination on the site resulting from the prior mill operations. These issues are discussed in more detail below.

The Residents Committee urges the Planning Commission to apply the Comprehensive Plan and Statewide Planning Goals, including the applicable state statutes and regulations, to preserve this property for rural industrial uses.

The Proposed Use is Not Permitted Under Hood River County's Goal 4 Exception for this Site.

The property's industrial zoning designation is based on the County's Goal 4 exception for this site. The Goal Exceptions document is part of Hood River County's Comprehensive Plan, as required by state law. *See* OAR 660-004-0015(1). State law prohibits land uses in exception areas other than those justified by the applicable exception:

“Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception.”

OAR 660-004-0018(1). The Oregon Court of Appeals has explained:

“Under the rule, a physically developed or irrevocably committed exception will permit only uses that are the same as those already existing on the property or uses that can meet the requirements set out in the rule. In such cases, no new exception is required. ... However, changes in existing uses that do not meet those requirements are subject to the requirements for a new exception that are set out in OAR 660-004-0018(3). ... In a sense, the basis for the physically developed or committed lands exception evaporates with an incompatible proposed use, and a new rationale for not applying the otherwise applicable resource goal becomes necessary.”

Doty v. Coos County, 185 Or App 233, 243 (2002).

The property is subject to a Goal 4 Exception as Rural Industrial land in the Hood River County Comprehensive Plan. The Exception document recognizes the surrounding land characteristics as resource use, “farm to the west, forest to the east.” Hood River County Exceptions Document at 237 (1984) (Exhibit A). The original *Central Valley Plan* document notes that the Dee Mill site is largely committed to industrial uses, and “[w]hatever industrial expansion occurs ... will likely be done only by the existing mill[] on the site[].” *Id.* at 9. In other words, the Goal 4 exception

for this property envisioned expansion of the existing rural industrial land use—the mill in operation at the time the exception was taken.

The Staff Report explains that the proposed 50-room hotel is a commercial use. The commercial hotel use is not a recognized or justified use in the County's exception document for this site. Although the current Industrial (M-1) zone includes commercial establishments through incorporation of the commercial (C-1) zone, tourism commercial use at this site is not consistent with the rural industrial use for which the Goal 4 exception was taken. In order to allow the proposed commercial use without a new Goal 4 exception, the County must determine whether the hotel can meet the requirements set out in OAR 660-004-0018(2)(b), including whether the proposed hotel will maintain the land as "rural land" and be consistent with all other applicable goal requirements, and whether the use is compatible with adjacent and nearby resource uses. As discussed further in detail below, the hotel is not consistent with other applicable goals including Goal 14, and is not compatible with the nearby resource uses.

Urban Use on Rural Lands

The proposed hotel is an urban use that would violate Goal 14, *See 1000 Friends v. LCDC (Curry County)*, 301 Or 447, 507 n.37 (1986) (Exhibit D). Regardless of the zoning, the County may not allow urban commercial uses on rural land without an exception to Goal 14.

OAR 660-014-0040 sets forth the allowable justifications for an exception to Goal 14 to allow the establishment of new urban development on undeveloped rural lands (which would include the former Dee Mill site). The prior Goal 4 exception did not authorize commercial or urban uses of the property or determine that the land is "suitable, necessary, or intended for urban use" under Goal 14. The county has not taken a Goal 14 exception for this property.

In order to determine whether a proposed land use is urban or rural, the county may consider several factors including the size of the area in relationship to the developed use (density), whether the proposed use is likely to become a magnet attracting people from outside the rural area, and the types and levels of services which must be provided to the proposed development.

1000 Friends v. LCDC (Curry County), 301 Or 447 (1986) (Exhibit D). Applying these factors, the Land Use Board of Appeals has previously found that a 50-unit hotel that would allow tourists to stay in the rural area rather than returning to the City of Portland is an urban development. *VinCEP v. Yamhill County*, 53 Or LUBA 514, 523 (2007) (Exhibit E).

In this case, the proposed 50-unit hotel is designed to draw tourists from urban areas such as the City of Portland to the rural area, and would allow those tourists to stay overnight in the rural area rather than returning to the urban centers. For example, the Staff Report notes that the "proposal will increase tourism to Hood River County," and the site is "near the Mt. Hood National Forest, which is a popular recreational destination." Staff Report at 15,13. The original concert venue application describes the vision for the development as a venue that "has a high probability of being the go to venue in Oregon." Concert Venue Application at 3 (Exhibit B). The application describes how visitors from Portland and Hood River would access the site. *Id.* at 9.

The types and levels of services required for this proposal likewise demonstrate that the hotel is an urban development and therefore requires a Goal 14 exception. As discussed below,

information related to the level of service needed for water use and other public services has not been provided in detail with the application. Nevertheless, the available information demonstrates that a 50-room hotel would require urban level services. For example, the hotel will require significant amounts of water for drinking, washing, and fire suppression. The existing 2-inch water line serving the will likely not meet all of the water requirements for the hotel and supporting facilities. No public sewer is available, but the wastewater treatment needs will be large enough to require an on site sewer system and a Water Pollution Control Facility Permit from DEQ.

The level of traffic resulting from the proposed use will be urban in nature, even if for only those days when events occur at the site. Although the Residents Committee appreciates the Planning Staff's response to traffic concerns and recommendations for future conditions of approval to limit traffic impacts (Staff Report at 4-5), the urban level of traffic caused by this development would violate Goal 14. Traffic impacts are discussed in more detail, below.

A Goal 14 exception is required for the proposed urban use of this rural property. That exception process requires an analysis of the environmental, economic, social, and energy consequences of siting this proposed urban use in a rural area. OAR 660-014-0040(3)(b). That ESEE analysis would reveal important consequences and significant impacts to the rural community.

Commercial Use on Industrial Land

As noted above, the County's Goal 4 exception for this property acknowledged that the site was committed to rural industrial use through operation of the Dee Mill. The County may be able to allow industrial uses on the property without an exception to Goal 14. *See* OAR 660-014-0040(4). However, there is no similar provision for commercial development under the Goal 14 rule. *Id.* Further, the property qualifies as an "abandoned or diminished mill site" for redevelopment for industrial uses under the "Mill Bill," ORS 197.719. The Mill Bill allows for local governments to zone and develop abandoned or diminished mill sites for industrial uses, notwithstanding land use planning goals related to protecting agricultural and forestlands (Goals 3 & 4) and relating to public services (Goal 11) and urbanization (Goal 14). ORS 197.719(2), (3), (4). The exemption from the requirements of Goals 3, 4, 11, or 14 applies only to new industrial development and accessory uses subordinate to the industrial development. For sites subject to these exemptions, "The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site." ORS 197.719(6)(b). In other words, both the County's exceptions document and the state law for redevelopment of mill sites preserve this property for industrial, not commercial, uses.

Further, the Goal 9 element of the Hood River County Comprehensive Plan contains goals and policies applicable to the development of new industrial and commercial facilities. The overall goal is to "maintain and provide for a stable and healthy agricultural and forest product based economy." Commercial growth "shall only be encouraged to the extent that it does not significantly alter the rural character, or the existing agriculture and forestry base of the economy in those areas designated as resource land." *Hood River County Comprehensive Plan*, Goal 9 Economic Development. The proposed hotel does not support this goal. Further policies and strategies within the Goal 9 element require that commercial activities be centralized, and that

new commercial establishments be close to population centers and compatible with surrounding uses, size, and character.

Public Services – On Site Sewer and Goal 11 Requirements

The applicant proposed developing an on-site wastewater treatment system to serve the hotel and associated facilities. The on-site sewer system likely requires an exception to Goal 11 because it will serve more than one unit in the hotel.¹ OAR 660-011-0060. ORS 197.719(4)(c) allows a local government to approve the establishment of “on-site sewer facilities to serve an area that on June 10, 2003, is zoned for industrial use and that contains an abandoned or diminished mill site . . . The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.” ORS 197.719 does not allow the County to approve an on-site sewer facility to serve commercial or other non-industrial uses on the property without an exception to Goal 11.

Water Resources Impacts

The site is subject to the Stream Protection Overlay Zone (Article 42). This overlay is intended to protect the water resources of the fish-bearing streams of Hood River County, including the East Fork of Hood River and Tony Creek, and to meet the requirements of Goal 5 for the protection of riparian areas. The Residents Committee has several concerns regarding the proposed hotel’s impacts on the water resources of the East Fork and Tony Creek.

Water Use

Section 64.25(D) requires agency approval of a potable water supply. The hotel will likely require large amounts of water, at least 5,000 gallons per day (per estimates for wastewater treatment needs). Given the additional water needed for fire protection, the applicant has not demonstrated approvals for all necessary water use. The applicant failed to provide specific information regarding the amount of water needed for the project and how that water would be obtained. Although the applicant asserts that it has water rights (for industrial uses) from both Hood River and Tony Creek, these water rights are likely subject to cancellation for non-use. Water rights Certificates 39054 and 30440 apply to this property. *See* Exhibit F. Because the property has not been used for industrial purposes since the mill burned in 1996, the water rights have not been put to beneficial use. Absent beneficial use, water rights are subject to cancellation. ORS 540.610.

The application states that wells may be required to meet water needs. However, construction of new groundwater sources must demonstrate that there will be no substantial interference with nearby surface waters. OAR 690-009-0040. Because of the proximity of the East Fork to the proposed use, any proposed new groundwater source is likely to impact surface water flows in the river. The hotel use is likely to be most intensive during late summer and early fall months, when water flows are at their lowest. *See* USGS Flow Table (Exhibit G). Decreased river flows

¹ Although not proposed as such, the hotel likely meets the definition of “planned unit development” for purposes of Goal 11.

have impacts for water quality and fish habitat including increased temperature and decreased dissolved oxygen levels.

The presence of contamination from historic mill activities on the property presents another concern with the proposal to use groundwater sources. Oregon DEQ has investigated known contamination at this site. *See* Exhibit H. Following that investigation, DEQ and the mill owner entered into a letter agreement for removal actions, and granted an equitable servitude and easement over the property that was “intended to protect human health and the environment.” Equitable Servitude and Easement (August 5, 1998) (Exhibit H at 2). The equitable servitude identifies two areas of contamination and restricts the uses of those areas. Specifically, at the Paint/Ash Area, “no use shall be made of groundwater by extraction through wells or by other means, which use involves consumption or residential use of the groundwater for drinking water purposes.” *Id.* at 4. In addition, construction “of a residential building of any type” is prohibited at the Paint/Ash Area. *Id.* Due to the lack of scale on the applicant’s drawings, it is not clear whether the proposed hotel would fall within the footprint of the Paint/Ash Area where residential buildings of any type are prohibited. Based on an initial comparison, it appears that at least a portion of the proposed hotel falls within the Paint/Ash Area. The area should be surveyed to ensure this restriction on use is not violated. At a minimum, no wells for drinking water sources may be installed in either of the restricted use areas.

The Staff Report acknowledges this history and comments from DEQ recommending soil sampling to ensure no new or previously undisclosed hazardous sites exist. The Staff Report recommends Condition of Approval #26 to address this issue. However, Condition of Approval #26 states only that the “applicant consider taking soil samples as part of the development of this property...” This is not a requirement but a recommendation and does not address the potential for groundwater contamination.

Stormwater

Section 31.60.B requires that an applicant demonstrate that storm drainage or natural drainage systems will handle any increased runoff created by the new development. Section 42.20(B) restricts development within 50 feet of the bankfull stage of the East Fork of Hood River. The East Fork is habitat for Endangered Species Act protected salmon and steelhead. Federal and state agencies (and in turn, taxpayers) have invested in restoration activities on the Hood River for recovery of ESA listed species. The Residents’ Committee appreciates the Planning Staff’s recommended conditions of approval to help protect water quality and riparian habitat in compliance with Section 42.20(B) requiring state and federal permits and restricting development within 50 feet of the bankfull stage of the East Fork of the Hood River. However, given the intensity of the proposed use, where hundreds of people may visit the property at any one time, the potential for bank erosion and other pollution sources on the property is high. The County should consider whether additional restrictions are warranted to ensure protection of water quality and fish habitat.

Further, the stormwater impacts of the proposed use should be analyzed as part of the Goal 14 Exceptions process. The Confederated Tribes of the Warm Springs operates a fish hatchery south of the project on Red Hill Drive. This project should be assessed for its impacts on both the

Tribe's hatchery project and to the recovery of native runs of ESA listed salmon and steelhead. The hotel and parking lots' impervious surfaces have the potential to create significant stormwater runoff, and the County must ensure that no stormwater discharges to Hood River as a result of this project.

Traffic Impacts

Section 31.60, Site Design Standards, requires that at the time of new development, or change of use, the applicant shall demonstrate, "A. Site access will not cause dangerous intersections or traffic congestion ... Roadway capacity, speed limits and number of turning movements shall all be considered." This standard requires more than a showing of capacity, but a demonstration that the new use will not cause dangerous conditions.

As with the concert venue application, the Residents Committee is concerned with site access, traffic congestion, and safety related to the hotel proposal. The concert venue approval included conditions requiring the applicant to develop a traffic control plan and to obtain a road approach permit to address traffic congestion and safety along Lost Lake Road and at the Highway 281/Lost Lake Road intersection area. 18 months later, the applicant has not submitted that required plan.

The county must consider the traffic impacts of the proposed development that now includes both the concert venue facility and hotel. Whether or not the average traffic counts would exceed the Level of Service for this intersection does not necessarily answer the question of whether the proposed site access will cause dangerous intersections or traffic congestion.

The Hood River County Transportation System Plan (TSP) classifies Highway 281 as a minor arterial, and Lost Lake Road as a rural collector. The 2001 average daily traffic count at this intersection was 1,700, with an hourly design volume of 435. According to ODOT data, the 2014 annual average daily traffic count at this intersection was 2,300 vehicles. *See Exhibit I.* Seasonal traffic increases during summer months in this area are significant.

The prior traffic study, upon which this application relies, failed to use the accurate seasonal traffic counts consistent with ODOT data. An accurate high season assessment of existing traffic is essential to establish a baseline for any calculation of the traffic impacts of this development. As previously noted by the Residents Committee, traffic added by concert venue development will increase daily traffic on Highway 281 by around 50% on the days the concert venue is in operation. It is highly unusual that a single development has such a significant impact on traffic volume. The combined traffic of the event venue and hotel will add approximately 1,000 vehicles to the road, with the majority of that traffic occurring during a short period before and after events. *See December 2014 comments of HRVRC (Exhibit J).*

Without the traffic control plan required by the event venue approval and further information to demonstrate that the proposal will not cause dangerous intersections or congestion, the applicant has not shown compliance with Section 31.60.A.

Further, the traffic impacts of the proposed use should be analyzed as part of the Goal 14 Exceptions process. Goal 2 Part II(c)(3) requires that the county determine that “the long term environmental, economic, social and energy consequences of” siting the proposed urban use at this site are not “significantly more adverse than would typically result” from locating the proposal at other rural sites that would require an exception to Goal 11 and/or Goal 14. In so doing, the County here would properly include an analysis of the environmental, economic, social and energy (ESEE) consequences of the traffic related to the proposed use.

Fire

The property is within the service area of the Parkdale Rural Fire District. The Staff Report recommends conditions of approval to comply with all Fire and Life Safety requirements implemented by Parkdale Fire District including adequate water flow for required suppression devices. However, the application does not demonstrate that compliance with fire protection requirements is feasible given the uncertainty of water available to serve the site.

Fire protection service to the proposed use will exceed the usual rural level of service in this district. U.S. fire departments responded to an estimated average of 3,700 structure fires per year at hotel or motel properties between 2006-2010. These fires caused average annual losses of 12 civilian deaths, 143 civilian injuries, and \$127 million in direct property damage each year. In an average year, one of every 12 hotels or motels reported a structure fire. For context, in an average year 1 in 335 homes reported a structure fire. *See NFPA Fact Sheet (Exhibit K).*

Conclusion

The Residents Committee supports the preservation of rural industrial lands for rural industrial uses. This property was specifically identified as committed to rural industrial uses and therefore appropriate for the application of an industrial zone. However, the proposed hotel is neither rural, nor industrial, and therefore is inconsistent with the uses allowed by the County’s Goal 4 exception for this property. Goal 14 prohibits the proposed hotel development on this property without taking an exception to Goal 14.

Sincerely,

A handwritten signature in black ink, appearing to read 'Courtney Johnson', written in a cursive style.

Courtney Johnson
On Behalf of Hood River Valley
Residents Committee

Exhibit List

A	Dee Mill Site Exceptions Document	4 pages
B	Event Venue Application Narrative (excerpt)	9 pages
C	Event Venue Appeal Order	2 pages
D	<i>1000 Friends of Oregon v. LCDC (Curry County)</i> , 301 Or 447 (1986)	38 pages
E	<i>VinCEP v. Yamhill County</i> , 53 Or LUBA 514 (2007) (excerpt)	5 pages
F	Water Rights 39054 & 30440	8 pages
G	USGS flow data Hood River	1 page
H	DEQ ESCI and Equitable Servitude	8 pages
I	ODOT traffic data 2014 (excerpt)	2 pages
J	HRVRC Traffic Comment (Dec. 2014)	2 pages
K	NFPA Hotel Fact Sheet	1 page

HOOD RIVER COUNTY EXCEPTIONS DOCUMENT

1984

(Amended 12/17/84)

GOAL 2: INTRODUCTION: EXCEPTIONS SUMMARY

- A. Overview: Hood River County is taking exception to approximately 5,154 acres. These lands are built out and committed or an Exception was justified. TABLE 1 below shows the acreage figures for each Plan designation.

TABLE 1

EXCEPTION AREAS-DESIGNATED ACRES: HOOD RIVER COUNTY, 1984

	<u>Plan Designations</u>	<u>Acres</u>
A.	Residential	
	1. Medium Density Residential	269
	2. Rural Residential	4,084
	Subtotal	4,353
B.	Rural Center	32
C.	Commercial	127
D.	Industrial	249
E.	Light Industrial	299
F.	Airport Development	94
	Subtotal	801
	GRAND TOTAL	5,154

Source: Hood River County Planning Department, 1984.

Exception Areas exist throughout the rural portions of Hood River County and depending upon location, *infilling (e.g., additional residential, commercial and industrial development) is allowed in the majority of the Exception Areas. These Exception Areas provide a diversity of living and working environments in the rural portions of Hood River County.

- B. Method Used in Evaluating Exception Areas: Areas which had previous exceptions taken were re-evaluated utilizing the factors in Goal 2, Oregon Administrative Rule 660-04-000.

*Infilling, can be limited to substantial, depending upon location.

Factors used to determine whether areas were built upon or irrevocably committed to uses other than allowed by resource goals included: (1) land use, site and adjacent lands; (2) parcel sizes; (3) ownership patterns; (4) public services; (5) neighborhood and regional characteristics; (6) natural boundaries; and (7) other relevant factors such as tax deferral status, etc.

Exceptions to Goals 3 and 4 have been taken for other areas and are noted in the Exception Document. Background Data Sheets regarding each exception are intended to supplement the previous exceptions that were submitted to the LCDC in 1980.

C. Discussion Exception Areas Per Plan/Zoning Designations:

1. Residential: The 4,353 acres designated residential are zoned with minimum lot sizes ranging from 7,500 square feet to 5 acres as shown in TABLE 2 below.

TABLE 2

ACRES IN RESIDENTIAL ZONES

Zone	Acres
RI-7500	256
RI-15000	13
RR-1/2	138
RR-1	341
RR-2 1/2	2,508
RR-5	1,097

TOTAL 4,353 Acres

Source: Hood River County Planning Department, 1984.

The range and lot sizes allows for a variety of housing densities and can accommodate choices of lifestyles for Hood River County residents.

- a. Medium Density Residential: Areas (R1-7500, R1-15000) allow for medium intensity development near transportation arterials and established community centers.
 - b. Rural Residential: Acres (RR- $\frac{1}{4}$, 1, 2 $\frac{1}{2}$, 5) will maintain the rural characteristics of the County while providing an opportunity for rural dwellings and activities that are compatible with the surrounding resource uses. The smaller lot sizes are located near established rural centers, industrial areas or communities.
2. Location/Residential Exceptions: Substantial to limited residential development can occur in the following rural portions of the County: (1) adjacent to the City of Hood River's Urban Growth Boundary, especially to the west and south; (2) Odell; (3) south of Odell along Highway 35 and in the vicinity of Miller Road; (4) vicinity of Eastside and Highline Roads; (5) Dee Highway; (6) Fir Mountain Road; (7) Neal Creek Road and Booth Hill Road; and (8) Parkdale and area south.

Recognition must also be given to the potential for additional development within rural lands planned and zoned Farm and Forest. Additional growth is also projected for lands within both the City Limits of Hood River and Cascade Locks and also within their Urban Growth Areas.

3. Residential Development Potential: A projection for residential development was based on infilling occurring due to land partitionings of existing parcels. Potential residential development resulting from infilling of existing Exception Areas is approximately 1,175 dwelling units. Initially a high figure of 1,808 dwellings was projected, however it was lowered by approximately 35% due primarily to the following site limitations and characteristics: siting of dwellings actually on the parcels; unique topographic features; site drainage problems; hazard areas; access and roads; septic drainfields and alternative drainfield systems; etc.

The figure of 1,175 dwelling units is only an indicator.

Residential designations have been limited to existing areas where development has already occurred and areas where Exceptions have been justified. Justification for each of the areas is provided in the Background Data Report in the Exceptions Document. Clustered development within and around areas already committed will limit conflicts with the farming and forestry uses which are prevalent in the County.

4. Rural Centers: Rural Centers provide limited housing, business, cultural and governmental services to the surrounding area.
5. Commercial: In designating lands for commercial uses, many of the existing commercial uses were recognized while providing limited area for new commercial growth in established areas. The Background Report for Goal 9 (Economy of the State) should be referenced for more detailed information relating to the availability and location of commercial land in the County. This report states that vacant commercial lands are generally in small lots and interspersed among committed commercial lands. They are generally along major transportation routes or in rural communities and have rural services either on the property or available to the property. The lands are well suited for either small local businesses or transportation/tourist oriented facilities. Commercial areas are located south of Hood River along Tucker Road; at the junction of Highway 35 and Old Columbia River Drive; and in the communities of Odell, Mt. Hood and Parkdale. A few isolated site specific parcels are designated commercial to recognize existing operations. The four Rural Center areas provide additional limited retail and service oriented businesses which are intended to be small in scale and compatible with the surrounding agricultural or rural residential community.
6. Industrial: Land designated and zoned either for industrial or light industrial use is located in areas surrounded by rural residential land and near commercial areas (i.e., Guignard Industrial Area, Diamond Fruit Site at Windmaster Corner); or at the site of existing industrial operations (i.e., Hanel Mill Site and Dee Hardboard Plant Site); or in the communities of Odell and Parkdale. The Background Report for Goal 9 (Economy of the State) should be referred to for more detailed information relating to the availability and location of industrial land in the County. Exceptions for these areas were supported based upon commitment to non-resource uses. Most industrial sites are built on and surrounding land is being reserved for expansion of the on-site industrial use. Approximately 94± acres, however, are available for new industrial uses. Largest available acreages are within the Hood River Airport (AD Zone), the Odell Area, the Guignard Area and the current site of Hood River Sand & Gravel.

D. Clarification

The Exception Area noted in Map #38 (encompassing 114± acres) was justified as being built upon and committed, however in further justifying this area as being utilized for non-resource use, the four factors in Goal 2 were also addressed. For details, see the Background Data discussion, Map #38.

BACKGROUND DATA

SITE NAME: Dee Hardboard Industrial Exception (MAP #36)

- A. Location: 1N 10E 7 #200, 201, 500. (See Attachment "A").
- B. Exception: 1980 Central Valley Plan, Exception to Goal 4. (See Attachment "B").
- C. Plan/Zoning: Industrial/M-1.
- D. Land Use:

- 1. Site: 28± acres are the site of the Dee Hardboard Plant and associated pond, sawdust piles, etc. 39± acres are within the established floodplain of the East Fork Hood River or are on extreme slopes and unuseable for development. The remaining 26± acres are available for expansion of the current use or other industrial uses, however flooding must be considered in lower areas.
- 2. Adjacent: Land to the east is generally in timber (Middle Mountain). An abandoned quarry is located on tax lot #300 east of the Dee Highway. Land to the west is in orchard. To the north and south, land is similar to that of the Exception Area: river floodplain and associated vegetation, land slopes steeply down to the riverbed from higher ground on either side.

E. Soils:

- 1. Forest: Cubic foot site classes 4, 5, and 6.
- 2. Agricultural: VI and VII.

Majority are xerofluvents (nearly level riverbed soils) which are Agricultural Class VII

Also present in limited areas are xerumbrepts and Bald Cobbly loams on the steep slopes down to the river bed. These are Agricultural Class VI and VII and cubic foot site classes 4, 5, and 6. It would not be feasible for commercial timber operations due to the proximity to Dee Highway, Lost Lake Road, and the Hood River.

F. Acreage: 92.95 acres

G. Ownership:

- 1. Site: With the exception of 0.01 acres in United Telephone ownership, the entire parcel is in the ownership of Champion International Corporation and Champion Building Products.

2. Adjacent: Public ownership includes; to the north Pacific Power & Light and State Highway Commission; the east, Mt. Hood Railroad, Hood River County, and Champion International Corporation. Hood River County Forest lands are further east. Orchard land to the west is in private ownership.

H. Public Services:

1. Sewer: Septic system, storm sewer.
2. Water: Available
3. Fire: Dee Rural Fire Protection District
4. Access: Dee Highway (arterial), Lost Lake Road (collector)
5. Other: Served by railroad.

- I. Natural Boundaries: Area is bounded to the east and west by steep sloping banks up from the East Fork Hood River Floodplain. River flows through the middle.

- J. Neighborhood and Regional Characteristics: Surrounding area is in resource use and designated accordingly, farm to the west, forest to the east. Dee Highway is one of the major north/south arterials connecting the Parkdale/Odell area with Hood River and Interstate-84. Two rural residential exception areas are within 2 miles.

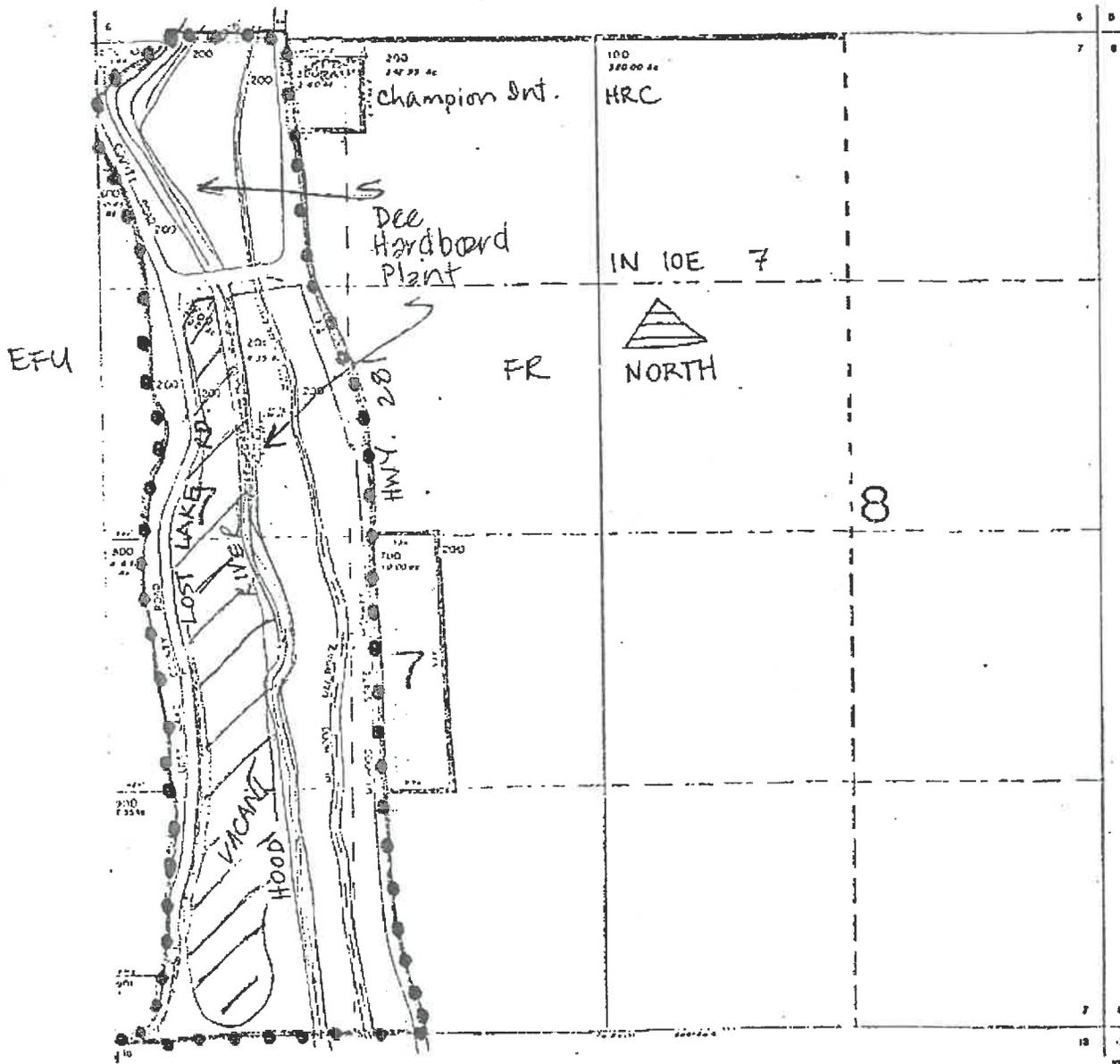
- K. Recommendation: The Background Data above indicates that approximately 72% of the land designated for industrial use is either committed or is undevelopable due to terrain or floodplain. The adjacent undeveloped lands in the same ownership can be allowed for expansion purposes (Mitch Rohse, DLCD Staff).

The Exception from Goal 4 should be supported and the above information added to the Background Document.

Section 7 TIN RICE WM
Hood River County
1"-400'

IN 10

See Map W 10 6



EFU

FR

IN 10E 7



8



vacant land

boundary of exception

DEE HARDBOARD
INDUSTRIAL EXCEPTION

IN 10

V. Industrial Land Use

The Plan Map designates one area within the Odell Sanitary District as "Light Industrial" and one area immediately east of the Sanitary District as "Industrial." These designations roughly correspond with the existing 1973 Comprehensive Plan "Industrial" designations except they delete the acreage west of AGA Road.

Outside of the Odell Sanitary District, the Plan Map designates the currently industrially-zoned Hanel Mill and Dee Mill areas as "Industrial." The Hanel Mill area is allocated an additional eight acres to the south of Neal Creek Road for expansion, and an additional 17 acres north of the current mill operation for expansion.

A. Need

The Background Report for this Plan points out there are approximately 330 acres of land in the planning area that are currently zoned for industrial use. Of this land zoned "Industrial," approximately 210 acres are built on or committed for industrial expansion, to provide for the employment needs of the expected population increase in the planning area, and accommodate industrial uses and expansion where they exist now, the Plan Map has designated several large, level sites with adequate services available for industrial uses. Most new industrial use is projected to be located within the Odell Sanitary District. A limited industrial expansion is allocated at the Dee and Hanel mill sites.

B. Alternatives

Several level sites outside the Odell Sanitary District that might make good industrial sites due to proximity to main transportation routes and good soils for large septic tank drainfields happen to also be upon prime agricultural soils and would likely cause serious conflicts with adjacent farming uses. These sites are generally along Highway 35. It was decided to designate as "Industrial" only those sites outside of Odell that were largely committed to industrial use.

C. Consequences

All the industrial designations in the planning area are at least partly on Class I to IV soils. The Hanel Mill and Dee Mill sites, as mentioned previously, are largely committed to industrial uses. Whatever industrial

(Continued on Page 12)

PAGE 12

**CENTRAL VALLEY
PLAN
EXCEPTIONS
TO GOALS AND
GOALS NOT
APPLICABLE**

(Continued from Pg. 11)

expansion occurs at these sites will likely be done only by the existing mills on the sites.

The "Industrial" and "Light Industrial" designations at Odell are located primarily on Wycast Silt Loam, a Class III soil. That portion of the designation not presently built on by industrial uses is used for pasture and hay. Little impact on the County's agricultural economy will result from the loss of this land. No orchard land will be removed from production.

This area does have all public facilities readily available, has no orchard conflicts, and is adjacent to a rail line. The Oregon Rail Plan

prepared by the Oregon Department of Transportation (1978) points out that if Oregon communities wish to maintain spur rail lines in use, they must provide adequate amounts of industrial land that will use such rail lines.

D. Compatibility

The Zoning Ordinance requires that for industrial zones, erection of a building or the use of property within 100 feet of a lot in a farm or residential zone will be subject to the approval of the Planning Commission. The intent of the Ordinance is to minimize conflicts between industrial uses on the one hand, and farm and residential uses on the other. All of the industrial designations are committed or largely committed to industrial uses. Housing, farm, or commercial uses are adjacent to these designations. The low density allowed in the rural housing, and farm designations will help prevent conflicts between the people occupying the residences in the lands adjacent to the "Industrial" designations. It is not expected that there will be serious land-use conflicts in Odell where the "Light Industrial" designation abuts the Central Business District. This is because the fruit packing plants in this area emit very little air or noise pollution. In the locations where industrial designa-

ATTACHMENT "B"

DEETOUR OPERATIONS PLAN



December 19, 2013

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INTRODUCTION

The Dee Mill has seen more than a number of changes over its 100 plus year history. Starting out as a small saw mill and through its rise to prominence via the leadership of David Eccles, the mill has only known one constant and that is change. The site has been modified, remodeled, retooled and burned a number of times. Over the years forward progress and a deep sense of community has always been its guiding light. Our proposal reflects the next step in the evolution of this amazing site. While we are not proposing a saw mill, we are proposing forward progress in both an outcome that would add lasting value to the community and an end result that would create considerable employment opportunities. Furthermore, this is an opportunity to create a music venue that is unique and special in a number of ways and has a high probability of being the go to venue in Oregon.

HOURS AND SEASON OF OPERATION

The DeeTour will operate varying hours depending on scheduled events. All events will end by 11:00 PM.

The DeeTour amphitheater will be in operation year round, with a majority of events occurring mid-May to early September. The intent will be to hold 14 weekly summer music concert events. The season for all other events (festivals, weddings and any other rented event) will be expanded from May 1 to mid-October but may be expanded based on weather and event type.

MASS GATHERING STATUTE, ORS CHAPTER 433

Information was requested regarding the applicability of Oregon's Mass Gathering Statute, ORS Chapter 433, to our project proposal. In short, we anticipate that most events at the site will not fall within the scope of the statute, since they will be single event concerts of limited duration and the amphitheater pavilion/stage will be a permanent structure. There may be occasion when a festival could fall within the scope of ORS 433.763, for Extended Outdoor Mass Gatherings, in which case application would be made for a permit.

ORS 433.735(1) defines 'outdoor mass gathering' as follows:

"[U]nless otherwise defined by county ordinance, * * * an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours but less than 120 hours within any three month period, and which is held primarily in open spaces and not in any permanent structure."

Hood River County does not have an ordinance otherwise defining mass gatherings. The statutory definition therefore applies, which has four parameters:

(1) number of participants (more than 3,000 people); (2) duration (more than 24 hours but less than 120 hours); (3) frequency (not more than one gathering each three months); and (4) location (in open spaces and without permanent structures).

Some of our concert events may reasonably be anticipated to draw in excess of 3,000 people. As indicated in our proposed hours of operation, all events will end by 11:00 p.m. As the staging would be permanent, it is not anticipated that set up or break down would extend the total duration of any event more than 24 hours. Regarding frequency, the season would run from approximately May-October, and we anticipate staging one concert per week. While the concerts will have an open air feel, in that concertgoers would be utilizing lawn seating in a natural amphitheater environment, the performances would be staged utilizing a permanent structure. The structure is a

framed, partially enclosed pavilion and stage with lighting, etc. similar to the Maryhill venue, as opposed to an exclusively open space site where staging, scaffolding for lighting and sound systems, etc. are trucked in and removed for each event.

ORS 433.735(3) defines permanent structure as "a stadium, an arena, an auditorium, a coliseum, a fairgrounds or other similar established places for assemblies." ORS 433.735(4) defines temporary structures as "tents, trailers, chemical toilet facilities and other structures customarily erected or sited for temporary use." Our venue most closely resembles a stadium (large, partially enclosed, fixed structure). It's clear the statute is intended to differentiate between temporary, moveable facilities, as opposed to fixed structures developed for the specific purpose of accommodating sporting, theatrical, musical, and similar events attended by large crowds. Our venue is being developed for the specific purpose of creating a permanent structure to host musical and similar events, while utilizing the natural amphitheater environment for its acoustical and aesthetic values. Given the foregoing, we don't believe our project falls within the scope of ORS 433.735.

Another provision within the outdoor mass gathering statute, ORS 433.763, provides specific requirements for large gatherings of people that are not covered by the above quoted ORS 433.735 outdoor mass gathering definition (often referred to as Extended Outdoor Mass Gatherings). Specifically, ORS 433.763 regulates gatherings of more than 3,000 people for more than 120 hours within any three month period any part of which is held in open spaces. Were we to stage a multi-day festival that would exceed 120 hours duration, we understand this section to require county approval of a permit for these gatherings, provided the standards of ORS 433.750 are met.

NOISE CONTROL

You requested a written explanation of how our facility will comply with Hood River County's Noise Ordinance. We have investigated potential noise impacts that might be produced by concert events at the site, and consulted with sound engineers to estimate average noise levels that would be generated by those events, as well as average noise levels measured from Noise Sensitive Facilities in the vicinity. In short, we do not believe the concerts we intend to promote will produce or permit production of sound in excess of the noise levels prohibited by the Noise Code.

Hood River County's Noise Ordinance is codified at Title 8, Chapter 12, of the Hood River County Code. (Noise Code). Section 8.12.025 prohibits "[t]he production of sound that, when measured within 20 feet of the Noise Sensitive Facility of another:

- (1) Exceeds 55 dB, A-weighted, average sound level between the hours of 10:00 p.m. and 7:00 a.m. the following day;

(2) Is plainly audible between the hours of 10:00 p.m. and 7:00 a.m. the following day;
or

(3) Exceeds 65dB, A-weighted, average sound level at any time of day."

Noise Sensitive Facilities are defined as "a lawfully sited dwelling or a school, hospital, church or public library." 8.12.015(9). Dwelling is further defined as "a residence, hotel, campground or other facility commonly uses for sleep or shelter." 8.12.015(5).

A-weighted is defined to mean the American National Standards Institute standard sound level measurements using the A-weighted scale, which is adjusted to correspond to human hearing. 8.12.015(2). Average means a sound level measured over the average of one or more seconds as opposed to a peak sound level measure. 8.12.015(1). Plainly audible is defined to mean sound for which the average listener can discern its content or source. 8.12.015(11).

The DeeTour site and proposed location of the concert pavilion venue and stage are situated such that the closest Noise Sensitive Facilities are over 2000 feet away. Those locations are included in a map in Appendix I. The site is also a natural amphitheater that will refract rather than amplify noise. Outdoor music concerts can produce average A-weighted sound levels of 100-110dB at the point source; however, musical shows produced in covered theaters or stages such as ours, which allows more uniform distribution of sound to the immediate audience and minimizes propagation of sound outside the venue, average 100 dB. While there are numerous factors that impact sound measurement over distance, in general, hearing is such that a change of 3 dB is just noticeable, a change of 5 dB is clearly noticeable. In a large open area with no obstructive or reflective surfaces, sound levels drop from a point source of noise at a rate of 6 dB with each doubling of distance from the source -the decibel drop-off rate is a mathematical calculation, see equation below. (source: csg computer support, speaker decibel change calculator, csgnetwork.com, December 1st 2013, from <http://www.csgnetwork.com/decibeldropdistancecalc.html>). While atmospheric conditions can cause changes in sound path and absorption, assuming a 6 dB drop off rate, the average sound level 500 feet from the Event Site would be 56 dB. At 1000 feet, it would be 50 dB. At 2000 feet, it drops to 44 dB. As such, when measured within 20 feet of any Noise Sensitive Facility in the vicinity, the average sound level will not exceed the noise levels set forth in Section 8.12.025, at any time of day.

Assuming a point source of 110 dB and no sound obstructions such as trees, wind and hills, the following dB decrease would occur at the following distance increases:

1'- 2' =-6dB
2'-4' = -6dB
4'-8' = -6dB
8'-16'=-6dB
16'-32'=-6dB
32'-64'=-6dB

64'-128'=-6dB

128'-256'=-6dB

256'-512'=-6dB

512'-1024'=-6dB

1024'-2048'=-6dB or -66dB at 2048' from the point source. In other words, from the stage to the nearest dwelling, the sound level would be less than 110dB - 66dB or 44dB which is equates to the sound of light rain.

Sound level L and Distance r

$$L_2 = L_1 - \left| 20 \cdot \log \left(\frac{r_1}{r_2} \right) \right| \quad L_2 = L_1 - \left| 10 \cdot \log \left(\frac{r_1}{r_2} \right)^2 \right|$$

$$r_2 = r_1 \cdot 10^{\left(\frac{L_1 - L_2}{20} \right)}$$

The sound level will decrease by 6 dB every time the source to the listener's distance is doubled.

Source: tontechnik-rechnel-sengpieaudio, Damping of Sound Level vs. Distance, December 1st, 2013. From <http://www.rechneronline.de/calculator/distance.html>

PARKING/TRAFFIC CONTROL AND TRAFFIC PLAN

The DeeTour amphitheater will utilize multiple modes of transportation and traffic control measures to mitigate congestion issues and give patrons the most efficient access to our events.

Modes of Transportation

- Automobile
- Bus
- Shuttle
- Train
- Bicycle

Automobile

Automobile transportation will be the most common mode of transportation to and from events at the DeeTour amphitheater. Three parking lots exist to handle automobile parking. The East lot, is located directly north of the amphitheater and has a 419 automobile capacity. The event staff lot, is located to the west of the amphitheater and has a 129 automobile capacity. The largest of our parking lots, the west lot, is located across the Hood River to the west of the amphitheater and has a 2547 auto capacity. By utilizing these three lots and multiple access points we have the ability to handle large volumes of automobiles. With the assumption that a cars capacity is 3 people per car, then our 3095 parking spaces allows for more than adequate parking, including parking for our staff.

Bus

Bus transportation will also be a large component of the transportation plan. By consolidating large groups from Portland and other outlying areas we can improve our access efficiency and provide event patrons with the luxury of not driving from far away locations. Our event staff lot has the capacity to hold nine buses. We will coordinate with tour companies in the Northwest to ensure that we utilize bus transportation to its fullest extent. Bus transportation will greatly reduce traffic to and from the event.

Shuttle

Shuttle transportation will be used to shuttle patrons from near by parking areas in the case of larger events. The advantage of shuttles is that after they drop patrons off, they can return to the satellite parking area from which they originated and then return to collect patrons at the end of the event. Shuttles will be used mostly for larger events.

Train

Train transportation is one of the unique methods of transportation to events at our venue. We will partner with the Mt. Hood Railroad to allow patrons to board the train in beautiful downtown Hood River and then take a scenic trip up the Hood River Valley to an event. Parking for the train will be handled in the City of Hood River, lowering the automobile traffic to and from the event.

Bicycle

Before the Planning Commission
for Hood River County

In the Matter of an Appeal (*File #14-0219*) Filed by the Hood River Valley Residents Committee of the County Planning Department's Decision to Approve, With Conditions, a Commercial Land Use Permit (*File #13-0216*) Filed by Apollo Land Holdings, LLC to Construct an Amphitheater for Outdoor Music Concerts, Festivals, Weddings, and Other Commercial Events.))) **ORDER**)))

A public hearing was held before the Hood River County Planning Commission on December 10, 2014 at 7:00 p.m. in the County Board of Commissioners Conference Room (1st floor), 601 State Street, Hood River, Oregon, to consider the above reference appeal.

Due notice was given of the public hearing before the Planning Commission. A quorum was present. The qualifications of the members of the Planning Commission in attendance were determined and all of the five commissioners present participated in the hearing. Prior to the hearing, the presiding Chair of the Planning Commission described the applicable rules and procedures of the hearing.

The Planning Commission was provided a brief staff summary and then received testimony from the appellant, proponents of the appeal, applicant, and opponents of the appeal. The County Engineer was also at the hearing and responded to commissioner questions.

As part of the testimony received, the Planning Commission heard from the appellant and proponents of the appeal that, among other concerns, the Planning Department's decision improperly deferred decisions of compliance with approval criteria to a later date without the opportunity for required notice and public review/comment, specifically in regards to issues of traffic, storm water drainage, stream protection overlay, potable water, noise, and emergency response. The appellant also questioned the methodology and information relied upon as part of the applicant's traffic study.

As part of their testimony, the appellant did, however, acknowledge that their earlier procedural concerns about the lack of proper notice and findings to support the decision had been corrected as part of the appeal process. The appellant suggested though that the County consider making necessary modifications to the zoning ordinance in the future to eliminate various contradictions and statements that currently exist in regards to administrative and ministerial decisions. The appellant also suggested that the County consider whether or not commercial uses should be allowed in the Industrial (M-1) zone and whether additional review criteria should be added to the zoning ordinance to address other potential impacts not currently addressed.

The Planning Commission also heard testimony from the applicant and his attorney who were generally supportive of the Planning Department's decision despite the number of conditions imposed, including a number of which they felt were outside of the scope of applicable ordinance requirements. The applicant's testimony focused on the proposed concert venue/event site being an outright allowed use in the M-1 zone. The applicant also testified to the facts of the case provided as part of the submitted application and staff report demonstrating that the use conformed to applicable criteria. The applicant argued that, based on these facts, his burden of proof had been met, and refuted the appellant's claims to the contrary. The applicant also questioned some of the appellant's testimony as being irrelevant given the use being outright allowed and the limits of the review criteria at hand.

After receiving the above testimony, asking questions, and providing opportunities for rebuttal, the Planning Commission closed the hearing and proceeded into deliberations. After due deliberations, the five Planning Commission members present then voted on a motion to deny the appeal and approve the application based on the findings of fact and conclusions of law provided in the staff report, dated December 3, 2014. This motion failed given Planning Commission's hearing rules that require at least four affirmative votes for a decision to be made. Next, a second motion was made to approve the appeal and deny the application. This motion also failed for the lack of four affirmative votes.

Based upon the above information, it is **HEREBY ORDERED** that without an affirmed decision, the Planning Department's original decision dated September 9, 2014 to approve the application, with conditions, stands.

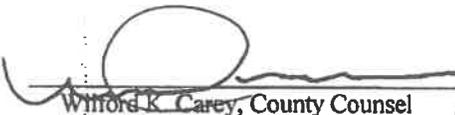
DATED THIS 15th DAY OF DECEMBER, 2014.

HOOD RIVER COUNTY PLANNING COMMISSION



John Brennan, Vice-Chair

APPROVED AS TO FORM:



Wilford K. Carey, County Counsel

◆ Positive
As of: April 19, 2016 5:37 PM EDT

1000 Friends of Oregon v. Land Conservation & Dev. Com.

Supreme Court of Oregon

November 6, 1985, Argued and submitted ; August 12, 1986

SC No. S31859

Reporter

301 Ore. 447; 724 P.2d 268; 1986 Ore. LEXIS 1467

1000 FRIENDS OF OREGON, Petitioner on Review, v. LAND CONSERVATION AND DEVELOPMENT COMMISSION and CURRY COUNTY, Respondents on Review

Prior History: [***1] On review from the Court of Appeals. ** LCDC No. 84-ACK-027; CA No. A31278.

Disposition: Court of Appeals decision affirmed in part, reversed in part; case remanded to LCDC for further proceedings.

Core Terms

urban, parcels, county's, rural land, rural, requires, impracticable, local government, zoning, Planning, built, farm, density, factors, services, acknowledgment, land use, urban growth, adjacent, irrevocably, residential, reasons, comprehensive plan, staff report, ownership, acres, urbanizable, convert, nonresource, levels

Case Summary

Procedural Posture

Petitioner conservation group challenged a judgment of the Court of Appeals (Oregon), which affirmed a decision of respondent Oregon Land Conservation and Development Commission (LCDC) in favor of respondent county, finding that no exception to Oregon Statewide Planning Goal 14 listed in Or. Admin. R. 660-15-000 to 660-15-010 was necessary to allow uses of land for other than farming and forestry.

Overview

The conservation group challenged the LCDC's acknowledgement of the county's comprehensive land use plan to address whether Oregon's land use planning laws required the county to take exceptions under Goal 14 as to

certain lands that were to transform from "rural" to "urban" for which the county took exceptions to Oregon Statewide Planning Goals 3 and 4 listed in Or. Admin. R. 660-15-000 to 660-15-010. The court held that Goal 14 required the county to determine which existing uses were "urban" to identify areas where the county's plan converted rural land to urban uses and to justify those uses. The court further held that the LCDC was required under Goal 14 to evaluate whether the county had considered the proper factors in justifying any development that was urban. The court further held that the conservation group, on remand, had to identify the portions of the exception areas in which it claimed that the uses allowed by the county's plan were "urban" and the county had to then explain why it believed that those uses were not "urban" to demonstrate, as required under *Or. Rev. Stat. § 197.732(4)*, that the standard for "committed" exceptions to Goal 14 were met.

Outcome

The court reversed the portion of the judgment that held that the county's exceptions to certain Oregon Statewide Planning Goals sufficed to meet the conservation group's concern that the plan did not comply with certain Goals and remanded to LCDC to determine, among other things, which of the county's exception areas the county's plan allowed urban uses and rural land. With regard to other parts, the judgment was affirmed.

LexisNexis® Headnotes

Business & Corporate Compliance > ... > Environmental Law > Land Use & Zoning > Comprehensive & General Plans
Governments > Local Governments > Administrative Boards
Real Property Law > Zoning > Comprehensive Plans

HNI Or. Rev. Stat. § 197.005 provides that the Oregon Legislative Assembly finds that: (1) Uncoordinated use of lands within Oregon threaten the orderly development, the

** Appeal from *Order of the Land Conservation and Development Commission*, 73 Or App 350, 698 P2d 1027 (1985).

301 Ore. 447, *447: 724 P.2d 268, **268; 1986 Ore. LEXIS 1467, ***1

Judges: In Banc. * Lent, J. Peterson, C.J., concurred and filed an opinion.

Opinion by: LENT

Opinion

[*449] [**272] The general question is whether cities, counties, and the Land Conservation and Development Commission (LCDC) must recognize in their planning decisions that land which cannot be [***2] used for commercial farming or forestry may have other uses short of intense urban development. The specific issue is what Oregon's *land use* planning law requires a county to do before the county allows "urban uses"¹ of lands located outside boundaries which have been established to contain future urban growth.

[***3] We allowed review of petitioner 1000 Friends of Oregon's (1000 Friends) challenge to LCDC's acknowledgment of the comprehensive *land use* plan for Curry County (the county) to address that question and to clarify principles of the planning system which the legislature intended "to assure the highest possible level of liveability in Oregon," *ORS 197.010*, but which some Oregonians perceive as bewilderingly complex and beneficial only to a few experts and special interest groups.²

[***4] [**273] The technical question presented is the following: having justified "exceptions" to allow uses other than the farming and forestry that Statewide Planning Goals 3 and 4 would otherwise require on certain lands, when must a county justify for those same lands "exceptions" to Goal 14, which aims "[t]o provide for an orderly and efficient transition from rural to urban *land use*"? The Court of Appeals held that no [*450] exception to Goal 14 was required "under the facts here," where the county took exceptions to Goals 3 and 4 "to allow the same use" which 1000 Friends claims requires exceptions to Goal 14. *1000*

Friends of Oregon v. LCDC, 73 Or App 350, 357, 698 P2d 1027 (1985).

We hold that the county and LCDC did not properly consider either the matters essential to determining whether exceptions to Goal 14 were required or the matters that must be considered to justify such exceptions. Therefore, we reverse that portion of the Court of Appeals' decision which held that the county's exceptions to Goals 3 and 4 sufficed to meet 1000 Friends' concern that the plan did not comply with Goal 14. *Id.*, 73 Or App at 356-58. We remand to LCDC to determine in [***5] which of the county's exceptions areas the plan would allow "urban uses" on "rural land," and, if there are any such exceptions areas, to determine whether the county has shown that these areas cannot practicably be put to any rural uses.

To explain our decision, in Part I we introduce the Oregon *land use* planning procedures and goals which frame the legal issues in this case. Part II outlines the factual background and procedural history of the Curry County controversy. In Part III we undertake to decide whether the county was required to take exceptions to Goal 14. We explain why local governments must either comply with or take exceptions to Goal 14 when they convert "rural land" to "urban uses," why the county's decision-making process failed to satisfy the requirements for justifying exceptions to Goal 14, and why this court cannot say whether the county's plan converts "rural land" to "urban uses" such that the county must either comply with or take exceptions to Goal 14. In Part IV we consider 1000 Friends' challenge to the validity of the county's exceptions to Goals 3 and 4, and in Part V we outline what must be done on remand.

I. Comprehensive Planning and [***6] Exceptions

A. LCDC, the Goals, and Plan Acknowledgment

The decision under review is LCDC's order acknowledging that the county's comprehensive *land use* plan and

* Roberts, J., retired February 7, 1986.

¹ By "urban uses" we refer to a term that LCDC employs in the text of Statewide Planning Goal 14 and in some of its published definitions of other terms, but which LCDC has not defined in the goals, the published definitions that apply to those goals, the Oregon Administrative Rules, or any other source of which we are aware. We shall refer to this lack of a definition, Part I.B., *infra*, 301 Or at 456, note the necessity of having a working definition of "urban uses" before resolving the questions which the parties have presented in this case, Part III, *infra*, 301 Or at 469-70, and elaborate on the consequences of LCDC's failure to examine whether this county's plan allows "urban uses." Parts III.C.3, and V, *infra*, 301 Or at 511, 520-522.

² See, e.g., Ota, *Legal Designations Bog Down Hearing*, The Oregonian, Nov. 12, 1985 at B4 (discussing this case); Oregon *Land Use* Symposium: Closing Remarks - The Oregon Example: A Prospect for the Nation, 14 *Env'tl L* 843, 849 (1984) (remarks of Edward J. Sullivan) ("The lack of information helps the small cabal of planners and lawyers, including myself, who keep a watch on [LCDC] and [the *Land Use* Board of Appeals], but it does not help the general public or the lawyer or the planning practitioner."); Cockle, *Rural Coalition Declares Range War on LCDC*, The Oregonian, Nov. 17, 1985, at E1, E4.

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regulations comply with the Statewide Planning Goals (the goals) which LCDC has adopted under authority granted in [*451] Senate Bill 100, enacted in Oregon Laws 1973, chapter 80, and codified as amended in ORS chapter 197.

Concerned that "state intervention was needed to stop a process of cumulative public harm resulting from uncoordinated *land use*," the 1973 legislature enacted Senate Bill 100 in order "to substitute a systematic decisional process based on consideration of all relevant facts, affected interests and public policies." *1000 Friends of Oregon v. Wasco County Court*, 299 Or 344, 347, 703 P2d 207 (1985); *1000 Friends v. LCDC [Goal 14 Amendment Case]*, 292 Or 735, 745-46, 642 P2d 1158 (1982); *ORS 197.005* and

197.010.³ [***9] Senate Bill 100 [*452] [**274] created the Department of Land Conservation and Development (the Department), consisting of a director and professional staff, and LCDC, a seven-member citizen's commission appointed by the Governor. *ORS 197.030, 197.075 to 197.090*. [***7] The legislature directed the Department to prepare, and LCDC to adopt, "goals and guidelines for use by state agencies, local governments and special districts in preparing, adopting, amending and implementing * * * comprehensive plans." *ORS 197.225*. The legislature defined "goals" only as "the mandatory statewide planning standards adopted by [LCDC]" and did not dictate their content; the goals are general expressions of state policy, and "guidelines" are "suggested approaches designed to aid" cities, counties, state agencies, and special districts in carrying out the goals.

³ *ORS 197.005* provides:*HN1*

"The Legislative Assembly finds that:

"(1) Uncoordinated use of lands within this state threaten the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state.

"(2) To promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the state, it is necessary to establish a process for the review of state agency, city, county and special district land conservation and development plans for compliance with goals.

"(3) Except as otherwise provided in subsection (4) of this section, cities and counties should remain as the agencies to consider, promote and manage the local aspects of land conservation and development for the best interests of the people within their jurisdictions.

"(4) The promotion of coordinated state-wide land conservation and development requires the creation of a state-wide planning agency to prescribe planning goals and objectives to be applied by state agencies, cities, counties and special districts throughout the state."

ORS 197.010 provides:*HN2*

"The Legislative Assembly declares that, in order to assure the highest possible level of liveability in Oregon, it is necessary to provide for properly prepared and coordinated comprehensive plans for cities and counties, regional areas and the state as a whole. These comprehensive plans:

"(1) Must be adopted by the appropriate governing body at the local and state levels;

"(2) Are expressions of public policy in the form of policy statements, generalized maps and standards and guidelines;

"(3) Shall be the basis for more specific rules and *land use* regulations which implement the policies expressed through the comprehensive plans;

"(4) Shall be prepared to assure that all public actions are consistent and coordinated with the policies expressed through the comprehensive plans; and

"(5) Shall be regularly reviewed and, if necessary, amended to keep them consistent with the changing needs and desires of the public they are designed to serve."

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ORS 197.015(8), (9). A goal, because it is a "statement of general applicability that implements, interprets or prescribes law or policy," ORS 183.310(8), is a "rule" within the meaning of the Administrative Procedures Act. *Goal 14 Amendment Case, supra*, 292 Or at 737, n 1. In all, LCDC has adopted 19 goals, most accompanied by guidelines addressing "planning" and "implementation," along with definitions for purposes of these goals and guidelines.⁴ Once the goals were adopted, each city and county (local government) in Oregon was required to make its land use decisions and to prepare comprehensive [***8] land use plans "in compliance with the goals"; once LCDC has "acknowledged" that a local government's plan and land use regulations comply with the goals, the local government must make land use decisions "in compliance with the acknowledged plan and * * * regulations." ORS 197.175(2).

By acknowledgment, then, LCDC affirms that a local government has successfully incorporated basic state policies into its planning and zoning documents and, therefore, that those documents can be used instead of the goals to evaluate most future land use decisions.⁵ *HN4* When a local [***275] government [***453] requests LCDC to acknowledge its comprehensive plan and land use regulations (the plan), the Department's director and staff must prepare a report (the staff report) for LCDC, stating whether [***10] the plan complies with the goals. ORS 197.251(1) and (2). LCDC must give persons reasonable opportunity to submit written comments and objections to the acknowledgment request and written exceptions to the staff report. ORS 197.251(2) and (3). In deciding whether to grant acknowledgment, LCDC considers the staff report, the record made in the local government's proceedings adopting the plan, the comments, objections, and exceptions filed with LCDC itself, and, if LCDC wishes, oral argument by persons who filed these. ORS 197.251(4). LCDC then issues an order granting, denying, or continuing acknowledgment,

identifying the goals with which the plan does and does not comply, and providing "a clear statement of findings" supporting its conclusions. ORS 197.251(5). Denials and continuances both indicate that there is at least one goal with which the plan does not fully comply. A denial is used when the changes required "affect many goals and are likely to take a substantial period of time to complete." ORS 197.251(13)(b). A continuance is used for more modest noncompliance and specifies actions the local government must complete "within a specified time period" to gain acknowledgment. [***11] ORS 197.251(13)(a).

[***12] B. *Introduction to Goals 3, 4, and 14*

The requirements of Goals 3, 4, and 14 pose the land use planning problem at the heart of this case.

Goal 3, entitled "Agricultural Lands," aims "to preserve and maintain agricultural lands," and requires in relevant part:

"Agricultural lands shall be preserved and maintained for [*454] farm use, consistent with existing and future needs for agricultural products, forest and open space. These lands shall be inventoried and preserved by adopting exclusive farm use zones pursuant to ORS Chapter 215."

Oregon's Statewide Planning Goals, n 4, *supra*, at 6. The pertinent part of ORS chapter 215 defines *HN5* "farm use" as

"the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural

⁴ *HN3* The goals are listed in OAR 660-15-000 to 660-15-010. As far as we know, however, the full text of the goals and guidelines as amended is available only in a tabloid publication of LCDC, Oregon's Statewide Planning Goals (1985), available from the Department of Land Conservation and Development, 1175 Court Street, N.E., Salem, Oregon 97310, telephone (503) 378-4926. Practitioners should, but may not necessarily, know that seven goals were amended in 1983 and 1984. (Indeed, at the time this case was argued, this court's own library contained only the pre-amendment versions of the goals.)

⁵ Some major decisions, for example amendments and revisions of the comprehensive plan itself, must be made "in compliance with" the goals even after acknowledgment, ORS 197.175(2)(a), and are subject to review by the Land Use Board of Appeals for such compliance. ORS 197.835(4). See also the reasoning of the Court of Appeals in *1000 Friends of Oregon v. Jackson Co.*, 79 Or App 93, 97, 718 P2d 753 (1986), *rev den* 301 Or 445 (1986). ("All comprehensive plan amendments are reviewable under ORS 197.835(4) for compliance with the statewide goals." (Emphasis added.))

Although LCDC, on August 7, 1986, acknowledged the plans for the last two of Oregon's 277 counties and cities subject to the planning requirements, several plans are still on judicial review, and LCDC is expected to review about 3,000 "adjustments" to local comprehensive plans per year, including as many as 1,000 plan amendments on which it may have to file formal comments. See *The Oregonian*, Aug. 8, 1986, at D5.

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or horticultural use or animal husbandry or any combination thereof. 'Farm use' includes the preparation and storage of the products raised on such land for human use and [***13] animal use and disposal by marketing or otherwise. 'Farm use' also includes the propagation, cultivation, maintenance and harvesting of aquatic species. * * *

ORS 215.203(2)(a). With exceptions not relevant to this case, these provisions require local governments to plan and zone areas that meet the definition of "agricultural lands" exclusively for "farm use."

Goal 4 imposes an analogous restriction on use of "Forest Lands." It aims "[t]o conserve forest lands for forest uses," and provides in part:

"Forest land shall be retained for the production of wood fibre and other forest uses. Lands suitable for forest uses shall be inventoried and designated as forest lands. * * *

Planning Goals at 6. The goal goes on to define "forest uses" as follows:

[**276] "Forest uses - are (1) the production of trees and the processing of forest products; (2) open space, buffers from noise, and visual separation of conflicting uses; (3) watershed protection and wildlife and fisheries habitat; (4) soil protection from wind and water; (5) maintenance of clean air and water; (6) outdoor recreational activities and related support services and wilderness [***14] values compatible with these uses; and (7) grazing land for livestock."

Id.

Unlike Goals 3 and 4, referred to as "resource goals" because they restrict the uses of lands rich in certain resources [**455] to uses appropriate to their natural endowments, ⁶ [***16] Goal 14 aims not to protect particular natural resources but "[t]o provide for an orderly and efficient transition from rural to *urban land use*." (Emphasis added.) Planning Goals at 13. While the parties dispute precisely what Goal 14 requires and permits, it is

clear that the goal obligates local governments to establish as part of their comprehensive plans urban growth boundaries (UGBs) which "identify and separate *urbanizable land* from *rural land*." ⁷ (Emphasis added.) *Id.* "Establishment and change of the boundaries" is to be based upon consideration of seven factors (the establishment factors):

"(1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;

"(2) Need for housing, employment opportunities, and livability;

"(3) Orderly and economic provision for public facilities and services;

"(4) Maximum efficiency of land uses [***15] within and on the fringe of the existing urban area;

"(5) Environmental, energy, economic and social consequences;

"(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and

"(7) Compatibility of the proposed *urban uses* with nearby agricultural activities." (Emphasis added.)

Id. The goal further provides that once included within the UGB, land "shall be considered available over time for *urban uses*." (Emphasis added.) *Id.* Finally, "[c]onversion ⁸ of *urbanizable land* to *urban uses* shall be based on consideration" (emphasis added) of four additional factors (the conversion factors):

[*456] "(1) Orderly, economic provision for public facilities and services;

"(2) Availability of sufficient land for the various uses to insure choices in the market place;

"(3) LCDC goals; and,

"(4) Encouragement of development within urban areas before conversion of urbanizable areas."

Id.

⁶ LCDC Policy Memorandum, Exceptions Process, approved Mar. 10, 1978, and amended May 3, 1979, p. 2. Other resource goals are Goal 16, "Estuarine Resources," Goal 17, "Coastal Shorelands," and Goal 18, "Beaches and Dunes." See Planning Goals, *supra*, n 4, at 16-21.

⁷ We consider how the definitions of "urbanizable" and "rural" land apply to this case in Part III.C.1, *in/ra.* 301 Or at 498-501.

⁸ We consider the meaning of "conversion" of land in Part III.C.2, *in/ra.* 301 Or at 501-02.

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In general, Goal 14 provides that "urban uses" should occur on "urbanizable land" which has been included within a UGB by applying the establishment factors, and then justified for "urban uses" by applying the conversion factors. The definitions accompanying the goals define the three types of land referred to in Goal 14 as follows:

Urban land

"Urban areas are those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also:

***277] "(a) Have concentrations of persons who generally reside and work in the area

"(b) Have supporting public facilities and services."

Urbanizable land

"Urbanizable lands are those lands within the urban growth boundary and which are identified and

"(a) Determined to be necessary and suitable for future urban ***17] uses

"(b) Can be served by urban services and facilities

"(c) Are needed for the expansion of an urban area."

Rural land

"Rural lands are those which are outside the urban growth boundary and are:

"(a) Non-urban agricultural, forest or open space lands or,

"(b) Other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable,

necessary or intended for *urban use*." (Emphasis added.)

Planning Goals at 24. However, there is no definition of "urban uses."

[*457] In a nutshell, the reason the requirements of these goals posed a *land use* planning problem is that Curry County wanted to allow admittedly non-farm uses of indisputably "agricultural lands," admittedly non-forest uses of indisputably "forest lands" and, so 1000 Friends contends, "urban uses" of lands that are not within any UGB.

C. The Exceptions Process

HN6 In order to allow *land use* which any goal would prohibit, a local government must take an "exception" to that goal. *1000 Friends of Oregon v. Wasco County Court, supra, 299 Or at 352*. An "exception" is "essentially a variance," a comprehensive ***18] plan provision which allows a local government to waive compliance with a goal for "specific properties or situations." *Id.*; *ORS 197.732(8)*.

The exceptions process was originally controlled by Goal 2, Part II. Under proper circumstances, local governments could use this provision to override the requirements of other goals. "When * * * it [was] *not possible* to apply the appropriate goal to specific properties or situations," (emphasis added), Goal 2 required a local government to indicate each proposed exception to each goal during its plan preparation and in its public notices and to explain "the compelling reasons" for the use proposed by each adopted exception, including the need to provide for that use in that place rather than others, the long-term effects of that use, and the compatibility with uses of nearby lands.⁹ ***19] In a policy memorandum, [*458] LCDC stated that the

⁹ Before amendment, Goal 2, Part II, provided:

"When, during the application of the statewide goals to plans, it appears that it is not possible to apply the appropriate goal to specific properties or situations, then each proposed exception to a goal shall be set forth during the plan preparation phases and also specifically noted in the notices of public hearing. The notices of hearing shall summarize the issues in an understandable and meaningful manner.

"If the exception to the goal is adopted, then the compelling reasons and facts for that conclusion shall be completely set forth in the plan and shall include:

"(a) Why these other uses should be provided for;

"(b) What alternative locations within the area could be used for the proposed uses;

"(c) What are the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use;

"(d) A finding that the proposed uses will be compatible with other adjacent uses."

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process "is normally limited to" the resource goals, including Goals 3 and 4 but not Goal 14.¹⁰

In 1979 LCDC stated that "an exception *is not* required for Goals 3 and 4 if findings can be made that the land is (a) physically developed or built upon or (b) irrevocably committed to nonfarm or nonforest uses * * *." ¹¹ In [**278] July, 1982, LCDC confirmed that policy in a new rule, OAR 660-04-025(1), providing that "[i]f a conclusion that land is *built* upon or *irrevocably committed* is supported, the four factors in Goal 2 need not be addressed." (Emphasis added. See n 9, *supra*, for "the four factors in Goal 2.")

On August 10, 1983, the Court of Appeals held that LCDC's "built" and "irrevocably committed" exceptions mechanism was [***20] unlawful because "it excuses local governments from the consideration of factors made mandatory by Goal 2." Marion County v. Federation for Sound Planning, 64 Or App 226, 235, 668 P2d 406 (1983). The court held that the policy was so contrary to the provisions of Goal 2 that LCDC could promulgate it only by amending that goal; LCDC had not done that. 64 Or App at 235.

On August 9, 1983, the day before that decision, however, the legislature enacted ORS 197.732, which expressly authorized local governments to adopt "physically

developed" ("built") and "irrevocably committed" exceptions as well as "reasons" exceptions, i.e., the type Goal 2 had always expressly allowed. On December 30, 1983, LCDC amended Goal 2 to conform to the new statute. Planning Goals at 2.¹²

[***21] [*459] The parties generally agree how the exceptions process should now work. *HN8* First, a local government takes inventory of the resources, the existing uses, and the potential uses of its lands to determine which goals apply. For example, it may find that an area consists of agricultural land as defined in Goal 3 but does not contain any forest land as defined in Goal 4; the exclusive farm use requirement of Goal 3, but not the forest use requirement of Goal 4, applies to that land. Second, the local government identifies the uses that conflict with requirements of the goals. For example, the county may wish to establish non-farm residences on agricultural lands, a use which generally conflicts with Goal 3. Third, for each conflict it identifies, the local government decides whether to plan and zone land consistently with the goal's requirements, or to seek an exception.

HN9 A local government which decides to take an exception must use the procedures and the substantive standards provided in ORS 197.732, as interpreted by LCDC's

¹⁰ LCDC Policy Memorandum, *supra*, n 6, at 2.

¹¹ LCDC Policy Memorandum, *supra*, n 6, 11. *Common Questions Concerning the Exceptions Process as it Relates to Land Use Decisions Prior to an Acknowledged Comprehensive Plan* (as amended May 3, 1979) at 1.

¹² ORS 197.732(1) provides:*HN7*

"(1) A local government may adopt an exception to a goal when:

"(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

"(b) The land subject to the exception is irrevocably committed as described by commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

"(c) The following standards are met:

"(A) Reasons justify why the state policy embodied in the applicable goals should not apply;

"(B) Areas which do not require a new exception cannot reasonably accommodate the use;

"(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

"(D) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."

The corresponding provisions of Goal 2, Part II, are now identical. See Planning Goals at 4.

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amended Goal 2 and administrative rules in OAR chapter 660. It must give public notice of proposed exceptions summarizing issues to be discussed, [***22] hold a public hearing on those issues, state its findings of fact and reasons for deciding that the substantive standards for each exception have or have not been satisfied, and develop a record suitable for LCDC's review of the decision. ORS 197.732(4) to (6); Goal 2, Part II; OAR 660-04-000(2) and (4); OAR 660-04-030 and 660-04-035.

[*460] [**279] Although ORS 197.732 codified the categories of exceptions which LCDC applied in practice until Marion County v. Federation for Sound Planning, supra, the present scheme differs from the old one in two ways. First, **HN10** LCDC has provided for the taking of exceptions to Goal 14. OAR 660-04-010(1)(c), 660-14-000 to 660-14-040. Second, exceptions are not limited to cases where it is "not possible" to apply a goal; each of the three possible types of exceptions requires a different kind of analysis, defined by ORS 197.732(1) and elaborated in OAR chapter 660.

The first type, a "built" exception, may be taken to allow an existing use when "[t]he land subject to the exception is *physically developed* to the extent that it is *no longer available* for uses allowed by the applicable goal." (Emphasis added.) ORS 197.732(1)(a); [***23] OAR 660-04-025(1). The local government must set forth "[t]he exact nature and extent of the areas found to be physically developed." OAR 660-04-025(2). Uses allowed by the applicable goals to which an exception is being taken may not be used to justify an exception for "physically developed" land. *Id.*

The second type of exception, for land not yet developed but "*irrevocably committed*" as described by commission rule to uses not allowed by the applicable goal" (emphasis added), may be taken if "existing adjacent uses and other factors make uses allowed by the applicable goal *impracticable*." (Emphasis added.) ORS 197.732(1)(b). **HN11** LCDC describes "irrevocably committed" in two different rules, one that applies generally and another¹³ for a narrower but ill-defined class of land use decisions. ¹³

HN12 If land is neither "developed" [***24] nor "committed," a local government which believes that land is needed for development may seek an exception under the standards of ORS 197.732(1)(c). These correspond to the factors under the original version of Goal 2, Part II. LCDC is required to adopt rules establishing the circumstances in

which particular "*reasons*" may justify an exception to a goal. (Emphasis added.) ORS 197.732(1)(c)(A) and (3). LCDC has adopted "reasons" [*461] rules for specific goals and land use decisions, OAR 660-04-022(2) to (9) and 660-14-040, as well as a residual rule for other "uses not specifically provided for." OAR 660-04-022(1). To justify a "reasons" exception, a local government must also show that areas which would not require an exception cannot reasonably accommodate the use, that long-term effects will not be significantly worse than if the exceptions area were located elsewhere, and that the proposed use can be made compatible with adjacent uses. ORS 197.732(1)(c)(B) to (D).

HN13 Whatever the type of exception, the local government must make findings of fact and a statement of reasons why the standards for an exception have or have not been met. ORS 197.732(4). In reviewing [***25] decisions on exceptions, LCDC, bound by any local government factual findings for which the record contains substantial evidence, must determine whether and state reasons why the standards for exceptions have or have not been met. ORS 197.732(6).

II. *The Curry County Controversy*

A. *The Setting*

The parties do not dispute the facts concerning the natural characteristics and historic uses of the county's land, which appear in the record in the comprehensive plan. Curry County, the southernmost county on Oregon's coast, lies within the Klamath Mountains physiographic region and consists of mountain ridges, narrow river canyons, terraces produced by ocean waves and river flooding, lowland floodplains, marshes, and dunes along the coast. Most of the county is forested, primarily with Douglas Fir; its rivers are renowned for scenic beauty and sport fishing; its wildlife includes sizable populations of deer, bear, other big game, upland game [**280] birds, wintering waterfowl, and small furbearers. The first inhabitants, Qua-to-mas, Chetcos, and tribes speaking other dialects of a common Athapascan language, set up villages near river and stream mouths and developed [***26] a culture highly dependent on ocean resources. White settlement, also based largely upon the area's natural endowment, began in the early 1850s with efforts to establish sawmills, gold mining, and trade routes to more inland settlements. Further development established small towns, ferries, lumber mills, and mining of gold, borax, nickel and sandstone. Cultivation of [*462] ornamental lily bulbs, a crop of which the county is now a leading producer, began in the 1940s.

¹³ Compare OAR 660-04-028 with OAR 660-14-030. We shall consider how these rules apply to the facts in Curry County in Part III.B.1 of this opinion. 301 Or at 480-485.

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When the county submitted its comprehensive plan for LCDC acknowledgment in 1982, 98 percent of its land was still in uses closely tied to natural resources: 90 percent for forestry, 7 percent for grazing and rangeland, and 1 percent for crops. The remaining 2 percent contained all residential, commercial, *industrial*, and other non-resource uses, as well as the county's rivers and estuaries. The non-resource uses are concentrated in the vicinities of the three incorporated cities (Port Orford, Gold Beach and Brookings), in what the plan denominates as "Rural Communities" (Langlois, Ophir, Nesika Beach and Agness), and along the Rogue, Chetco and Pistol Rivers. All these areas except Agness, located inland [***27] where the Illinois and Rogue Rivers join, are located along or near U.S. Highway No. 101, the major highway in the county.

The areas at issue in this case occupy a tiny fraction of the county's 1,064,960 acres (1,664 square miles) but contain a substantial part of the land not owned by government or timber companies. The Siskiyou National Forest, the Kalmiopsis and Wild Rogue Wilderness areas, and other federally owned lands comprise 65 percent of the county. Another 28 percent is owned by timber corporations and another 1 percent by the state. Still another 1 percent lies within the planning jurisdiction of the three cities, all of whose comprehensive plans and UGBs LCDC has acknowledged. The remaining 5 percent contains 54,000 acres (about 84 square miles) outside the UGBs. The county has chosen to take exceptions to Goals 3 and 4, to allow non-resource uses, in areas totaling 10,400 acres (about 16 square miles). 1000 Friends charges that 4,000 acres ¹⁴ [***28] of those exceptions were taken in violation of Goals 2 and/or 14. ¹⁵

B. The Plan and the Objections, 1982

The county's plan for lands outside the UGBs, submitted for LCDC acknowledgment in April 1982, included a [*463] Committed Lands Document containing both the county's criteria for taking exceptions and its 79 specific exceptions areas totaling the 10,400 acres.

The exceptions criteria included size of parcels, size and development of neighboring parcels, residential density and

percentage of land covered by residential uses, proximity to UGBs or established rural communities, "other features which preclude * * * resource use," and availability of public services.

In applying the criteria to specific areas, the county included maps and data sheets indicating the total acreage, number of parcels, size of parcels and number of "developed" parcels. The data sheets concluded [***29] with paragraphs on Committed Area's *Land Use*, Adjacent Land Uses, Topography and Natural Features, Transportation and Public Facilities, and Evaluation Comments. For the four largest exceptions areas, the "Rural Communities," the materials also included a General Description and accounts of Community Features and [***281] Community Boundaries. Four "Undeveloped Subdivisions" and 71 other areas of "Developed and Committed Residential Lands" lie primarily near the coast and on the lower Rogue, Chetco, Pistol, Elk, and Winchuck rivers. Neither the data sheet format nor the documents for the specific exceptions areas indicated which resource goals were applicable to the lands, to which goals exceptions were being taken, or how the county proposed to zone the lands. ¹⁶

[***30] 1000 Friends objected to all or part of 66 exceptions areas, on several grounds. First, it charged that in general the *criteria* violated Goal 2, Part II, because they "overemphasized the significance of parcelization" without properly weighing the other factors prescribed by LCDC's rule on "committed" exceptions, i.e., common ownership of parcels, actual uses, neighborhood characteristics, adjacent uses, and natural boundaries.

Second, it argued that individual *exceptions areas* violated Goal 2 because the data sheets supporting them [*464] omitted information needed to determine whether lands were "committed" to non-farm or non-forest use under the proper legal standards. It objected especially to including large parcels of vacant land with built-up parcels in the exceptions areas.

Third, cross-referring to the county's zoning maps, 1000 Friends claimed that the actual *zoning* of the exceptions area

¹⁴ Where the parties have minor disagreements about exact numbers which seem unimportant in detail, we have more or less split the difference and approximated.

¹⁵ Before LCDC and the Court of Appeals, 1000 Friends raised several other objections upon which it either prevailed or chose not to petition for our review. *1000 Friends of Oregon v. LCDC*, 73 Or App 350, 354-56, 698 P2d 1027 (1985) (third through fifth assignments of error).

¹⁶ It is not clear from individual data sheets to which goals exceptions were being taken for each area; many speak generally of commitment to "non-resource" uses. While 1000 Friends objects to the county's failure to specify, it is not disputed that each exception was either to Goal 3, Goal 4, or both.

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lands violated Goal 14 by allowing urban-like development in rural areas. "The county has not made any effort to segregate urban uses, residential densities and services and locate them inside the urban growth areas [but instead] * * * ratified the wasteful, haphazard [***31] pattern of development which existed prior to Senate Bill 100." 1000 Friends noted that the exceptions areas contained more land than all three of the county's cities and their urban growth areas combined; that the 2.4 persons/acre population density in the most intensely developed rural residential zone (one-acre minimum lot size) would be higher than the 1.5 persons/acre in the county's cities (which have lower densities than exist in such other Oregon coastal cities as Florence (2.1), Lincoln City (3.3), and Cannon Beach (9.3)); and that according to the county's own estimates of population growth and new housing, the percentage of the county's people living in cities and urban growth areas would actually decline under the county's plan, from 54 percent in 1980 to 45 percent in 2000. (With its brief in the Court of Appeals, the county eventually submitted revised estimates in which the percentage would remain constant.)

1000 Friends also complained that the plan, without explaining the need for *industrial* and commercial uses outside the UGBs, zoned over 1,000 acres of rural lands for those uses, substantially more land than is so zoned within Brookings, the county's largest city [***32] in both area and population. The county eventually replied that the rural *industrial* land consists entirely of present or former (presently vacant) *industrial* sites, and only 140 of the commercial acres would be new development.

C. LCDC's Decisions, 1982-84

On December 14, 1982, LCDC entered a Continuance Order, concluding that the county's plan complied with Goals 1, 6 to 8, and 13, but not with Goals 2 to 5, 9, 12, and 16 to 18, for reasons given in an October 29, 1982 staff report. The [*465] report stated that the county's "committed" exceptions criteria were consistent with those in LCDC's "committed" exceptions rule and that all of the specific exceptions areas, except for the Rural Communities and three of the Undeveloped Subdivisions, were in compliance with Goal 2. In effect, the report denied that Goal 14 applied at all to the county's plan. The report said simply that "[t]he county's acknowledgment request is for the area outside of the acknowledged [*282] urban growth boundaries." Because the statute then in effect, *former ORS*

197.251(8)(a)(C) (*repealed by Or Laws 1983, ch 827, § 5*), had been interpreted to make continuance orders "final" [***33] only as to the goals with which the entire plan was expressly found "in compliance," 1000 Friends could not at that time obtain judicial review of its unsuccessful Goal 2 and Goal 14 objections.¹⁷ See *1000 Friends of Oregon v. LCDC [Benton County]*, 56 Or App 759, 761-62, 643 P2d 654 (1982); *1000 Friends of Oregon v. Marion Co.*, 56 Or App 755, 758, 643 P2d 652 (1982).

The Continuance Order gave the county 150 days to revise its plan, which was resubmitted to LCDC in August 1983. The county had not changed either its "committed" exceptions criteria or the specific exceptions areas. 1000 Friends iterated its 1982 objections to both, based on its earlier [***34] arguments and on photographs newly added to the record purporting to show that some lands the county said could not be farmed were still being used for commercial lily bulb farming.

On January 30, 1984, the county adopted amendments to the portions of its Committed Lands Document covering the Rural Communities and the Undeveloped Subdivisions which LCDC had not acknowledged in 1982. The Rural Communities portions emphasized that the boundary for each community was "in the appropriate location" and that the lands were either developed or "committed to non-resource use" such that it was "impracticable to apply Goals 3 and 4." The Undeveloped Subdivisions portions emphasized that most parcels had been sold into individual ownerships, [*466] public facilities had been developed, and many new homes had been built. No part of the amended Committed Lands Document stated whether any lands were built or committed to "urban uses" or mentioned Goal 14 in any manner.

Following a February 3 hearing, on February 17, 1984, LCDC issued an acknowledgment order finding the county's plan in compliance with Goals 1 to 13. LCDC based its decision on a January 20, 1984, staff report, revised [***35] on February 1 to take into account the county's January 30 amendments. The report concluded that the amendments demonstrated irrevocable commitment of the lands to non-resource uses and that the entire plan complied with Goal 2. The report said that the county's compliance with Goals 16 to 18 would be reviewed separately; however, although 1000 Friends continued to claim that the urban levels of development on rural land violated Goal 14,

¹⁷ The county's argument to the contrary is incorrect. It is true that *ORS 197.251(13)(a)(C)* now makes continuance orders final and therefore reviewable, *ORS 183.480(1)*, as to any parts of the plan that are in compliance with all the goals. However, that provision did not take effect until August 9, 1983. Or Laws 1983, ch 827, §§ 5 and 61.

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neither the staff report nor the acknowledgment order said anything about that goal and its application to the exceptions areas.

D. The Court of Appeals Decision, 1985

On 1000 Friends' appeal, the Court of Appeals rejected the Goal 2 objections without reaching their merits. The court said that the exceptions criteria in the county's plan had no legal effect, because any post-acknowledgment exceptions would be treated as plan amendments and reviewed for compliance with the goals rather than with the plan. *73 Or App at 352*, citing *ORS 197.732(6)(b), (8)*, and *ORS 197.835(4)*. Therefore, it made no difference whether the criteria complied with the goals. *Id.* The court also declined to review the individual exceptions areas because it [***36] believed that 1000 Friends, except for one area discussed "by way of example," had not sufficiently specified the objections to particular areas. *Id. at 352-53*. Thus, the court did not expressly affirm that the challenged areas were justifiably excepted from the resource use requirements of Goals 3 and 4.

Nevertheless, the court appeared to assume the validity of those exceptions in rejecting 1000 Friends' Goal 14 objection. [**283] See *73 Or App at 356* ("The validity of those exceptions is not in issue here."). 1000 Friends argued that even if the exceptions to Goals 3 and 4 were valid, allowing non-resource uses in the 79 areas, the "new urban types of uses" proposed for these areas outside the UGB would violate [*467] Goal 14 and therefore required exceptions to Goal 14 as well. The Court of Appeals said there was no precedent for requiring a local government that had taken exceptions to Goals 3 and 4 "to permit the nonresource use of land" to also take an exception to Goal 14 "to allow the same use." *73 Or App at 357*. The court reasoned that because "the issue here does not involve the inclusion of resource land in a UGB" and "Goals 3 and 4 specifically regulate [***37] the use" of the land in the exceptions areas, "[t]here is no legal or logical reason why the county should be required to supplement its exceptions to these goals with an exception to Goal 14." *Id. at 358*.¹⁸ The court thus affirmed LCDC's disposition of the Goal 14 issue and remanded to LCDC for reconsideration only of matters concerning another assignment of error that is not before us. *Id. at 356-358*.

[***38] 1000 Friends petitioned for our review of both the Goal 2 and the Goal 14 issues. In this court, all parties and *amicus curiae* Metropolitan Service District (Metro) have focused on whether the county should have taken exceptions to Goal 14.

Because the county's acknowledgment order is "a commission order," *ORS 197.251(5)*, judicial review is "in the manner," and subject to the scope of court authority, provided in *ORS 183.482*, *ORS 197.650(1)*, *ORS 183.482(8)* provides:***HNI4***

"(a) The court may affirm, reverse or remand the order. If the court finds that the agency has erroneously interpreted a provision of law and that a correct interpretation compels a particular action, it shall:

"(A) Set aside or modify the order; or

"(B) Remand the case to the agency for further action under a correct interpretation of the provision of law.

[*468] "(b) The court shall remand the order to the agency if it finds the agency's exercise of discretion to be:

"(A) Outside the range of discretion delegated to the agency by law;

"(B) Inconsistent with an agency rule, an officially stated agency position, or a prior agency practice, if the inconsistency is not explained by [***39] the agency; or

"(C) Otherwise in violation of a constitutional or statutory provision.

"(c) The court shall set aside or remand the order if it finds that the order is not supported by substantial evidence in the record. Substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding."

We are particularly concerned with whether LCDC "erroneously interpreted" Goal 14 when it responded to 1000 Friends' Goal 14 objection only by indicating that Goal 14 was inapplicable to decisions concerning areas

¹⁸ In *1000 Friends of Oregon v. LCDC (Linn County)*, 78 Or App 270, 717 P.2d 149 (1986), the court explained what it had believed the issue to be in its decision in the case at bar. "The issue which we understood that we were deciding in our earlier opinion was whether a separate exception to Goal 14 was necessary to allow the same or substantially similar nonresource uses as those which were authorized by the exceptions to Goals 3 and 4 for the resource land in question." *78 Or App at 274*. The court went on to explain that it did not believe that it faced a level of development more intensive than the existing development that had prompted the taking of exceptions in the first place. *Id.*

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outside the UGBs and, if so, whether "a correct interpretation compels a particular action" by LCDC. ORS 183.482(8)(a). We also examine the validity of the exceptions to Goals 3 and 4 and consider LCDC's argument that those exceptions were sufficient to meet the standards for exceptions to Goal 14. We therefore inquire whether the county has "set forth findings of fact and a statement of reasons" and whether LCDC has "adopt[ed] a [**284] clear statement of reasons which sets forth the basis for the determination" that "the standards of [ORS 197.732(1)] have * * * been met" for exceptions [***40] to every applicable goal in the situations where exceptions were required. ORS 197.732(4), (6)(c). See also ORS 197.251(5)(b) (requiring that LCDC's acknowledgment order include "a clear statement of findings in support of the determinations of compliance" with the goals).

III. Were Exceptions to Goal 14 Required?

To determine whether the county must take exceptions to Goal 14 covering areas for which it has already taken exceptions to Goals 3 and 4, we must consider three subsidiary questions:

A. Must a county take an exception to Goal 14 when [*469] converting "rural land" outside an urban growth boundary to "urban uses"?

B. Does the taking of exceptions to Goal 14 require consideration of matters which the county did not consider in taking its exceptions to Goals 3 and 4?

C. Does the county's plan, in the areas for which it took exceptions to Goals 3 and 4, in fact convert "rural land" outside the urban growth boundaries to "urban uses"?

Only if the answer to all three questions is "yes" was the county required to take exceptions to Goal 14.

The meanings of the defined term "rural land" and the undefined term "urban uses," see Part I.B. [***41] supra, 301 Or at 455-457, are critical to our inquiry. The first two of the foregoing three questions concern the legal consequences that follow from the determination that a plan allows "urban uses" on "rural land": the requirement of exceptions to Goal 14 and the standards that must be met to justify such exceptions. These questions we can resolve as a matter of law without considering problems of defining "urban uses." We may first assume with the parties that this term can be given some determinate meaning, then examine what the language and policy of Goal 14 indicate should be done concerning "urban uses" -- whatever these may be --

when they occur on "rural land" outside UGBs. In considering the first two questions, we employ "urban uses" in the same sense as do the parties in their pertinent discussion, to stand for the as-yet-unspecified uses that the relevant statutes, goal and administrative rules require to be treated in certain ways when they are located on "rural land."

To answer the third question, however, requires discussion of what "urban uses" really are, to determine whether this county's plan in fact allows them on "rural land." Because the land use statutes [***42] gave to LCDC, rather than to this court, the "authority to fill in the so-called 'interstices' of the statutes" by adopting goals and reviewing plans for compliance with those goals, see Springfield Education Assn. v. School Dist., 290 Or 217, 221, 621 P2d 547 (1980), our discussion necessarily gives "some deference" to LCDC's own interpretation of the term "urban uses" as used in Goal 14, which LCDC itself adopted. Branscomb v. LCDC, 297 Or 142, 145, [*470] 681 P2d 124 (1984). To the extent that the meaning of "urban uses" is ambiguous in the light of the goals and other definitions, we would review any interpretations by LCDC of that term in this case only to determine if they "express a new policy or standard varying in substance from the existing policy and standards of Goal 14," 1000 Friends of Oregon v. Wasco County Court, supra, 299 Or at 369; ORS 183.482(8)(b)(B) (court shall remand agency order if exercise of discretion is "[i]nconsistent with an agency rule, an officially stated agency position, or a prior agency practice, if the inconsistency is not explained"); if they are "within the legislative policy which inheres" in the statutes that give LCDC the [***43] authority to adopt the goals (ORS 197.225 and 197.230), see Springfield Education Assn. v. School Dist., supra, 290 Or at 227; ORS 183.482(8)(a) (a court may set aside, modify or remand if agency has "erroneously interpreted a provision of law"); and [**285] if the factual findings on which they rely are "supported by substantial evidence in the record." ORS 183.482(8)(c). However, LCDC's acknowledgment order and staff reports in this case offer no interpretation of "urban uses." We employ that term in our discussion of the third question only in an effort to discover from other sources whether LCDC has made a definitive interpretation that can tell us whether this county's plan allows "urban uses."

A. Goal 14 and conversion of rural land to urban uses

We read the responses of LCDC's staff reports and acknowledgment order to 1000 Friends' Goal 14 objections -- in 1982 merely noting that the acknowledgment request was for the area outside the acknowledged UGBs, and in

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1984 omitting mention of Goal 14 -- to express the legal position that Goal 14 does not pertain in any way to decisions which affect land outside UGBs and do not establish or change a UGB. The Court [***44] of Appeals took the position that "under some circumstances, a local government may be required to take an exception to Goal 14 to allow an urban use on rural land." *73 Or App at 357*. We hold that *HN15* any county whose comprehensive plan converts "rural land" outside of established urban growth boundaries to "urban uses" must either (1) show that its action complies with Goal 14, or (2) take an [*471] exception to Goal 14, as prescribed by *ORS 197.732*, Goal 2, Part II, and OAR chapter 660.

1000 Friends and LCDC's lawyer (differing from the position LCDC took in its acknowledgment order and staff report) maintain that the reasoning of *1000 Friends of Oregon v. Wasco County Court, supra*, does not necessarily require this holding but that of *Perkins v. City of Rajneeshpuram, 300 Or 1, 706 P.2d 949 (1985)*, does. We agree.

In *Wasco County Court* we noted decisions in which LCDC and the *Land Use* Board of Appeals (LUBA) have held that Goal 14 "prohibit[s] urbanization outside existing UGBs," but did not need to decide whether these were correct. *299 Or at 367 n 22*. We held that a county need not take an exception to Goal 14 when it approves a petition to incorporate a city [***45] on land outside of existing UGBs. *Id.* at 370. Although that opinion contains language from which the county has argued here that Goal 14 has nothing to do with a decision which neither establishes nor changes a UGB, *see id. at 363* ("On its face, Goal 14 provides a process for the establishment and change of UGBs, and nothing more."), we cannot reconcile the county's argument with the reasoning and holding of *Wasco County Court*. After stating that "Goal 14 specifies the requirements for conversion of rural land to urban land," *id. at 351* (emphasis added), we noted that incorporation alone would not authorize changes in the classification or use of the land; conversion from rural to urban land could result only later, after the establishment of a UGB. *Id.* at 365-66. Because a local government must take an exception only "where an applicable goal would otherwise prohibit [a local government's] proposed action," *id. at 352*, and "even assuming * * * that Goal 14 prohibits urbanization outside UGBs, it does not follow that an action which cannot result in urbanization before a UGB is established is also prohibited," *id. at 367 n 22*, we required no exception [***46] to Goal 14. Nevertheless, because it is likely that after incorporation a city will propose a UGB, we said that even at the incorporation stage a county may not simply ignore Goal 14; it must, as with the other goals, determine

that "it is reasonably likely that the newly incorporated city can and will comply with the goals once the city assumes primary responsibility for comprehensive planning in the area to be incorporated." *Id. at 360, 367-68*. We did not identify which decisions concerning lands [*472] outside urban growth boundaries require the taking of exceptions to Goal 14.

In *Perkins v. City of Rajneeshpuram, supra*, it was undisputed that the city's challenged action would convert rural [***286] agricultural land to "urban uses," *300 Or at 4*, and we held that "the city was required to comply with Goal 14 either by (1) meeting its requirements, or (2) following the exceptions procedure and adopting an exception to the goal." *Id. at 12*. There, the city annexed and zoned land "to permit urban development," *id. at 4*, relying on the fact that the land was within a UGB which the city had adopted but LCDC had not acknowledged. We noted Goal 14's provision [***47] that once a UGB is "established," the land included within it is "urbanizable" and "available over time for urban uses." *300 Or at 8*. We rejected the argument that the city's UGB became "established" when the city adopted it; no UGB is "established" until LCDC has acknowledged it. *Id. at 9*. Since *ORS 197.175(2)(c)* requires cities and counties to "make *land use* decisions in compliance with the goals" until LCDC acknowledges their comprehensive plans, the city was required to either comply with each pertinent goal or adopt an exception to each. *300 Or at 9-12*.

We recognized in *City of Rajneeshpuram* that neither the language of Goal 14 nor our previous decisions addressed whether the exceptions process applies to Goal 14 when the proposed *land use* neither establishes nor changes a *UGB*. *300 Or at 12*. However, we found that "the policy embodied in the goal" provided an answer:

HN16 "[A] city should not convert rural land to urbanizable land or urban uses prior to inclusion within an acknowledged UGB. The purpose of the goal, which comports with the policy of the *land use* statutes in general, is '[t]o provide for an orderly and efficient transition from rural to urban [***48] *land use*.' This purpose is effected by the establishment of the UGB. *Urbanization is to occur within a UGB adopted upon consideration of the seven establishment factors set forth in Goal 14 and subsequently acknowledged by LCDC.*" (Footnote omitted. Emphasis added.)

300 Or at 12. Therefore, "[a] proposal to convert rural agricultural land to urban uses prior to inclusion within an [*473] acknowledged UGB" requires either meeting the requirements specified in Goal 14 or properly taking exception to that goal. *Id.*

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Both 1000 Friends and LCDC interpret *City of Rajneeshpuram* as saying that any urbanization of "rural land" requires either compliance with, or an exception to, Goal 14. The county makes several arguments why that rule of law cannot apply to the type of land use decision involved here.

First, the county argues that *City of Rajneeshpuram* "does not state that Goal 14 prohibits urban uses on rural land but only that land use decisions affecting land within a proposed UGB may require Goal 14 compliance or exception." The county bases its argument on one sentence from the opinion: "Precognitment land use decisions affecting land [***49] within the proposed UGB must comply with the individual goals, including the exceptions procedure * * *." (Emphasis added.) 300 Or at 10.

The county's argument does not consider the context of that sentence and is inconsistent with the policy we noted as the reason for our decision. We spoke particularly about "land within the proposed UGB" only because the city had argued that its adoption of the proposed UGB excused it from showing compliance with the goals. However, the statute to which we referred, ORS 197.175(2)(c); HNI17 requires all preacknowledgment "land use decisions" to be made "in compliance with the goals," regardless of where in the jurisdiction the affected lands are located. We held that the city must comply with or take exception to Goal 14 not because the annexed lands were also within the proposed UGB, but because, like those at issue here, they were not within an acknowledged UGB. To authorize urbanization of the county's lands without requiring it to comply with or take exception to Goal 14 would defeat the goal's purpose: "provid[ing] for an orderly [**287] transition from rural to urban land use." Goal 14.

Second, the county claims that [***50] because none of the three cities' UGBs had been acknowledged when the county took its exceptions in 1982, "there is no requirement that Goal 14 be excepted or addressed." Based on the record before us, we think the county's factual premise is incorrect; the October 29, 1982, staff report refers to all three cities' UGBs as [*474] "acknowledged." The county's legal reasoning appears to be as follows:

(1) The decisions made before *City of Rajneeshpuram*, holding that Goal 14 applies to urbanization of lands outside established UGBs, emphasized the adverse impact that "intensification of development in rural areas" has on "nearby established UGBs."

(2) According to *City of Rajneeshpuram*, the three as-yet-unacknowledged UGBs were "without effect," 300 Or at 10.

(3) Because there were no effective, established UGBs on which the county's development could have an impact, there was no need to consider Goal 14.

Again, the county fails to recognize that the policy of Goal 14 is to contain urbanization within acknowledged UGBs. To be sure, some of the cases which the county cites did emphasize the effect of various decisions on existing UGBs. ¹⁹ [***53] None, however, says [***51] that Goal 14 matters only when urbanization of "rural land" will undermine the effectiveness of an established UGB. The Court of Appeals, LCDC, and the Land Use Board of Appeals (LUBA)

¹⁹ E.g., Medford v. Jackson Cty., 2 Or LUBA 387, 391 (1981) ("the decision to allow intensification of use outside an urban growth boundary on non-resource lands must not undermine the effectiveness of adjacent urban growth boundaries"), *aff'd in part & remanded in relevant part*, City of Medford v. Jackson County, 57 Or App 155, 161, 643 P2d 1353 (1982) (noting with apparent approval LUBA's decision that "Goal 14 requires assessing the impact that industrial development outside urban growth boundaries would have on lands inside such boundaries"); Metropolitan Serv. Dist. v. Clackamas Cty., 2 Or LUBA 300, 307-08 (1981) ("[W]e do believe the county should have included some facts and made a finding as to the effect of the approval of the developments on the urban growth boundary. Of particular interest to us is whether these developments would contribute to a kind of sprawl or leap frogging development that might undermine the effectiveness of an urban growth boundary enacted to contain intense development.").

See also 1000 Friends of Oregon v. Clackamas Cty., 3 Or LUBA 316, 327 (1981) ("The creation of many small rural lots * * * may necessarily result in the provision of a substantial amount of housing outside the UGB -- housing which may well attract people who otherwise would live within the regional UGB. The effect of this on the UGB's ability to control residential sprawl must be addressed by the county. * * * Petitioners' * * * assignments of error, insofar as they allege a violation of goal 14, are sustained."); Sandy v. Clackamas Cty., 3 LCDC 139, 149-50 (1979) ("If this development is allowed, then there may as well not be urban growth boundaries. [It] * * * is a perfect example of how Goal 14 may, little by little, case-by-case, be rendered ineffective and useless in controlling urban sprawl.' According to the testimony, this development would seriously frustrate urban-level utilization of lands in Sandy. * * * Proof that rural development will injure a city is proof of a Goal 14 violation.").

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²⁰ have all indicated, even in cases where no particular threats to the integrity of established UGBs were noted, that Goal 14 generally prohibits urbanization of "rural land."²¹

[**288] The concern in *City of Rajneeshpuram* was not that this ill-fated community would attract development that otherwise would be contained within established UGBs, but that establishing new "urban uses" on rural land without properly considering Goal 14 amounts to intrinsically bad land use planning. The city's proposal would have violated Goal 14's policy of establishing urban growth boundaries "to identify and separate urbanizable land from rural land" and "not convert[ing] rural land to * * * urban uses prior to inclusion within an acknowledged UGB." 300 Or at 12. Because the purpose of that policy is to contain urbanization within UGBs, if in fact no acknowledged UGBs existed in 1982 to contain Curry County's urbanization, the county should have planned its exceptions with special concern [***52] for compliance with Goal 14, rather than with no concern at all.

[***54] Third, the county argues that because Oregon law did not explicitly provide for taking exceptions to Goal 14 when the county took its exceptions to Goals 3 and 4, the county cannot be required to take such exceptions now. The county is correct that the law neither explicitly permitted nor required [*476] the taking of exceptions to Goal 14 until LCDC promulgated OAR chapter 660, division 14, in 1983. We cannot agree with 1000 Friends that LCDC's policy memorandum on the exceptions process²² implied that local governments could take exceptions to Goal 14. That memorandum, at page 2, listed the goals (including 3 and 4) to which "[u]se of the Exceptions Process is normally limited," contrasting these with others, including Goal 14,

for which "existing built-in conflict resolution mechanisms should be used."

However, from the fact that the county could not take exceptions to Goal 14 in 1982, it does not follow that this goal was irrelevant to its planning process. On the [***55] contrary, several opinions had held that "urban uses" of "rural land" outside UGBs violate Goal 14. *See cases, supra*, nn 19 and 21 (those decided before the December 14, 1982 Continuance Order in this case).²³ The lack of a provision for exceptions to Goal 14 in 1982, then, implied not that cities and counties could convert "rural land" to "urban uses" without applying Goal 14, but rather, that in considering such conversions, they should have applied the establishment and conversion factors of Goal 14, *supra*, 301 Or at 455-56, even where no UGB was being established or changed.

The 1983 legislature, by passing ORS 197.732 (which "does not exclude any particular goal from its operation," *City of Rajneeshpuram*, 300 Or at 13 n 17), and LCDC, by "mak[ing] Goal 14 subject to the exceptions procedure," *id.*, did not narrow, but rather liberalized, what local governments can do in the face [***56] of Goal 14. Cities and counties may now either comply with the goal or justify exceptions to it.

Finally, the county points to cases involving what it characterizes as "urban uses" outside UGBs in which the decisions did not indicate any concern about Goal 14

²⁰ *HN18* LUBA was established in 1979, *see* ORS 197.810, to review certain land use decisions "not includ[ing] those matters over which [LCDC] has review authority under ORS 197.005-187.455 * * * ORS 197.825(2)(c). *See generally* ORS 197.805-197.855. Some questions of LUBA's jurisdiction are discussed in *Wasco County Court*, 299 Or at 355-59, and *Wright v. KECH-TV*, 300 Or 139, 707 P2d 1232 (1985).

²¹ *Carmel Estates, Inc. v. LCDC*, 66 Or App 113, 117 and n 2, 672 P2d 1245 (1983) (affirming LCDC's order to rezone 12-acre tract located outside UGB "for non-urban use" to correct violation of Goal 14); *Patzkowsky v. Klamath County*, 8 Or LUBA 64, 71 (1983) (in case involving subdivision located 17 miles from the nearest UGB, stating the county's general obligation "to make findings on the applicability of Goal 14 when rural land is to be converted to small size lots"); *Ashland v. Jackson Cty*, 2 Or LUBA 378, 382 (1981) ("It is our view that designation of a large area outside an urban growth boundary for urban-like or intensive uses is a violation of Goal 14"); *Conarow v. Coos County*, 2 Or LUBA 190, 193-94 (1981) (neighborhood store "appropriate for and limited to the needs of the rural area in which it is proposed to be located" did not violate Goal 14, but "an urban use of land * * * must be included within an urban growth boundary to avoid violation of Goal 14") (emphasis added); *Wright v. Marion County Board of Commissioners*, 1 Or LUBA 164, 170 (1980) ("Just as * * * the need for housing must be satisfied by land located within [a UGB], so must also the need for industrial uses be satisfied by land located within [a UGB]."); *Sandy v. Clackamas Cty*, 3 LCDC 139, 148 (1979) ("Rural land may not be put to urban level use. The only way to convert rural to urban land is to follow the Goal 14 process.").

²² See nn 10-11, *supra*.

²³ The Court of Appeals decided *City of Medford v. Jackson County*, *supra*, n 19, on April 26, 1982.

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violations: ²⁴ it argues these decisions imply that the goal does not prohibit urbanization outside UGBs. In none of these cases [*477] did [***289] the Court of Appeals either indicate that the Goal 14 issue was raised by any party or discuss that issue in the decision. We decline to consider those silences more persuasive than our reasoning in *City of Rajneeshpuram* and the discussions by the Court of Appeals, LUBA and LCDC in the other cases, nn 19 and 21, *supra*, which have addressed the issue.

[***57] *HN19* Conversion of "rural land" to "urban uses" must be supported either by compliance with the requirements of Goal 14 or by an exception to that goal. This conclusion follows from the goal's express purpose "[t]o provide for an orderly and efficient transition from rural to urban land use" and its provision that "[u]rban growth boundaries shall be established to identify and separate urbanizable land from rural land," from the policies discussed in *City of Rajneeshpuram* and in earlier cases prohibiting "urban uses" of "rural land," and from the provisions of *ORS 197.732* and OAR chapter 660, divisions 4 and 14, authorizing the taking of exceptions to Goal 14. In practice, once an objector has charged that a decision affecting "rural land" outside an urban growth boundary is prohibited by Goal 14, a local government may do any one of three things: (1) make a record based on which LCDC enters a finding that the decision does not offend the goal because it does not in fact convert "rural land" to "urban uses"; (2) comply with Goal 14 by obtaining acknowledgment of an urban growth boundary, based upon considering of the factors specified in the goal; or (3) justify an exception [***58] to the goal.

Because LCDC's decision did not respond to 1000 Friends' objection in any of those three ways, it "erroneously interpreted a provision of law," namely Goal 14. See *ORS 183.482(8)(a)*. The Court of Appeals' reason for affirming LCDC's disposition of the issue, that the county had taken exceptions to Goals 3 and 4 to allow the same use, similarly did not go to any of the three ways of properly meeting the concern that to allow the alleged "urban uses" offended Goal 14.

However, in this case LCDC and the county argue alternative grounds for affirming the result reached by LCDC and the Court of Appeals. In *City of Rajneeshpuram*, the city obtained no acknowledgment, attempted to justify no exceptions, and admitted that it was converting "rural land" to [*478] "urban uses." Here, the county has not attempted

to extend any UGB to include the exceptions areas, but LCDC argues that the county did everything it would have had to do to justify exceptions to Goal 14, and the county argues that its exceptions areas do not in fact convert "rural land" to "urban uses." If this court could properly determine either that the county has performed the functional equivalent [***59] of exceptions to Goal 14 or that the county's plan does not convert any "rural land" to "urban uses," then there could have been no error in LCDC's decision not to require exceptions to Goal 14. There would be no reason to "set aside or modify the order" or to "remand the case" to LCDC, because the "correct interpretation" of Goal 14 in this particular case would compel no further "particular action" by LCDC, see *ORS 183.482(8)(a)*, once we determined that there was no need for exceptions to Goal 14.

B. Requirements for Exceptions to Goals 3, 4 and 14

LCDC argues that when the taking of exceptions to Goals 3 and 4 "indirectly but effectively results in the equivalency of an exception to Goal 14," a local government need not take a "committed" exception to Goal 14. Although the county's planning documents did not purport to justify any exceptions to Goal 14, and neither the staff report nor LCDC's acknowledgment order suggested that the plan did so, LCDC argues to us that the county's committed exceptions to Goals 3 and 4 satisfied the requirements for exceptions to Goal 14. The Court of Appeals seemed uncertain whether 1000 Friends was arguing for exceptions to Goal [***60] 14 *in addition to* or *as an alternative to* exceptions to Goals 3 and 4. See *73 Or App at 356-358* and nn 3-4. [***290] Because it found no cases holding that local governments that take exceptions to Goals 3 and 4 "to permit the nonresource use of land subject to the resource use requirements of those goals" must also take exceptions to Goal 14 "in order to allow the same use," and because Goals 3 and 4 "specifically regulate the use of [resource] land," the Court of Appeals found no "legal or logical reason" why the county should also have to take exceptions to Goal 14. *Id. at 357-58*. Thus, while 1000 Friends and LCDC agreed before this court, and we have held here, that local governments which convert "rural land" outside the UGBs to "urban uses" must either comply with or take exceptions to Goal 14, both LCDC and the Court of Appeals disposed of this case without [*479] expressing any view concerning either (1) what must be done to justify exceptions to Goal 14 or (2) precisely when such exceptions are required. There is no finding in either's decision, therefore, which purports to

²⁴ *1000 Friends of Oregon v. LCDC [Coos County]*, 75 Or App 199, 706 P.2d 987 (1985); *1000 Friends of Oregon v. LCDC [Jefferson County]*, 69 Or App 717, 688 P.2d 103 (1984); *Still v. Board of County Comm'rs*, 42 Or App 115, 600 P.2d 433 (1979).

determine that (as LCDC now claims for the first time) the county's exceptions [***61] to Goals 3 and 4 sufficed as exceptions to Goal 14.

Under the circumstances of this case, we must therefore determine as a matter of law the requirements for taking exceptions to Goal 14 and then examine whether either LCDC's findings, "which set[] forth the basis for the approval * * * of acknowledgment," ORS 197.251(5), or the county's findings and statements of reasons for approving the exceptions, ORS 197.732(4) and (6), can be read to satisfy those requirements. We hold that **HN20** properly taken "committed" exceptions to resource goals do not necessarily meet the requirements for "committed" exceptions to Goal 14 and that the specific exceptions taken here failed to meet those requirements.

We need not compare the requirements for "reasons" exceptions to the various goals. If the county's exceptions to Goals 3 and 4 sufficed for "built" or "committed" exceptions to Goal 14, "reasons" exceptions for the same land would be redundant, because only one kind of exception is needed for any particular piece of land. See OAR 660-14-040(1) and (2) **HN21** (requirement that "reasons" exception to Goal 14 be taken for "establishment of new urban development on undeveloped rural land" does [***62] not apply to "land subject to built and committed exceptions to Goals 3 or 4 but * * * developed at urban density or committed to urban level development.") (Emphasis added). If they did not suffice, the county justified no exceptions to Goal 14, because all parties agree that the county did none of the analysis necessary to justify "reasons" exceptions.

The parties focus the argument on requirements for "committed" exceptions but also appear to disagree about "built" exceptions. In the Court of Appeals, 1000 Friends conceded that **HN22** "[w]here [urban uses of rural lands] already exist, obviously a Goal 14 exception is not necessary." LCDC and the county agree. In this court, however, 1000 Friends says that a "built" exception to Goal 3 or 4 "obviously" differs from the same kind of exception to Goal 14 because

[*480] "an area can be lightly developed in such a way that agriculture is rendered impracticable but the land may still qualify under the definition of rural lands. Land which is built upon such that agriculture is impracticable may have a residential density of one house per 10 acres, which is clearly not an urban intensity of development."

[***63] Because this is the same point 1000 Friends makes in the more elaborate argument on "committed" exceptions, we shall return to it after resolving that argument.

1. *The Administrative Rules for "Committed" Exceptions*

HN23 Either of two administrative rules might apply to the taking of "committed" exceptions to Goal 14. Division 4 of OAR chapter 660 "interprets the exceptions process as it applies to statewide Goals 3 to 19," except as provided for in division 14 of the same chapter. OAR 660-04-000(1). Division 4 also contains a general rule for "committed" exceptions. OAR 660-04-028.

[**291] The scope of division 14 is unclear. It is entitled "Administrative Rule for Application of the Statewide Planning Goals to the Incorporation of New Cities," and the section on its purpose provides:

" ORS 197.175 requires cities and counties to exercise their planning and zoning responsibilities in compliance with the Statewide Planning Goals. This includes, but is not limited to, a city or special district boundary change including the incorporation or annexation of unincorporated territory. The purpose of this rule is to clarify the requirements of Goal 14 and to provide [***64] guidance to cities, counties and local government boundary commissions regarding incorporation of new cities under the Goals. This rule specifies the satisfactory method of applying Statewide Planning Goals 2, 3, 4, 11 and 14 to the incorporation of new cities." (Emphasis added.)

OAR 660-14-000. Division 14 contains a provision entitled "Incorporation of New Cities on Rural Lands Irrevocably Committed to Urban Levels of Development." OAR 660-14-030. The county maintains that since no incorporation is involved here, division 14 does not apply. However, both 1000 Friends and LCDC refer to OAR 660-14-030 as "the Goal 14 rule" for committed exceptions, as if it applies in contexts other than incorporation.

We believe **HN24** OAR 660-14-030 governs all "committed" [*481] exceptions to Goal 14. While three of its six sections appear to limit it to situations where there is an area "proposed for incorporation,"²⁵ [***66] the other three speak generally of decisions that land is "irrevocably

²⁵ OAR 660-14-030 **HN25** provides in part:

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committed to urban levels of development.”²⁶ The latter [*482] commitment and factors to be considered in sections [**292] state the general rule for determining deciding whether [***65] land is “committed.” Further, the

“* * *

“(2) A decision that land has been built upon at urban densities or *irrevocably committed to an urban level of development* depends on the situation at the specific site *proposed for incorporation*. The exact nature and extent of the areas found to be irrevocably committed to urban levels of development shall be clearly set forth in the justification for the exception. The area *proposed for incorporation* must be shown on a map or otherwise described and keyed to the appropriate findings of fact.

“* * *

“(5) Larger parcels or ownerships on the periphery of an area committed to urban densities may only be considered *committed to urban development* and included in the area *proposed for incorporation* if findings of fact demonstrate:

“(a) Urban levels of facilities are currently provided to the parcel; and

“(b) The parcel is irrevocably committed to nonresource use or is not resource land; and

“(c) The parcel can reasonably be developed for urban density uses considering topography, natural hazards or other constraints on site development.

“(6) More detailed findings and reasons must be provided to demonstrate that land is *committed to urban development* than would be if the land is currently built upon at urban densities. Land which cannot be shown to be built to urban densities or committed to urban development may not be included within the area *proposed for incorporation*, except as provided for in OAR 660-14-040.” (Emphasis added.)

²⁶ OAR 660-14-030 HN26 provides in part:

“(1) A conclusion, supported by reasons and facts, that rural land is *irrevocably committed to urban levels of development* can satisfy the Goal 2 exceptions standard (e.g., that it is not appropriate to apply Goal 14’s requirement prohibiting the establishment of urban uses on rural lands). If a conclusion that land is irrevocably committed to urban levels of development is supported, the four factors in Goal 2 and OAR 660-04-020(2) need not be addressed.

“* * *

“(3) A decision that land is *committed to urban levels of development* shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:

“(a) *Size and extent of commercial and industrial* uses;

“(b) Location, number and *density of residential dwellings*;

“(c) Location of *urban levels of facilities* and services; including at least public water and sewer facilities; and

“(d) Parcel sizes and ownership patterns.

“(4) A conclusion that rural land is irrevocably committed to urban development *shall be based on all of the factors listed in section (3) of this rule*. The conclusion shall be supported by a statement of reasons explaining why the facts found support the conclusion that the land in question is committed to urban uses and urban level development rather than a rural level of development.

“* * *”

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"purpose" of the rules in division 14 is not only to provide guidance for incorporation of new cities, but also "to clarify the requirements of Goal 14" generally. OAR 660-14-000. OAR 660-14-030 is also more specifically tailored to the taking of exceptions to Goal 14 than is the general "committed" exceptions rule, OAR 660-04-028. The former describes factors considered and findings required to determine that land is "committed to urban development," OAR 660-14-030, see nn 25-26, *supra* (all subsections), while the latter speaks only generally of "commit[ment] to uses not allowed by the applicable goal," OAR 660-04-028(1) and (3), or factors which prevent the "resource use" of lands. OAR 660-04-028(2)(c)(A).

[**67] The county argues that the validity of all the rules in division 14 "is in some doubt" after *Wasco County Court*. In that opinion we said that another provision, OAR 660-14-010(1), did not warrant our deference to agency interpretation because it varied from the policy and standards of Goal 14 and amounted to a *de facto* goal amendment. See *299 Or at 350, 369*. Relying on *Wasco County Court*, the Court of Appeals has declared that rule invalid as beyond LCDC's statutory authority. *McKnight v. LCDC, 74 Or App 627, 629-30, 704 P2d 1153 (1985)*.

However, neither *Wasco County Court* nor *McKnight* expresses any view about other rules in division 14, and the county does not explain how the decisions call these rules into question. *Wasco County Court* held that OAR 660-14-010(1) varied from the policies and standards of Goal 14 because the rule required an exception for an incorporation decision which could not by itself convert "rural land" to "urban uses"; by contrast, the county's decision to actually plan and zone land in particular ways possibly does so. See, *infra*, Part III.C. The county offers no reason to question the validity of OAR 660-14-030, [**68] and we hold that it is a valid rule which applies in this case.

HN27 The rule for "committed" exceptions to Goal 14, [**483] OAR 660-14-030, requires a more exacting analysis than does OAR 660-04-028, which governs "committed" exceptions to Goals 3 and 4. ²⁷ OAR 660-04-028(3) requires only that "one or more" of several factors (of which parcel size and ownership patterns seem the most important) makes resource use impracticable upon the land. ²⁸ The corresponding part of [**484] [**293] OAR 660-14-030 explicitly recognizes that lands may be built or committed to different intensities of development; it requires that local governments explain, based on "all of the factors" listed in

²⁷ OAR 660-05-010(5) **HN29** provides that OAR chapter 660, division 4, governs exceptions to Goal 3, and OAR 660-06-015(1) provides the same for exceptions to Goal 4.

²⁸ OAR 660-04-028(2) and (3) **HN30** provide:

"(2) Whether land has been irrevocably committed will depend upon the situation at the specific site and the areas adjacent to it. The exact nature and extent of the areas found to be irrevocably committed shall be clearly set forth in the justification for the exception, and those area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall address the following factors:

"(a) Existing adjacent uses;

"(b) Public facilities and services (water and sewer lines, etc.);

"(c) Parcel size and ownership patterns of the exceptions area and adjacent lands:

"(A) Consideration of parcel size and ownership patterns under subsection (2)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the divided land. Only if existing development on the resulting parcels or other factors prevent their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and nonresource parcels created pursuant to the applicable goals shall not be used to justify a committed exception.

"(B) Existing parcel sizes and their ownership shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered only as one farm or forest operation. The mere fact that small parcels exist does not alone constitute irrevocable commitment. Small parcels in separate ownerships are more likely irrevocably committed if the parcels are developed, or clustered in a large group as opposed to standing alone or are not adjacent to or are buffered from designated resource land.

"(d) Neighborhood and regional characteristics;

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the rule, the level of development to which the land is committed, and why. See OAR 660-14-030(2), (3) and (4), *supra*, nn 25 and 26 (emphasized portions other than "proposed for incorporation"). The division 14 rule also requires closer scrutiny of the intensity of development to which each individual parcel is built, committed, and suitable. OAR 660-04-028(4) provides in part:

*"Findings of fact and a statement of reasons that land subject to an exception is physically developed [***69] or irrevocably committed need not be prepared or adopted for individual parcels separately. Such units of land may be considered in combination as a single exception area. * * *"* (Emphasis added.)

OAR 660-14-030(5) and (6) **HN28** provide:

"(5) Larger parcels or ownerships on the periphery of an area committed to urban densities may only be considered committed to urban development and included in the area proposed for incorporation if findings of fact demonstrate:

"(a) Urban levels of facilities are currently provided to the parcel; and

"(b) The parcel is irrevocably committed to non-resource use or is not resource land; and

"(c) The parcel can reasonably be developed for urban density uses considering topography, natural hazards or other constraints on site development.

*"(6) More detailed findings and reasons must be provided to demonstrate that land is committed to urban development than would be if the land is currently built upon at urban densities. Land which cannot be shown to be built to urban densities or committed to urban development may not be included within the area proposed for incorporation, except as provided for [***70] in OAR 660-14-040." (Emphasis added.)*

Thus, it is entirely possible to take exceptions to Goal 3, Goal 4, or another resource goal without considering factors or making findings which LCDC has established as critical

to taking of exceptions to Goal 14.

[***71] 2. *Substantive Requirements for Exceptions*

[*485] **HN31** Even if exceptions to the resource goals and to Goal 14 were governed by the same administrative rule, the former would not generally suffice to meet the requirements for the latter. The analysis that must be done to justify exceptions to each goal, and the uses which exceptions to each goal allow, are quite different. Each goal requires and allows different kinds of uses; therefore, justifying "committed" exceptions to different goals requires findings that different kinds of uses are "impracticable." See ORS 197.732(1)(b). Exceptions to Goals 3, 4 and other resource goals cannot generally suffice as exceptions to Goal 14 because the former necessitate only a determination that a narrow category of uses, the particular resource uses required by the goal, are impracticable, while the latter necessitates a finding that not merely resource uses, but all other rural uses, are impracticable.

a. *The resource goals*

The parties agree that **HN32** to justify a "committed" exception to Goal 3's requirement that "[a]gricultural lands shall be preserved [**294] and maintained for farm use," Planning Goals at 6, a local [***72] government must show that the land cannot practicably be used for farming. Similarly, a "committed" exception to Goal 4's requirement that "[f]orest land shall be retained for the production of wood fibre and other forest uses," *id.*, requires proof that the land cannot practicably be put to "forest uses," as defined elsewhere in Goal 4. See, *supra*, Part I.B., 301 Or at 454. To justify a "committed" exception to any resource goal, a local government need only demonstrate that some level of development existing on adjacent land makes that resource use impracticable on the land.

The parties disagree, however, about what uses were allowed once the county took exceptions to Goal 3 or Goal 4. The county says that no provision of ORS 197.732, ORS chapter 215 (governing county planning and zoning), Goal 2, or OAR chapter 660 requires local governments to identify

"(e) Natural boundaries or other buffers separating the exception area from adjacent resource land;

"(f) Physical development according to OAR 660-04-025; and

"(g) Other relevant factors.

"(3) A conclusion that land is irrevocably committed to uses not allowed by the applicable Goal shall be based on one or more of the factors listed in section (2) of this rule. The conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion that it is impracticable to apply the Goal to the particular situation or area." (Emphasis added.)

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either the purposes of, or the proposed zoning for, a "committed" exceptions area. However, Goal 2 requires that the "implementation measures," including zoning ordinances, must be "consistent" with the plan, and ORS 197.250 requires that all land use provisions be "in compliance" with the goals. [*486] These [***73] "regulating realities," the county says, restrict allowable uses in the exceptions areas to "rural levels of uses, public facilities and services and development."

LCDC and *amicus* Metro say that exceptions to Goals 3 and 4 will allow any level of development that is no more intense than the existing adjacent uses which were used to justify the exceptions. Metro argues that if the basis in fact for determining that the commitment has occurred is that adjacent lands have been developed *at urban densities*, then the "committed" exceptions area may be filled in at "the identical urban density." LCDC asserts that if the "basis for the exception is a rural level of development and commitment," only a "rural level of development" is allowed.

1000 Friends says that "committed" exceptions to Goals 3 and 4 do not affirmatively authorize any particular uses:

"The terminology of 'commitment' is misleading because the county's only determination concerned the impracticability of agriculture on these properties. It did not consider whether particular nonagricultural uses *must* be developed on those properties, because that is not part of the test. * * * This kind of exception [***74] is called a 'commitment' exception implying a positive determination of the prospective non-agricultural use of the land. But in application it is a purely negative determination that one kind of use, agriculture, is no longer practicable. * * * [E]vidence is always and only directed toward the negative determination of the 'impracticability' of agriculture and not what use can or should be allowed on those parcels found to be 'built' or 'committed.'"

We agree with 1000 Friends that *HN33* an exception to Goal 3 or 4 does not, by itself, authorize particular uses of land. On the one hand, exceptions and other "regulating realities" do not limit uses in Goals 3 and 4 exceptions areas to "rural" ones as the county asserts. The plan and the zoning ordinances must be consistent with each other and in compliance with the goals, but Goal 2 and the statutes cited by the county do not indicate that the finding of impracticability for farm or forest use limits uses of land to rural ones. Such a finding only removes one restriction on the use of land, the requirement of resource use, making nonresource use possible. Only the other goals, *e.g.*, Goal

14, not any limitations contained [***75] within the [*487] resource goal exception itself, restrict the types of nonresource uses that the county may authorize in its zoning ordinances.

On the other hand, LCDC and Metro are incorrect that the existing level of development in adjacent areas is a justification for affirmatively authorizing like uses in the "committed" areas. *HN34* The "basis" for an exception to a resource goal is that a particular resource use is impracticable, and [**295] any "existing adjacent uses and other relevant factors" which make resource use impracticable will justify an exception. ORS 197.732(1)(b). Because no finding that adjacent uses are "urban" is necessary to the conclusion that farming or forestry is impracticable, an explicit or implicit finding that the existing adjacent uses are "urban" cannot be the "basis" for an exception to Goal 3 or 4. LCDC's own rules, moreover, do not allow a local government which merely shows that *resource* uses are impracticable to conclude that *other* uses are also impracticable so as to authorize uses that would require exceptions to other goals:

"An exception to one goal or goal requirement does not assure compliance with any other applicable [***76] goals or goal requirements for the proposed uses at the exception site. Therefore, an exception to exclude certain lands from the requirements of one or more statewide goals * * * does not exempt a local government from the requirements of any goal(s) for which an exception was not taken."

OAR 660-04-010(3).

By themselves, the county's exceptions to Goals 3 and 4 could neither define all restrictions upon uses of lands in the exceptions areas nor authorize particular uses of these lands. Those exceptions could suffice as exceptions to Goal 14 *only* if the showing that farm and forest uses were impracticable also established whatever is necessary to show that uses which Goal 14 allows outside UGBs were impracticable. See ORS 197.732(1)(b).

b. Goal 14

All three parties agree that commitment to non-resource use does not necessarily establish commitment to "urban uses," but LCDC and 1000 Friends disagree about what must be shown to be "impracticable" in order to justify an exception to Goal 14. LCDC says the required finding is [*488] that it is "impracticable to *prohibit urban uses*" on the land proposed for the exceptions area, while 1000 Friends

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[***77] contends the question should be whether it is "impracticable to allow rural uses." At first this seems like a distinction that makes no difference, but oral argument and post-argument responses have convinced us otherwise.

LCDC maintains that "even if a rural use is theoretically practicable an exception allowing urban uses may be taken if the county finds that it is impracticable to prohibit urban uses." For example, in a hypothetical area with some small, urban-sized developed parcels interspersed among large undeveloped lots, LCDC would find that it was impracticable to prohibit "urban uses" in the area as a whole and would allow "committed" exceptions for the undeveloped areas.

LCDC cites its approval of Clackamas County's Mount Hood Corridor Plan as an example of its interpretation.²⁹ There, the majority of a proposed 2,000-acre "committed" exceptions area was developed, divided into small parcels, and provided with community water, schools, fire, transportation and solid waste disposal services which LCDC called "urban in nature," but the area also included a 400-acre area of large, undeveloped lots. A recently-created sewer service district, which was constructing [***78] a \$ 5.3 million treatment plant financed by taxes assessed on all district properties, annexed the undeveloped area. LCDC asserts that in the Mt. Hood Corridor case it "concluded that the area was committed to urban uses, that an exception therefore had been justified, and that the urban planning and zoning designations within the undeveloped portions of the corridor could legally remain." (Emphasis added.) Had the inquiry been whether it was impracticable to allow rural uses, LCDC says, "no exception to allow urban uses could have been justified. As to all the undeveloped [***296] land, the \$ 5.3 million public investment would have been lost." LCDC's analysis there, it maintains, "in essence * * * demonstrated that it was impracticable to prohibit urban uses in light of existing levels of development, parcelization, and public facilities and services." Since "Goal [***489] 14 regulates urbanization, * * * the practicability of 'rural uses' is not an appropriate inquiry."

[***79] 1000 Friends argues that if rural uses are "practicable (meaning possible in actual practice)" on land outside a UGB, then a county cannot allow "urban uses" there; it denies that its argument is based, as LCDC asserts, on what may be "theoretically practicable." Thus, in the hypothetical area referred to above, 1000 Friends would not allow "urban uses" on the large undeveloped lots if any

"rural uses" are possible in actual practice. The parties cite no provision of Oregon law defining "rural uses," but 1000 Friends assumes, and the other parties agree, that these include the uses referred to in the Goal definition of "Rural Land":

HN35 "Rural lands are those which are outside the urban growth boundary and are

"(a) Non-urban agricultural, forest or open space lands or,

"(b) Other lands suitable for *sparse settlement, small farms, or acreage homesites with no or hardly any public services, and which are not suitable, necessary, or intended for urban use.*" (Emphasis added.)

Planning Goals at 24. 1000 Friends concludes that unless it is impracticable to use land for sparse settlement, small farms, or acreage homesites with few public services, no exception [***80] to Goal 14 is justified.

1000 Friends maintains that both the statutory language and the Mt. Hood Corridor case support its position. ORS 197.732(1)(b) and OAR 660-04-028(1) require a finding that "uses allowed by the applicable goal" are "impracticable," so the inquiry should be about the practicability of the allowed use (rural), not of some land use action by the county (prohibiting urban use). As for the Mt. Hood Corridor, 1000 Friends says that LCDC failed to explain why 10-acre residential lots (characterized by 1000 Friends as a rural use) were impracticable and that the service district incorrectly assumed that all its lands would be developed to "urban types and densities of uses."

We hold that **HN36** the statute requires local governments to support any exceptions to Goal 14 by demonstrating that it is *impracticable to allow any rural uses* in the exceptions area. [***490] ORS 197.732(1)(b) says unambiguously that "the uses allowed by the applicable goal" must be shown to be "impracticable." (Emphasis added.) LCDC adheres to this mandate in what it requires for exceptions to Goals 3 (farm use is impracticable) and 4 (forest use is impracticable), but inexplicably [***81] abandons this focus on the "uses allowed by" the goals in addressing Goal 14, creating what it admitted in oral argument is a "double negative." The statute does not permit LCDC to invert the inquiry depending on the goal to which exception is being taken.

²⁹ LCDC appended to its Response to the Court's Questions two continuance orders and the acknowledgment order in that case, *In the Matter of Clackamas County's Comprehensive Plan and Implementing Measures*, 83-ACK-14 (LCDC Feb. 9, 1983), along with excerpts from the staff reports.

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The interpretation LCDC urged before this court also undermines the policy of the land use goals. *HN37* The integrity of the planning system depends on planners starting from the assumption that lands will be used in compliance with the goals, unless "specific circumstances justify departure from the state policy embodied in a particular goal." See *City of Rajneeshpuram*, 300 Or at 11 (referring to exceptions process). As to Goals 3 and 4, LCDC starts by assuming that land must be preserved for resource uses and evaluates the practicability of using it for those purposes. The practice LCDC now advocates for exceptions to Goal 14 would go backward. It would allow local governments to start by asking whether any uses of the kind which the goal prohibits -- "urban uses" -- can be found in a given area outside the UGB and, if so, would allow local governments to find commitment of *that entire area* to "urban uses" on grounds that [***82] it is impracticable to entirely [**297] prohibit in an area uses that have already gained a foothold there.

LCDC's approach would thus invite a kind of bootstrapping that could thwart the policy of Goal 14. Because local governments and LCDC would not need to inquire what uses allowed by Goal 14 were still practicable on as-yet-undeveloped parcels, there would be nothing to limit the size of exceptions areas. Any local government which wished to create additional urbanizable land without going to the trouble of extending a UGB in compliance with Goal 14, or which disagreed with state land use planning mandates and wished to defy the system,³⁰ could draw the lines of an exceptions area [491] around as much land as it wanted, so long as the area contained some "urban" development which self-evidently would be "impracticable to prohibit." Unless the analysis supporting a "committed" exception focuses on how the existing development affects the practicable uses of the lands which are not yet developed, neither the local government nor LCDC has a basis for determining the geographical limits of the areas which are "committed" and for limiting urbanization outside UGBs. [***83]

The merits of the Mt. Hood Corridor decision are not before us, and the portions of that decision to which LCDC directs our attention do not support its interpretation of the standard for exceptions to Goal 14. The portion of the staff report in that case cited by LCDC characterizes the sewer system as an "urban service," but it makes no express finding that the entire service district, including the undeveloped 400 acres, is committed to "urban uses"; on the contrary, it discusses

whether all the facts concerning the area "commit *resource lands to nonresource use*." That 1981 report does not mention how Goal 14 applies to the area and, indeed, was written two years before LCDC promulgated the rules which provide for exceptions to that goal. See, *supra*, 301 Or at [***84] 460. The only reference to Goal 14 is in a later report where the staff rejects a challenge to designation of "urban" boundaries around unincorporated communities in the corridor:

"* * * Goal 14 boundaries are not required for these communities since they are unincorporated and do not meet the Statewide Goal's definition of 'urban land' which require such boundaries. A proper exception for each of these communities has been adopted by the County and no attempt to justify a Goal 14 urban growth boundary was made."

In other words, the staff believed (as in the staff report and acknowledgment order here, but not as in some other cases, see nn 19, 21, *supra*) that Goal 14 did not apply because no fixing of a UGB was involved; LCDC, LUBA, and we have since rejected that position. See generally Part III.A., *supra*. While the existing development in that case may well have been "urban" as that term is commonly understood, the staff articulated the justification for the land use decision in terms of commitment only to "nonresource" uses, not to "urban uses." In that case, LCDC did not recognize the need to determine, and it did not determine, whether all the [***85] land [492] within the Goals 3 and 4 exceptions areas was committed to "urban uses."

We do not think that the Mt. Hood Corridor decision, made without acknowledging the applicability of Goal 14, without determining whether critical portions of the lands at issue were "committed" to "urban uses," and before the law provided for exceptions to Goal 14, established a model for taking exceptions to that goal. As LCDC describes the decision, the risk of losing a public investment became an excuse for sweeping aside all consideration of Goal 14, rather than a factor in the analysis which that goal and the exceptions process require. If investment and financing schemes make all rural uses impracticable (e.g., economically impracticable), they may justify a "committed" exception to Goal 14 [**298] under the proper test. If they do not establish that impracticability, they merely serve as an impermissible pretext for the evasion of Goal 14.

3. The County's Exceptions and the Requirements

³⁰ See Cackle, *Rural Coalition Declares Range War on LCDC*, The Oregonian, November 17, 1985 at E1. Cf. OAR 660-04-000(2) ("* * * The exceptions process is not to be used to indicate that a jurisdiction disagrees with a goal.")

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LCDC's acknowledgment order was required to include "a clear statement of findings which sets forth the basis for the approval * * * of acknowledgment," ORS 197.251(5), and, because the [***86] plan it acknowledged contained exceptions, was also required to contain "a clear statement of reasons which sets forth the basis for the determination that the standards of [ORS 197.732(1), for adopting exceptions] have * * * been met." ORS 197.732(6)(c). Those findings and reasons could be based only upon a review confined to the record made before the county, comments and objections, the staff report, and oral arguments permitted by LCDC. ORS 197.251(4). **HN38** Our review of LCDC's order is similarly "confined to the record." ORS 197.650(1), 183.482(7). We hold that LCDC made no "statement of reasons" which could support a conclusion that the county satisfied the ORS 197.732(1)(b) requirements for exceptions to Goal 14 and that the record does not show that the county satisfied those requirements.

First, nothing in LCDC's staff report or acknowledgment order demonstrates or sets forth any basis for concluding that it would be impracticable to allow any rural uses in the "committed" exceptions areas. The 1982 staff report stated only that the areas were committed to "nonfarm and nonforest uses." In the 1984 report, LCDC stated, regarding [*493] some areas, that the land [***87] was committed to "residential" and other uses distinguished from "resource" uses, and regarding others that the facts supported the county's decision to "commit" lands without stating to what the lands were being committed. LCDC did not state that the commitment was to anything more definite than nonresource use or that it would be impracticable to use at least some of the lands for "sparse settlement, small farms, or acreage homesites with no or hardly any public services." See Definition of "Rural Land," part (b), *supra*, 301 Or at 489. To the contrary, for example, LCDC's characterization of the 71 "Developed and Committed Residential Lands" exceptions areas (i.e., all but the "Rural Communities" and "Undeveloped Subdivisions") indicates that such rural, nonresource uses could be, arguably, quite practicable:

"[A]ll these areas are comprised primarily of small lots less than 5 acres with dwellings interspersed with other similarly small vacant lots primarily in separate ownerships and distinctly smaller and separate from the much larger adjacent parcels designated for farm and forest uses."

For the "Undeveloped Subdivision" exception acknowledged in [***88] 1982, LCDC specifically said only that the land was "irrevocably committed" to *nonfarm and nonforest uses*, (emphasis added), and LCDC's 1984 findings

concerning two of the "Rural Communities" focus on explaining why *resource use* is impracticable on several large parcels. LCDC's findings cannot be read to state that the standards for exceptions to Goal 14 have been met. ORS 197.732(6).

Second, even assuming that when LCDC has not set forth a basis for exceptions to a goal, we could examine the local government's "findings of fact and * * * statement of reasons," ORS 197.732(4), to see if they can be read to set forth such a basis, we could not find "substantial evidence" in this record of a basis for "committed exceptions" to Goal 14. See ORS 183.482(8)(c). The Committed Lands Document as amended January 30, 1984, focuses on showing that land is "committed to nonresource use" and does not purport to show that the development on the "built" parcels or the existing level of public services makes "sparse settlement, small farms, or acreage homesites," definition of "Rural Land," *supra*, impracticable on the "committed" parcels. The county says that several larger [***89] (28 to 40-acre) parcels in some rural [*494] communities (Langlois, [**299] Ophir, and Nesika Beach) "can" or "could" be developed to "higher density" residential or "more intensive" commercial uses, but does not state why these or any other lands cannot practicably be put to nonresource rural uses. Like LCDC's orders and staff reports, the county's planning documents do not even acknowledge either the application of Goal 14 or the question whether the level of development to which these lands is "committed" is "urban," as issues in this case.

LCDC notes that the county, in taking its exceptions to Goals 3 and 4, did consider such factors as "the location[,] number and density of existing residential, commercial and **industrial** uses; availability of facilities and services; and parcel size and ownership patterns," factors very like those which the rule for "committed" exceptions to Goal 14 now requires to be addressed in a "decision that the land is committed to urban levels of development." Cf. OAR 660-14-030(3), set forth in n 26, *supra*. However, mere consideration and discussion of those factors cannot justify exceptions to Goal 14 if that process does not [***90] result in findings that the land is "committed to urban levels of development." The county did not make such findings, and LCDC's decision contained no statement that the county had done so. To take only one example where the record shows that the county could not have done so consistently with the administrative rules, we note that while OAR 660-14-030(3)(c) states that a decision that land is committed to urban development shall be based in part on a finding that the land has "urban levels of facilities and services[,] including at least public water and sewer facilities," the

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Committed Lands Document states that Agness has no public water or sewer facilities.

The "Urbanization" chapter of the county's Comprehensive Plan does discuss the Rural Communities and other exceptions areas. It says that most Rural Communities are defined by boundaries of principal utility (water or fire) districts "delineating the land area in which services can be provided that allow for higher density residential development." A brief description of each community follows, summarizing the same information as in the Committed Lands Document. The county describes the other exceptions areas as "other [***91] rural lands outside [UGBs] and rural communities which are substantially committed to nonresource use by the [*495] nature of existing land parcelization, physical development of parcels, clustering of development uses, and relationship to transportation routes, urban growth areas, and other special characteristics of the area." It says that 1,428 additional homes could be provided on the vacant lots within these areas, compares this additional capacity with projected population growth, and concludes that 1,829 more units outside of UGBs and exceptions areas will be needed to accommodate that growth. Later the county called its population estimate "inflated" and lowered it to eliminate the need for the 1,829 units. In its "Plan Policies Regarding Urbanization," the county concluded that it

*"recognized the rural communities * * * as an additional element of urbanization and * * * determined boundaries * * * based on the organized public utility districts and the existing land use * * * [and] recognizes rural lands * * * and their use of individual water sources and septic systems for sewage disposal and seeks to retain the rural character of these lands by [***92] limiting the development of higher levels of public facilities which will change the density of development."* (Emphasis added.)

LCDC did not consider whether that chapter of the Comprehensive Plan established commitment to "urban uses," and we cannot conclude that the plan did so. In three of the rural communities (Langlois, Ophir, and Nesika Beach), the county found that the lack of sewer systems "necessitates a large lot size for development use." Agness also lacks public water service. The discussions of "potential infill" in each community focus on future "growth needs" (based on the earlier, inflated projection) rather than considering which areas, if any, cannot practicably be put to nonresource [**300] rural uses. The county characterizes what it did as recognizing the exceptions areas as an "element of urbanization," but its planning documents do

not justify its having done so, because they do not even purport to show which areas, if any, are "committed" to "urban uses" under the proper legal standard.

Even if we inquired, as LCDC urges, whether it was impracticable to prohibit "urban uses," we would reach the same conclusion. We cannot conclude that it is [***93] impracticable to prohibit "urban uses" in any of the county's exceptions areas, because neither the county's planning documents nor LCDC's orders and reports (as distinguished from its lawyer's [*496] argument before us) contain any findings or statements that the existing level of development is "urban." Indeed, after oral argument, the county stated that it "has never (nor has it been LCDC required) found in any of its committed areas that 'it is impracticable to prohibit urban uses.'" Even if we assume that the land "committed" has been zoned for "infill" on parcels no smaller than those in the adjacent "built" areas, nothing in the record purports to show or to find that parcels of that size, which may be "impracticable to prohibit," is urban. Nothing even approaches the findings in the Mt. Hood Corridor case that the level of services was "urban" and that part of the investment in sewer services might be lost if further development was stopped. Thus, LCDC did not find, the record contains no basis for finding, and we cannot conclude that the uses that justified the exceptions to Goals 3 and 4 -- the uses which it would be "impracticable to prohibit" -- were "urban."

[***94] As stated earlier, the taking of exceptions to Goals 3 and 4 generally cannot, as LCDC suggests, "indirectly but effectively result in the equivalency of an exception to Goal 14." To take an exception to Goal 3 or 4, a local government need only show that commercial farm or forest use is impracticable, but to take an exception to Goal 14 the local government must show that it is impracticable to allow not only resource use, but also all other rural uses including "sparse settlement, small farms, or acreage homesites." Definition of Rural Land, Planning Goals at 24. The Court of Appeals erred in not recognizing that the greater showing required for exceptions to Goal 14 is the "legal or logical reason" why a local government which converts "rural land" to "urban uses" "should be required to supplement its exceptions to [resource] goals with an exception to Goal 14." See *73 Or App at 358*. It would be possible, of course, for a local government's analysis in support of exceptions to Goals 3 and 4 to contain findings that not only resource uses, but all rural uses, were impracticable, and for LCDC's report and order on review to so state. There is no way to read this record to [***95] say that LCDC's theory that the local government need only show that the "built" uses are "urban" is incorrect, because that showing alone does not

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determine what is practicable on lands not yet developed. LCDC, in any event, did not find that the county had made such a showing, and the record does not show that the uses are [*497] "urban." The theory LCDC presented to this court finds no support in the law and in this case could only be an after-the-fact rationalization because the record contains no evidence that either the county or LCDC applied that theory in their decisions.

4. The "Built" Exceptions

We also hold that *HN39* the requirements for "built" exceptions to Goal 14 differ from those for Goals 3 and 4. 1000 Friends is incorrect that the "built" exception requires any determination of "impracticability." The question is whether the land is "physically developed to the extent that it is *no longer available* for uses allowed by the applicable goal." (Emphasis added.) *ORS 197.732(1)(a)*. While "built" exceptions, unlike "committed" exceptions, do not require analysis of how development of some parcels affects practicable uses of others, the requirements for [***96] "built" exceptions to resource goals and to Goal 14 differ in the same manner as do requirements for committed exceptions. [**301] Proof that land is "no longer available" for farming or forestry does not establish that it is not available for "sparse settlement, small farms or acreage homesites with no or hardly any public services." Definition of "Rural Land," *supra*. For example, proof that land has been partitioned into 10-acre lots, each with a rural homesite and too small for commercial farming, would not by itself support zoning of that land for half-acre lots, apartments, or shopping centers. A local government that wants to zone land outside a UGB for urban uses based on a "built" exception to Goal 14 must show that the land has already been "physically developed" to "urban" levels and is no longer available for any rural uses. Here, LCDC did not find, and the record does not show, which, if any, uses in the "built" areas are "urban."

Because the county's exceptions to Goals 3 and 4 did not meet the requirements for exceptions to Goal 14, LCDC's acknowledgment order cannot stand if exceptions to Goal 14 were required in this case. Whether exceptions to Goal 14 [***97] were required turns on whether the county's plan permits the conversion of "rural land" to "urban uses."

C. Conversion of Rural Land to Urban Uses

In Part III.A., *supra*, we have reaffirmed our holding [*498] in *City of Rajneeshpuram* that *HN40* a local government may not "convert rural land" outside UGBs to "urban uses" unless it complies with or takes exception to Goal 14, *300 Or at 12*, and, in Part III.B., *supra*, have decided that what

the county and LCDC did here did not suffice as compliance or as an exception. In this case, unlike *City of Rajneeshpuram*, the parties dispute whether "rural land" is being "converted" to "urban uses."

1. Rural Land

We must first decide whether the county's exceptions areas are "rural land." LCDC's definitions and other phrases introduced by the parties create uncertainty, but the only reasonable construction of all these terms indicates that the areas are indeed "rural land."

HN41 Goal 14 uses the terms "urban," "urbanizable," and "rural" land. See the definitions set forth, *supra*, Part I.B. For purposes of Goal 14 analysis, we have assumed that all lands are either "urban," "urbanizable," or "rural." See [***98] *Wasco County Court, 299 Or at 350-51; Goal 14 Amendment. Case, supra, 292 Or at 737-38*.

Some language in the definitions, however, suggests that our assumption may have been incorrect. Land can be "urbanizable" only if it is within a UGB, and "rural" only if it is outside, but the definition of "rural land" can be read not to include absolutely all lands outside the UGB. It appears that to be "rural," lands outside the UGB must also be either resource land (part (a) of definition), or sparsely settled land "not suitable, necessary, or intended for urban use" (part (b)). See Definition of "Rural Land," *supra, 301 Or at 489*. Whatever else is out there is not "rural." Similarly, it appears there could be lands which are within a UGB but do not satisfy parts (a), (b), and (c) of the "Urbanizable Land" definition. See Definition of "Urbanizable Land," *supra, 301 Or at 456*. The definitions and goals do not label or say what is to be done about these hypothetical non-rural and non-urbanizable lands. See *supra, 301 Or at 456*.

When a UGB is acknowledged, lands become "urban," "urbanizable," and "rural" as described in the definitions. The Court of Appeals' [***99] reasoning in *Willamette University v. LCDC, 45 Or App 355, 369, 608 P2d 1178 (1980)*, is persuasive:

[*499] "While Goal 14 provides that all land within an acknowledged urban growth boundary is either urban or urbanizable, the definition of the term urbanizable land appears to impose three additional conditions before land is [to] be regarded as urbanizable. Yet these three elements [**302] of the definition are essentially the same as some of the seven factors listed in Goal 14 for consideration in establishing an urban growth boundary in the first place.

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"On balance, we are only able to conclude that urban and urbanizable lands lie within an acknowledged urban growth boundary while rural lands lie outside an acknowledged urban growth boundary.

* * *

"The above definitions make the most sense *after* a city's comprehensive plan, including an urban growth boundary, has been acknowledged by LCDC to comply with the statewide planning goals; they do not provide clear guidance for pre-acknowledgment application of the goals." (Emphasis in original.)

Goal 14 cannot be made to work under any other interpretation. **HN42** The goal says that UGBs shall [***100] "identify and separate urbanizable land from rural land." (Emphasis added.) Planning Goals at 13. Thus, no land is "rural" or "urbanizable" for purposes of the goals until a UGB has been acknowledged. The process of establishing a UGB determines which lands are "not suitable, necessary, or intended for urban use" and will remain "rural land." See Definition of "Rural Land," *supra*. The portions of the definition of "rural land" following the statement that it is "outside the [UGB]" describe two types of land which exist outside the UGB once it has been acknowledged: "part (a)" resource lands and "part (b)" lands for which exceptions to a resource goal have been taken. See *Braat v. Morrow City*, 3 LCDC 207, 213 (1980) (exception to Goal 3 must be taken to allow uses described in Part (b) of definition).

Both 1000 Friends, in speaking of "a continuum, urban, rural, and something in between," and LCDC, in referring to "quasi-urban" land, suggest that there is some land outside UGBs that is not "rural." The definitions and Goal 14, however, establish not a "continuum" but categories of land.

"Rural land" is of the two types described by parts (a) and (b) of the definition. [***101] The "something in between" "rural [*500] land" and "urban land" is obviously "urbanizable land," that land within the UGB which has not yet been converted to "urban uses." The "something in between" rural *resource* lands (part (a) of definition) and "urbanizable land" is "part (b)" rural land, that land excepted from resource uses but not included within a UGB. The "something in between" "part (b)" rural land and "urbanizable land" is the same thing that LCDC calls "quasi-urban" land.

HN43 "Quasi-urban" is the term LCDC and LUBA use to describe development of urban-like intensity located outside incorporated cities and UGBs. ³¹ LCDC and LUBA avoid labeling this development "urban" because the definition of "urban land" requires the presence of an incorporated city. *Medford v. Jackson Cty. 2 Or LUBA 387, 390 n 2 (1981), aff'd in part, remanded in part 57 Or App 155, 643 P2d 1352 (1982)*. LCDC argues that a "reasons" exception to Goal 14 is not required for areas "built" or "committed" to "quasi-urban" uses, but is required for areas involving "new urban development" outside UGBs. We agree. However, one cannot conclude that areas have been "built" or "committed" to [***102] "quasi-urban" uses until a local government has undertaken the analysis necessary to take "built" or "committed" exceptions to Goal 14. ³² The taking of an exception to Goal [**303] 14, whether of the "built," "committed," or "reasons" type, determines that land is "suitable, necessary, or intended for urban use" and takes it out of the definition of "part (b)" rural land. Once [*501] land has been identified as "rural land" by the establishment of a UGB which does not contain that land, see Goal 14, it ceases to be "rural land" only after it has been made the subject of an exception to Goal 14.

³¹ See *Medford v. Jackson Cty. supra*, n 19, 2 Or LUBA at 390-91. See also Acknowledgment of Compliance (LCDC staff report of July 11, 1983) accompanying *In the Matter of Wasco County's Comprehensive Plan and Land Use Regulations*, 83-CONT-192 (LCDC Sept. 7, 1983), at 4.

³² The leading LUBA case on "quasi-urban" areas supports this conclusion:

HN44 "[C]ircumstances may exist * * * whereby it may be necessary to recognize quasi-urban areas outside an urban growth boundary. We believe the most reasonable approach which achieves the purpose of Goal 14 is to follow Goal 2's exception process when determining whether quasi-urban uses may be located outside [UGBs] on resource lands as defined by the Goals. That is, the county may recognize the existence of White City and its built-up lands. Any expansion beyond what is already built on resource land would be undertaken with the ['reasons' exception process]. * * *

"We believe this process will preserve what we perceive as an intent throughout the goals to limit expansion of urban uses outside the urban areas."

Medford v. Jackson Cty., supra, n 19, 2 Or LUBA at 391. Now that exceptions may be taken to Goal 14, the exception process to be followed in recognizing quasi-urban uses is the one for "built" and "committed" exceptions to that goal.

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[***103] Because the county has not undertaken the analysis necessary to take any exceptions to Goal 14, Part III.B., *supra*, we cannot agree with LCDC that the exceptions areas are "quasi-urban" land which the county is entitled to infill without taking further exceptions. All of the land in the county outside the three cities' UGBs remains "rural land" because LCDC did not find in its decision that the county has shown that the land is "built" or "committed" to "quasi-urban" uses.

2. Conversion

The county argues that no exceptions to Goal 14 are necessary, because its Goal 3 and 4 exceptions areas do not *convert* "rural land" to "urban uses," but merely recognize existing development. This argument misunderstands "built" and "committed" exceptions as well as the policy of Goal 14.

In saying that both "built" and "committed" exceptions recognize existing development, the county disregards an important difference between the two. *HN45* "Built" exceptions recognize what already exists on the parcels for which exception is taken. "Committed" exceptions require an analysis of how existing development on some parcels affects practicable uses of others and "must be based on facts [***104] illustrating how past development has cast a mold for future uses." See *Halvorson v. Lincoln County*, No. 84-099 (Or LUBA July 19, 1985), slip op at 8. By definition, a "built" exception does not change the existing use, but a "committed" exception does permit the use to be changed as provided for in the actual zoning of the parcel. In claiming that its "committed" exceptions areas only allow development which already exists, the county overlooks both the general nature of "committed" exceptions and its own statement in the Committed Lands Document that "committed lands include some vacant lands which could provide areas for residential infill with *future development*." (Emphasis added).

We hold, moreover, that any decision which *allows* "urban uses" of "rural land" *converts* that land and must [*502] comply with or take exception to Goal 14, even if that decision does not change the use of the land. The statutory provision for "built" exceptions, *ORS 197.732(1)(a)*, and the policy of Goal 14 require this conclusion. By providing for "built" exceptions, the legislature decided that local governments may not simply recognize informally uses which do not conform [***105] to goal requirements. The city or county must inventory existing uses to identify which actually conflict with the goals, officially authorize these uses, and publicly articulate its reasons for legitimizing

them. This is not an empty formality, but a rational process that requires local governments to characterize existing development and consider its effects upon practicable and desirable uses of neighboring land. The "orderly and efficient transition from rural to urban *land use*" which Goal 14 is intended to effect cannot occur if a local government does not determine and state at the outset which areas outside of UGBs already contain "urban" (or "quasi-urban") uses.

3. Urban uses

Exceptions to Goal 14 are required if the uses to which the county authorized conversion [***304] of its "rural land" were "urban." We have recognized that because "urban uses" derives its significance from the presence of that phrase in a goal adopted by LCDC, we would give "some deference" to any decision by LCDC concerning the meaning and application of this phrase. *Supra*, 301 Or at 469. However, LCDC decided this case without considering whether the particular uses allowed by this [***106] county's plan were "urban uses," and we find in the other materials cited by the parties no definitive interpretation of that term enabling us to decide whether a plan allows "urban uses" in cases where LCDC has not addressed the issue.

1000 Friends argues, *see* Part II.B., *supra*, that the overall effect of the exceptions areas is to allow "urban uses," also pointing to specific areas where it believes the uses allowed by the county's zoning are "urban." The Agness Rural Community, a 491-acre area where the Illinois River joins the Rogue, is surrounded by the Siskiyou National Forest. It has 27 homes, "several resorts," a recreational vehicle park, a motel, a store, a restaurant, a library, a post office, a grade school, and a volunteer fire department, but it lacks public [*503] water and sewer systems. 1000 Friends complains that Agness now has an average parcel size of 19 acres, but the county has zoned 30 to 40 percent of the area for Rural Residential, one-acre minimum lot size, and another 40 percent for "Community Commercial" use.

Pistol River Central has 65 acres presently divided into eight parcels under six ownerships, 55 of those acres in parcels of at [***107] least nine acres, and houses on only two parcels, one of 13 and the other of two acres. 1000 Friends complains that the county has zoned the entire area for Rural Residential, five-acre minimum lot size, which would allow a six-fold increase in residential density.

Other residential areas of which 1000 Friends complains are Elk River/Swinging Bridge (zoned 2.5-acre minimum) and Hubbard Creek (5-acre minimum), in which the county's zoning would allow populations to quadruple.

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1000 Friends also says that the county's Planned Unit Development ordinance allows "apparently unlimited densities" in exceptions areas and that the more than 1,100 acres of commercial and industrial lands, for which the county took no exceptions to any goal, would be "urban."

1000 Friends has undoubtedly chosen what it considers the clearest examples of "urban uses" which the county's plan would allow in the exceptions areas, but we understand 1000 Friends to argue that these examples are representative. 1000 Friends does not indicate in how many areas it believes the county would allow similar intensification of development. The Committed Lands Document shows that many exceptions areas have core areas [***108] of from one-third to one-half of their land already developed at about the parcel sizes allowed by the county's zoning, but also have much larger, mostly undeveloped, parcels on their peripheries, which border on even larger and less developed parcels immediately outside the exceptions areas. It is clear that in these areas, the county's zoning allows for substantially greater residential densities than now exist.

It is not clear, however, whether those greater densities would be "urban." As we have already emphasized, the definitions that accompany the goals do not define "urban [*504] uses." They do say that "urban land" may have "concentrations of persons who generally reside and work in the area" and "supporting public facilities and services," but this does not tell us what *degree* of concentration, measured by what standard, makes uses "urban." Similarly, while OAR 660-14-030(3) lists criteria to be addressed in deciding "that land is committed to urban levels of development" --

- "(a) Size and extent of commercial and industrial uses;
- "(b) Location, number and density of residential dwellings;
- [**305] "(c) Location of urban levels of facilities and [***109] services; including at least public water and sewer facilities; and
- "(d) Parcel sizes and ownership patterns."

-- these criteria themselves do not say at what "size,"

"extent," "number," "density" or "ownership pattern" the line between urban and non-urban is to be found. Only the provision that "urban levels of facilities" exist only where there is "at least public water and sewer facilities" suggests such a line.

Even so, before this court all three parties make an effort to fill the definitional gap. 1000 Friends argues from past LCDC and LUBA cases which have defined urban uses "in bits and pieces, but not consistently," that the uses authorized by the county's plan are "urban." The county, selecting differently from the same cases, maintains that to the extent the existing uses are not already "urban," its plan does not make them "urban," either. LCDC says that "what is urban will depend greatly on the locale and the factual situation at a specific site," that in this factual situation the uses are "quasi-urban" and that, therefore, the "equivalency of an exception to Goal 14" has resulted.³³

[***110] LCDC and LUBA decisions indicate that parcel sizes at either extreme are clearly urban or non-urban, but establish no bright line in the range presented by this county's exceptions areas -- one-acre to five-acre minimums. We accept the concessions of 1000 Friends that residential density of one house per ten acres is generally "not an urban intensity," and [*505] of LCDC that areas of "half-acre residential lots to be served by community water and sewer" are "urban-type." We find no decisions which had trouble classifying lands at these extremes.³⁴ [***112] However, absent an authoritative interpretation from LCDC so stating, it is not for us to generalize, as Metro suggests, that any development which requires a sewer system, "usually * * * development of more than one unit per acre" is "urban," or as 1000 Friends urges, that any zoning at densities above one dwelling per three acres is "urban." Metro and the county persuasively identify sewer service as an important indicator of urbanization but cite no authority to prove that it should be conclusive; in any event, this record contains no finding about what residential density requires a sewer system under the particular conditions [***111] in Curry County. 1000 Friends' three-acre rule proposes a larger lot size than LCDC and LUBA have considered as possibly urban in most cases; it also makes no allowance for

³³ We agree with LCDC that what is "urban" depends heavily on the context, but we have already decided that the existing uses in the county's exceptions areas have not been shown to be "quasi-urban." Part III.C.1, *supra*.

³⁴ The county says that in *Halvorson v. Lincoln County*, No. 84-099 (Or LUBA July 19, 1985), a density of parcels greater than proposed here (41 lots on 25 acres) was found not to be urban. In that case, LUBA did not determine that such a density would not be urban but rather that the county had not shown that the area, which was in only 17 different ownerships and had only eight lots developed with residences, was already committed to urban use. The decision did not say the *proposed* density would not be urban; indeed, the context of the decision was an objection to the county's extension of a UGB, a virtual admission by the county that it considered the proposed density urban.

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considering other factors which LCDC and LUBA have treated as important, such as the size of the area, its proximity to acknowledged UGBs, and the types and levels of services which must be provided to it.³⁵ LCDC's [*306] lawyer stated at oral argument that [*506] "because of the varying density of urban fabric you'll find in the State of Oregon, * * * it's virtually impossible to draw a line and say, one-acre lots are urban, two-acre lots are rural." If that correctly states the agency's position, it is clear that LCDC is not prepared to draw a bright urban/rural line based on parcel size alone.

[**113] LCDC's staff report and acknowledgment order do not state, and the record contains no findings which indicate, whether the uses to be allowed in the residential exceptions areas are "urban." In several cases, n 35, *supra*, LUBA and LCDC have considered one-acre lots potentially "urban" and have indicated that larger lots may also be considered "urban" if they are close to a UGB or would require extension of certain services. The concern is that UGBs mean little if similarly-sized, similarly-served lots are as readily available just outside the UGBs as within them. The county says that only eight of its exceptions areas touch the UGBs. Perhaps cross-referencing between the Committed Lands Document and the zoning maps would reveal how many acres are zoned for which densities within certain distances from the three UGBs in the county. That information would still not indicate how those densities compare with those allowed just within the UGBs or what services might have to be provided.

The task of compiling and analyzing such data to determine its significance (if any) for identifying "urban uses" is not for this court. Even if we were presented with the data, we would be wrong [**114] to decide whether the uses are "urban" without analysis of the issue by the county, which is best situated to describe its authorized uses, and by LCDC, which itself adopted the goal that employs the term "urban uses" and thus has the responsibility for developing consistent policies for evaluating what "urban uses" means in different contexts. For example, if the county presented information comparing the proposed development with that within the [*507] UGBs, LCDC might resolve the "urban uses" question in the manner suggested in one LUBA opinion by asking if the uses are "of a kind and intensity characteristic of urban development" in nearby cities.³⁶ LCDC might instead decide that certain commercial and *industrial* uses, residential densities, levels of facilities, and parcel sizes are *per se* "urban uses" statewide. In this case, the county's planning documents, the staff report, and the acknowledgment order are silent on the issue with respect to the exceptions areas.

[**115] Similarly, the county and LCDC do not discuss whether the commercial and *industrial* uses proposed by the county outside the UGB are "urban." In past cases, LUBA and LCDC have implied that rural commercial and *industrial* development present as serious a threat to the policies of Goal 14 as do rural residences.³⁷ LUBA [*307] has said that among the factors considered in determining if a particular use is urban are whether it is "appropriate for, but limited to, the needs and requirements of the rural area to be

³⁵ The principal cases cited by the parties are *Patzkowsky v. Klamath Cty.*, 8 Or LUBA 64, 71 (1983) (requiring county to discuss whether subdivision into one-acre lots in area 14 miles from UGB and two miles from nearest unincorporated community would comply with Goal 14); *1000 Friends of Oregon v. Clackamas County*, 3 Or LUBA 316, 327, 330 (1981) (to designate one-, two- and five-acre residential zones without addressing their impact on UGBs violates Goal 14); *Medford v. Jackson Cty. supra*, n 19, 2 Or LUBA at 389-91 (describing as "quasi-urban" a 2,600-acre area between Medford and Eagle Point containing 4,300 residents and the largest concentration of *industry* in the county); *Metropolitan Serv. Dist. v. Clackamas Cty.*, 2 Or LUBA 300, 307 (1981) (holding that although 13 lots on 31 acres 1 1/2 miles from UGB, and 12 lots on 28 acres 1/2 mile from UGB, are not necessarily "urban" as a matter of law, "close proximity to UGB requires county to consider whether UGB "would be affected by the approval" of these subdivisions); *In the Matter of Linn County's Comprehensive Plan and Land Use Regulations*, 84-CONT-383 (LCDC Dec. 21, 1984, adopting staff report of Oct. 25, 1984), staff report at 33-34 (111-unit Planned Unit Development (PUD) on 117 acres requiring community sewer system violated Goal 14); *In the Matter of Lane County's Rural Comprehensive Plan and Land Use Regulations*, 84-ACK-201 (LCDC October 3, 1984, adopting staff report of June 29, 1984), staff report at 16, 50 (Cluster Subdivision on 500-acre parcel allowing 500 units on small lots with remainder in "common open space" would be an "urban" subdivision, not permitted in rural areas); *Ager v. Klamath Cty.*, 3 LCDC 157, 161, 177-79 (1979) (PUD of 700 to 800 residences, single and multiple-family dwellings on lots of one acre or less, and ten-acre shopping area would be "urban" level of development); *Umatilla & Hermiston v. Umatilla Cty.*, 2 LCDC 204, 218-19, 222-23 (1979) (1,100-resident mobile home subdivision outside cities' UGBs requiring "urban density services" such as water, sewers, fire protection, and schools violated Goal 14).

³⁶ This is the definition of "urban use" mentioned in passing by LUBA in *Halvorson v. Lincoln County*, No. 84-099 (Or LUBA July 19, 1985), slip op at 8, but not yet applied in any case we have found.

³⁷ The principal cases are *Ashland v. Jackson Cty.*, 2 Or LUBA 378, 382 and n 5 (1981) (designating area outside UGB for "Interchange Commercial" zone of strictly "tourist-oriented" businesses such as gas stations, motels, restaurants, and truck-stop facilities violated Goal

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served," and whether it is likely to become a "magnet" attracting people from outside the rural area. *Conarow v. Coos County*, 2 Or LUBA 190, 193 and n 4 (1981). Although the Comprehensive Plan characterizes the county's rural commercial and *industrial* lands as "lands which are presently committed to such use and some vacant lands that were previously in commercial or *industrial* use or are needed for future development * * *," the Committed Lands Document does not include, identify, or analyze these lands. The plan lists three commercial zones allowing differing levels of use, but does not indicate how much of the existing and future commercial lands are zoned "Heavy [***116] Commercial," the highest level of these. Nor does it indicate how [*508] much of the existing and future *industrial* uses might be of "urban" intensity. Even had LCDC considered this issue, it would have had little to go on.

[***117] The county, however, contends that to the extent development in the exceptions areas is not already "urban," the plan restricts provision of public facilities and services to these areas and so prevents them from becoming "urban." Goal 11, Guideline A.2, states:

"Public facilities and services for rural areas should be provided at levels appropriate for rural use only and should not support urban uses."

LUBA and LCDC decisions have concluded that this guideline prohibits provision of urban levels of services to rural areas. *Conarow v. Coos County*, 2 Or LUBA 190, 193 (1981); *Sandy v. Clackamas Cty.*, 3 LCDC 139, 148 (1979). The county says it "has placed considerable reliance upon Goal 11 regulation of rural and urban development in its plan and zoning ordinance," and that conversion of "rural land" to "urban uses" "was not possible in Curry County because of the Goal 11 restrictions on extra-UGB public facilities and services * * * (urban public facilities and services are prohibited outside UGBs)."

LCDC made no findings to the effect, and we cannot conclude, that the plan's "Goal 11 restrictions" as a matter of law prohibit "urban uses" in the county's [***118] exceptions areas. First, the restrictions on urban facilities in the areas are not absolute. The Goal 11 guideline uses the verb "should" rather than the mandatory "shall." The county says it "recognizes the rural areas of the county as being a rural service area and *does not encourage* the provision of

additional public services into these areas in order to preserve their rural character." (Emphasis added.) The Committed Lands Document does not give the zoning of the exceptions areas, and while the data sheets for each area indicate the existing "Transportation and Public Facilities" and the number of "Additional Dwelling Units Possible," they do not say what burden the additional units will put on existing services. For many areas, the "Transportation and Public Facilities" section does not say whether or not some services (e.g., water, police, and fire protection) discussed for other areas exist. There is no [*509] assurance that the exceptions areas will not demand, and be provided with, new "urban" level services.

Second, the county does not clearly define what it considers to be the line between "urban" and "rural" levels of services. At one point, the county offers [***119] these broad, inclusive definitions:

"Rural Facilities and Services-are facilities and services which the governing body determines to be suitable and appropriate [*308] solely for the needs of rural use.

"Urban Facilities and Services-are key facilities which are at least the following: police protection, fire protection, sanitary, storm drainage facilities, planning, zoning, and subdivision control, health services, recreation facilities, energy and communication services, and community government services."

At another point, however, it seems to distinguish the two mostly by availability of community water and sewers:

"Rural service levels are generally considered to be the provision of protective services (police and fire), electrical power, communication services and education.

"Urban level services are generally determined to be all of those services found in rural areas and also the provision of public water and sewage disposal * * *. The comprehensive plan recognizes the following public facility service areas in the county:

"(1) Rural service areas-basic protective services, energy and communication services and education available, water [***120] and sewage disposal on individual bases.

"(2) Rural community service areas-all services that exist in rural areas and also a public water

14); *Conarow v. Coos County*, 2 Or LUBA 190, 193 (1981) (2,500 square-foot building including rural neighborhood grocery store did not violate Goal 14); *Wright v. Marion County Board of Commissioners*, 1 Or LUBA 164, 170 (1980) (needs for non-farm, non-forest *industrial* uses must be satisfied from land included within UGB); *Sandy v. Clackamas Cty.*, 3 LCDC 139, 145, 155-56 (1979) (90,000 square-foot shopping center including supermarket, furniture store, clothing stores, music and record store, motel, and office space, located three to four miles outside UGB, would be urban).

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system together with a commercial center (store, post office, church, etc.)

"(3) Urban service areas-all services that exist in the above service areas and also sewage disposal. These areas are located within the [UGBs] * * *."

The county's shifting definitions further weaken the assurance that no "urban uses" will occur in the exceptions areas.

Third, the actual zoning does not necessarily correspond to the levels of service which the county has identified as [*510] existing or appropriate. The plan says that "[p]lan designations and zoning have been applied to lands within the county that are appropriate to the identified service levels"; the three rural residential zones are five-acre minimum "where lands are presently parcelized at that size and water availability is uncertain," 2.5-acre minimum where lands are parcelized at that size and "water availability is known to some extent," and one-acre minimum "where lands are highly parcelized and public or community water is available or approved individual wells exist [***121] on each lot proposed in a division of land." For 17 exceptions areas, however, the data sheets say nothing about available water, and few, if any, sheets mention "approved individual wells." Perhaps we should assume that in these areas no public water is available, but for many other areas the county expressly says so when this is the case. For some areas where the county does discuss water availability, the zoning is inconsistent with the plan's generalizations. On the one hand, the county zones three areas on the lower Rogue River for one-acre minimum rural residences, although the data sheet for one (Pedro Gulch/Squaw Valley Junction) says no public water is available, for the second (Jerry's Flat/Saunders Creek) does not mention water availability, and for the third (Jerry's Flat/Vista Loop) says that "[p]ublic water is available from the City of Gold Beach water main at the county road."³⁸ On the other hand, it zones for 2.5-acre minimums three areas near the Chetco River (Pleasant Hills, Tiderock, and Van Pelt Addition) which are already served by public water. Moreover, in two areas (McVay Creek and Lower Winchuck) the county has taken exceptions for areas where public [***122] water is now being extended to alleviate health hazards caused by contaminated water supplies, noting for each area that numerous "additional dwelling units" are "possible." The county, in short, does not consistently use either the level of

existing services or existing residential density [***309] as a reliable "governor" of urbanization outside the UGBs.

We do not hold that a plan's Goal 11 restrictions on extension of services can never serve as an adequate assurance that development on "rural land" will not become "urban [*511] uses." For example, a county could, in its plan, strictly prohibit provision of particular services to certain areas and types of "rural land"; it could [***123] also explain in its exceptions documents why the uses proposed would not require "urban" levels of services. This county's plan does neither.

Absent discussion by LCDC whether the county's plan would allow "urban uses" in the exceptions areas, we decline the county's invitation to hold that the plan does not convert "rural land" to "urban uses" (and therefore that exceptions to Goal 14 could not have been required). Because LCDC did not do the analysis necessary to determine whether the county's plan would allow the conversion of "rural land" to "urban uses," neither the Court of Appeals nor this court could be in a position to decide whether the county should have taken exceptions to Goal 14. LCDC's disposition of 1000 Friends' Goal 14 objection "erroneously interpreted a provision of law," *ORS 183.482(8)(a)*, because it is impossible "[t]o provide for an orderly and efficient transition from rural to urban land use," Goal 14, when the county and LCDC fail to do what is necessary to determine whether such a transition is taking place. Moreover, "a correct interpretation" of Goal 14 "compels a particular action," *ORS 183.482(8)(a)*: LCDC must determine whether the county's exceptions [***124] areas allow "urban uses." We must remand this case to LCDC so that it may do this analysis that the correct interpretation of Goal 14 requires.

IV. *Were the Exceptions to Goals 3 and 4 Valid Under Goal 2?*

The Court of Appeals declined to decide whether the underlying exceptions to Goals 3 and 4 comply with the requirements of Goal 2 and *ORS 197.732*. Although we granted review primarily to determine when exceptions must be taken to Goal 14, and the parties gave little emphasis to the Goal 2 issue in their written submissions and in oral argument, the validity of the exceptions to Goals 3 and 4 is important. For the exceptions that were valid, LCDC may properly (1) acknowledge every exceptions area

³⁸ We do not know whether this means that Vista Loop is actually served by the Gold Beach system at present, or merely that residents from the area could tap into the main at that point. In discussing other areas where public water is in use, the county tends to say that the area is "served" or "provided" with public water.

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in which it determines that the county is not proposing urban uses; and (2) assume for the areas in which the county's plan allows "urban uses" that impracticability of resource use (part (a) rural use) but not yet of other, Part (b) rural uses, has already been shown. For the exceptions that were invalid, LCDC must [*512] require the county to begin anew to justify all the exceptions areas, whether or not the county proposes urban uses.

A. *Issues Properly [***125] Before Us*

1. *The County's Exceptions Criteria*

The Court of Appeals erred in holding that the county's exceptions criteria need not be evaluated for conflicts with the state standards because the criteria have "no legal effect." 73 Or App at 352.

We agree that the criteria cannot be given any legal effect in the future, for statutes now provide that exceptions are treated either as comprehensive plan provisions (before acknowledgment) or as plan amendments (after acknowledgment), and that all plan provisions and amendments must comply with the goals. ORS 197.732(8), 197.250, 197.835(4). Therefore, the county must consider the goals, not the criteria in its own plan, both in justifying any exceptions it chooses to take on remand of this case and in taking post-acknowledgment exceptions. Whatever the Committed Lands Document says about the use of the county's own criteria to take the present exceptions to Goals 3 and 4, future exceptions are controlled by ORS 197.732, Goal 2, Part II, and OAR chapter 660. Any LCDC order finally acknowledging the county's plan must make clear (as the 1984 acknowledgment order did not) that LCDC does not acknowledge the county's criteria [***126] [***310] as a proper basis for taking future exceptions.

However, even though the criteria cannot be used to justify future exceptions, they are still important because the county actually used them to justify the exceptions presently before us. If the criteria omitted factors that the goals and administrative rules required to be taken into account, or included factors that should have been irrelevant, all of the exceptions could have been flawed. Thus, we must examine whether the use of these criteria resulted in deficient justifications for the exceptions.

2. *1000 Friends' Other Objections*

We also disagree with the Court of Appeals that 1000 Friends presented its objections to specific exceptions areas too "incoherent[ly]" to warrant judicial review. See 73 Or App at 352.

[*513] Like the Court of Appeals, we are frustrated that 1000 Friends' precise basis for objecting to each part of each exceptions area is not clear. Nevertheless, 1000 Friends argues persuasively that appellate briefs would become interminable if objectors were required to detail every objection regarding every piece of land.

Moreover, the question before LCDC is not whether an [***127] objector has met some burden of going forward with or proving an objection to the plan, but whether the record made shows that the local government has complied with the land use laws, including the goals. We recognized in Fish and Wildlife Department v. LCDC, 288 Or 203, 212-13, 603 P.2d 1371 (1979), that "LCDC is not in the position of an appellate court whose primary duty is deciding competing interests of litigants but, rather, it is an agency of government charged with monitoring land use decisions of other governmental bodies to make sure established standards are met." The statutes requiring local government planning to comply with the goals, ORS 197.175, and providing for LCDC acknowledgment of plans, ORS 197.251, support the allocation of burdens described by Judge Gillette:

"LCDC, in responding to 1000 Friends' objections to these areas, apparently placed the burden on 1000 Friends to show that the areas are not committed. That is improper. LCDC's role is to use all the information available, including that presented in objections, to make its independent determination of whether the county has shown that the exceptions are justified. LCDC should evaluate [***128] the strength of the county's case, not the weakness of the objector's."

1000 Friends of Oregon v. LCDC [Jefferson County], 69 Or App 717, 729 n 12, 688 P.2d 103 (1984). On appeal, the objector's burden of going forward can be limited to stating the factual and legal grounds for its objections and demonstrating that it developed a basis for these in the record before LCDC.

Here, 1000 Friends' brief to the Court of Appeals referred to portions of the administrative record that listed the exceptions areas to which it objected and indicated the following factual and legal arguments, for each of which it had developed a record:

- (1) The county's exceptions criteria "give improper [*514] weight to parcelization, which should not be considered independently from actual use of the land."
- (2) The county does not define "development," a term used in several of the criteria.

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(3) The criteria do not require precise statements why existing services irrevocably commit lands to nonresource use.

(4) The county should not have taken "built" and "committed" exceptions to Goal 3 for lands that were "actually in [commercial lily bulb] farm use" when the exceptions were [***129] taken, because it cannot be "impossible" or "impracticable" to farm land that is actually being used for farming.

(5) The county should not have included "large, apparently vacant parcels on the periphery" of the Rural Communities in its "committed" exceptions.

The first three grounds for objection went to the underlying basis for all the exceptions. [***311] As to the fourth and fifth grounds, 1000 Friends specified both in its objection letter in the record and in its brief examples of areas where the alleged deficiencies existed.

1000 Friends met its burden as objector because it (1) placed in the record a complete list of the exceptions areas to which it objected; (2) described the types of factual and legal deficiencies upon which it based the objections; and (3) gave examples of areas where each type of deficiency allegedly existed. An objector who does these things gives the local government a sufficient opportunity to respond, gives LCDC an opportunity to resolve the issues, and, if it summarizes the arguments and cites to the record on appeal, gives the court a basis for identifying and resolving contested

issues. A court which demands that objectors do more [***130] before it will consider their arguments imposes an improper burden on objectors and, more importantly, implies that LCDC can disregard its duty to "make its independent determination" of a local government's compliance as to all portions of a plan which objectors do not contest. See *Jefferson County, supra*, 69 Or App at 729 n 12. We consider 1000 Friends' Goal 2 objections as sufficiently presented.

B. The Merits

[*515] 1. *The Exceptions Criteria*

Although the county's criteria did not precisely track the language of the factors in LCDC's "committed" exceptions rule that was in effect in 1982, former OAR 660-04-025(3),³⁹ LCDC's 1982 staff report stated that the criteria were "consistent" with those factors. The table in LCDC's brief in the Court of Appeals convinces us that each of the factors in the LCDC rule was addressed somewhere in the county's criteria and/or its data sheets. Moreover, any "one or more" of the factors in former OAR 660-04-025(3) could serve as the basis for each exception. Former OAR 660-04-025(4).

[***131] However, the 1982 staff report and the briefs of both the county and LCDC neglected to consider that former OAR 660-04-025(5) and (6) spelled out more specific matter for local governments to take into account if the local governments relied on one particular factor, "Parcel size and ownership patterns," as the basis for exception:

³⁹ Former OAR 660-04-025(3) and (4) (repealed by LCDC 9-1983, effective Dec. 30, 1983) provided:

"(3) An assessment of whether land is built upon or irrevocably committed to uses not allowed by the applicable goal shall be based on findings of fact, supported by substantial evidence in the record of the local proceeding, that address the following:

- "(a) Adjacent uses;
- "(b) Public facilities and services (water and sewer lines, etc.);
- "(c) Parcel size and ownership patterns;
- "(d) Neighborhood and regional characteristics;
- "(e) Natural boundaries; and
- "(f) Other relevant factors.

"(4) A conclusion that land is built upon or irrevocably committed to uses not allowed by the applicable goal shall be based on one or more of the factors listed in section (3) of this rule. The conclusion shall be supported by a statement of reasons explaining why the facts found compel the conclusion that it is not possible to apply the goal to the particular situation or area."

301 Ore. 447, *515; 724 P.2d 268. **311; 1986 Ore. LEXIS 1467, ***131

"(5) Consideration of parcel size and ownership patterns shall include *how the existing development pattern came about and whether findings against the goals were made at the time of partitioning or subdivision. Past land divisions made without application of the goals shall not be used to demonstrate commitment of the divided land unless development on the resulting parcels prevents their resource use or* [*516] *the resource use of nearby lands. Farm and nonfarm parcels created pursuant to goal 3 and EFU zoning provisions shall not be used to justify a built or committed exception.*

"(6) Existing parcel sizes and their ownership shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under [*312] [***132] one ownership shall be considered only as one farm. The mere fact that small parcels exist does not alone constitute commitment. Whether small parcels in separate ownerships are irrevocably committed will depend on whether the parcels stand alone or are clustered in a large group, and the location of the parcels relative to designated resource land." (Emphasis added.)

These provisions, maintained in substance in the present "committed" exceptions rule,⁴⁰ indicate an intent to recognize parcelization itself as sufficient justification for commitment only (1) when it (a) results from proper application of the planning goals, (b) results in parcels that cannot be used together because adjacent ones are in different ownership, and (c) actually affects the present practicable uses of the land; or (2) when the type of development on the parcels actually prevents resource use.

The county's exceptions criteria and data sheets generally [***133] failed to consider those additional matters in their discussion of parcelization. Neither the criteria nor the data sheet format requires any consideration of how the parcelization came about, and in fact few, if any, data sheets say whether the goals were considered when the parcels were created. The county omitted consideration of matters which the administrative rule requires, as the Court of Appeals has correctly observed, "to determine if future development is the unavoidable result of the * * * area's

growth or whether it will continue previous patterns which themselves developed contrary to the goals." *Jefferson County, supra, 69 Or App at 728.* The maps accompanying the data sheets have symbols indicating common ownership, but the criteria do not indicate ownership as a factor affecting commitment; the format does not have any space for it to be, or require it to be, considered; and few, if any, data sheets in fact consider how common [*517] ownerships of adjacent parcels affect practicable uses. The county appears to consider parcels "developed" if they have residences of any kind so that the criteria allow parcels actually in farm or forest use to be considered [***134] "developed" simply because they have residences. (One exceptions criterion states that "[d]eveloped parcels of ten to thirty acres are included in a committed area if bordered on at least two sides by smaller developed parcels.") Based on its criteria, the county, contrary to the "committed" exceptions rule, could find areas "committed" based simply on the small size of parcels bordering the areas and/or the presence of residences. In several instances, the county's "Evaluation Comments" stating the ultimate justification for exceptions in fact relied on nothing more than those two factors to find commitment of quite large parcels.⁴¹ In others, the only additional justifications are matters that neither the rule nor the county's own criteria make relevant to determining commitment, such as the mere presence of a road bordering the parcel.⁴²

[***135] Because LCDC acknowledged exceptions areas based on justifications that did not address the matters in former *OAR 660-04-025(5)* and (6), its exercise of discretion was "[i]nconsistent with an agency rule" and this part of its order must be remanded. *ORS 183.482(8)(b)(B)*. On remand, LCDC should review the "Evaluation Comments" to determine which exceptions were justified only by parcelization. Before acknowledging any of those exceptions, LCDC must determine, based either upon the factors listed in *OAR 660-04-028(2)(c)(A)* and (B) (how parcels came about, ownerships, actual uses, type of "development" [**313] existing) or upon the factors other than parcelization listed in *OAR 660-04-028(2)(a)* and (b) (existing adjacent uses, public facilities and services), that the county's findings and reasons demonstrate that the pertinent resource use is impracticable. *ORS 197.732(6)(b)* and (c).

[*518] 2. *Validity of Particular Exceptions*

⁴⁰ *OAR 660-04-028(2)(c)(A)* and (B), set forth in n 29, *supra*.

⁴¹ *E.g.*, Mid-Squaw Valley, Squaw Valley-McKinney Drive, North Bank/Edson Creek, and Pedro Gulch/Squaw Valley Junction.

⁴² *E.g.*, South Frankport (presence of "roads within this area"); Lower Squaw Valley (large parcel "can be considered committed because Squaw Valley Road borders this piece on two sides"); Canfield Bar ("This parcel is located between the other two parcels and has frontage on the county road. For these reasons this parcel can be considered committed.").

301 Ore. 447, *518; 724 P.2d 268, **313; 1986 Ore. LEXIS 1467, ***135

We confine our review here to the objections 1000 Friends articulated in its appellate brief: that "farm use" should not be found impracticable on lands actually being farmed and that large, undeveloped parcels on peripheries should [***136] not have been included in Rural Communities exceptions areas.

The record shows that LCDC did not consider the first objection. In the 1984 proceedings, 1000 Friends presented the argument and the photographs purporting to show that land in some exceptions areas was actually in resource use. The 1984 staff report characterized 1000 Friends as "reiterat[ing]" objections made in 1982, "formerly addressed" by LCDC, and not upheld in 1982. However, the objection about land actually in resource use had not even been before LCDC in 1982. By lumping this ground of objection with grounds already rejected, LCDC failed to address its merits.

If land is actually in a use allowed by a resource goal, the county ought to make findings and state reasons, and LCDC should clearly state the reasons why "existing adjacent uses and other relevant factors" nevertheless "make uses allowed by the applicable goal impracticable," to justify a "committed" exception to a resource goal for that land under ORS 197.732(1)(b). See ORS 197.732(4), (6)(c). We agree with LCDC that the former "not possible" and the present "impracticable" standard are not the same. A May 27, 1983 memorandum to the Senate [***137] Committee on Environment and Energy stated that the drafters intended "the terms 'irrevocably committed' be interpreted by [LCDC] to avoid any Court interpretations which would define this phrase in absolute terms." Nevertheless, the instances where existing resource uses cannot practicably be continued, and the reasons why, must be explained by the local government and evaluated by LCDC.

The county concedes that "[f]arm use parcels were necessarily included within the committed area through application of [the county's exceptions] criteria." It argues that its inclusion of these parcels is justified because they are part of the Harbor Bench Farm District, said to be the product of "a unique management concept," which overlays several exceptions areas and "protects the valuable * * * resource land in spite of adjacent residential/commercial development and [*519] in spite of high intensity farming

impact upon this existing development." The county maintains that the zoning for resource lands in the District is "identical" to exclusive "farm use" zoning and that the designation of the District allows planning decisions to be made "on an integral basis with regard to the [***138] agricultural capability of the area." Whatever the merits of the farm district management concept, however, ORS 197.732(1)(b) does not permit the county to implement it by taking exceptions to Goals 3 and 4 for land on which farm use is still practicable.⁴³

On remand, LCDC must determine which parcels in the areas objected to and photographed by 10000 Friends are actually in "farm use."⁴⁴ LCDC may not acknowledge exceptions areas which include parcels in farm use unless it finds that the record shows why existing adjacent uses [***314] and other relevant factors (as described [***139] by LCDC's rule for "committed" exceptions) make "farm use" impracticable.

In 1982, LCDC sustained the objection to the Rural Communities, specifying that the county should provide more information about the large peripheral parcels. After the county submitted amendments in 1984, LCDC acknowledged the exceptions for the Rural Communities, citing for Langlois, Ophir, and Nesika Beach factors such as topography limiting practical resource use, development of parcels with multiple dwellings, natural features buffering parcels from adjacent resource lands, and complete surrounding of parcels by small parcels developed for uses incompatible with resource use. There is substantial evidence in the record for each fact upon which LCDC relied in citing those factors, and the factors cited are all recognized in the "committed" exceptions rule, OAR [***140] 660-04-028(2). LCDC noted that Agness is within a federal- and state-designated wild and scenic river area, where commercial forest practices would cause serious conflicts with [*520] the purposes of that designation. The record contains substantial evidence supporting that finding, and this was a proper "other relevant factor" upon which the county and LCDC could rely in concluding that resource use is impracticable. OAR 660-04-028(2)(g).

Unlike the situation for some "committed" areas, the findings that resource use was impracticable in the Rural

⁴³ Even if the Harbor Bench Farm District could only be implemented by including farm parcels in exceptions areas, that fact would not justify our disregarding the "impracticability" test. We note, moreover, that the "unique management concept" does not depend on the entire district being excepted from Goals 3 and 4; the county's maps show that the District contains several areas of land that are not within any exceptions area.

⁴⁴ That determination is required only for the exceptions areas in which 1000 Friends has claimed that land is actually being farmed: the areas listed in Record Exhibit 13.

301 Ore. 447, *520; 724 P.2d 268, **314; 1986 Ore. LEXIS 1467, ***140

Communities relied on more than mere parcelization. As to the exceptions to Goals 3 and 4 for these areas, LCDC's findings were "supported by substantial evidence in the record," ORS 183.482(8)(c), and LCDC acted consistently with its own rules in considering the factors that it did. We affirm LCDC's acknowledgment of the Rural Communities exceptions to Goals 3 and 4.

V. Conclusion

HN46 Our function is not to decide the details of *land use* planning controversies, but to resolve major doubts over the legal principles governing the planning system, to clarify how local governments and LCDC are to comply with the planning [***141] laws. The core of the local governments' role consists of identifying which goals pertain to which land, then deciding whether to plan for uses which comply with the goals or to take proper exceptions to permit other uses. The inclusion of Goal 14 among the goals requires local governments to determine which existing uses are "urban," to identify areas where the plan might convert "rural land" to "urban uses," and to justify those "urban uses"; it requires LCDC to evaluate whether the local government has made those determinations properly and has considered the proper factors in justifying any development that is "urban."

Although we have treated 1000 Friends' objections to the county's plan as sufficient for judicial review of important legal issues, they must now be made more specific, so that LCDC may consider the individual exceptions areas on remand. It is not clear from 1000 Friends' objection letters, briefs, petition, and memoranda precisely which areas it objected to only on Goal 2 grounds (exceptions to Goals 3 and 4 not justified), which only on Goal 14 grounds ("urban uses" improperly authorized), and which on both.

Where the development allowed by the county's [***142] plan [*521] outside the UGBs includes "urban uses," the county's plan converts "rural land" to "urban uses" which will have to be supported by changes in the UGBs or by exceptions to Goal 14. On remand, 1000 Friends should identify the portions of the exceptions areas in which it claims that the uses allowed by the county's plan are "urban"; the county should then either explain why it believes the uses allowed are not "urban," or, if they are "urban," make a record to demonstrate, as is required by ORS 197.732(4), that the standard for "committed" exceptions to Goal 14 have been met (that is, that it is impracticable to allow any rural uses). Of course, the county may choose instead to seek "reasons" exceptions to Goal 14, pursuant to ORS 197.752(1)(c), for any areas in which it

concedes its zoning would allow "urban uses," but on which it believes it cannot prove impracticability of rural use.

[**315] Before acknowledging that the plan complies with the goals, LCDC must determine that the plan allows no "urban uses" outside the UGBs which are not supported by exceptions to Goal 14. To make that determination, LCDC must enter findings based upon the record before it, [***143] stating in which (if any) of the exceptions areas the plan allows "urban uses." See ORS 197.251(5). For any such areas, LCDC, bound by the county's findings for which there is substantial evidence in the record, must clearly state the reasons why the standards for "built," "committed," or "reasons" exceptions to Goal 14 have been met. ORS 197.732(1), (5). "Committed" exceptions to Goal 14 must be supported by an explanation of why "existing adjacent uses" and "other relevant factors" described by OAR 660-14-030 make it impracticable to allow any rural uses. ORS 197.732(1)(b) and (6)(c). We reiterate that the interpretation of "urban uses" is primarily for LCDC, subject to judicial review only for consistency with the statutes authorizing LCDC to adopt the goals and with the policies of the goals themselves. LCDC, however, must develop some interpretation of "urban uses," either by formulating a general definition or by elaborating the meaning *ad hoc* from case to case. LCDC may even choose to address that issue and other definitional problems noted in this opinion by amending the goals, guidelines, or definitions in accordance with ORS 197.235 to 197.245, or by promulgating [***144] new or amended administrative rules, in accordance with ORS chapter 197 and ORS 183.325 to 183.410.

[*522] Because 1000 Friends objected to the exceptions criteria as a legally deficient basis for justifying all the Goal 3 and 4 exceptions areas, and we have held that the criteria were deficient, LCDC should not require 1000 Friends to identify the areas which the county justified only by the improper reliance on mere parcelization and unspecified "development." It is LCDC's responsibility to identify the basis for each exception and to acknowledge exceptions only for those areas as to which the county has made a legally sufficient showing that the pertinent resource uses are impracticable. LCDC must also determine which parcels in the challenged exceptions areas are in "farm use" and on which any such parcels, in light of that use, the county has shown that "farm use" is impracticable.

The Court of Appeals is reversed on its disposition of the Goal 14 issue (sixth assignment of error), and affirmed in part and reversed in part on its disposition of the Goal 2 issues (first and second assignments of error). The case is

301 Ore. 447, *522: 724 P.2d 268, **315; 1986 Ore. LEXIS 1467, ***144

remanded to LCDC for further proceedings in accordance
[***145] with this opinion.

Concur by: PETERSON

Concur

PETERSON, C.J., concurring

I agree that a county must take an exception to Goal 14 in order to authorize an urban use outside a UGB, that the

taking of exceptions to Goals 3 and 4 is not equivalent to the taking of an exception to Goal 14, that the county should have taken an exception to Goal 14 in authorizing uses which could be termed "urban uses" outside an existing UGB, and that the case must be remanded for the reasons stated in the majority opinion. I therefore concur in the result.

53 Or. LUBA 514; 2007 Ore. Land Use Bd. App. LEXIS 33

Oregon *Land Use* Board of Appeals

March 21, 2007

LUBA No. 2006-157

Reporter

53 Or. LUBA 514; 2007 Ore. Land Use Bd. App. LEXIS 33

VinCEP, DOMAINE DROUHIN and JASON LETT, Petitioners, and ILSA PERSE, Intervenor-Petitioner, vs. YAMHILL COUNTY, Respondent, and DAVID KAHN and THE HAZEL E. TIMMONS TRUST, Intervenor-Respondent

Prior History:

[**1] Appeal from Yamhill County.

Disposition: REMANDED

Core Terms

hotel, wine, urban, rural, urban development, site, proposed use, urban growth, accommodate, vineyard, winery, luxury, assigned error, economic activity, adjacent, intervenor, nearby, zone, essential character, necessary to support, tourist, parcel, tourism, natural resources, local government, rural land, residential, resort, valley, drive

Synopsis

[*517] **NATURE OF THE DECISION**

Petitioners ¹ appeal a county decision approving exceptions to Statewide Planning Goals 3, 4 and 14 and related comprehensive plan and *land use* regulations to allow construction of a 50-room luxury hotel in an agricultural area.

Counsel

Edward J. Sullivan and William K. Kabeiseman, Portland, filed the petition for review and argued on behalf of petitioners. With them on the brief were Carrie Richter, Garvey Schubert Barer, PC and Ilsa Perse.

No appearance by Yamhill County.

Roger A. Alfred, Portland, filed the response brief and argued on behalf of intervenor-respondents. With him on the brief were Michael C. Robinson and Perkins Coie, LLP.

Panel: BASSHAM, Board Chair; HOLSTUN, Board Member; RYAN, Board Member, participated in the decision

Opinion By: BASSHAM

¹ Petitioner VinCEP is an organization of Oregon wine growers. The other named petitioners are also wine growers. Petitioner Domaine Drouhin is a vineyard and winery located adjacent to the subject property.

Opinion

FINAL OPINION AND ORDER

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.

[**517contd]

[EDITOR'S NOTE: The page numbers of this document may appear to be out of sequence; however, this pagination accurately reflects the pagination of the original published documents.]

FACTS

The subject property is a 65-acre [**2] parcel located two to three miles and roughly equidistant from the nearby cities of Dayton, Lafayette and Dundee, in a premier wine-growing region known as the Red Hills of Dundee. The parcel is designated Agriculture/Forestry Large Holding and zoned for exclusive farm use (EFU). The dominant soil types on the property are Jory soils that are suitable for agricultural uses, including vineyards. However, the property is not currently farmed. Surrounding uses include a bed and breakfast, vineyards, wineries, and other resource uses.

Intervenors-respondent (intervenors) propose to develop a luxury "wine country" hotel on a southern 12-acre portion of the subject parcel, on a ridge that is the highest part of the property. The remainder of the 65-acre parcel will remain in [*518] EFU zoning. The county's decision describes the proposal as follows:

"The applicants' proposal is to develop a hotel modeled after certain high-end wine country hotels in Napa Valley--specifically, Auberge du Soleil, Calistoga Ranch and Meadowood. The hotel will be relatively small, with approximately 50 rooms, a restaurant, a spa, and limited meeting facilities. The proposed hotel will support and enhance the Yamhill [**3] County economy by providing a unique luxury hotel in the heart of wine country that will allow wine country tourists to stay in Yamhill County rather than in Portland. In order to provide the requisite destination wine country experience similar to the identified Napa Valley hotels, the hotel must be located in a quiet and idyllic rural setting that affords privacy as well as expansive views of the surrounding wine country, and must also be in close proximity to wineries with tasting rooms." Record 4.

After conducting a hearing, the county board of commissioners voted to approve the application, adopting a "reasons" exception to applicable statewide planning goals. This appeal followed.

INTRODUCTION

ORS 197.732 and Goal 2, Part II(c) permit a local government to plan and zone land for uses not allowed under applicable statewide planning goals if the local government identifies "[r]easons [that] justify why the state policy embodied in the applicable goals should not apply." OAR 660-004-0020(2) elaborates on the four principal factors that must be addressed under the statute and Goal 2.² OAR 660-004-0022 sets out the [*520] types of "reasons" that can justify exceptions to

² OAR 660-004-0020(2) provides, in relevant part:

"The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

"(a) 'Reasons justify why the state policy embodied in the applicable goals should not apply': The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;

"(b) 'Areas which do not require a new exception cannot reasonably accommodate the use':

"(A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

various [**4] specific goals. For uses not specifically addressed in OAR 660-004-0022, OAR 660-004-0022(1) sets out a "catch-all" provision that lists a non-exclusive set of reasons sufficient to justify an exception.³ [**521] For exceptions that involve urban uses on rural lands, OAR 660-004-0022(1) directs local governments to address the requirements of OAR 660, chapter 014, specifically the standards at OAR 660-014-0040.⁴ See *DLCD v. Umatilla County*, 39 Or LUBA 715, 723-24 (2001) [**522] (in adopting a reasons exception to allow an urban use on rural land, the county must apply OAR

"(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

"(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

"(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

"(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

"(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

"(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

"(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

"(d) 'The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts'. * * *"

³ OAR 660-004-0022(1) provides:

"For uses not specifically provided for in subsequent sections of this rule or in OAR 660-012-0070 or chapter 660, division 14, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:

"(a) There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Goals 3 to 19; and either

"(b) A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

"(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site."

⁴ OAR 660-014-0040 provides, in relevant part:

53 Or. LUBA 514, *522; 2007 Ore. Land Use Bd. App. LEXIS 33, **4

660-014-0040, and need not apply OAR 660-004-0022(1) or [*523] (2)); *Caine v. Tillamook County*, 25 Or LUBA 209, 220 (1993) (same). The first four assignments of error challenge the county's application of the foregoing administrative rules.

[**5]

[**6]

FIRST ASSIGNMENT OF ERROR

A. Applicability of OAR 660-014-0040

The county viewed the proposed hotel to be "urban development," and accordingly evaluated the proposed reasons exception under the standards set out in OAR 660-014-0040. Petitioners contend that the proposed hotel is not "urban development," given the emphasis the applicant and county place on locating the hotel in a rural setting. If the proposed hotel is not "urban development," petitioners argue, OAR 660-004-0020 and 660-004-0022 supply the standards governing the proposed exception, and the county erred in applying OAR 660-014-0040. Specifically, petitioners contend that the catch-all standards set out in OAR 660-004-0022(1) potentially apply, and therefore the county may be required to determine that there is a "demonstrated need" for the proposed use, and either that "[a] resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource," or "[t]he proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site." OAR 660-004-0022(1). [**7] See n 3.

Intervenors respond, and we agree, that the county correctly concluded that the proposed hotel is "urban development" for purposes of OAR 660-014-0040. While it is frequently difficult to draw clear distinctions between "urban" and "rural" development, a 50-unit deluxe hotel that, in the county's words, is intended to "allow wine country tourists to stay in Yamhill County rather than in [the City of] Portland" is more accurately viewed as urban development. It is true, as

"(1) As used in this rule, 'undeveloped rural land' includes all land outside of acknowledged urban growth boundaries except for rural areas committed to urban development. This definition includes all resource and nonresource lands outside of urban growth boundaries. It also includes those lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density or committed to urban level development.

"(2) A county can justify an exception to Goal 14 to allow establishment of new urban development on undeveloped rural land. Reasons that can justify why the policies in Goals 3, 4, 11 and 14 should not apply can include but are not limited to findings that an urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource.

"(3) To approve an exception under section (2) of this rule, a county must also show:

"(a) That Goal 2, Part II (c)(1) and (c)(2) are met by showing that the proposed urban development cannot be reasonably accommodated in or through expansion of existing urban growth boundaries or by intensification of development in existing rural communities;

"(b) That Goal 2, Part II (c)(3) is met by showing that the long-term environmental, economic, social and energy consequences resulting from urban development at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other undeveloped rural lands, considering:

"(A) Whether the amount of land included within the boundaries of the proposed urban development is appropriate, and

"(B) Whether urban development is limited by the air, water, energy and land resources at or available to the proposed site, and whether urban development at the proposed site will adversely affect the air, water, energy and land resources of the surrounding area.

"(c) That Goal 2, Part II (c)(4) is met by showing that the proposed urban uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts considering:

"(A) Whether urban development at the proposed site detracts from the ability of existing cities and service districts to provide services; and

"(B) Whether the potential for continued resource management of land at present levels surrounding and nearby the site proposed for urban development is assured."

courtney johnson

petitioners point out, that the applicant and the county describe the proposed hotel in ways that emphasize the desirability, at least, of a rural setting for the hotel. However, for reasons discussed below we do not believe the cited desirability of a "rural setting" renders the proposed 50-unit deluxe hotel a rural [*524] use, for purposes of adopting a reasons exception under OAR 660-014-0040.

Petitioners also argue that while the *hotel* may be an "urban" use in a general sense, it is not "urban development" as that term is used in OAR 660-014-0040. Petitioners note that OAR 660-014-0040(2) gives an example of a reason that suffices to justify "urban development" in rural areas, that is, an "urban population [**8] and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource." See n 4. Petitioners contend that the only "economic activity" here is the hotel itself, and that it is bootstrapping for the county to find that the economic activity that makes urban facilities and services necessary will also supply those services and facilities.

OAR 660-014-0040(2) provides that the reasons that justify urban development on rural land "include but are not limited to" circumstances where "urban population and urban levels of facilities and services are necessary to support an economic activity that is dependent upon an adjacent or nearby natural resource." We address below, under the third assignment of error, petitioners' challenges to the county's findings directed at that reason. However, for present purposes, it is clear that the scope of the term "urban development," as used in OAR 660-014-0040, is not limited to the non-exclusive example set out OAR 660-014-0040(2). As we already have explained, we agree with the county that a 50-unit deluxe hotel is properly viewed as urban development.

B. Applicability [9] of OAR 660-004-0020 and 660-004-0022**

Alternatively, petitioners argue that if the proposed hotel is urban development and OAR 660-014-0040 applies, that rule does not constitute the exclusive set of applicable rule standards. According to petitioners, OAR 660-004-0020 and 660-004-0022 interpret the requirements of ORS 197.732 and Goal 2, Part II, and therefore those rule provisions apply to any exception taken under the statute and goal, including the present reasons exception. Petitioners argue that the holding in *1000 Friends of Oregon v. Yamhill County*, 203 Or App 323, 332-334, 126 P3d 684 (2005), supports their view that OAR 660-004-0020 and 660-004-0022 apply in addition to the requirements of OAR 660-014-0040.

As intervenors note, OAR 660-004-0000(1) states that OAR chapter 660, division 004 interprets the exception process as it applies to statewide Goals 3 to 19, "[e]xcept as provided for in OAR chapter 660, division 14[.]"⁵ Similarly, OAR 660-004-0022(1) appears to exempt from that rule "uses not specifically provided for in * * * OAR chapter 660, division 14[.]" See n 3. Reading those rules together, it is reasonably [**10] clear that the Land Conservation and Development Commission (LCDC) intends that a reasons exception for proposed urban development on rural land be evaluated under OAR chapter 660, division 014, instead of OAR 660-004-0020 or 660-004-0022, as we held in *DLCD v. Umatilla County* and *Caine v. Tillamook County*.

The more recent case petitioners cite, *1000 Friends of Oregon v. Yamhill County*, lends little assistance to petitioners. That case [**11] involved a reasons exception for a transportation facility under former OAR 660-012-0070. The Court of Appeals held that the county must apply both the Goal 12 rule and OAR 660-004-0020. Significantly, the then-applicable versions of OAR 660-004-0000 and OAR 660-004-0022(1) did not include the language that exists in the present rule, which exempts reasons exceptions under OAR 660-012-0070 from the requirements of OAR chapter 660, division 004. In other words, following *1000 Friends of Oregon v. Yamhill County*, LCDC apparently amended the relevant rules to effectively overturn the holding that petitioners rely on. OAR 660-004-0000(1) and OAR 660-004-0022(1) now specify in

⁵ OAR 660-004-0000(1) provides:

"The purpose of this rule is to explain the three types of exceptions set forth in Goal 2 'Land Use Planning, Part II, Exceptions.' Except as provided for in OAR chapter 660, division 14, 'Application of the Statewide Planning Goals to Newly Incorporated Cities and to Urban Development on Rural Lands' and OAR chapter 660, division 12, 'Transportation Planning', section 0070, 'Exceptions for Transportation Improvements on Rural Land,' this division interprets the exception process as it applies to statewide Goals 3 to 19." (Emphasis added.)

STATE OF OREGON
COUNTY OF HOOD RIVER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That U.S. PLYWOOD CORPORATION
of P. O. Box 210, Hood River, Oregon 97031, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of
Tony Creek

a tributary of Middle Fork Hood River for the purpose of
manufacturing (Hardboard plant)

under Permit No. 30324 of the State Engineer, and that said right to the use of said waters
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby
confirmed dates from March 30, 1955

that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
2.50 cubic feet per second

or its equivalent in case of rotation, measured at the point of diversion from the stream
The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, T. 1 N., R. 9 E., W. M.,
1710 feet South and 2675 feet West from NE Corner, Section 25.

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to of one cubic foot per second
per acre,

The right allowed herein is subject to the terms and conditions of a stipulation
recorded on pages 695 and 696, Volume 4, Miscellaneous Records of the State
Engineer, and by reference is made a part hereof.

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is
appurtenant, is as follows:

Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)
Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)
Section 7
T. 1 N., R. 10 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of
use herein described.

WITNESS the signature of the State Engineer, affixed

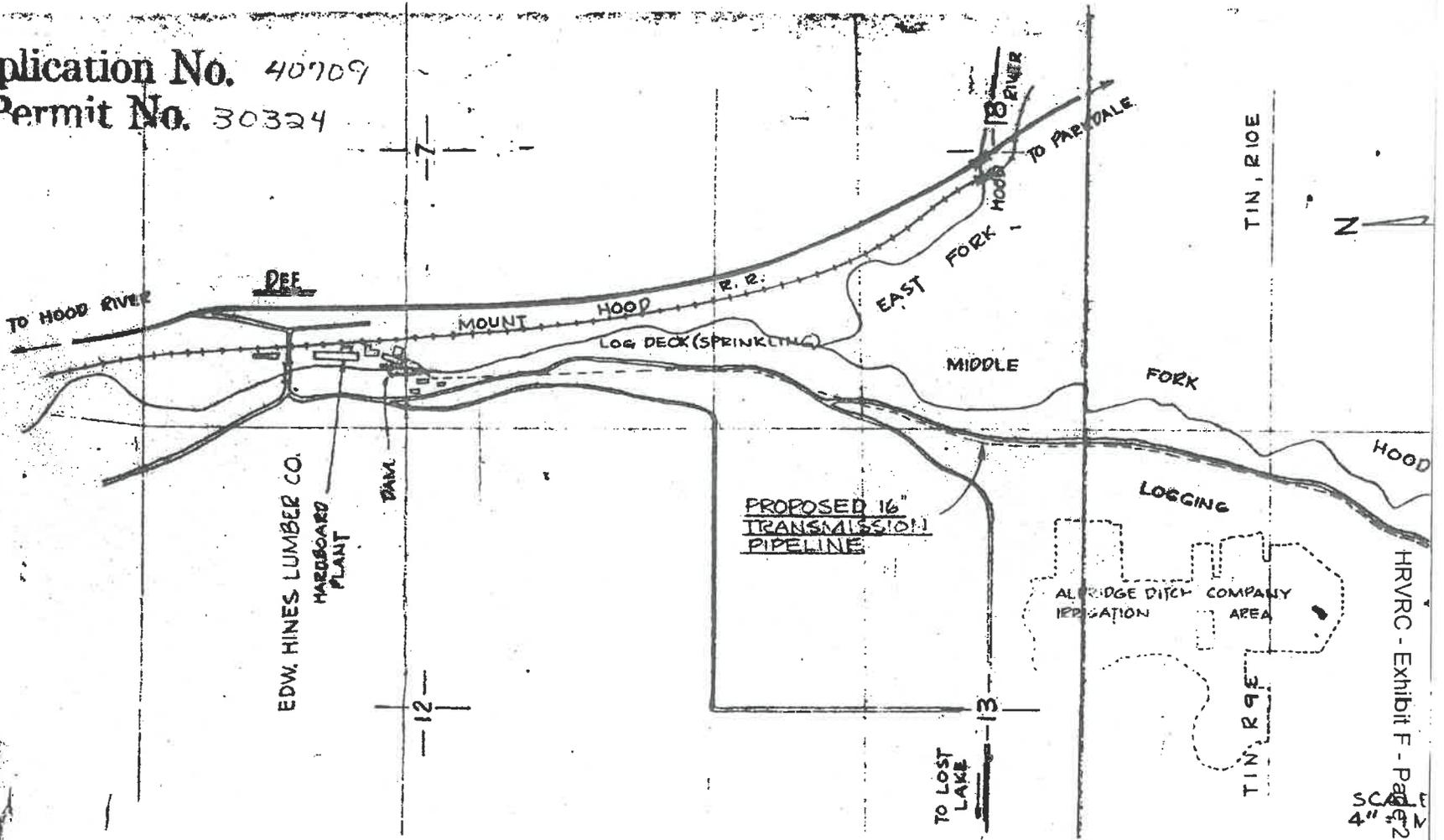
this date. March 20, 1973

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39054

Application No. 40709
Permit No. 30324



EDW. HINES LUMBER CO.
MILLBOARD PLANT

DAM

PROPOSED 16"
TRANSMISSION
PIPELINE

AL RIDGE DITCH COMPANY
IRRIGATION AREA

LOGGING

TIN RICE

TIN RICE

N

HRVRC - Exhibit F - Page 2 of 8

SC
4"

RECEIVED
MAR 30 1965

Permit No. 30324

STATE ENGINEER
SALEM OREGON APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, Edward Hines Lumber Company
(Name of applicant)
of P. O. Box 210, Hood River
(Mailing address)

State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation
August 9, 1889, Ogden, Utah

1. The source of the proposed appropriation is Tony Creek
(Name of stream)
a tributary of Hood River (Middle Fork)

2. The amount of water which the applicant intends to apply to beneficial use is 14.0
cubic feet per second.
(If water is to be used from more than one source, give quantity from each)

3. The use to which the water is to be applied is manufacturing
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 1710.0 ft. S and 2675.0 ft. W from the N. E.
(N. or S.) (E. or W.)
corner of Section 25, T1N, R9E, W. M.
(Section or subdivisions)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)

being within the SE 1/4 of NW 1/4 of Sec. 25, Tp. 1 N
(Give smallest legal subdivision) (N. or S.)
R. 9 E, W. M., in the county of Hood River, Oregon
(E. or W.)

5. The steel pipeline to be approximately 15,000 ft.
(State ditch, canal or pipe line) (Miles or feet)
in length, terminating in the W 1/2 of Sec. 7, Tp. 1 N
(Smallest legal subdivision) (N. or S.)
R. 10 E, W. M., the proposed location being shown throughout on the accompanying map.
(E. or W.)

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam 0 feet, length on top 40⁺ feet, length at bottom
feet; material to be used and character of construction Reinforced concrete
(Lime rock, concrete, masonry, etc.)

sill structure with diversion and screening box
(rock and brush, timber crib, etc., washway over or around dam)

(b) Description of headgate Removable stop logs and guides for pool level
(Timber, concrete, etc., number and size of openings)
control

(c) If water is to be pumped give general description None
(Name and type of pump)

(Name and type of engine or motor to be used, total head water to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Copies of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

30324

Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 15,000 ± ft.; size at intake, 16 in.; size at ft. from intake in.; size at place of use 16 in.; difference in elevation between intake and place of use, 450 to 460 ft. Is grade uniform? Approximately. Estimated capacity, 14 sec. ft.

8. Location of area to be irrigated, or place of use

Township North or South	Range E. or W. of Meridian	Section	Part-acre Tract	Number Acres To Be Irrigated
1 N	10 E	7	NW 1/4 of NW 1/4	.
			SW 1/4 of NW 1/4	
			NW 1/4 of SW 1/4	
			SW 1/4 of SW 1/4	
1 N	10 E	18	NW 1/4 of NW 1/4	.

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.

Tp., R., W. M.

(f) Is water to be returned to any stream?

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

30324

Municipal or Domestic Supply

10. (c) To supply the city of _____

County, having a present population of _____

and an estimated population of _____ to be _____

(b) If for domestic use state number of families to be supplied _____

(Number of families to be supplied)

11. Estimated cost of proposed works, \$ 160,000

12. Construction work will begin on or before 1 July 1965

13. Construction work will be completed on or before 1 November 1965

14. The water will be completely applied to the proposed use on or before 1 December 1965

[Signature] General Manager
Edward Hines Lumber Co., Dee Division

Remarks: _____

STATE OF OREGON, }
County of Marion; } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19____

WITNESS my hand this _____ day of _____, 19____

STATE ENGINEER

By _____ ASSISTANT

PERMIT

STATE OF OREGON,

County of Marion,

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 14.0 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Tony Creek.

The use to which this water is to be applied is manufacturing (hardboard plant and mill)

This permit is issued subject to the terms and conditions of a stipulation recorded on pages 695 and 696, volume 4, Miscellaneous Records of the State Engineer, and by reference made a part hereof.

If for irrigation, this appropriation shall be limited to of one cubic foot per second or its equivalent for each acre irrigated

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is March 30, 1965

Actual construction work shall begin on or before May 24, 1966 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1967

Complete application of the water to the proposed use shall be made on or before October 1, 1968

WITNESS my hand this 24th day of May 1965

[Signature]

STATE ENGINEER

Application No. 40709
Permit No. 3032A

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 30th day of March 1965, at 2:00 o'clock P. M.

Returned to applicant:

Approved: May 24, 1965

Recorded in book No. 3032A of Permits on page

CEGIS L. MURPHY
Drainage Basin No. 4 page 26

Fees

State Printing Unit

STATE OF OREGON

COUNTY OF HOOD RIVER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That EDWARD HINES LUMBER COMPANY, Dee Division
of P. O. Box 210, Hood River, State of Oregon, has a right to the use of
the waters of East Fork Hood River

for the purpose of fire protection, log washing, condenser cooling, cold deck sprinkling, and process water,

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Hood River County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 6, at page 200; that the priority of the right thereby confirmed dates from September, 1905;

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 29.3 cubic feet per second, being 5.1 c.f.s. for fire protection, 2.7 c.f.s. for log washing, 15.5 c.f.s. for condenser cooling, 5.0 c.f.s. for process water, and 1.0 c.f.s. for cold deck sprinkling.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

W $\frac{1}{2}$ NW $\frac{1}{4}$
W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 7
T. 1 N., R. 10 E., W. M.

The certificate of water right issued to Oregon Lumber Company and recorded at page 15008, Volume 12, State Record of Water Right Certificates, was superseded by a certificate issued to Edward Hines Lumber Company and recorded at page 29370, Volume 21, after the right to the use of 284.5 c.f.s. for development of power was cancelled and the right to the use of 37.5 c.f.s. for the development of power was transferred to other uses by order of the State Engineer. This certificate is issued to confirm the uses of 29.3 c.f.s. for the purposes described herein, approved by an order of the State Engineer, entered January 31, 1962, pursuant to the provisions of ORS 540.510 to 540.530.

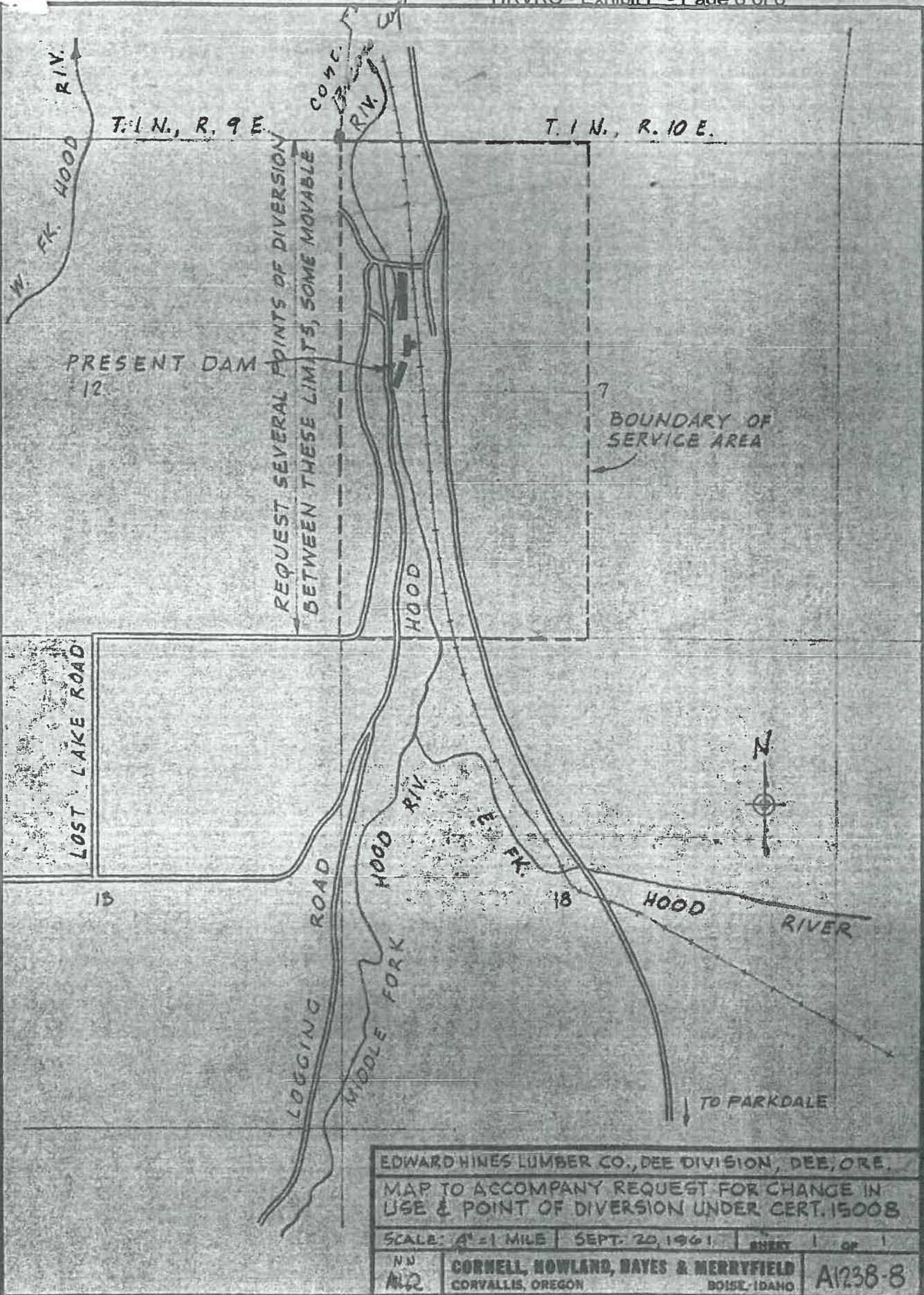
And said right shall be subject to all other conditions and limitations contained in said decree. The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

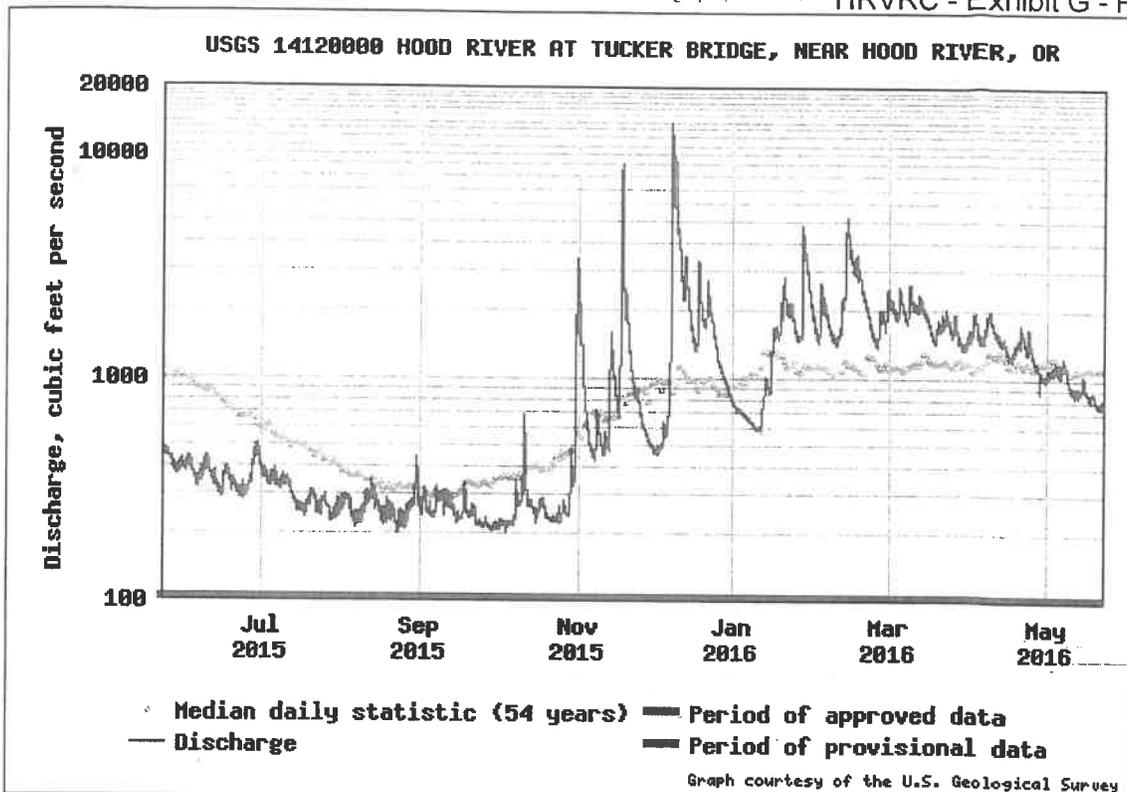
WITNESS the signature of the State Engineer, affixed
this 11th day of December, 1962.

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 30440







General Site Information

Site:	Dee Forest Products - Linseed Disposal Pit (ECSI Site ID: 817)	CERCLIS (EPA) Id	089456370
Project Manager:	<u>N/A - Project Completed.</u>	Investigative Status:	Listed on the Confirmed Release List or Inventory
PM Phone:		NPL(National Priority Listing):	No
Address:	17542 River RD Dee, 97031	Is this site an Orphan?	No
County:	HOOD RIVER	Is this site a brownfield?	No
Region:	Eastern Region	Action Underway or Needed:	No Further Action (Conditional)
		<u>Click for more details</u>	

NOTE: This site has one or more long-term controls designed to manage site risks. [Click here](#) for details.

Click on the Photograph to see a larger version.



ECSI 817

Oregon Department of Environmental Quality
Headquarters: 811 Sixth Ave., Portland, OR 97204-1390
phone: 503-229-5696 or toll free in Oregon 800-425-4011
TTY: 503-229-6993 FAX: 503-229-6124

The Oregon Department of Environmental Quality is a regulatory agency authorized to protect Oregon's environment by the [State of Oregon](#) and the [Environmental Protection Agency](#).

[DEQ Web site privacy notice](#)

983711 (7)

EQUITABLE SERVITUDE AND EASEMENT

This Equitable Servitude and Easement is made August 5, 1998 between Dee Forest Products Inc. (DFPI or Grantor) and the Oregon Department of Environmental Quality (DEQ or Grantee).

RECITALS

A. Grantor is the owner of certain real property located in Hood River County, Oregon, the location of which is more particularly described in Attachment A to this Equitable Servitude and Easement.

B. On June 15, 1998, the Oregon Department of Environmental Quality completed review of the Removal Completion Report. The Report provides a detailed account of investigation and cleanup work completed at two areas of the site located within the boundaries of the DFPI real property herein referred to as, the "Linseed Area" and the "Paint/Ash area", see definitions.

C. On August 4, 1997, DFPI entered into a letter agreement with DEQ, under which DFPI proposed and agreed to implement certain removal actions of which this institutional control is the final action necessary to ensure protectiveness under ORS 465.315 at the Linseed Area and the "Paint/Ash" area.

D. The provisions of this Equitable Servitude and Easement are intended to protect human health and the environment.

1. GENERAL DECLARATION

Grantor declares that all real property located at tax lot 201, at DEE, in Hood River County, State of Oregon, and described in Attachment A to this Equitable Servitude and Easement, is and shall be conveyed, transferred, leased, encumbered, occupied, built upon, or otherwise used or improved, in whole or in part, subject to this Equitable Servitude and Easement. Each condition and restriction set forth in this Equitable Servitude and Easement touches and concerns the Property and the easement granted in paragraph 4 herein, shall run with the land for all purposes, shall be binding upon all Owners as set forth in this Equitable Servitude and Easement, and shall inure to the benefit of the State of Oregon. Grantor further conveys to DEQ the

EQUITABLE SERVITUDE AND EASEMENT ;
AUGUST 5, 1998

perpetual right to enforce the conditions and restrictions set forth in this Equitable Servitude and Easement.

2. DEFINITIONS

2.1 "DEQ" means the Oregon Department of Environmental Quality, and its employees, agents, and authorized representatives acting on its behalf. "DEQ" also means any successor or assign of DEQ under the laws of Oregon, including but not limited to any entity or instrumentality of the State of Oregon authorized to perform any of the functions or to exercise any of the powers currently performed or exercised by DEQ.

2.2 "Owner" means any person or entity, including Grantor, who is the record owner of fee simple title or a vendee's interest of record to any portion of the Property, including any successor or holder of fee simple title or a vendee's interest of record to any portion of the Property, excluding any entity or person who holds such interest solely for the security for the payment of an obligation.

2.3 "Linseed Area". The "Linseed Area" is defined by an area 40' radius around a point (701,060.5, E: 7,913,751.8) within Tax Lot #201, T1N R10E Sec 7, Hood River County (description and survey attached, Attachments A & B).

2.4 "Paint/Ash Area" is defined by an area 80' radius around a point (N: 701,193.3 E: 7,913,730.0) within Tax Lot #201, T1N R10E Sec 7, Hood River County (description and survey attached, Attachments A & B).

3. EQUITABLE SERVITUDE (RESTRICTIONS ON USE)

3.1 At the Linseed Area, No use shall be made of groundwater by extraction through wells or by other means, which use involves consumption or residential use of the groundwater for drinking water purposes. This prohibition shall not apply to extraction of groundwater associated with temporary dewatering activities related to construction, development, or the installation of sewer or utilities at the Property.

EQUITABLE SERVITUDE AND EASEMENT, ii
AUGUST 5, 1998

983711

3.2 At the Paint/Ash Area, no use shall be made of groundwater by extraction through wells or by other means, which use involves consumption or residential use of the groundwater for drinking water purposes. This prohibition shall not apply to extraction of groundwater associated with temporary dewatering activities related to construction, development, or the installation of sewer or utilities at the Property.

In addition, The following operations and uses are prohibited at the Paint/Ash Area of the Property:

3.2.a Construction of a residential building of any type;

4. EASEMENT (RIGHT OF ENTRY)

During reasonable hours and subject to reasonable security requirements, DEQ as Grantee shall have the right to enter upon and inspect any portion of the Property to determine whether the requirements of this Equitable Servitude and Easement have been or are being complied with. Violation of any condition or restriction contained in this Equitable Servitude and Easement shall give to DEQ the right, privilege, and license to enter upon the Property where such violation exists and to abate, mitigate, or cure such violation at the expense of the Owner, provided written notice of the violation is given to the Owner describing what is necessary to correct the violation and the Owner fails to cure the violation within the time specified in such notice. Any such entry by DEQ shall not be deemed a trespass, and DEQ shall not be subject to liability to the Owner of the Property for such entry and any action taken to abate, mitigate, or cure a violation.

5. GENERAL PROVISIONS

5.1 All conditions and restrictions contained in this Equitable Servitude and Easement shall run with the land, until such time as any condition or restriction is removed by written certification from DEQ that the condition or restriction is no longer required in order to protect human health or the environment.

EQUITABLE SERVITUDE AND EASEMENT. iii
AUGUST 5, 1998

983711

5.2 Any person who at any time owns, occupies, or acquires any right, title, or interest in or to any portion of the Property is and shall be conclusively deemed to have consented and agreed to every condition and restriction contained in this Equitable Servitude and Easement, whether or not any reference to this Equitable Servitude and Easement is contained in the instrument by which such person or entity acquired an interest in the Property.

5.3 The Owner of any portion of the Property shall notify DEQ at least ten (10) days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the Owner's interest in the Property.

5.4 The Owner of the Property shall notify DEQ within thirty (30) days following Owner's petitioning for or filing of any document initiating a rezoning of the Property that would change the base zone of the Property under the Hood River County zoning code or any successor code.

5.5 Upon any violation of any condition or restriction contained in this Equitable Servitude and Easement, DEQ, in addition to the remedies described in paragraph 4, may revoke any "No Further Action" status for this site.

IN WITNESS WHEREOF Grantor and Grantee have executed this Equitable Servitude and Easement as of the date and year first set forth above.

GRANTOR:

Andrea Elington
(Name, DFPI) / *Site Manager*

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

The foregoing instrument is acknowledged before me this 5 day of August, 1998, by Andrea Elington of See Forest Products on its behalf.



Jennie S. Oldfield
NOTARY PUBLIC FOR OREGON
My commission expires: 10-10-00

EQUITABLE SERVITUDE AND EASEMENT, iv
AUGUST 5, 1998

983711

ATTACHMENT A

DESCRIPTION OF REAL PROPERTY

1. This description was obtained from the Hood river County Assessor's office as tax lot #201.

A tract of land in the NW 1/4 of sec 7 T1N R10E WM being more particularly described as follows. Bg at the c/l of the Ely of a Hood River County Bridge sd pt being S 29° 23' 30" E 1481 ft from the NW cor of Sec 7 in sd T&R.

th alg the extended c/l of sd bridge N 83°17'20" E 172.33 ft.

th leaving sd extended c/l & run S 16°20' E 457.14 tap;

th run S 1°05' W 264.89 ft tap;

th run N 88°55' W 180.54 ft tap;

th run 1°21'48" E 252.18 ft tap;

th run 83°37' W 70.14 ft tap

th N 6°23'10' W 939.27 ft tap in the c/l of sd Hood River Bridge;

th alg sd c/l N 83°17'30" E 54.38 ft to the pob

983 711

ATTACHMENT A - DESCRIPTION OF REAL PROPERTY

TOPOGRAPHIC SURVEY
for
DEE FOREST PRODUCTS INC.

NARRATIVE:
FOUND NO MAJOR DISCREPANCIES

BASIS OF BEARING:
ESTABLISHED A CLOSE POSITIONING DATUM AT THE RAILROAD
SPICE SET IN THE ASPHALT AS SHOWN. THE DATUM BEING
THE NORTH AMERICAN DATUM 1983. ALL BEARINGS
ARE: 862.5 DEGREES - NORTH 20K. 869 N.A.D. 1983

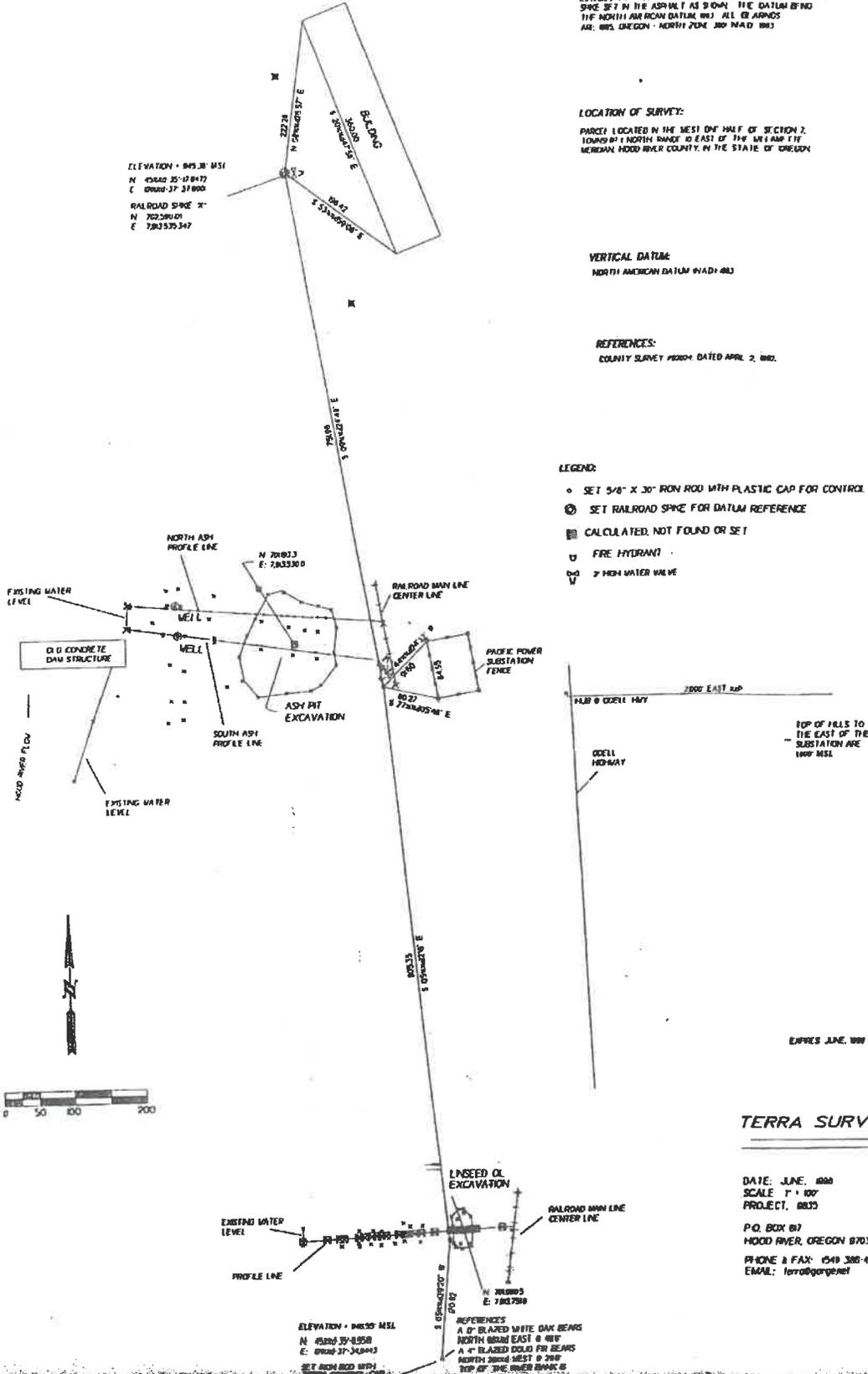
LOCATION OF SURVEY:
PARCEL LOCATED IN THE WEST ONE HALF OF SECTION 2,
TOWNSHIP 1 NORTH RANGE 10 EAST OF THE MERIDIAN THE
MERIDIAN, HOOD RIVER COUNTY, IN THE STATE OF OREGON

VERTICAL DATUM:
NORTH AMERICAN DATUM 1983

REFERENCES:
COUNTY SURVEY #20204, DATED APRIL 2, 1982.

LEGEND:

- SET 5/8" X 30" IRON ROD WITH PLASTIC CAP FOR CONTROL POINT
- ⊙ SET RAILROAD SPIKE FOR DATUM REFERENCE
- ⊞ CALCULATED, NOT FOUND OR SET
- ⊞ FIRE HYDRANT
- ⊞ HIGH WATER MARK



JUNE, 1999

TERRA SURVEYING

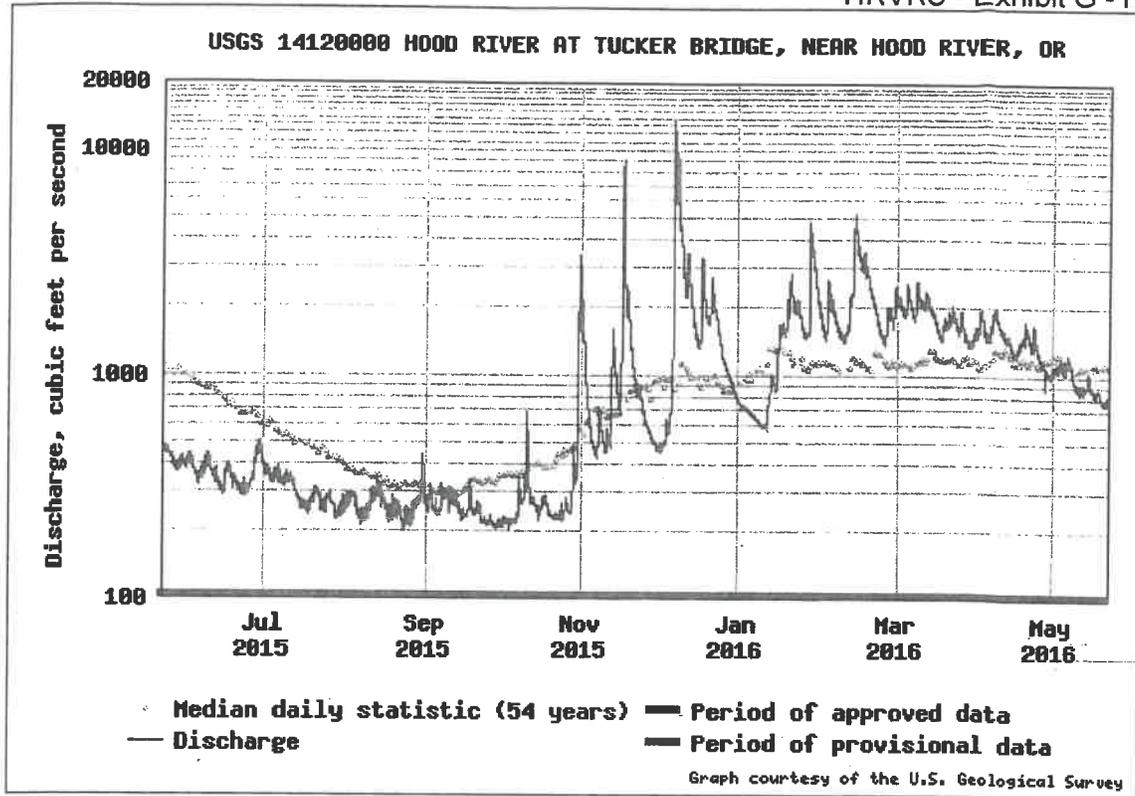
DATE: JUNE, 1999
SCALE: 1" = 100'
PROJECT: 0035
P.O. BOX 87
HOOD RIVER, OREGON 97031
PHONE & FAX: 549 388-4531
EMAIL: terra@gor.net

2014
TRANSPORTATION
VOLUME
TABLES

OREGON DEPARTMENT OF TRANSPORTATION

TRANSPORTATION DATA SECTION
TRANSPORTATION SYSTEMS MONITORING UNIT
555 13TH STREET N.E., SUITE #2
SALEM, OR. 97301-4178

September 2015



Oregon Department of Environmental Quality
Dee Forest Products - Linseed Disposal Pit

**General Site Information**

Site:	Dee Forest Products - Linseed Disposal Pit (ECSI Site ID: 817)	CERCLIS (EPA) Id	089456370
Project Manager:	<u>N/A - Project Completed.</u>	Investigative Status:	Listed on the Confirmed Release List or Inventory
PM Phone:		NPL(National Priority Listing):	No
Address:	17542 River RD Dee, 97031	Is this site an Orphan?	No
County:	HOOD RIVER	Is this site a brownfield?	No
Region:	Eastern Region	Action Underway or Needed:	No Further Action (Conditional)
		<u>Click for more details</u>	

NOTE: This site has one or more long-term controls designed to manage site risks. [Click here](#) for details.

Click on the Photograph to see a larger version.



ECSI 817

5/1/2005

Oregon Department of Environmental Quality
Headquarters: 811 Sixth Ave., Portland, OR 97204-1390
phone: 503-229-5696 or toll free in Oregon 800-425-4011
TTY: 503-229-6993 FAX: 503-229-6124

The Oregon Department of Environmental Quality is a regulatory agency authorized to protect Oregon's environment by the [State of Oregon](#) and the [Environmental Protection Agency](#).

[DEQ Web site privacy notice](#)

983711 (7)

EQUITABLE SERVITUDE AND EASEMENT

This Equitable Servitude and Easement is made August 5, 1998 between Dee Forest Products Inc. (DFPI or Grantor) and the Oregon Department of Environmental Quality (DEQ or Grantee).

RECITALS

A. Grantor is the owner of certain real property located in Hood River County, Oregon, the location of which is more particularly described in Attachment A to this Equitable Servitude and Easement.

B. On June 15, 1998, the Oregon Department of Environmental Quality completed review of the Removal Completion Report. The Report provides a detailed account of investigation and cleanup work completed at two areas of the site located within the boundaries of the DFPI real property herein referred to as, the "Linseed Area" and the "Paint/Ash area", see definitions.

C. On August 4, 1997, DFPI entered into a letter agreement with DEQ, under which DFPI proposed and agreed to implement certain removal actions of which this institutional control is the final action necessary to ensure protectiveness under ORS 465.315 at the Linseed Area and the "Paint/Ash" area.

D. The provisions of this Equitable Servitude and Easement are intended to protect human health and the environment.

1. GENERAL DECLARATION

Grantor declares that all real property located at tax lot 201, at DEE, in Hood River County, State of Oregon, and described in Attachment A to this Equitable Servitude and Easement, is and shall be conveyed, transferred, leased, encumbered, occupied, built upon, or otherwise used or improved, in whole or in part, subject to this Equitable Servitude and Easement. Each condition and restriction set forth in this Equitable Servitude and Easement touches and concerns the Property and the easement granted in paragraph 4 herein, shall run with the land for all purposes, shall be binding upon all Owners as set forth in this Equitable Servitude and Easement, and shall inure to the benefit of the State of Oregon. Grantor further conveys to DEQ the

EQUITABLE SERVITUDE AND EASEMENT
AUGUST 5, 1998

perpetual right to enforce the conditions and restrictions set forth in this Equitable Servitude and Easement.

2. DEFINITIONS

2.1 "DEQ" means the Oregon Department of Environmental Quality, and its employees, agents, and authorized representatives acting on its behalf. "DEQ" also means any successor or assign of DEQ under the laws of Oregon, including but not limited to any entity or instrumentality of the State of Oregon authorized to perform any of the functions or to exercise any of the powers currently performed or exercised by DEQ.

2.2 "Owner" means any person or entity, including Grantor, who is the record owner of fee simple title or a vendee's interest of record to any portion of the Property, including any successor or holder of fee simple title or a vendee's interest of record to any portion of the Property, excluding any entity or person who holds such interest solely for the security for the payment of an obligation.

2.3 "Linseed Area". The "Linseed Area" is defined by an area 40' radius around a point (701,060.5, E: 7,913,751.8) within Tax Lot #201, T1N R10E Sec 7, Hood River County (description and survey attached, Attachments A & B).

2.4 "Paint/Ash Area" is defined by an area 80' radius around a point (N: 701,193.3 E: 7,913,730.0) within Tax Lot #201, T1N R10E Sec 7, Hood River County (description and survey attached, Attachments A & B).

3. EQUITABLE SERVITUDE (RESTRICTIONS ON USE)

3.1 At the Linseed Area, No use shall be made of groundwater by extraction through wells or by other means, which use involves consumption or residential use of the groundwater for drinking water purposes. This prohibition shall not apply to extraction of groundwater associated with temporary dewatering activities related to construction, development, or the installation of sewer or utilities at the Property.

3.2 At the Paint/Ash Area, no use shall be made of groundwater by extraction through wells or by other means, which use involves consumption or residential use of the groundwater for drinking water purposes. This prohibition shall not apply to extraction of groundwater associated with temporary dewatering activities related to construction, development, or the installation of sewer or utilities at the Property.

In addition, The following operations and uses are prohibited at the Paint/Ash Area of the Property:

3.2.a Construction of a residential building of any type;

4. EASEMENT (RIGHT OF ENTRY)

During reasonable hours and subject to reasonable security requirements, DEQ as Grantee shall have the right to enter upon and inspect any portion of the Property to determine whether the requirements of this Equitable Servitude and Easement have been or are being complied with. Violation of any condition or restriction contained in this Equitable Servitude and Easement shall give to DEQ the right, privilege, and license to enter upon the Property where such violation exists and to abate, mitigate, or cure such violation at the expense of the Owner, provided written notice of the violation is given to the Owner describing what is necessary to correct the violation and the Owner fails to cure the violation within the time specified in such notice. Any such entry by DEQ shall not be deemed a trespass, and DEQ shall not be subject to liability to the Owner of the Property for such entry and any action taken to abate, mitigate, or cure a violation.

5. GENERAL PROVISIONS

5.1 All conditions and restrictions contained in this Equitable Servitude and Easement shall run with the land, until such time as any condition or restriction is removed by written certification from DEQ that the condition or restriction is no longer required in order to protect human health or the environment.

ATTACHMENT A

DESCRIPTION OF REAL PROPERTY

1. This description was obtained from the Hood river County Assessor's office as tax lot #201.

A tract of land in the NW 1/4 of sec 7 T1N R10E WM being more particularly described as follows. Bg at the c/l of the Ely of a Hood River County Bridge sd pt being S 29° 23' 30" E 1481 ft from the NW cor of Sec 7 in sd T&R.

th alg the extended c/l of sd bridge N 83°17'20" E 172.33 ft.

th leaving sd extended c/l&run S16°20'E 457.14 tap;

th run S 1°05'W264.89 ft tap;

th run N 88°55' W 180.54 ft tap;

th run 1°21'48" E 252.18 ft tap;

th run 83°37' W 70.14 ft tap

th N 6°23'10' W 939.27 ft tap in the c/l of sd Hood River Bridge;

th alg sd c/l N 83°17'30" E 54.38 ft to the pob

983 711

ATTACHMENT A - DESCRIPTION OF REAL PROPERTY

TOPOGRAPHIC SURVEY
for
DEE FOREST PRODUCTS INC.

NARRATIVE:
FOUND NO MAJOR DISCREPANCIES

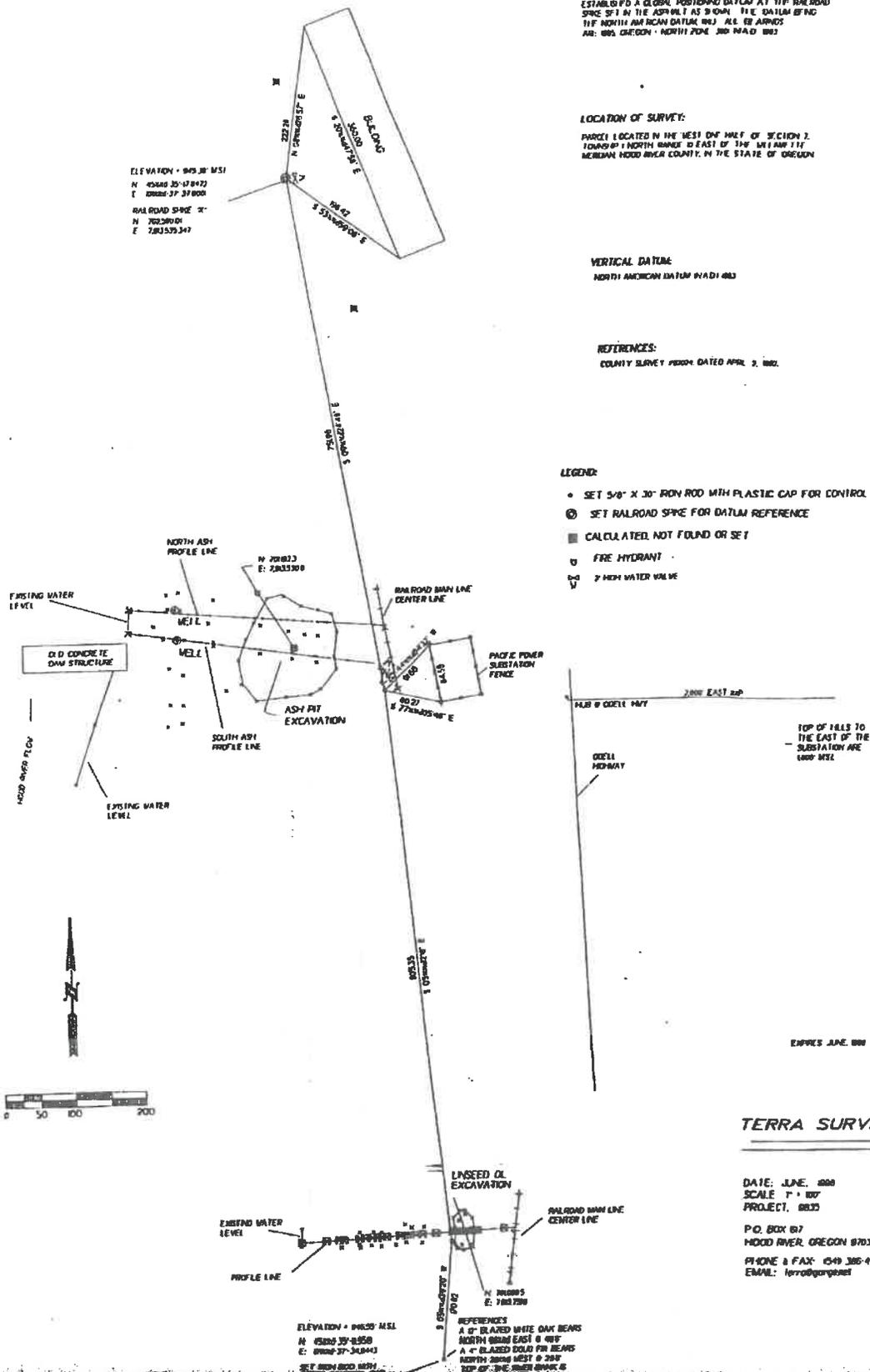
BASIS OF BEARING:
ESTABLISHED A GLOBAL POSITIONING DATUM AT THE RAILROAD
SPICE SPK IN THE APPROXIMATE AS SHOWN. THE DATUM BEING
1117 NORTH AMERICAN DATUM 1983. A.S. TO JARVIS
AR: 085. GAZDON - NORTH ZONE 300 INAD 1983

LOCATION OF SURVEY:
PARCEL LOCATED IN THE WEST ONE HALF OF SECTION 7,
TOWNSHIP 1 NORTH RANGE 10 EAST OF 349 WEST 1117
MERIDIAN HOOD RIVER COUNTY, IN THE STATE OF OREGON

VERTICAL DATUM:
NORTH AMERICAN DATUM 1983

REFERENCES:
COUNTY SURVEY # 10004 DATED APRIL 2, 1982.

- LEGEND:**
- SET 5/8" X 30" IRON ROD WITH PLASTIC CAP FOR CONTROL POINT
 - ⊙ SET RAILROAD SPICE FOR DATUM REFERENCE
 - CALCULATED, NOT FOUND OR SET
 - ⊕ FIRE HYDRANT
 - ⊕ HIGH WATER VALVE



EXPRES JUNE, 0000

TERRA SURVEYING

DATE: JUNE, 0000
SCALE: 1" = 100'
PROJECT: 0833
P.O. BOX 67
HOOD RIVER, OREGON 97031
PHONE & FAX: (549) 386-4531
EMAIL: terra@gorge.net

2014
TRANSPORTATION
VOLUME
TABLES

OREGON DEPARTMENT OF TRANSPORTATION

TRANSPORTATION DATA SECTION
TRANSPORTATION SYSTEMS MONITORING UNIT
555 13TH STREET N.E., SUITE #2
SALEM, OR. 97301-4178

September 2015

2014 TRAFFIC VOLUMES ON STATE HIGHWAYS

Milepoint	2014 AADT All Vehicles	ATR AVC	Location Description
HOOD RIVER HIGHWAY NO. 281 (Continued)			
4.16	7300		0.02 mile south of Portland Drive
5.11	2200		0.02 mile west of Odell Highway
7.38	2400		0.05 mile west of Summit Drive
11.42	2300		0.02 mile north of Lost Lake Road
14.23	1700		0.02 mile north of Alexander Drive
15.65	1100		0.02 mile north of Bassler Drive
16.75	1600		0.02 mile west of Clear Creek Road at Parkdale
16.81	2200		0.02 mile east of 2nd Street
17.18	2200		0.02 mile east of Allen Road
19.02	1600		0.05 mile west of Mt. Hood Highway (OR35)
ODELL HIGHWAY NO. 282			
Milepoint indicates distance from Hood River Highway, north of Odell			
0.02	4600		0.02 mile south of Hood River Highway
0.72	4100		0.02 mile south of WyEast Road
1.78	4800		0.04 mile north of Summit Drive
1.84	4300		0.02 mile south of Summit Drive
2.25	3200		0.02 mile east of "A.G.A." Road
2.67	3100		0.05 mile north of Davis Road
2.74	3600		0.02 mile east of Davis Road
3.34	4200		0.11 mile west of Mt. Hood Highway No. 26 (OR35)
SHERARS BRIDGE HIGHWAY NO. 290			
Milepoint indicates distance from The Dalles - California Highway (US197), at Tygh Valley			
0.05	210		0.10 mile east of The Dalles-California Highway (US197)
4.72	70		0.02 mile east of Conroy Road
6.97	60		Railroad Undercrossing at Sherar Station
8.30	80		Wasco-Sherman County Line
16.06	60		0.02 mile west of Payne Road (East Jct.)
18.61	70		0.07 mile north of Finnegan Road (Ball Lane, South Jct.)
21.33	70		0.02 mile north of Davis Lane
24.76	90		0.02 mile east of Stradley Road
25.81	100		0.02 mile east of Finnegan Road
28.23	130		0.02 mile south of South Street
28.40	160		0.02 mile west of Sherman Highway (US97)
SHANIKO-FOSSIL HIGHWAY NO. 291			
Milepoint indicates distance from Sherman Highway (US97), in Shaniko			
0.03	110		0.03 mile south of Sherman Highway (US97)
0.56	100		South city limits of Shaniko, 0.46 mile south of 3rd Street
4.39	90		At the Summit, 0.66 mile south of Rooper Road
7.79	140		0.02 mile northwest of Union Street
7.95	150		0.01 mile north of Antelope Highway
Equation: MP 8.04 BK = MP 8.11 AH			
8.24	190		East city limits of Antelope
11.81	130		0.02 mile east of Cold Camp Road
Equation: MP 17.11 BK = MP 17.21 AH			
23.07	140		Wasco-Wheeler County Line
Equation: MP 24.93 BK = MP 25.30 AH			

Traffic Impacts of DeeTour

An accurate assessment—from the right time of year—of existing traffic is essential to establish a baseline for any calculation of the traffic impacts of this development. A winter traffic count on Highway 281 misses Fruit Loop traffic, Lost Lake and Punchbowl traffic, most farm traffic, tourists, second homes etc.

The DKS report uses a seasonal adjustment factor derived from Highway 35. The seasonal adjustment factor from Highway 35 is quite small because Highway 35 gets a substantial winter bump from ski traffic to Mt. Hood.

Data from Highway 281 would likely yield a much higher seasonal adjustment factor resulting in higher existing 30th hour numbers. This is because the difference in summer and winter traffic is much greater on Highway 281. Highway 281 is much busier in summer than winter.

Data Source	Average Daily Traffic (vehicles per day)
DKS Traffic Study Dec. 14-15, 2013	1348
ODOT 2001 Traffic Counts from Hood River Transportation System Plan	1,100- 2,100
Traffic added on Hwy 281 by DeeTour per land-use application	1000

The traffic added by this single development will increase daily traffic on Highway 281 by around 50% on the days the concert venue is in operation. It is highly unusual that a single development has such a significant impact on traffic volume. But 50% doesn't tell the whole story because it will be 50% more traffic compressed into only a few hours, immediately before and after the event.

The DKS study shows the intersection of Highway 281 and Lost Lake Road very close to not meeting the County mobility standard which requires a "C" level of service or better for all roads and intersections with its jurisdiction. For traffic leaving the concert venue by turning left to travel north towards Hood River the LOS is a "C" but barely—the control delay in seconds is 24.8 seconds. If it was 25 seconds, the intersection would be classified a "D" and fail to meet the county standard. We suspect that with a truly accurate assessment of existing summer traffic plus the unique configuration of the site (the need to keep cars from queuing on the railroad tracks), this development would easily cause the intersection to fall to a D or lower level of service.

DKS uses an ODOT mobility target of .85 for Highway 281. We question whether that is the correct standard. ODOT requires a mobility target of .70 for rural highways. In which case, the post-event traffic volume to capacity at .80 is projected to exceed ODOT's standard.

The report analyzes a single intersection but the project is certain to have a significant negative impact on other intersections, especially where Highways 281 and 282 meet. This intersection is already considered "at or near capacity" per the Hood River TSP. When a concert ends, the majority of traffic will travel north toward Hood River and I-84. Most will need to make a left hand turn onto Tucker Road. This intersection has been reconfigured in the last few years to give priority to the Odell Highway. Odell Highway traffic can move thru unimpeded while northbound traffic from the Dee Highway has to wait its turn. 400 cars is a very long time to wait. Allowing 40 feet per car, 437 cars would span over 3 miles.

The code standard is that the development must not cause dangerous intersections or congestion. That standard covers not only the intersection nearest the development but any intersection where a causal relationship can be demonstrated between the development-generated traffic and the operations of the intersection. At minimum, a traffic study must be done on the intersection of Highway 281 and 282, but depending on the applicants traffic plan—still an unknown quantity at this point—there could be other intersections and roads that should be analyzed.

"Congestion" is not defined in your code. In the dictionary it is defined to mean "a condition on road networks that occurs as use increases, and is characterized by slower speeds, longer trip times, and increased vehicular queuing." We would argue that congestion does not just occur when an intersection is failing so badly that a stoplight needs to be added or when a highway needs an additional lane. You can take local circumstances into account. ODOT certainly does. Their mobility standard for a rural road is .70 but rises to 1.0 for urban areas. They allow a greater volume of traffic and longer wait times in cities than they allow in the country. You should do the same. Local residents relied on the County's Comprehensive Plan in their decisions to live where they live. The land along the Dee Highway is zoned farm, forest and very widely dispersed residences. They had the expectation that they were purchasing property and embarking on a lifestyle that was very rural in nature. You should apply your congestion standard in a way that is faithful to the Comp Plan.

Submitted by Hood River Valley Residents Committee, December 10, 2014



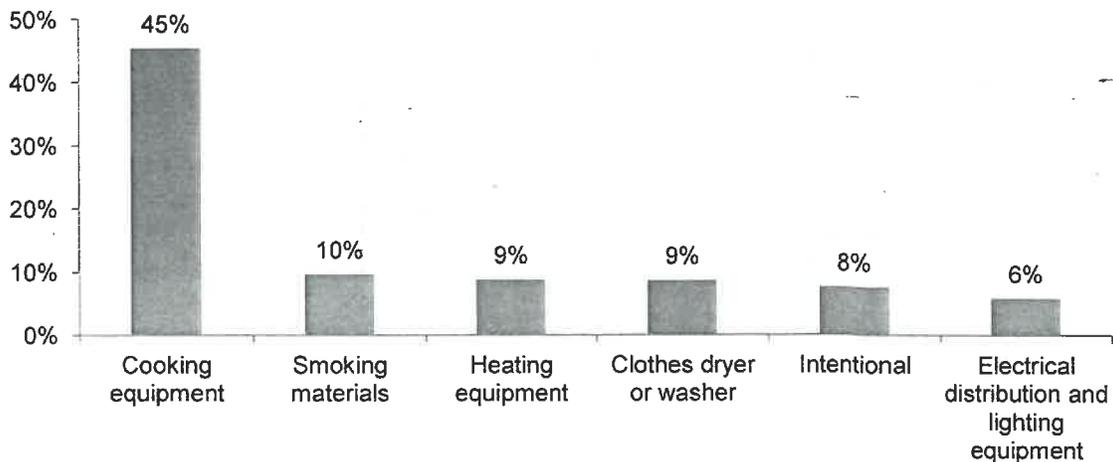
One-Stop Data Shop
 Fire Analysis and Research Division
 One Batterymarch Park, Quincy, MA 02169
 Email: osds@nfpa.org
www.nfpa.org

U.S. Structure Fires in Hotels and Motels Fact Sheet

During 2006-2010, an estimated average of 3,700 structure fires in hotels and motels were reported to U.S. fire departments per year, with associated annual losses of:

- 12 civilian deaths
- 143 civilian injuries
- \$127 million in property damage

Structure Fires in Hotels and Motels By Leading Cause 2006-2010 (Top 6 Shown)



- Nearly three-quarters (73%) of fires in hotels and motels didn't spread beyond the object of origin.
- Cooking equipment was involved in nearly half (45%) of fires
- Twelve percent of fires in hotels and motels began in a bedroom/guest sleeping room, but these fires were responsible for 31% of civilian injuries and 72% of civilian deaths.
- Smoking materials were the cause of the fire in 79% of civilian deaths

CODES & STANDARDS USEFUL IN PROTECTING HOTELS AND MOTELS

NFPA 101: Life Safety Code®: www.nfpa.org/101

NFPA 13: Standard for the Installation of Sprinkler Systems: www.nfpa.org/13

NFPA 13R: Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height: www.nfpa.org/13R

Additional resources can be found at www.nfpa.org

Hood River Valley Residents Committee

{ Appeal of Apollo Holdings LLC Hotel Application

Dee Mill Industrial - Goal 4 Exception

{ Hood River County Comprehensive Plan
recognized property as committed to rural
industrial use

Hood River County Goal Exceptions Document (1987)

& Map #36 Dee Hardboard Mill Site

“approximately 72% of the land designated for industrial use is either committed or is undevelopable due to terrain or floodplain. The adjacent undeveloped lands in the same ownership can be allowed for expansion purposes (Mitch Rohse, DLCD Staff)”.

Industrial zone based on Goal 4 Exception

Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception.

OAR 660-004-0018(1)

- ⌘ Goal 4 exception justified by land being committed to rural industrial use
- ⌘ The County has not determined that the Dee Mill site is suitable for commercial or urban development
 - ⌘ No Goal 14 Exception Taken

Hotel use not authorized
by existing goal exception

- ⌘ Industrial uses would fit within existing Goal 4 exception
- ⌘ County may allow industrial uses on the site without taking other exceptions
- ⌘ Planning Staff correctly treated the hotel as a commercial use, not an industrial use

Hotel is not Industrial

- ⌘ Hotel will draw people from urban areas (Hood River, Portland) and allow them to stay out in the rural areas, will have urban-level traffic and services.
- ⌘ LUBA has found that similar 50-room hotel is an “urban use” requiring Goal 14 exception
 - ⌘ *Vin-CEP v. Yamhill County*, 53 Or LUBA 514 (2007).

Hotel is not Rural

Goal 14 prohibits urban uses on rural lands without an exception to Goal 14

‣ *1000 Friends of Oregon v. LCDC (Curry County)*,
301 Or 447, 477, 724 P2d 268 (1986).

‣ *Prior Goal 4 Exception findings did not authorize urban use of the property or determine that the land is “suitable, necessary, or intended for urban use” under Goal 14.*

Urban use requires
Goal 14 Exception

⌘ OAR 660-014-0040 Establishment of New Urban Development on Undeveloped Rural Lands

- ⌘ Applies to lands subject to built and committed exceptions to Goals 3 or 4 but not developed at urban density. Dee Mill Site qualifies.
- ⌘ Requires reasons to justify exception, ESEE analysis, and cannot be accommodated in urban areas.

Goal 14 Exception Required

Goals

- Prohibit commercial/urban uses of rural lands without taking exceptions.

HR County

- Dee Mill site Goal 4 exception: committed to industrial use
- No Goal 14 exception

Hotel

- Urban commercial use

**The Following Written Testimony was Received During the
First 7-day Continuance Period Between May 25 and June
1, 2016.**

June 15, 2016

PHILLIPS REYNIER SUMERFIELD & CLINE, LLP

DEBORAH M. PHILLIPS
RONALD H. REYNIER
WILLIAM H. SUMERFIELD
JULIE L. CLINE

ATTORNEYS AT LAW
P. O. Box 758
718 STATE STREET
HOOD RIVER, OREGON 97031

(541) 386-4264
FAX: (541) 386-2557
E-MAIL: bill@phillipsreynier.com

Licensed in Oregon & Washington

June 1, 2016

Hood River County Planning Commission
c/o Eric Walker
601 State Street
Hood River, OR 97031

RE: Appeal 16-0073
Hood River Valley Residents Committee, Appellant
Apollo Land Holdings, LLC, Applicant

Dear Chair Schuppe and Planning Commission:

Apollo Land Holdings submits this response to the material submitted by Appellant at the May 25, 2016 hearing.

Overview

A land use applicant may reasonably assume that uses permitted outright in a designated zone are in fact permitted. The subject property has been zoned to allow the proposed hotel since at least 1984, and likely since the initial adoption of the County's zoning ordinance in 1965. In adopting the Comprehensive Plan and taking the exception for the subject property in 1984, the County recognized the historic uses of this site and zoned the property accordingly. LCDC acknowledged that designation.

The proposed hotel complies with the designated zoning and with all applicable goals.

Site History

The subject property is the site of the former Dee Mill, located in the community of Dee. Dee is a former company town developed by the Oregon Lumber Company just after the turn of the century. The lumber mill was built in 1906, and a town quickly grew up around it, reaching a peak population of about 250 in 1915. The town had private water and electrical systems, and a general store, shops, and a hotel with initially about 25 rooms. See Exhibits A (Wikipedia article) and B (Oregon Encyclopedia article). Dee was served by the Mt. Hood Railroad, and also featured a railroad station, a post office, and a tavern. Exhibit C is a collection of photos from the Historic Hood River archive showing the town of Dee, with the two story white hotel building featuring prominently. Exhibit D is a picture of the hotel from the archive, and a March 29, 1906 Hood River Glacier article describing the design and construction of the hotel.¹ The hotel was later expanded in a second phase to include approximately 60 rooms.

¹ The printed version of this submission will not do justice to the amazing original photos, which are worth searching out on the archive.

The town housing was demolished by the mill's owners somewhere around 1960. Exhibit E is a picture from the archive showing the status of the subject property in its later years while the mill was operational. The mill remained in operation until it collapsed in 1996.

The existing Goal 4 Exception allows a hotel

When adopting the Comprehensive Plan in 1984, the County took a Goal 4 exception for the subject property and two adjacent vacant parcels. In the exception process, the County made the finding in section E(2) that the subject property "...would not be feasible for commercial timber operations due to the proximity to Dee Highway, Lost Lake Road, and the Hood River." The exception recommendation notes that "...approximately 72% of the land designated for industrial use is either committed or is undevelopable due to terrain or floodplain. The adjacent undeveloped lands in the same ownership can be allowed for expansion purposes." LCDC acknowledged the County's Comprehensive Plan, including the exception for the subject property.

At the time of taking the exception in 1984, the subject property was zoned M-1 (Industrial). It appears that the property had been zoned as Industrial since the adoption of the County's zoning ordinance in 1965.² In 1984, as now, the M-1 zone allowed outright "any use permitted in a C-1 zone." See Exhibits F and G. **Thus, commercial use was within the permissible uses for the subject property at the time the exception was taken by the County and approved by LCDC.** Far from being incompatible with the taken exception, this hotel would have been permitted outright in 1984, and it is permitted outright now.

At no time did the County convert the subject property from resource land to non-resource land. As shown conclusively in the photos from the archive, the subject property had been committed to a wide variety of non-resource uses, including a mill, for many years. At the time of taking the exception, the County simply recognized that the subject property was not resource land, and had not been resource land for (at that time) nearly a century. No new finding or exception is required under Goal 4.

No Goal 14 Exception is necessary

Hotel not urban development on rural lands

Appellant argues that the hotel is an urban development on rural lands. Appellant argues that allowing such development violates Goal 14 unless an exception is taken, relying on *1000 Friends v. LCDC (Curry County)*, 301 Or 447 (1986). There is no bright line rule for determining what is or is not an urban use. Context, history, and local land use patterns are all relevant considerations to the determination. As noted by the court in *1000 Friends*,

"The task of compiling and analyzing such data to determine its significance (if any) for identifying 'urban uses' is not for this court. Even if we were presented with the data, we would be wrong to decide whether the uses are 'urban' without analysis of the issue by the county, which is best situated to describe its authorized uses, and by LCDC, which itself adopted the goal that employs the

² Email from Eric Walker to Bill Sumerfield May 31, 2016.

term 'urban uses' and thus has responsibility for evaluating what 'urban uses' means in different contexts."

1000 Friends v. LCDC, 301 Or 447 at 506.

Hood River County has not identified this hotel as an urban development requiring a Goal 14 exception analysis, and this body may defer to County staff's analysis.

Appellant states categorically that a 50 room hotel is an urban use, relying on *VinCEP v. Yamhill County*, 543 Or LUBA 514 (2007). The question is far more nuanced than simply comparing the number of rooms between hotels. It may seem somewhat paradoxical, but while a proposed 50 room hotel on 12 acres of EFU land in Yamhill County's wine country located a few miles from town may have been characterized as "urban development," a 50 room hotel on a 32 acre parcel in Hood River County may not be "urban development," particularly when viewed against the historical context and previous uses made of the subject property.

Prior use and zoning allow this use

As noted, the site's rich and vibrant history includes a sizeable hotel, in addition to a tavern, post office, rail station, and many other uses which appellant would likely also characterize as urban. Notwithstanding that desired characterization, those uses coexisted with adjoining resource lands and residential uses from the dawn of the 20th century. In adopting zoning which allowed for commercial uses at the inception of the implementation of zoning in the county, and in taking the 1984 exception, the County recognized this fact.

Section R (*Burden of Proof*) of the Staff Report addresses the public interest and compliance with the Comprehensive Plan. In subsection 4 of Section R, staff addressed the characteristics of the various areas of the county, the suitability of the subject area for the hotel, trends in land development, density, property values, economic needs, access, natural resources, and the public need for healthful, safe, and aesthetic surroundings and conditions. Staff concluded that the application would not have significant impacts on adjoining lands and should be approved. In other words, staff concluded that the land would retain its rural character notwithstanding the building of the hotel.

The permitted amphitheater demonstrates that no Goal 14 Exception is necessary

The subject property is already approved for a commercial use, namely, an amphitheater for musical events which includes parking for 437 vehicles and 44 bicycles. The proposed hotel uses the same previously approved parking areas, and adds nothing to the overall capacity for visitors to the site. The hotel will not increase the density beyond the commercial use already approved.

Public Services, Water, Storm water, Traffic, Fire

Each of appellant's concerns were adequately addressed in the staff report. Goal 11 does not prohibit an on-site wastewater treatment appropriately sized to the proposed use. No affected agencies expressed any concern regarding public safety or fire. Water is available and is

Hood River Planning Commission
June 1, 2016

adequately addressed in Conditions 5 – 9 in the Staff Report. Storm water is adequately addressed in Conditions 22 – 25 in the Staff Report. As debated *ad nauseam* at the hearing, the hotel proposal itself has no discernable impact on traffic, and actually helps ameliorate any traffic burden resulting from the previously approved amphitheater.

The hotel is not a destination resort

Appellant rather glibly asserts that the hotel has most or all of the characteristics of a destination resort as defined by ORS 197.445, but then does not develop that argument. The proposed hotel is not a destination resort. The site is not self-contained, and does not offer developed recreational facilities such as the hot springs, ski slopes, or fishing streams listed as examples in the statute, or the golf courses, tennis courts, swimming pools, marinas, ski runs, or bicycle paths listed in Goal 8.

Conclusion

The Comprehensive Plan provides that one purpose of the Plan is to “[p]rovide for consistent review of development proposals....” Plan, Section III(B)(2). Another is to “[p]rovide an established set of policies for citizens preparing or revising development proposals....” Plan, Section III(B)(15). The applicant is entitled to rely on the Plan, the Goal 4 exception, and the established zoning. This hotel is a use permitted outright at this site.

The County correctly analyzed this application and granted the permit. This body should affirm.

Sincerely,



William H. Sumerfield
Attorney for Apollo Land Holdings, LLC

cc: client
Courtney Johnson, CRAG Law Center

Coordinates: 45.588173°N 121.626742°W﻿ / ﻿45.588173°N 121.626742°W﻿ / 45.588173; -121.626742

Dee, Oregon

From Wikipedia, the free encyclopedia

Dee is an unincorporated community and former company town in Hood River County, Oregon, United States, on Oregon Route 281, about 11 miles south of Hood River.^[1]

Contents

- 1 History
- 2 Geography
- 3 Economy
- 4 References
- 5 External links

History

The Oregon Lumber Company built a sawmill at Dee in 1906 and named it for Thomas Duncombe Dee, a stockholder and business associate of board member David Eccles.^[2] Dee was also a station on the Eccles-owned Mount Hood Railroad.^[3] In addition to the large sawmill, Dee had a privately owned water works and electric lighting system, as well as a general store, shops, and a hotel.^{[3][4]}

Dee had a population of 250 in 1915; 200 in 1919, and by 1940 the population had declined to 100.^{[3][5][6]}

Dee was sold to the Edward Hines Lumber Company in 1958 and they dismantled the town.^[5]

Besides logging, Dee's economy is also tied to the fruit-growing industry of the Hood River Valley. The area was one of the primary communities in the Hood River Valley farmed by *Nikkei*—Japanese migrants and their descendants.^[4] The first Japanese in the area were hired as laborers on the Mount Hood Railroad.^[4] They also worked at the mill and lived in the company housing on both sides of the East Fork Hood River, which passes through the town.^[4]

About 35 Nikkei families lived in Dee in the 1920s and they founded the Dee Japanese Community Hall.^[4]

Geography

The area's fruit orchards lie between the east and west forks of the Hood River in an area known as **Dee Flat**.^[7]

Economy

Oregon Democratic Senator Wayne Fawbush operated a blueberry farm in Dee for 20 years, which is still

in operation.^[8]

References

- ↑ "Dee". *Geographic Names Information System*. United States Geological Survey. November 28, 1980. Retrieved 2010-12-10.
- ↑ McArthur, Lewis A.; McArthur, Lewis L. (2003) [1928]. *Oregon Geographic Names* (7th ed.). Portland, Oregon: Oregon Historical Society Press. ISBN 978-0875952772.
- ↑ Friedman, Ralph (1990). *In Search of Western Oregon* (2nd ed.). Caldwell, Idaho: The Caxton Printers, Ltd. pp. 343, 594. ISBN 0-87004-332-3.
- ↑ "Nikkei Farmers of the Hood River Area". Discover Nikkei. Retrieved 2009-01-14.
- ↑ Carlson, Linda (2003). *Company Towns of the Pacific Northwest*. Seattle: University of Washington Press. p. 219. ISBN 0-295-98332-9.
- ↑ Writers' Program of the Work Projects Administration in the State of Oregon (1940). *Oregon: End of the Trail*. American Guide Series. Portland, Oregon: Binfords & Mort. p. 298. OCLC 4874569.
- ↑ "Dee Flat". *Geographic Names Information System*. United States Geological Survey. November 28, 1980. Retrieved 2010-12-10.
- ↑ "Team—Wayne Fawbush—Program Officer—New York". Ford Foundation. Retrieved 2010-08-16.

External links

- Historic images of Dee (http://photos.salemhistory.net/cdm4/results.php?CISOOP1=all&CISOBOX1=&CISOFIELD1=CISOSEARCHALL&CISOOP2=exact&CISOBOX2=Dee%2C%20Oregon&CISOFIELD2=CISOSEARCHALL&CISOOP3=any&CISOBOX3=&CISOFIELD3=CISOSEARCHALL&CISOOP4=none&CISOBOX4=&CISOFIELD4=CISOSEARCHALL&CISOROOT=all&t=a) from Salem Public Library

Retrieved from "https://en.wikipedia.org/w/index.php?title=Dee,_Oregon&oldid=671885149"

Categories: Unincorporated communities in Hood River County, Oregon | Company towns in Oregon | Populated places established in 1908 | 1908 establishments in Oregon | Unincorporated communities in Oregon

-
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Community of Dee

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PDF (/articles/dee_community_of/pdf/)

Dee refers to a lumber-mill town located on the Middle Fork of the Hood River, occupied from 1906 to 1959, and to the adjacent orchard district sometimes known as Dee Flat. The town site lies along Oregon Highway 281 ten miles southwest of the town of Hood River. Dee Flat is a triangle of roughly two square miles located west of the convergence of the West Fork of the Hood River with the Middle Fork. It consists of gently rolling land that sits two hundred feet above the rivers, with steep slopes on both sides.

Dee was the creation of the Oregon Lumber Company, a firm established by Salt Lake City businessman David Eccles, who simultaneously built the Mount Hood (/articles/mt_hood/) Railroad to serve the county's growing timber and orchard industries. It took its name from Thomas Dee, a stockholder and company officer.

The company acquired Dee Flat from members of the extended Winans family and logged it from north to south. The company continued logging operations on Middle Mountain to the east of the mill and farther up the valley of the West Fork with the help of a logging railroad on the south side of the valley. A hardboard facility was added in 1951.

Dee was a company town for mill workers and their families. Although the first workers lived in boxcars, the company soon built a two-story hotel, a store, and small houses, all located on the east side of the Middle Fork (roughly below where a water tower now stands along Highway 281). The town was most substantial in the 1910s and 1920s, with a peak population of perhaps 250.

The increased use of automobiles and road improvements allowed workers a greater choice of where to live and reduced the attraction of living under smokestacks. Hines Lumber Company purchased the mill and town property in 1958 and dismantled the remaining housing in 1959-1960, at which time the Dee post office also closed.

Wood products operations continued under several operators until Champion Paper closed the facility in 1984. New Zealand investors reopened it as Dee Forest Products in 1986. In 1996, a spectacular fire destroyed most of the buildings and ended operations.

Many of the original residents of Dee Flat were mill workers who took up cutover acreage and cleared stumps for apple and pear orchards beginning in about 1910. A ditch drew irrigation water from the West Fork, four miles upstream from the flat. Many early agriculturalists were Japanese immigrants, and several families still operate orchards a century later. Early institutions included a Japanese community center, which served several dozen families, and a school, built in 1926 on the edge of the plateau overlooking the mill—a compromise location to serve both mill town and farm families.

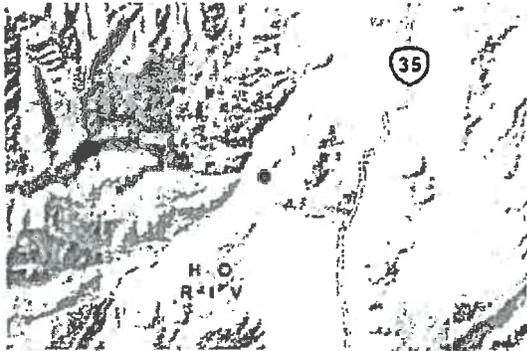
Tens of thousands of recreationists view Dee Flat as they pass through on the road to Lost Lake, which was first roughed out in 1910. It remains an active and prosperous agricultural district, with a population of 361 at the 2000

census. When the Dee Volunteer Fire District merged with the Parkdale Rural Fire District in 2006 (with a vote of 109 to 17), however, the Dee Irrigation District remained as the community's last formal institution.

Author

Carl Abbott 

Map It



(/wayfinder/#/articles/oep/808)

Further Reading

Carlson, Linda. *Company Towns of the Pacific Northwest*. Seattle: University of Washington Press, 2003.

Friedman, Ralph. *In Search of Western Oregon* (2nd ed). Caldwell, Id.: The Caxton Printers, Ltd., 1990.

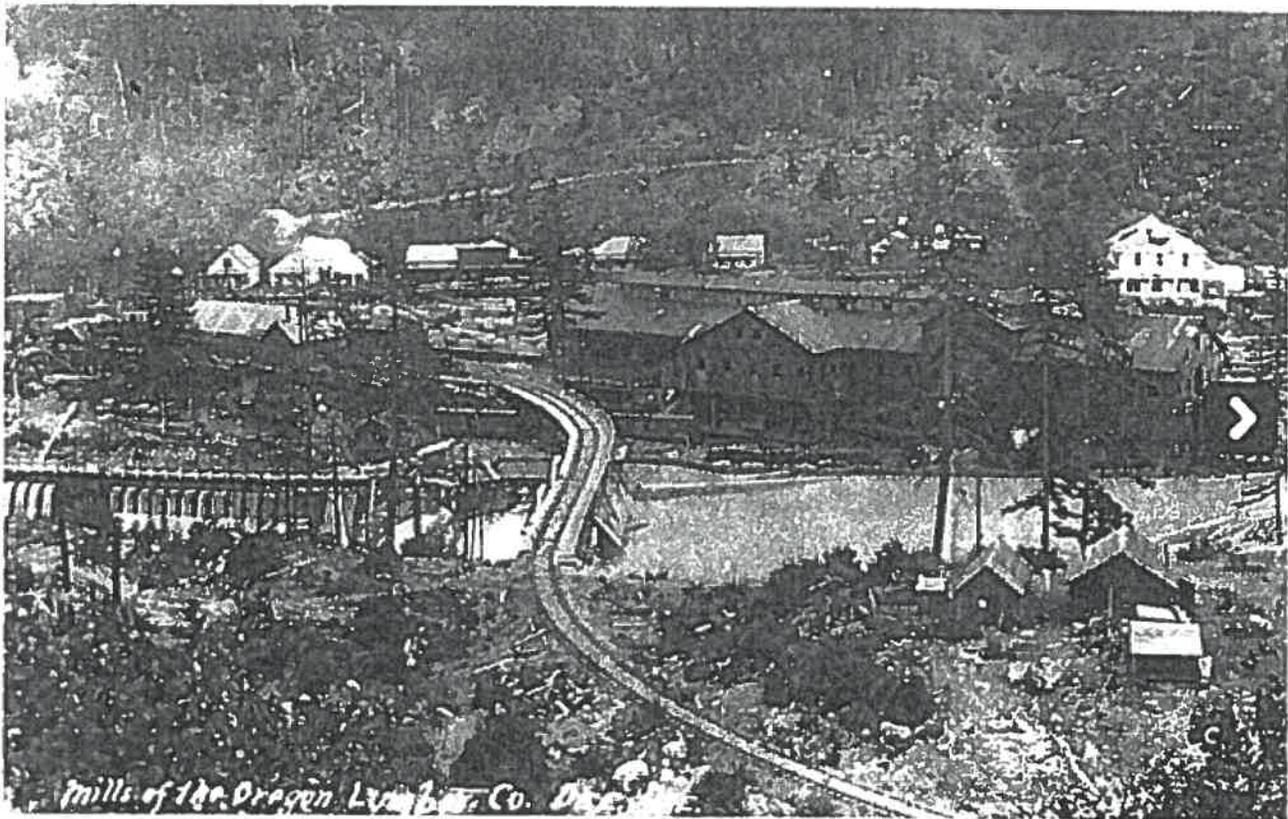
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DEE MILL
04-07-2016 0:1

9 COMMENTS

Notes

Here's a good clear image of the Oregon Lumber Company mill at Dee

Permalink

Category: [Dee]

Tags: Dee logging lumber mill Oregon_Lumber_Company

Comments

I would think this would be a modelers dream picture. Is that a steam locomotive on the main line in the distance? Certainly my memory of Dee as a bustling community in the early 1950s.

Arlen Sheldrake on 7th April 2016 @ 7:59am

For some reason the place looks abandoned.

Dan on 7th April 2016 @ 8:02am

Boxcars under the trestle for loading at the mill. I believe the only reason for rails to cross the river was to join the Lolo Pass logging line. Some of the trestle still exists on the logging lines upper switchback..

Kenn on 7th April 2016 @ 8:03am

Great photo.
Wouldn't it be fun to put together a model of this scene. Even include the Lolo Pass line.

L.E. on 7th April 2016 @ 9:42am

Arlen is correct, there is a steam locomotive followed by several cars of logs at the depot.

Arthur on 7th April 2016 @ 1:48pm

A little check-dam on the East Fork.....Log on.....f

James Holloway on 7th April 2016 @ 4:23pm

Looks like a lot of the buildings in this photo would have been quite vulnerable to flood damage.

Longshot on 7th April 2016 @ 10:15pm

From the April 5, 1917 Hood River Glacier page 7.

"With Ed Wolf, a veteran of a number of Northwestern logging camps, in charge of the crew of men, work was begun yesterday at the West Belmont lumber mill of A.A. Lausmann. The local concern will run to capacity throughout the season, cutting 30,000 feet per day. The Dee plant of the Oregon Lumber Co. will run to capacity, cutting 100,000 feet daily."

L.E. on 11th April 2016 @ 3:29pm

What a beautiful setting. I wish it was still here.

Pavel on 12th April 2016 @ 10:32am

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DEE, OREGON
08-12-2014 G+

4 COMMENTS

Notes

Here's another nice image of Dee.

Permalink

Category: [Dee]

Tags: dam Dee logging mill

Comments

I wonder who lived in the tents on the hillside

The water looks low. Is there a dam upstream to our right?

I.e. on 12th August 2014 @ 7:39am

The Dam was under the tracks as the Mill pond was where you see the logs starting to get bunched up then the pond monkeys would send them up that slide to be cut into lumber.

I.e. on 12th August 2014 @ 7:54am

Remains of the dam are still there. Take a look next time you're up Dee way. Wonder what the different structure near the house/tents is s'posed to be? Could that be the cistem for the spring?

spinsur on 12th August 2014 @ 8:32am

This entire operation is a bit south of the more recent mill. As spinsur points out the dam was at the railroad, which you can see from the current bridge a few hundred feet south (left) of here.

I think those tents are at our current road grade (Dee Highway). Didn't realize the hotel was so close to the edge.

Arthur on 12th August 2014 @ 9:12am

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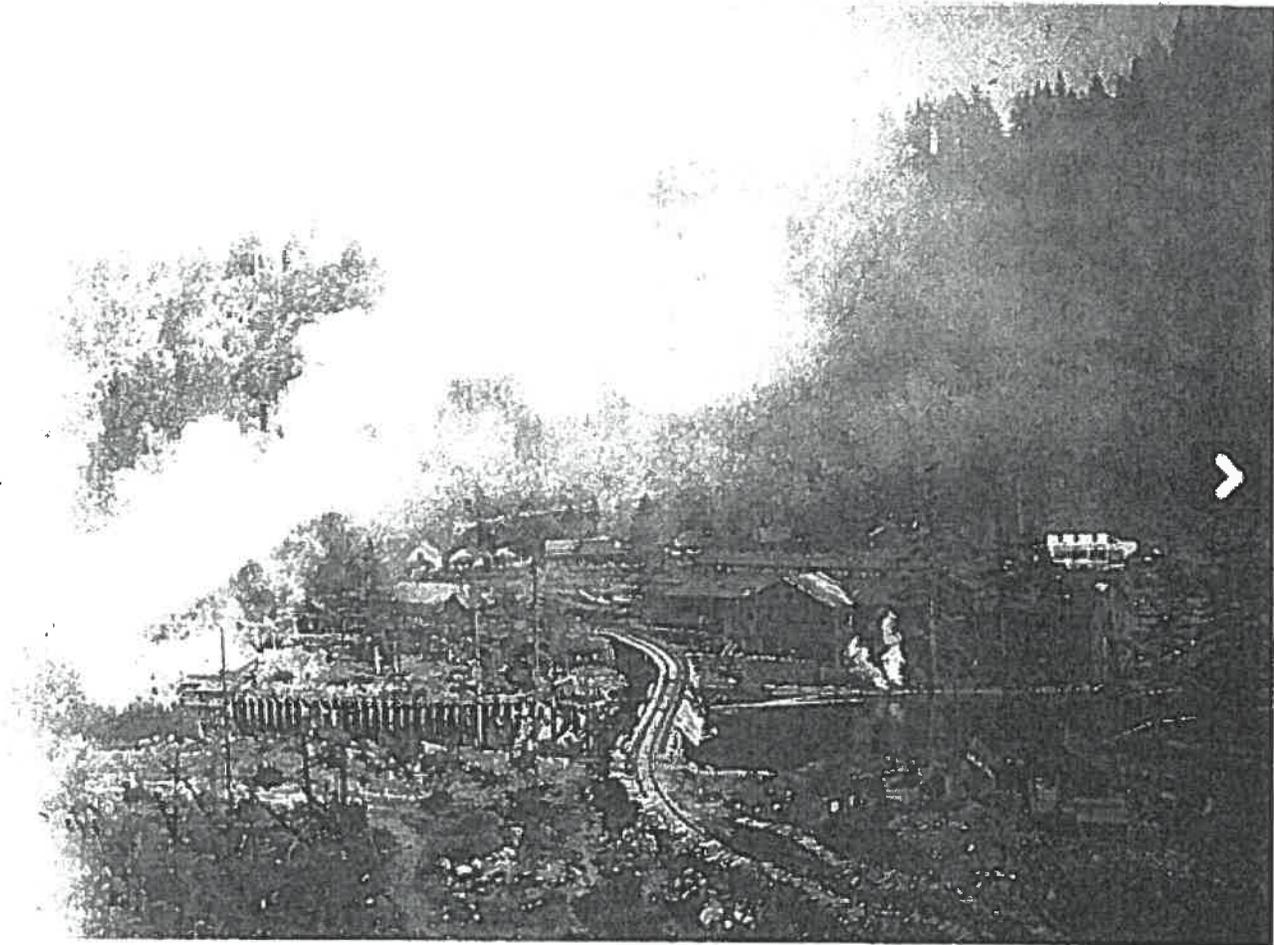
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DEE, OREGON
04-08-2014 G+1

12 COMMENTS

Notes

Here's Dee in its heyday. You can see the mill in full operation, with the hotel and employee housing in the background. The millpond is backed up behind the dam.

This image was badly faded and covered with spots. I cleaned it up more than I usually do because it is such a fine image. While historians usually prefer to study unretouched images since every spot touch up removes information, I think it's much easier to do a quick read of an image without the dirt. Don't worry, our archive preserves the original photograph as well as the unretouched, uncompressed scan

Permalink

Category: [Dee]

Tags: Dee Dee_Hotel Dee_Mill hotel logging mill

Comments

East wind blowing?
What is stacked up by the tracks? Cord wood, slab wood?
I like the touched up photos so I can see them

i.e. on 8th April 2014 @ 7.10am

Wonder if that is the company store with the false front on it right in the middle of the photo?

charlott on 8th April 2014 @ 7:22am

Would guess this mill was steam powered, but not sure. Could someone enlighten me?

Buzz on 8th April 2014 @ 7:31am

i.e., That must be cord wood to feed the locomotives....boil the water, creating the steam power to those steel wheels.....Yikes, the Age of Burning

James Holloway on 8th April 2014 @ 8.54am

Buzz, Not sure of the entire life of the dam or the Mill being steam, but the dam did produce electricity.

Jim Gray on 8th April 2014 @ 10:44am

It is my understanding that at some point the mill had a lot of hydraulically powered machinery

Longshot on 8th April 2014 @ 10:32pm

Is the current road right about where that railroad track is?

andyb on 9th April 2014 @ 7:57am

The railroad appears to cross on the dam, remains of which you can still see today Today's bridge and road would be a little out of frame to the left.

Arthur on 9th April 2014 @ 8:01am

The Mill burned down in 1913 and was rebuilt and operated with electricity at that time on of the first mills to do that. I know in 1956 that the housing had steam heat as we rented one just below the watertower that is still there.

LEE on 30th April 2014 @ 10:28am

The first mention of the town of Dee in the Hood River Glacier can be found at the following link.
<http://oregonnews.uoregon.edu/lccn/sn97071110/1905-12-07/ed-1/seq-2/>

Jeffrey Bryant on 10th September 2014 @ 4:00am

The Hood River Glacier, March 15, 1906, page 1
Mount Hood Trains Now Running to Dee
<http://oregonnews.uoregon.edu/lccn/sn97071110/1906-03-15/ed-1/seq-1/>

Jeffrey Bryant on 14th September 2014 @ 7:45pm

Hood River Glacier, September 10, 1908, page 1
Dee Hotel now open.
<http://oregonnews.uoregon.edu/lccn/sn97071110/1908-09-10/ed-1/seq-1/>

Jeffrey Bryant on 31st March 2015 @ 4:06am

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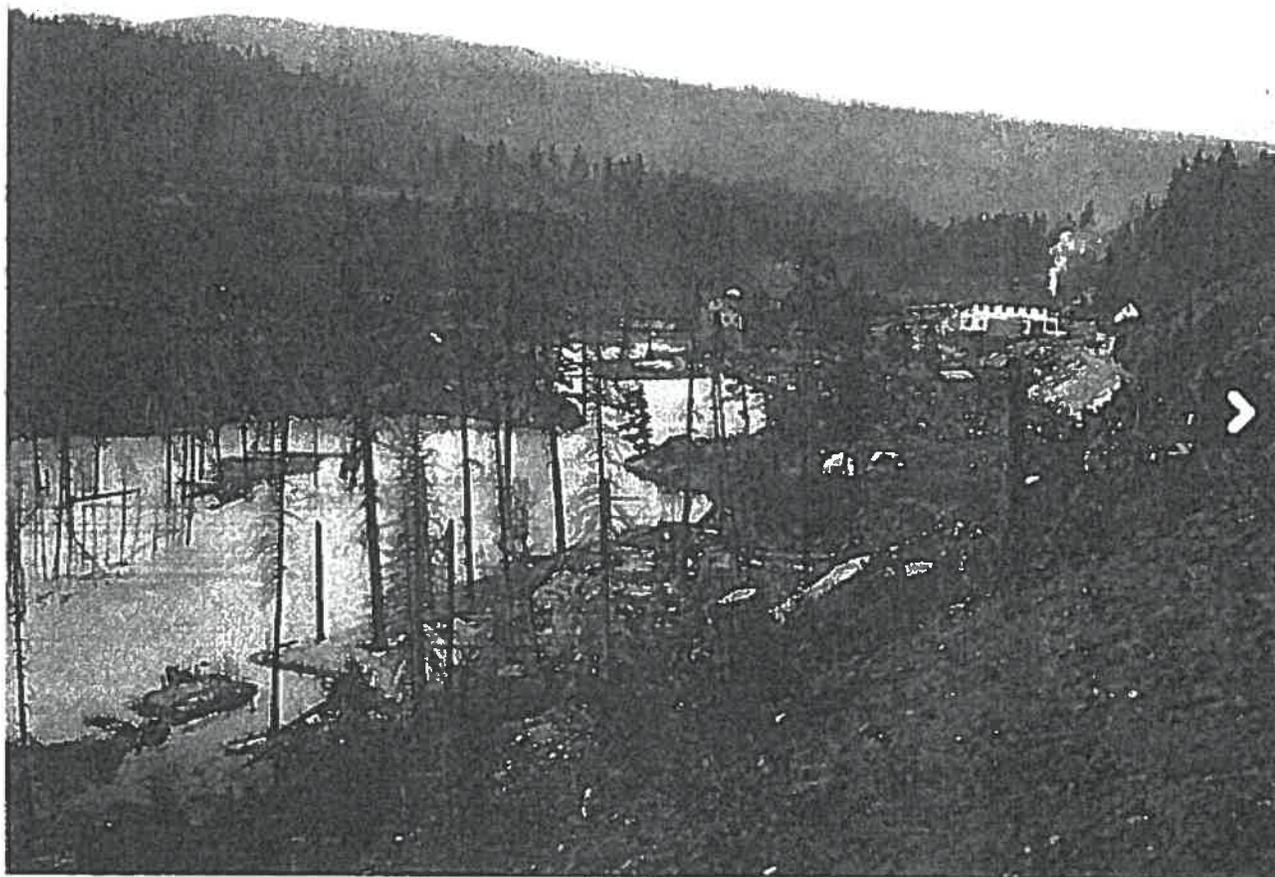
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DEE, OREGON
09-04-2013 6:1

14 COMMENTS

Notes

This is one of the more interesting images I've seen of Dee during its heyday. We're looking at the water backed up behind the dam which powered the Oregon Lumber Company mill. Dee was a company town. The large white building is the Dee Hotel. We saw it close up in this post.

The mill and the dam are gone, but you can still see remains of them on the site.

Permalink

Category: [Dee]

Tags: dam Dee logging mill

Comments

Do you have a time frame for this photo? Do you know how the dam powered the mill—generate electricity or was the mill steam powered? If steam powered, most big mill ponds were just a cheaper way to store and move logs into the mill. Also on the far bank it looks like logs have been laid vertically down into the pond to make a log dump. Wonder if logs were moved to this dump by railroad? Different world then—but ecological nightmare

Buzz on 4th September 2013 @ 7:27am

There is a log slip on the other side to dump logs into the pond. I wonder if it was used by trucks or a train.

It looks like the work of a bunch of big beavers.

I.e. on 4th September 2013 @ 7:29am

Railroad logging was used to feed this mill early in the 1900's. The railroad helped to bring logs to the mill from the West Fork of the Hood River. Many of the roads we drive today in the lower elevations of the West Fork are actually railroad grades.

Ranger on 4th September 2013 @ 9:54am

Another terrific image, Arthur! I agree on the log slip on the west bank – if you look at this 1931 Metzger map clip you can see the spurs terminating at the mill site:

<http://www.splintercat.org/PortlandHikers/1931DeeMiddleMnMetzgerMap.jpg>

You can also see a spur crossing the log pond on the map -- which I would speculate was built on the two peninsulas poking into the pond in the center of the photo. This looks really early to me -- as in turn of the 20th century. Is there a date established for the hotel?

Tom Kloster on 4th September 2013 @ 10:58am

From the post linked above in the caption of the Hotel.

I came across this in a Sept. 10, 1908 HR Glacier article. It might be a description of the hotel.

"A fine improvement at Dee and one which is particularly appreciated by the traveling public, is a new hotel which has just been completed and opened to the public this week.

spinsur on 4th September 2013 @ 11:15am

Dee was named for Thomas Dee, a stock holder and officer in Oregon Lumber Company. They had purchased the land from the Winans family who owned a lot of land in that area. David Eccles is the one credited with establishing the "company town." In the very beginning mill works lived in box cars. Eventually houses, store and the hotel were built. I vaguely remember that street where the so called town was located.

Charlott on 5th September 2013 @ 7:10am

The steam boiler was fed by surplus wood "hog fuel" year around. The steamheat heated all the building in "the town called Dee"...

Bill P.

Bill P. on 1st October 2013 @ 2:53pm

During the "logging season" the logs were stacked on the east side of the river into "cold decks" to be milled in the winter. Several fires destroyed these decks which is another chapter in the book.

Bill P.

Bill P. on 1st October 2013 @ 2:58pm

The following link is an article from 1906 indicating the new mill was ready for operation:

<http://oregonnews.uoregon.edu/lccn/sn97071110/1906-06-14/ed-1/seq-1/>

Jeffrey Bryant on 21st September 2014 @ 6:26am

this picture is interesting, showing the river downstream from the mill. As the river was glacier melt fed I doubt there were any log ponds in this picture. When I was a small child the logs were stacked on the flat above the dam on the west side above the dam, not seen in this picture. Growing up I walked a river trail from my home to the area in the picture and found little evidence of down stream holding ponds! Would have been difficult as the river still floods yearly with glacier and snow melt and canyon is quite steep and current very strong!

B mortensen on 6th January 2015 @ 7:19pm

I remember Dee in the 50s when there were still houses (shacks), Mr. Mac(etroy)'s beer joint, and what the Guinness Book of World Records called the "only post office in the US on a dead end street". The hotel must have been gone by the 50s.

Paula Sisson Akbar on 6th January 2015 @ 7:37pm

My dad my two brothers and I lived in the last house to the south of the store the water tower that is still standing was just above our house. We were there for three long cold and hot years, but the rent was only \$30.00 per month with steam heat, electric, water, sewer and garbage. We moved in there in 1956 and my dad was paid \$400.00 per month. My grandpa was one of the night

watchmen and sometimes I would go with him on his rounds and once in a while he would go into the bathroom in the boiler room reach down in the water closet and pull out a bottle of whiskey take a pull give a hottar out to Bill Skuce who worked in the room and away we went to finish the round That was some of the fond memories I have of Dee Lee Curtis Feb 16 2015

lee curtis on 16th February 2015 @ 2:41pm

I forgot to mention I have several pictures of the mill, log decks, hotel, and others. The river runs from south to north to the mill and Dam and if you look you can see where the logs enter the mill when the pond monkeys would send them up the chain ramp into the mill. Lee

lee curtis on 16th February 2015 @ 2:50pm

I found another copy of this image with a note "Sept '09" on the back

Arthur on 25th November 2015 @ 5:12pm

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COMPANY HOTEL AT DEE

05-10-2011 G+1

9 COMMENTS

Notes

The town of Dee was true company town, built in 1906 by the Oregon Railroad Company. It was the southern terminus of the Mount Hood railroad, and included this hotel, the mill, a store, a post office, and a tavern. This photo of the hotel dates to 1908. The town was dismantled in the 1950s, though the mill continued for some time after. The mill was destroyed by fire, though some buildings remain.

Permalink

Category: [Dee]

Tags: 1900s Dee hotel

Comments

Neat picture!

I love the porches and verandas but just think of the snow that had to be shoveled off of the top deck, in the winter.

The stage stop in Gilmer Valley, which later became the Kreps family home looked similar to this building. Not as big.

I.e. on 10th May 2011 @ 7:23am

Check out the dimension of that leftover lumber in the foreground. That mill put out some nice stuff.

Arthur on 10th May 2011 @ 8:51am

hmm. I took those to be railroad ties.

spinsur on 10th May 2011 @ 9:11am

I wonder how many rooms they had guests for?

Connie on 10th May 2011 @ 10:06am

My grandfather walked from Mt. Hood over Gilhouley to work at the Dee Mill for many years. It was definitely a company town; there was little "credit" to be had at stores in that time, but the mill would give workers credit at their store to get through the winters. Grandpa would carry flour and other staples back over the mountain, in all weather. But it kept the family fed and a little actual money.

In the summertime I doubt he ever went inside the hotel, it was "fancy."

Dedilee on 13th May 2011 @ 9:37am

I think this is at Winan's and not where the Dee Mill was. Owned and operated by the Winans family. I could be wrong, have been before.

Charlott on 8th June 2011 @ 11:29am

I came across this in a Sept. 10, 1908 HR Glacier article. It might be a description of the hotel.

"A fine improvement at Dee and one which is particularly appreciated by the traveling public, is a new hotel which has just been completed and opened to the public this week. The hotel contains 25 rooms and is equipped with all the improvements of a modern hostelry. A ten foot porch encircles the structure, affording ample room for entertainment of many guests out of doors during the warm weather. On the first floor is situated the office, dining room, parlor, a private dining room and a spacious kitchen with large pantries, and rooms build off the porch for the help required to run the hotel. The main dining room will seat 80 guests and a large range with all modern appliances, including hot water, insures convenience in preparing meals. Spring water for drinking purposes is provided. On the second floor are the bedrooms, well lighted and ventilated and electric lighted. Bathrooms and stationery washstands have also been put in and doors lead from the upper floor to the broad porch roof. The interior is finished in weathered oak and with its furnishings the new hotel will be one of the best appointed in the county. Later the grounds around it will be improved with lawns and several other buildings will be built to provide storage rooms. The cuisine of the hotel is under the management of Mr and Mrs. N.H. Nelson, who have had wide experience in this line and the meals are excellent."

I.e. on 5th January 2012 @ 10:49am

Does "stationary wash stands" refer to indoor plumbing?

nels on 4th September 2013 @ 10:07am

There is a description of the planned hotel at Dee in the March 29, 1906 Hood River Glacier
<http://oregonnews.uoregon.edu/lccn/sn97071110/1906-03-29/ed-1/seq-5/>

Jeffrey Bryant on 16th September 2014 @ 4:05am

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THOUGHT THEY WERE BEING KIDNAPPED PLANS PREPARED FOR BUILDINGS AT DEE

Several persons were arrested and... (Detailed news report text follows)

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Let's get acquainted... VOGT BROS. Hood River, Oregon

No. 2... THE SEKTON-WALTHER CO. THE DALLES, OREGON.

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Hotel Waucoma A First-Class House Moderate Rates Good Service Farmer's Dinner 25 cts Hood River P. F. FOUTS, Prop.

The Ice Cream Season IS HERE AGAIN... The Favorite Oyster Parlor

Plans Prepared For Building At Dee

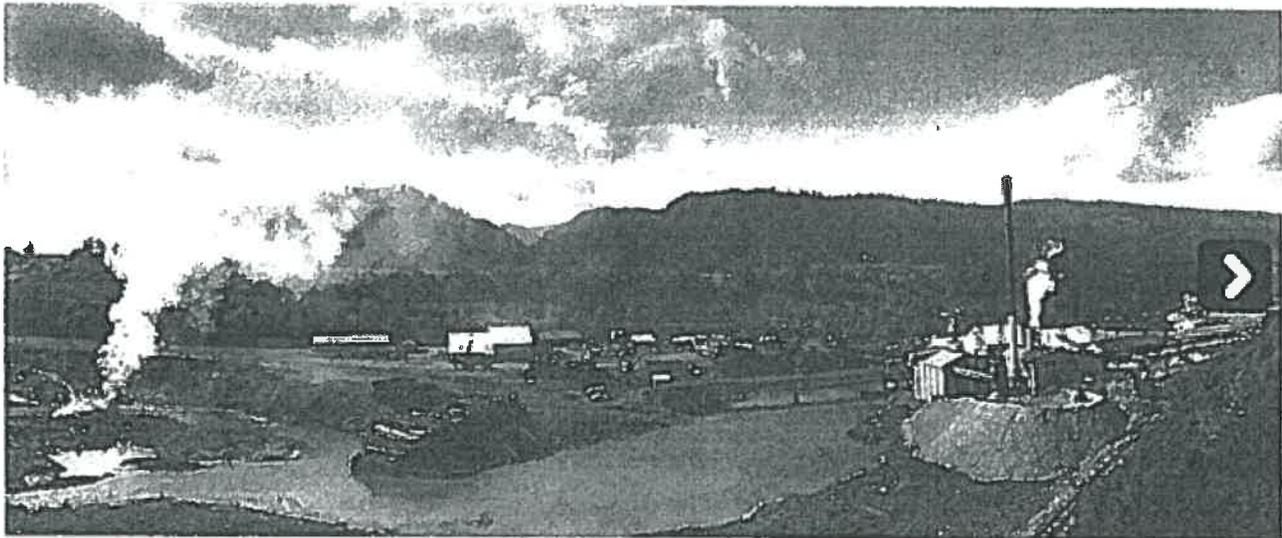
Plans which are being prepared by Architect P. M. Hall-Lewis for the new buildings at Dee will be in the hands of the contractors next Saturday, and it is expected that work will soon commence on them. -The new hotel which the Mount Hood Lumber Company is about to erect will be of the modified colonial style with broad overhanging eaves, rustic sides and shingle roof. The building will be 80 and one half feet long by 61 and one half feet deep and will be set on a stone foundation. It will be of a T shaped plan and will contain in all about 30 rooms. On the first floor will be situated the office, dining room and kitchen. The second floor will contain a parlor, suite of two rooms and bath and 22- sleeping rooms. There will also be two bath rooms on this floor, one for men and the other for women. A veranda in front of the building will be built so as to give separate accommodations for both sexes. Plans will be issued this week for figures on a residence for W. H. Eccles, president of the company. which is to be 30x38 feet on the ground and similar in architecture to the hotel building. The plans provide for eight rooms and bath, with open plumbing, electric wiring and open fire places. Both buildings will be plastered. In addition a number of four, five and six room cottages will be built for the employees of the company.

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DEE MILL PANORAMA
11-17-2015

10 COMMENTS

Notes

I know panoramas don't work so well on this website, but this one is too beautiful to pass up. Last week a very thoughtful man dropped off a suitcase of photographs and artifacts, many related to the Oregon Lumber Company mill at Dee. It included a set of 12 panoramas of the mill operations. I'm estimating they are circa 1950. They were certainly taken by a professional. They are all composed beautifully. It takes a real professional to find the beauty in an industrial scene. Perhaps someone has seen this series before and can fill us in?

You can see this image with a little more resolution here. The actual scan has 100X the pixels of even that larger version, but it's much too big to share.

Permalink

Category: [Dee]

Tags: Dee Hines logging lumber mill Oregon_Lumber_Company

Comments

Thanks to the man who dropped off the suitcase of photographs.

I hadn't thought about it, but this photograph has many interesting features to study, along with a beautiful background. I guess that takes someone with a professional eye.

I don't remember that much flat ground at Dee??

L.E. on 17th November 2015 @ 9:39am

When wood was king. Not even any wigwags.

nels on 17th November 2015 @ 11:32am

So what direction are we looking? And where in relation to the current bridge? If you go up river of the current bridge there is actually quite a bit of flat land on the west side of the Hood.

andyB on 17th November 2015 @ 12:31pm

This picture was taken near where the water tower sits on Dee Hwy. We are looking Northwest. The road on the other side of the river is the road up to Dee and the old school house is just off the left side of this picture up on the flat. Compared it to Google Earth historic pictures to come to these conclusions.

OrMtnMaid on 17th November 2015 @ 1:54pm

So... if we are looking northwest, does that gap in the hills lead to Greenpoint? And if so, would the Greenpoint flume, which we have seen in HHR photos, have come down through that gap?

L.E. on 17th November 2015 @ 2:50pm

That may be roughly the direction of Greenpoint, but the flume went in a completely different direction. It went to the NE from the mill, towards the Belmont Rd/ Country Club Road intersection. You can see this location and the flume route on this map: http://www.historichoodriver.com/image-swipe-master/flower_valley.html

Arthur on 17th November 2015 @ 4:03pm

L.E. the flat ground is still there and drivable, an interesting place

Kenn on 17th November 2015 @ 5:12pm

L.E. thus Dee Flat...! The gap in the hills leads off in the Lost Lake direction, I think. Off to the north there is another gap, Greenpoint Creek that way, I believe...

James Holloway on 17th November 2015 @ 8:55pm

There is no trace of the old Dee company town that used to crowd up to the east side of the river canyon. Likewise, there is no trace of the old cabin camp that used to hang on the west wall of the canyon. I think that bridge is in place for the bull chain to pull in logs from unload & deck on the west side of the river, and the round roof of the hardboard plant is visible way down there. The covered bridge is also gone. I'm just guessing now, but I'd say this was the J.H Hines mill by time of this picture, maybe 1960's.

J.E. Sheppard on 6th December 2015 @ 6:02pm

In one of this series of panoramas there is a sign above a door which says "Oregon Lumber Company Hines Plant". The cars in the series of images all look to be 1950s. According to the Oregon Encyclopedia the Hines Lumber Company purchased this mill in 1955. I wonder if the panoramas were commissioned for that occasion?

Arthur on 6th December 2015 @ 6:14pm

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- A. Other than a dwelling or mobile home except when exclusively connected with the business involved, any use permitted in a C-1 zone (Amended 6-21-73).
- B. Manufacturing, repairing, compounding, processing, packing or storage.
- C. Wholesale distributing or outlet.
- D. Railroad facilities such as switching yards, spur or holding tracks.
- E. Kennels.
- F. A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years. Site development standards of Section 16.60 shall apply.

Section 31.20 - Conditional Uses Permitted

In an M-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60.

- A. Motor vehicle wrecking yard.
- B. Junk yard.

Section 31.30 - Limitations on Use

In an M-1 zone erection of a building or the use of property within 100 feet of a lot in a farm or residential zone shall be subject to the review and approval of the Commission. The Commission may impose limitations on openings, access or other restrictions in order to reduce any adverse effects the use may be on adjacent properties.

Section 31.40 - Setback Requirements

In an M-1 zone, the setbacks shall be as follows:

- A. The front yard shall be a minimum of 20 feet.

B. No building shall be closer to an Exclusive Farm Use (EFU), R-1 or R-2 zone property line than the height of the building in the Industrial Zone or to the required setback of buildings in the EFU, R-1 or R-2 zones, whichever distance is greater.

C. Amended. Vision clearance setbacks from all street intersections shall be 35 feet.

Section 31.50 - Lot Coverage

In the M-1 zone, buildings, except covered parking or loading areas, shall not cover more than 60 percent of the lot area.

Section 31.60 - *Locational Criteria

Prior to approving a Zone or Plan Change to M-1, the Planning Commission will be presented with affirmative findings through documentation by the applicant that the following locational criteria are met:

- A. Direct access to an arterial or collector street. Traffic will not be routed through local neighborhood streets.
- B. Site access will not cause dangerous intersections or traffic congestion. Roadway capacity, speed limit, and number of turning movements shall all be considered.
- C. The storm drainage or natural drainage system will handle the increased runoff created by the new development.
- D. The access points will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress.
- E. The site will be convenient and close to population centers.
- F. The use shall be compatible with surrounding uses, size and character.

*The Locational Criteria are also listed in the County Policy Document under Goal 9 - Economy of the State.

G. Whenever possible, site will be located adjacent to existing commercial areas, and cluster-type development will be encouraged.

H. No building site shall be located within the 100-year floodplain.

ARTICLE 21 - COMMERCIAL ZONE C-1 (Effective 3/23/84)

Section 21.10 - Uses Permitted Outright

In a C-1 zone, the following uses and their accessory uses are permitted outright:

A. Any use permitted in a R-2 zone, including those listed as conditional uses, excluding therefrom mobile homes and mobile home parks. (Amended 6-21-73)

B. Retail trade establishment.

C. Commercial and professional service establishments unless otherwise listed.

D. Signs and billboards.

E. A mobile home for agricultural purposes, security personnel, and as a temporary use while constructing a dwelling for a period not exceeding two years. Site development standards of Article 16, Section 16.60 shall apply.

Section 21.20 - Conditional Uses Permitted

In the C-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Article 60:

A. Animal hospital.

B. Trailer park. (Amended 6-21-73) - mobile home park.

C. Mobile homes for a dependent relative (temporary use); site development standards of Article 16, Section 16.60 shall apply.

Section 21.30 - Limitations on Use

In a C-1 zone, the following conditions shall apply:

A. All business, service, repair, processing, storage and merchandise display on property abutting or facing a residential or farm zone shall be conducted wholly within an enclosed building unless screened from the residential or farm zone by a site-obscuring fence or planting permanently maintained at least six feet in height or a character in keeping with residential development.

B. Openings to structure on sides adjacent to or across a street from a residential or farm zone shall be prohibited if such access or openings will

cause glare, excessive noise or other adverse effects on residential or farm properties.

C. Light from a sign shall be directed away from a lot in a farm or residential zone.

D. Dwellings shall comply with the lot size, setbacks, height and lot coverage requirements of an R-2 zone.

Section 21.40 - Lot Coverage Requirements

In the C-1 zone buildings, except covered parking and loading areas, shall not cover more than 50 percent of the lot area.

Section 21.50 - Setback Requirements

In the C-1 zone, setbacks shall be as follows:

A. No building shall be closer to a lot in a residential or farm zone than a distance equal to the height of the building, or 20 feet, whichever is greater.

B. No building shall be constructed closer to the centerline of a street than 50 feet.

C. Vision clearance setbacks from all street intersections shall be 35 feet.

Section 21.60 - *Locational Criteria

Prior to approving a Zone or Plan Change to Commercial, the Planning Commission will be presented with affirmative findings through documentation by the applicant that the following locational criteria have been met:

A. Direct access to an arterial or collector street. Traffic will not be routed through local neighborhood streets.

*The Locational Criteria are listed in the County Policy Document under Goal 9 - Economy of the State.

B. Site access will not cause dangerous intersections or traffic congestion. Roadway capacity, speed limits and number of turning movements shall all be considered.

C. The storm drainage or natural drainage system will handle the increased runoff created by the new development.

D. The access points will have adequate visibility for motorists and pedestrians and will be kept at the minimum needed for safe ingress and egress.

E. The site will be convenient and close to population centers.

F. The use shall be compatible with surrounding uses, size and character.

G. Whenever possible, sites will be located adjacent to existing commercial areas, and cluster-type development will be encouraged.

H. No building site shall be located within the 100-year floodplain.



June 1, 2016

RE: Appeal #16-0073 of Commercial Land Use Permit #15-0174;
Hood River Valley Residents Committee Appeal of Apollo Land Holdings LLC
Hotel Project on the former Dee Mill Site

PO Box 1544
Hood River
Oregon
97031

www.hrvrc.org

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Administrative Assistant
Bianca Fernandez

Dear Planning Commissioners:

We submit this additional testimony in support of our request that the Planning Commission deny this commercial land use permit application for a 50-room hotel on the former Dee Mill Site.

To be clear, the Residents Committee does not oppose any and all development of the Dee Mill property. We support the preservation of rural industrial lands for rural industrial uses. This property was specifically identified as committed to rural industrial uses and thus zoned industrial. We have attached two articles from the *Hood River News* on the "Mill Bill," state legislation passed in 2003 which fasttracks redevelopment of abandoned mill sites for industrial uses by allowing the extension of sewer services and other exemptions from state land use law. Hood River County officials helped in the drafting of the bill and they clearly intended it to be used at the Dee Mill site in order to put the site to new industrial uses.

Again and again, Hood River officials have stressed the need to attract industry for the economic health of the county. We believe the county's limited industrial lands should be reserved for industrial uses and the economic benefits they provide. Hood River fared better the rest of Oregon because of its economic diversity, including a robust industrial sector ranging from high tech to food/beverage processing and forest products. The hotel site property represents over 10% of the *total* vacant industrial land in the county. It is located next to a rail line, a highly attractive feature to some industries. Industrial jobs are year-round, family wage jobs with benefits whereas the jobs associated with the hotel are likely to be seasonal, low-wage service jobs. Converting this property from a rural industrial use to an urban commercial one is not supported by either the Oregon Administrative Rules on exception zoning or an analysis of future economic benefit to the county.

We respectfully request you deny this application.

Best regards,

Heather Staten
Executive Director

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Governor cheers legislators for bi-partisan work



Hood River News

Wednesday, May 7, 2003

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Hood River's bi-partisan legislative team has been commended by Gov. Ted Kulongoski for strong leadership that could put more rural Oregonians back to work.

Last week Rep. Patti Smith, R-Corbett, the chief sponsor of a bill to redevelop abandoned mill sites, and co-sponsor Sen. Rick Metsger, D-Mt. Hood, received a personal thank you note from Kulongoski for legislation that will help get disused mill sites back into economic circulation.

"House Bill 2691 is a vital piece of my economic development package and I applaud the work of all of the interested parties that came together to craft this legislation," wrote Kulongoski in the April 30 letter.

His praise followed the successful efforts of Smith and Metsger to gain the approval of their peers for the legislation. Hood River County Economic Development Coordinator Bill Fashing said the passage of HB2691 streamlines the process that will allow sewer lines to be extended to both the Lower and Upper Hanel Mills and the former lumber plant in Dee.

"These properties have traditionally been zoned industrial and used for industrial purposes and, for the economic health of the county, we ought to continue to have use of those sites even though the mills are inoperable at this point," said Fashing.

Smith decided to seek passage of HB 2691 after learning that there were more than 150 closed mill sites throughout Oregon, many of which could be easily converted for a new industrial use.

"I was proud to introduce such a landmark piece of legislation and I thank the senator for his co-sponsorship — this was truly a team effort that shows what can happen when people have the best interests of Oregonians at heart," Smith said.

Last week, Metsger gained unanimous approval from his peers for the "Mill Bill." In his remarks on the Senate floor, Metsger described House Bill 2691 as a "critical piece of our economic development strategy." He said that increasing the supply of available industrial land would help attract family wage jobs to the state.

In his letter, Kulongoski told Metsger and Smith that he looked forward to signing the bill and putting Oregonians back to work.

"I have made the state's effort to identify and prepare 'shovel ready' industrial lands one of the priorities of

my administration. Utilizing abandoned or diminished mill sites outside of the urban growth boundary can be a boon for rural Oregon," he wrote.

On Monday, Smith said the House had to concur with the Senate version of her bill and then it would move to the governor for his endorsement. She said an official signing ceremony is expected to take place in the near future at one of the old mill sites.

"It's an amazing piece of legislation and I'm so thankful that everyone is on board," Smith said.

In January, Metsger was unanimously chosen to chair the Senate Economic Development and Transportation committee. His appointment followed that of Smith in December as the chair of the House Trade and Economic Development Committee. At the start of the current legislative session, the respective District 26 and District 52 elected officials contended they were in top leadership roles to tackle tough budget challenges and bring more family wage jobs to struggling rural counties. Both Metsger and Smith believe that HB 2691 is one example of how they have been able to work in a united effort to move key pieces of legislation forward.

More like this story

- Governor signs off on Mill Bill
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- A bill for mills
- Kulongoski visits Hood River
- Bridge, road funding stalls in state Senate

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Governor signs off on Mill Bill



Hood River News

Wednesday, June 18, 2003

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Gov. Ted Kulongoski signed off on legislation co-sponsored by Hood River's bipartisan team at a special ceremony on Tuesday.

With the stroke of his pen, Kulongoski enacted a new law that will put old mill sites back to work. He applauded both Patti Smith, R-Corbett, and Sen. Rick Metsger, D-Mt. Hood, for their success at crafting House Bill 2691-B and rallying their peers for its unanimous passage earlier this year.

"It has been an honor to work across branches of government and party lines to develop a common sense solution that meets an immediate economic need in our state," said Smith, the chief sponsor, in response to that praise.

Kulongoski also said, "this legislation offers new hope to many places in Oregon by turning abandoned property into economic opportunity."

HB 2691-B allows cities and communities across the state to "fast track" the redevelopment of more than 150 abandoned or or diminished lumber plants. It streamlines the regulatory process to house other industrial uses on those properties.

"The Mill Bill is a critical piece of our economic development strategy. It is one of the most important bills this session to create family wage jobs in rural Oregon," Metsger said.

Metsger and Smith were joined at the signing ceremony by Hood River County Planning Director Mike Benedict, who helped draft the language for the bill, Economic Development Coordinator Bill Fashing, County Chair Rodger Schock and County Commissioner Chuck Thomsen.

The Hood River officials concurred that the Mill Bill would cut the red tape to help Cardinal Glass Industries get settled on the lower Hanel Mill site. They said it could also attract other industries to the closed Upper Hanel Mill and Dee Mill sites.

"It's the first time in recent history that we've seen a real significant land-use change that people did not quibble about because they realized the need for economic development," Benedict said.

"This is a step forward in bringing new jobs to town, it will make the next step a whole lot easier," Schock said.

Both Smith and Metsger were appointed to key job creation roles following last November's re-election to their respective offices. Metsger's role as chair of the Senate Economic Development and Transportation Committee and her position as chair of the House Trade and Economic Development Committee allowed a united effort in moving HB2691-B forward.

More like this story

- Governor cheers legislators for bi-partisan work
- A bill for mills
- Hood River County and cities unite for job growth
- 'Two thumbs up': Cardinal welcomed
- Kulongoski visits Hood River

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Eric Walker

From: Helen James [hyjames@yahoo.com]
Sent: Tuesday, May 31, 2016 3:26 PM
To: Eric Walker
Subject: Against Deetour Hotel Plan

Dear Mr. Walker,

I am writing to protest the current proposal for the Deetour Hotel. It is an inappropriate, and perhaps illegal, use of this land. It has the prospect of too many cars, too many people, too much noise, too much traffic. It is not compatible with our rural and agricultural life and the environment of the forest and mountain. It will not provide family wage jobs that provide affordable living.

Thank you,

Helen James
1190 Methodist Road
Hood River, OR 97031

Eric Walker

From: Joan Laurance [joanlaurance@gmail.com]
Sent: Friday, May 27, 2016 8:42 AM
To: Eric Walker
Subject: Fwd: Appeal Dee Mill hotel sote

Categories: Red Category

----- Forwarded message -----

From: "Joan Laurance" <joanlaurance@gmail.com>
Date: May 27, 2016 8:37 AM
Subject: Appeal Dee Mill hotel sote
To: <eric.walker@co.hoodriver.or.us>
Cc:

Dear Mr Walker,

I want to go on record as opposed to the approval of the Apollo Land Holding LLC construction of a 50 room hotel at the Dee Mill site.

I feel this area should be kept in a rural state. Lodging in Hood River is available and only a 15 minute drive from the concert venue. If there is dire need for lodging services on site it should be maxmally in the form of a campground in keeping with a rural theme. Other event sites such as Maryhill and the Gorge do not offer lodging on site.

Please keep the upper valley rural for farm use and keep lodging in Hood River. I do believe the noise and congestion from periodic concert events is plenty for locals to manage without the added burden of a hotel.

Sincerely,

Joan Laurance

Eric Walker

From: ebypdx@gmail.com on behalf of Nick Eby [nick@pixelnix.com]
Sent: Tuesday, May 31, 2016 1:50 PM
To: Eric Walker
Subject: comment on proposed Dee hotel

Hello Eric,

I'd like to put in a comment on the DeeTour hotel proposal for the record.

I think that the county government is right to be interested in possible economic benefits of the use of this land. The land should be put back to use in some fashion. But my hope would be that the county compel the developer to present their entire plans for development of this land, and then enforce the development be limited to those plans. It's concerning to me that the developer has changed, amended, and added to their development plans piecemeal - residents out here could reasonably ask, if this hotel gets approved, what will the developer add next? How can we be sure the county has taken into account all the potential impacts to traffic, noise, etc if the development plans for the mill site are allowed to expand into the future indefinitely?

Overall, I continue to be mainly concerned with traffic impacts to the only way in and out of the neighborhood, and impacts to the health of the river. I hope any approval for development plans would include improving the Hwy 281 intersection of Lost Lake Rd to make it safer for larger volumes of vehicles. I hope that the concerns of agencies including DEQ and ODFW are fully met to prevent any harm to the river from runoff, sewage, chemicals from the old mill site, and other sources of pollution.

Thank you for your consideration,

Nick Eby
5135 Lost Lake Rd

Eric Walker

From: Butch Mohr [butchm@sdslumber.com]
Sent: Tuesday, May 31, 2016 3:00 PM
To: Eric Walker
Subject: DeeTour Hearing

Mr. Walker,

You asked for my thoughts. I think it is all a great plan. Make the amphitheater and have motel for people visiting, musicians, etc., and my wife and I would come use it. At the very least, the amphitheater is a must. I think the owner may be trying to get the motel in, because the port commission allowed a new motel on the old Nichols Boat Works site, so he should be allowed to do the same. These are just my thoughts, which I was asked to send. I say, yes, the owner should be allowed to build it all. I was born and raised in Hood River and I think it would be great to have this attraction to the valley.

Thank you.

Butch Mohr @ SDS Lumber
(509) 493-6106



RECEIVED
JUN 01 2016

Subject: Dee Tour Application—Hotel

Items of concern:

Traffic: Dee Highway 281 is at capacity now with delivery trucks, logging trucks, bicycles, school buses, local residential, recreational, and commercial vehicles. I live at 4195 Dee Highway and at times must wait for up to 15 vehicles to pass to enable access to Highway.

Railroad: With the Mt. Hood Railroad being a transportation provider to Dee Tour activities, the noise and whistle blowing as the train moves through residential areas, especially at night will be very offensive. There are several crossings in our area with the main crossing within 200 feet of proposed hotel.

Continued Development: The question was asked by a planning commission member at the last hearing about the overall development. The reply was that "we are fluid right now." It appears that since the initial application add on (hotel, etc.) becomes a means to an end.

- concrete building (old power house) on south end of site has bids out to be turned into wedding venue site
- boiler building is under consideration for future restaurant
- when Punch Bowl Falls Park was being considered one of the greatest needs was for kayak launching access on the river. On the Dee Tour acreage there is ample low bank river access which will allow a larger number of such users to recreate.
- Does future development now include home sites?
- Within 300 feet North of the Dee-Parkdale intersection a recent road was constructed down to the Mt. Hood Railroad. This road does not have an ODOT permit for access. Neither is there an approval for a crossing from Mt. Hood Railroad. There has never been a road at this site. A former home was on this site with the garage up by the Dee Highway.

I am in favor of the Dee Mill site being used as a business location. It should not be a hotel and destination resort.

David Winans
541-354-1708

Stephen Hunt
5515 Alder Rd.
Hood River, OR 97031

June 1, 2016

Eric Walker
eric.walker@co.hood-river.or.us
Comments to the Hood River County Planning Commission
Re: Appeal 16-0073 of CLUP-15-0174

Zoning versus Usage

There are many gradations of commercial usage. For example, you could conceivably have a commercial use that would generate no traffic. Or you could have a commercial use, such as the applicant's proposal, which could generate a great deal of visitors, traffic and concentrated use. The county has focused its analysis of this proposal as a "one size fits all" application of the zoning and commercial criteria. The tool that allows a more complete analysis of the proposed usage is the "Burden of Proof", Section 60.10 of the county's comprehensive plan. These criteria both allow and demand a more thorough and rigorous analysis, predicated on the language that says: "the greater the departure from present land use" pattern, the higher the burden of proof on the applicant. This requirement for a more rigorous review in some land permits is key to the proper functioning of county planning processes, and a rational and common sense application of the plan. The staff report for the hotel does not even acknowledge, much less address the striking departure from the recent or historical usage of this parcel.

Cumulative Impacts

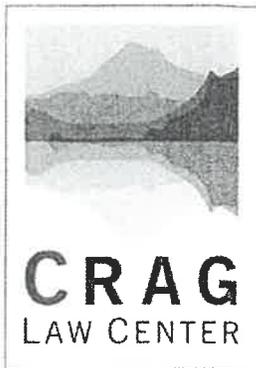
The applicant was clear in the original proposal for the amphitheater that more intensive usage and further land use permit applications were to follow. The county was well aware that it was handling a sequential application process of unknown scope. It has become impossible for the public to judge, the public agencies to properly respond, and the county to properly and realistically set conditions based on the fragmented application process. This is not a recent development, but a chain of events that could clearly have been anticipated starting with the original amphitheater application. The Planning department was remiss in its responsibilities to clearly define the scope of this project from the beginning, and therefore present the public with the full and complete picture. Cumulative impacts cannot be properly judged until a complete application, with the full gamut of activities is presented on this parcel.

Destination Resort

This proposal in its spirit, impacts, details and close adherence to the definition of "small destination resort" has been misclassified, misrepresented, and improperly considered by the County Planning department from the beginning. It fits the state definition of a destination resort. It would function as a destination resort. And its impacts would resemble a destination resort. A destination resort is not an allowed use in the county, period.

**The Following Written Testimony was Received During the
Second 7-day Continuance Period Between June 1 and 8,
2016.**

June 15, 2016



917 SW Oak St.
Suite 417
Portland, OR
97205

Tel:
503.525.2724

Fax:
503 296.5454

Web:
www.crag.org

Courtney Johnson
Staff Attorney
courtney@crag.org

June 8, 2016

Via Electronic Mail

Hood River County Planning Commission
c/o Eric Walker, Principal Planner
601 State Street
Hood River, OR 97031
eric.walker@co.hood-river.or.us

**Re: Rebuttal Testimony
Appeal #16-0073 of Commercial Land Use Permit #15-0174;
Hood River Valley Residents Committee Appeal of Apollo Land Holdings
LLC Hotel Project on the former Dee Mill site.**

Dear Chair Schuppe and Planning Commission:

On behalf of the Hood River Valley Residents Committee (“Residents Committee”), I submit these rebuttal comments in support of Appeal #16-0073 regarding the Commercial Land Use Permit #15-0174 for a 50-unit hotel on the site of the former Dee Mill. These comments are submitted pursuant to the open record schedule set forth by the Commission at the May 25 public hearing for this appeal. For the reasons set forth in the Residents Committee’s May 25 materials and discussed further below, the Residents Committee requests that the Planning Commission deny the commercial land use permit application.

The Existing Goal Exception Does not Support a Hotel Use.

Hood River County adopted a Goal 4 Exception for this property because it was physically developed and committed to industrial use in the form of the Dee Mill. Dee Hardboard Industrial Exception (HRVRC 5/25/16 Exhibit A). The applicant’s June 1 argument suggests that because the Industrial (M-1) zone applied to the property at the time the Goal 4 Exception was taken incorporated uses in the Commercial (C-1) zone, the existing Goal 4 Exception allows a hotel. This argument cannot be squared with either the Comprehensive Plan Goal Exceptions Document or the Oregon Administrative Rules and case law regarding Goal exceptions.

First, the applicant mischaracterizes the Goal 4 Exception for the property as “simply recogniz[ing] that the subject property was not resource land ...” (Sumerfield ltr. at 2). The Exceptions Document does not identify the property as non-resource generally, but instead identified the property as built out and physically committed to the industrial mill use. Specifically, “[I]and designated and zoned either for industrial

or light industrial use is located ... at the site of existing industrial operations (i.e., Hanel Mill Site and Dee Hardboard Plant Site).” Goal Exceptions Document at 4 (HRVRC Exhibit A at 5). In the Dee Mill exception itself, the justification for the exception is “committed” to industrial use. *Id.* at 237 (HRVRC Ex. A at 7).

In contrast, the Exceptions Document discusses properties that are designated for commercial uses:

“In designating lands for commercial uses, many of the existing commercial uses were recognized while providing limited area for new commercial growth in established areas. ... Commercial areas are located south of Hood River along Tucker Road; at the junction of Highway 35 and Old Columbia River Drive; and in the communities of Odell, Mt. Hood and Parkdale. A few isolated site specific parcels are designated commercial to recognize existing operations.”

Goal Exceptions Document at 4 (HRVRC Exhibit A at 5). Notably, neither Dee nor the Dee Mill property was designated for commercial uses. The County’s Goal Exception Document does not allow commercial hotel uses at the Dee Mill site.

Second, the applicant’s argument conflicts with the Oregon Administrative Rules governing the goal exception process and the courts’ interpretations of those requirements. As noted in the Residents Committee’s prior testimony, Goal exceptions taken for physically developed or irrevocably committed uses are very narrowly interpreted. Those exceptions are valid only for the “same use” already existing on the property. OAR 660-004-0018(1). “Physically developed or irrevocably committed exceptions ... are intended to recognize and allow continuation of existing types of development in the exception area.” *Id.* According to the Court of Appeals, “the basis for the physically developed or committed lands exception evaporates with an incompatible proposed use, and a new rationale for not applying the otherwise applicable resource goal becomes necessary.” *Doty v. Coos County*, 185 Or App 233, 243 (2002). The hotel use is different and incompatible with the former mill use. The applicant would not be seeking to develop a tourism hotel on the property if the mill were still in existence and operating. The applicant offers no rule of law that would allow the replacement of an existing industrial mill with a commercial hotel operation under an irrevocably committed or physically developed goal exception.

In order to allow the proposed commercial use without a new Goal 4 exception, the County must determine whether the hotel can meet the requirements set out in OAR 660-004-0018(2)(b):¹

¹ In contrast to the proposed commercial use, the administrative rules expressly allow for industrial development uses to occur on exception areas planned and zoned for industrial use as of January 1, 2004. OAR 660-004-0018(2)(d).

- (A) The rural uses, density, and public facilities and services will maintain the land as “Rural Land” as defined by the goals, and are consistent with all other applicable goal requirements;
- (B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and
- (C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;

“Rural lands” are those which are outside the urban growth boundary and are non-urban agricultural, forest or open space lands, or other lands “suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.” See *1000 Friends v. LCDC (Curry County)*, 301 Or 447, 456 (1986). As discussed in the Residents Committee’s May 25 letter, the proposed hotel does not maintain the land as rural land, and does not comply with other applicable goals including Goals 11 and 14. As explained by the many neighbors and community members who testified at the May 25 hearing, the proposed hotel would not be compatible with the nearby and adjacent rural uses including important and long-standing agriculture and forestry operations. The County should conclude that a new Goal 4 exception is required for the proposed hotel.

The Hotel is Properly Characterized as an Urban Use

The prior Goal 4 exception did not authorize commercial or urban uses of the property or determine that the land is “suitable, necessary, or intended for urban use” under Goal 14. The county has not taken a Goal 14 exception for this property. The applicant does not dispute this fact, but instead argues that the hotel is not an urban development and therefore does not require a Goal 14 exception.

In the Residents Committee’s May 25 letter, we explained the factors for determining whether a use is rural or urban as set forth in *1000 Friends v. LCDC (Curry County)*, 301 Or 447 (1986). We also identified a prior case where LUBA determined that a 50-room hotel that allows urban visitors to stay in a rural area rather than returning to urban centers was an urban use. *VinCEP v. Yamhill County*, 543 Or LUBA 514 (2007). Both cases were provided as exhibits so that the Commission members may refer to and evaluate the decisions for themselves. The County can adopt the same reasoning here to determine that the hotel is an urban use.

The applicant does not dispute that the 50-room hotel is designed to draw tourists from urban areas such as the City of Portland to the rural area, and would allow those tourists to stay overnight in the rural area rather than returning to the urban centers. Instead, the applicant argues that the 1930s mill town hotel was rural and therefore this hotel is rural. The 1930s hotel was part of the industrial mill town and likely served mill employees and their families, not urban tourists and visitors. The mill town hotel was neither discussed nor acknowledged in the County’s Goal Exceptions Document as justifying the Goal 4 exception. Further, the mill town hotel is not being proposed here – the County must evaluate whether the current proposal is

urban in nature based on the factors set forth by the courts. Historical uses that are not identified in a Goal Exception document are not relevant or instructive to the required analysis.

The applicant next argues that the Staff Report Section R “concluded that the land would retain its rural character notwithstanding the building of the hotel.” (Sumerfield ltr. at 3). Section R does not contain this conclusion. Section R did not evaluate whether the proposed hotel is urban or rural, and did not address whether a Goal 14 exception would be required for this hotel. The Section R analysis does not contain information on parcel size or ownership patterns, existing adjacent land uses, or neighborhood and regional characteristics. *See* OAR 660-004-0028(6) (factors for evaluating whether proposed use would commit surrounding area to uses not allowed by the goals, such that allowed uses become impracticable). Section R appears to evaluate only the potential impacts to nearby residential development, and fails to account for any impacts to adjacent and nearby rural resource uses. The Staff Report fails to even acknowledge that the property is subject to a Goal 4 Exception in the Comprehensive Plan, or evaluate whether the hotel fits within that exception. Any conclusions contained in the Staff Report regarding the suitability of the area for the type of development cannot be relied upon to support conclusions regarding compliance with Statewide Planning Goals or the Comprehensive Plan.

Finally, the applicant suggests that because the amphitheater was permitted on the property (without an evaluation of whether that use complied with the Planning Goals) then the hotel also should be allowed. The fact that the amphitheater was permitted in violation of the Planning Goals does not provide reason to permit the hotel as well. If a use of land would violate a Goal, an exception is required. *See Curry County*, 301 Or at 457 (citing *1000 Friends of Oregon v. Wasco County Court*, 299 Or 344, 352 (1985)). As explained in the Residents Committee’s May 25 letter, the hotel is an urban use because it will attract people from outside the rural area and because the types and levels of services required for the use are urban. Therefore the hotel is prohibited without a Goal 14 exception.

Conclusion

Because the hotel is not the same use as the industrial mill for which the Goal 4 Exception was taken, the County must evaluate the proposal for compliance with Goal 4. Because the applicant proposes an on site sewer system that will serve multiple units of the hotel, the County must determine whether the use is consistent with Goal 11. Finally, the county should conclude that the hotel is an urban use that cannot be permitted absent a Goal 14 exception.

Sincerely,



Courtney Johnson
On Behalf of Hood River Valley Residents Committee

**The Following Written Testimony was Received During the
Final 7-day Continuance Period Between June 8 and 15,
2016.**

June 15, 2016

PHILLIPS REYNIER SUMERFIELD & CLINE, LLP

DEBORAH M. PHILLIPS
RONALD H. REYNIER
WILLIAM H. SUMERFIELD
JULIE L. CLINE

ATTORNEYS AT LAW
P. O. BOX 758
718 STATE STREET
HOOD RIVER, OREGON 97031

(541) 386-4264
FAX: (541) 386-2557
E-MAIL: bill@phillipsreynier.com

Licensed in Oregon & Washington

June 14, 2016

Hood River County Planning Commission
c/o Eric Walker
601 State Street
Hood River, OR 97031

RE: Appeal 16-0073
Hood River Valley Residents Committee, Appellant
Apollo Land Holdings, LLC, Applicant

Dear Chair Schuppe and Planning Commission:

Apollo Land Holdings submits this final response to the material submitted by Appellant and others following the May 25, 2016 hearing.

A hotel is a use permitted outright

In appellant's world, there is evidently no such thing as a use permitted outright. For appellant, every use, even those expressly authorized by the applicable zone, must apparently be justified and conditioned. Despite the fact that the subject property has been zoned to allow a hotel since 1965, despite the fact that the subject property previously supported a variety of commercial uses including a hotel, and despite the fact that the County previously declared an exception to Goal 4 for the site which was acknowledged by LCDC, appellant argues that a hotel is not permitted on this site without taking a new exception to Goal 4, taking an exception under Goal 14, and analyzing the project under Goal 11. Appellant is incorrect.

When is a zone not a zone? Appellant improperly seeks to collaterally attack the County's acknowledged comprehensive plan and zoning for this site

Some of the later arguments in this memorandum are, by necessity, a bit dense. This one is quite simple: We are entitled to presume that the County knew what it was doing when adopting its comprehensive plan. It zoned this property industrial. The industrial zone, then and now, allows commercial uses. In acknowledging the County's comprehensive plan, LCDC approved this zoning designation for this site. There is no need to go beyond that simple analysis. Appellant's arguments amount to an impermissible collateral attack on an acknowledged plan and zone in place since 1985.

The hotel proposal is permitted under the existing exception

OAR 660-004-0018 (2) provides that for "physically developed" and "irrevocably committed" exceptions, the zone designations shall limit uses, density, and public facilities and services to those that are the same as the existing land uses on the exception site; or those that meet the following requirements:

(A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals, and are consistent with all other applicable goal requirements;

(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to uses not allowed by the applicable goal as described in OAR 660-004-0028; and

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.

As the rule was summed up by the court, "in other words, a physically developed or irrevocably committed exception will suffice when the proposed change in use is either to a new like use or to one that does not alter the character of use and services required to support it and is otherwise compatible with adjacent or nearby resource use." *Doty v. Coos County*, 185 Or. App. 233, 243 (2002).

It is worth noting that the rule is not limited temporally to the date of the exception. Nor are the words "existing land use" or "use" defined. Appellant argues that the exception was a snapshot in time, circa 1984, and that a mill is the only permissible use for this site within the scope of the exception. Appellant's interpretation of the rule is too narrow.

The hotel is a new like use

Applicant previously established the rich history of this site as a mill town with numerous commercial establishments including a hotel. The proposed hotel is a use the same as or like those preexisting land uses. No additional analysis is required.

The hotel does not alter the character of use and services required to support it and is compatible with nearby resource use

A hotel is admittedly a different use than a mill, but it is the **character** of the use that is relevant. And if the purpose of the rule, and the touchstone of the analysis, is to preserve rural land, the hotel is actually a more "rural" in character use than the mill. The mill town housed at its peak some 250 people and the mill employed roughly 300.¹ Even after the town dwindled, the mill continued on, employing many local workers. For a sense of scale, a photo of the mill taken at some point after it was purchased by the Edward Hines Lumber Co. in 1955 is attached as Exhibit B. When Champion International closed the mill in 1981, it was employing about 90 workers.² It re-opened as the Dee Hardboard plant, and continued to employ about the same amount until it burned in 1996. At the time the County took the 1984 exception, the mill was functioning as a hardboard plant, and would have employed around 90 people. The employee count does not include the independent log truck drivers, finished product delivery drivers, and other associated ancillary workers who were associated with the mill. An operating mill with its employees, log trucks, and finished product delivery vehicles coming and going daily generates far more traffic and congestion than a boutique hotel. With the luxury of 20 years of the land sitting fallow since the demise of the mill, memories of the actual impact of the mill have

¹ *Owners Assess Damage*, Hood River News, November 23, 1996, Exhibit A.

² *One Mill Closes, Another Lays Off Its Swing Shift*, Eugene Register Guard, October 8, 1981, Exhibit C.

dimmed. But the hotel actually has less potential impact on nearby resource uses, and does not alter the character of the use that was the subject of the exception.

The hotel does not require new or different services to the site. The town of Dee had its own water and electric service, and the site is currently served by water and electricity. Presumably the residences, hotel, and businesses of Dee were served by on-site septic systems, as will the new hotel. The proposed hotel does not require any new or different services be brought to the site to support the use.

Appellant argues that the testimony at the May 25 hearing established that the hotel is incompatible with nearby farm and forest uses. Most of the people who testified in favor of appellant at the hearing seemed to be unable to distinguish the hotel proposal from the previously approved amphitheater. Despite the fact that the unrebutted traffic study showed that the hotel would actually **reduce** traffic related to concert events, we continued to hear about the impact of traffic after events. Not one speaker offered any evidence that the hotel would have any direct impact on the speaker's farm or forest practices – which is not surprising, because the hotel will not have any impact on nearby farm or forest practices. As noted in the staff report, “the subject property is generally isolated from adjacent, non M-1 zoned, property by the East Fork of the Hood River, Dee Highway, and varying landscapes, thus minimizing direct conflicts.”³ Other than traffic, commenters focused on trying to fit the hotel into a destination resort category, or complaining about the staged nature of the application. There is no evidence that the hotel is incompatible with nearby resource uses. To the contrary, staff concluded in Section R(4)(a) of the Staff Report that the “applicant’s proposed hotel is an appropriate use for the subject property, especially given its zoning (*which allows commercial activities outright*), its proximity to recreational opportunities in the area, and adequate facilities being available to the site.”⁴

The unrebutted traffic studies are adequate, and establish that there is no traffic impact resulting from the hotel

The record contains a traffic study prepared by Brad Coy, PE, of the engineering firm DKS Associates. The initial study, prepared for the amphitheater application, evaluated the impact at the Lost Lake Road/Highway 281 intersection resulting from 500 vehicles entering and exiting the property in conjunction with approved venue site. The study established that the intersection is expected to meet or exceed ODOT mobility targets, which is to operate at a Level of Service (LOS) standard “C” or better at all times. A supplemental Traffic Analysis prepared by DKS for concluded that “the addition of a hotel to the approved concert venue site would not have any additional impacts beyond those already analyzed as part of the prior traffic study.” In fact, because the proposed hotel will likely provide overnight accommodations to patrons of the concert venue, Mr. Coy concluded that “the hotel is expected to reduce the amount of traffic leaving the site, thereby improving conditions as compared with the results of the prior traffic study.” The studies were reviewed by County Public Works, ODOT, and staff, and found to be acceptable.

Appellant has never been satisfied with applicant’s traffic study, and has challenged the study methodology and underlying data. But at no time has appellant submitted anything

³ Staff Report, p. 15.

⁴ Staff Report, p. 13.

prepared by a traffic engineer, or any professional, which would counter the professionally prepared study submitted by the applicant and accepted by the County and ODOT. The traffic study is adequate, and stands as the final word on traffic impacts resulting from the hotel. Again, as noted in the preceding sections of this memorandum, the 20 year hiatus in activity since the demise of the mill may have created false expectations about the level of activity both previously extant and allowed under the existing zoning and exception. But as shown by pictures like those previously submitted and in Exhibit B, those expectations are false and unrealistic in light of the intensity of the prior use of the subject property as a mill.

The traffic study also supports the idea that the subject property and surroundings remain rural as opposed to urban. As noted, the level of service at the intersection of Dee Highway and Lost Lake Road will be at level C or better at all times. The City of Hood River allows for a level of service D, which is substantially denser and more congested.⁵

The proposed storm water drainage plan is adequate at this stage of the proceedings

The subject property is 32.64 acres. The proposed buildings, including the amphitheater pavilion, are roughly 27,000 square feet, comprising less than two percent of the subject property. Applicant submitted information outlining a proposed storm water drainage system relying on permeable surfaces, bio-filtration swales or and/or dry wells. No runoff will be sent directly into the Hood River. Condition of Approval 22 requires that the applicant submit a detailed storm water drainage plan to the County Engineer for review and approval. As part of the submitted plan, the applicant will need to hire an Oregon licensed civil engineer to demonstrate that (1) existing or proposed storm water drainage or natural drainage systems will be able to properly handle the increase runoff created by the proposed development, and (2) all runoff, whether existing or new, is properly treated before leaving the site and, in particular, before entering the East Fork of the Hood River. Once approved, Condition 23 will require construction of the approved system prior to occupying the hotel.

Much like the traffic study, appellant is not happy with the applicant's storm water submission, and argues that it should include more detail. Applicant cannot improve on the Staff's succinct and accurate response to this argument in the Staff Report:

After conferring with the County Engineer, staff finds that the information provided by the applicant was sufficient to grant preliminary approval. As noted above, final approval remains contingent upon the applicant providing a final engineered storm water drainage plan for review and approval by the County Engineer. This approach is consistent with how storm water and other similar engineered plans are evaluated. Requiring final plans as part of an initial application would result in unnecessary inefficiencies and costs, especially if the use ends up not being approved or getting modified. It would also undermine the role of the County Engineer as the County's expert on such matters.⁶

⁵ City of Hood River Transportation System Plan, Goal 4, Policy 4 (2011)

⁶ Staff Report, p. 5

Hood River Planning Commission
June 14, 2016

Conclusion

The County's staff and counsel have this right: The hotel is a use permitted outright. Appellant's arguments amount to a collateral attack on the existing zoning and the acknowledged comprehensive plan. The hotel is a new use like in character to the mill that was the subject of the exception. The hotel will not alter the character of use, and is compatible with nearby resource uses. There are adequate facilities available to support the use.

The appeal should be denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Sumerfield', written in a cursive style.

William H. Sumerfield
Attorney for Apollo Land Holdings, LLC

cc: client
Courtney Johnson, CRAG Law Center

Transcript of Planning Commission Hearings

(May 25 and June 15, 2016)

(23 pages)

Appeal #16-0200

1 HOOD RIVER COUNTY COMMUNITY DEVELOPMENT
2 PLANNING COMMISSION HEARING TRANSCRIPTION
3 Wednesday, May 25, 2016 – 5:30 p.m.
4 By Kim Paulk, Office Manager
5
6

7 Appeal P-16-0073 of ILUP P-15-0174 (Part 1 of 2)

8 Chair Schuppe:

9 All right if you will, I would like to call the Hood River County Planning Commission for Wednesday the
10 25th of May to order. Are there any changes to the agenda John?
11

12 Mr. Roberts:

13 No.
14

15 Chair Schuppe:

16 And no meeting minutes Kim?
17

18 Mrs. Paulk:

19 No sir.
20

21 Chair Schuppe:

22 Land use or director's report?
23

24 Mr. Carey:

25 None.
26

27 Chair Schuppe:

28 John?
29

30 Mr. Roberts:

31 I'll be quick; I'll say a couple of things. First off we finally filled our vacant position. We have our new
32 compliance planner with us, Michaela, Michaela Keller.
33

34 Mrs. Keller:

35 Hello.
36

37 Mr. Roberts:

38 She was recruited from the elections office. So she started with us full time Monday and it's great to
39 have her on board. So this is her official planning commission meeting. Let's see. We received our 146th
40 application today; we'll easily be at 150 by the end of May. That puts us well over 300 by the end of the
41 year. The most we've done up to this date for a year has been 284. So an indication of how busy we are.
42

43 We received one of the 145 applications we've received. We received our first agra-tourism application.
44 So that's for 2 events per year for about 100 people. So we'll see how that goes.
45

46 Important dates coming up: June 22nd the hearing will be two-fold, we'll hear a rezoning as the first
47 item and then we'll open the marijuana regulations as the second item. And then we have short term
48 rentals, tag; the first hearing on that July 13th. So index those meetings, June 22nd, July 13th.

1
2 All the noticing is already sort of being done for the June 22nd hearing that includes the Measure 56
3 notice. You know those are a lot of work so, that's about it besides at the last meeting Will over viewed
4 the Handy memo and I have hard copies if you wanted one. I brought the hard copies I promised. Would
5 anybody want a hard copy of the Handy memo? If you change your mind, it's a great write ... It's yeah,
6 fun stuff.

7
8 Commissioner Weathers:
9 Probably then with my extra time [inaudible 00:05:32]

10
11 Mr. Roberts:
12 All right so that's all I have

13
14 Chair Schuppe:
15 Any unscheduled items from the audience; those are things that are not on the agenda?
16 Commissioners? All right the one item on tonight's agenda is a planning hearing, Appeal P-16-0073 of
17 land use permit P-15-0174. Is an appeal filed by the Hood River Valley Residence Committee of a
18 planning commission director's department's decisions to approve a commercial land use permit
19 application filed by Apollo Land Holdings to construct a 60 room, 50 room hotel on a portion of property
20 owned at the former Dee Mill's site. This is a quasi judicial hearing and its de novo, not just on the
21 appeal but also on the application for the hotel. I'll call the hearing to order.

22
23 Do any planning commissioners, members have reasons for abstention, personal bias, ex parte contacts
24 or any personal interests?

25
26 Commissioner Euwer:
27 I'd like to point out that one of the letters of opposition was written by my son and it doesn't affect my
28 ability to be impartial. Disagreeing with my son is really of no not a problem for me.

29
30 Chair Schuppe:
31 Any commissioners, any questions for Commissioner Euwer? Any challenges from the audience? Please
32 stay seated.

33
34 Before we get going I have to read several statements into the record.

35
36 The ethical criteria being addressed at this hearing are listed in both the staff report and the adjacent
37 property owner notification letter, or otherwise stated during the hearing. Testimony and evidence
38 must be directed toward the criteria described above or other criteria in a plan or land use regulation,
39 which a person believes to apply to this decision. Failure to raise an issue with sufficient specificity to
40 afford the planning commission and parties an opportunity to respond to this issue precludes appeal to
41 the land use board of appeals based on that issue.

42
43 The order of the hearing will be the staff report, the subsequent appeal that will be followed by the
44 appellant; the Apollo LLC and those supporting the appellant. The third set of testimony will be the app
45 ... I'm sorry I've got that wrong.

46
Page 2 of 45

1 The first one is the appellant, that's Hood River Valley Residence Committee. Then opponents which in
2 this case are the applicant, Apollo, any interested public agencies, rebuttals by the proponents, the
3 appellant, and then planning commissioner questions. At that point I'll close the hearing, deliberate, and
4 we'll make a decision.
5

6 Now anybody wishing to test upon, testify certainly can. You'll have to come up to the podium, give your
7 name and address and you have a right to be heard. We won't allow any disorderly, irrelevant,
8 immaterial, or incompetent testimony. I'd like to limit testimony to 5 minutes each, unless you ask
9 before hand and certainly we'll grant it.
10

11 So the order of hearing, have any questions?
12

13 Order of hearing, staff report, Eric?
14

15 Mr. Walker:
16 Thank you, Mr. Chair.
17

18 Mr. Roberts:
19 Yeah we're...Before Eric jumps into this, I'll just elaborate a little more on some of the things you just
20 mentioned chair. In those opening statements you used the words impartial and decision. And I just
21 think those are 2 important notions that are important words to remember in moving forward with this
22 application. And as you know about a year and a half ago there was an approval on the same site for the
23 amphitheater.
24

25 So moving forward tonight is to hear the current proposal with the current uses. If you try to keep clear
26 in your decision making the difference between what has already been approved and what was
27 discussed during that approval and what is being discussed as part of this approval.
28

29 Might be harder to do than realized but I just wanted to bring that to your attention again. That the
30 focus again is on, not the amphitheater but the hotel proposal. So when it gets to discussing impacts
31 then just kind of keep that in the back of your minds.
32

33 Chair Schuppe:
34 The amphitheater was approved and appealed but the appeal failed right?
35

36 Mr. Walker:
37 That's correct.
38

39 Mr. Roberts:
40 Correct.
41

42 Chair Schuppe:
43 Any questions on what John said? Erik.
44

45 Mr. Walker:

1 Thank you Mr. Chair, commissioners. As noted we're here tonight to consider an appeal filed by the
2 Hood River Valley Residence Committee of the county planning departments decision to approve with
3 conditions the commercial land use permit application filed by Apollo Land Holdings for a 50 room hotel;
4 that will operate partially in combination with a previously approved outdoor concert venue site, also
5 located on their property.
6

7 The property involved in this application is approximately 32 acres in size and is located near the corner
8 of Dee Highway and Lost Lake Road at the former Dee Mill site. The property is zoned industrial, or M1,
9 which allows both industrial and commercial uses outright. The property is also zoned flood plane and
10 stream protection overlay. Although the- although it's an outright allowed use the application was
11 processed pursuant to Article 72 of The County Zoning Ordinance which resulted in both public agency
12 and adjacent property owner notifications. In response to this notice, approximately 5 agencies and 14
13 nearby property owners and others provided written comments. All comments received involving
14 applicable criteria were given full consideration, including many that turned into conditions of the
15 permit. 34 conditions in all were adopted as part of the initial decision. With this condition in place the
16 applicant's request was ultimately found to comply with all applicable criteria from the county zoning
17 ordinance and therefore was approved. Staff continues to recommend approval of this application.
18

19 As explained in their appeal, the Hood River Valley's Residents Committee have identified 4 main
20 reasons for appealing the planning department's decision. First the appellant suggests that wider notice
21 areas should have been used, beyond the 250 foot perimeter required by county ordinances and state
22 statute. Although it could be argued that a wider notice area could have provided- could have been
23 provided given the type of use involved and the unique characteristics of the surrounding area, the fact
24 remains that the requirements of Section 72.20 of the County Zoning Ordinance and ORS 215 for 16
25 were met. Staff finds that arbitrarily expanding the notice area creates unauthorized discretion and an
26 equitable situation, especially in this instance when we were dealing with an outright permitted use.
27 And so for these reasons staff finds that this appeal item has no legal justification.
28

29 Second, the appellant states "The decision impermissibly defers decisions of compliance with accrual
30 criteria to a later date without the opportunity for required notice and public hearing."
31

32 Staff agrees that a number of the conditions require certain actions to be taken, either prior to
33 developing the site or prior to occupying the hotel. However, none of these conditions defer decisions
34 that would otherwise require public notice or hearings. In fact, many of the conditions that require
35 future action are based on agency comments and therefore will not require planning staff review,
36 except to confirm that the agencies involved are satisfied. Staff sees this decision and the conditions
37 imposed no differently than many other types of applications such as subdivisions or site plan review
38 where tentative approval is granted; subject to additional information being provided, various
39 improvements being made, or certain future actions being taken. Implementing such conditions is
40 standard practice for these types of applications and they're supported by the zoning ordinance. For
41 these reasons, staff finds that this appeal item has been adequately addressed.
42

43 Third, the appellant suggests that various issues such as traffic, emergency response, and storm water
44 drainage need to be studied in greater depth before a decision granted. Staff agrees with the appellant
45 that additional information is needed to complete the project. However, unlike the appellant who is

1 seeking final plans as part of initial application, staff finds that this level of information can be provided
2 as a condition of a permit instead.

3
4 As previously stated it is customary to provide...to grant tentative approval subject to final plans being
5 reviewed and approved by appropriate agencies, especially when an outright allowed use is involved.
6 However, with that said, in regards to the issue of traffic; staff found that the applicant provided
7 adequate traffic studies, both as part of the original concert venue request and current hotel proposal.
8 Both traffic studies were prepared by a professional traffic engineer, which in turn, were reviewed and
9 accepted by both the county engineer and ODOT staff. At this point, no information has been provided
10 to justify why the applicant's traffic studies are inadequate or that the methodologies used are faulty,
11 especially given the consent received so far from both state and county officials.

12
13 In regards to public safety, notice of the application was mailed directly to multiple emergency agencies,
14 including fire, police, and ambulance service providers. No comments were received from any of these
15 agencies indicating that emergency services would be compromised as a result of the hotel. Never the
16 less, staff's decision still proposes 7 conditions of approval related public safety.

17
18 In regards to storm water drainage, the applicant provided a preliminary plan for how the storm water
19 will be collected and maintained. The plan was forwarded to the county engineer who indicated that it
20 was adequate subject to final engineering plans being submitted and approved by him prior to issuing of
21 a building permit.

22
23 Finally the appellant states that the county is not appropriately able to evaluate the cumulative impacts
24 of the project due to the incremental submissions of the applicant. Although staff agrees that it would
25 have been more efficient and cost effective had the applicant proposed both the concert venue and the
26 hotel as part of a single application, staff cannot find that any ordinances have been broken by
27 submitting applications in a piece meal fashion. Staff understands that developing a fine tuned master
28 plan may not always be feasible, especially given large size...given the large size of the property,
29 development costs, availability of capital and other factors. Never the less, at the end of the day, staff
30 finds that the various elements of the 2 projects have been carefully addressed and appropriate
31 decisions were able to be made even though they occurred as multiple applications.

32
33 And so based on this information and the information provided as part of the staff report, dated May
34 13th, 2016; staff recommends that the applicant's commercial land use permit be approved with
35 conditions and that the appeal be denied.

36
37 Before I end I wanted to make sure that commissioners, there were some comments that were received
38 after the staff report was sent out and I was wanting to make sure that you all got a copy of that and
39 had a chance to look at it.

40
41 Thank you, Mr. Chair.

42
43 Chair Schuppe:

44 These are the comments with your name on the top?

45
46 Mr. Walker:

1 Yes. The first one is Don Wiley, and then there's the rest.
2
3 Chair Schuppe:
4 The first one is Don Wiley to you. Okay.
5
6 Okay, commissioners questions of staff.
7
8 Next item on the agenda is the appellant, the Hood River Valley Residents Committee.
9
10 Courtney Johnson:
11 Thank you.
12
13 I have some written materials, should I just pass those out?
14
15 It looks like a lot, but it's not. Thank you.
16
17 Chair Schuppe:
18 Is 5 minutes sufficient, or do you think you need more?
19
20 Courtney Johnson:
21 I would like a few more minutes if possible, maybe 10?
22
23 Chair Schuppe:
24 Yeah that's fine.
25
26 Courtney Johnson:
27 Hopefully I can do it in 10.
28
29 Mr. Roberts:
30 Do you need the lights turned off or?
31
32 Courtney Johnson:
33 Let's see how this works when it is...
34
35 Chair Schuppe:
36 Let's see, we will need your name and address too please.
37
38 Courtney Johnson:
39 Yes that's, of course [inaudible 00:19:26].
40
41 My name is Courtney Johnson from the Crag Law Center. My address is 917 South West Oak Suite 417
42 Portland Oregon 97205.
43
44 I'm here tonight on behalf of the Hood River Valley Residents Committee. I don't want to take up too
45 much time tonight. I'm hoping that 10 minutes will be plenty, but there's an important legal

1 requirement that has yet to be addressed in this application. And I want to make sure that we are able
2 to walk through that.

3
4 In fact the residents committee believes that there is a criteria that hasn't been set forth here and
5 haven't...hasn't been analyzed and that's compliance with goals 4, 11, and 14; statewide planning goals.
6 There's 4 points that I want to make sure I get through here tonight.

7
8 The first is that the property's M1 industrial zone was based on and justified by a goal 4 exception in the
9 county's comprehensive plan. That was because the property was already committed to industrial uses
10 and so the county determined that an industrial zoning would be justify...would justify because of that
11 committed exception...because of that committed use you could have an exception to goal, 4 which
12 otherwise would prohibit that use.

13
14 The second point I want to make sure I get to is under state law, an exception to 1 goal for 1 use cannot
15 be used to authorize other different kinds of uses. The third point I want to make is that the hotel is
16 neither an industrial use nor is it a rural use and therefore it doesn't fall within the scope of that goal 4
17 exception within the county's comprehensive plan. And the 4th point is that in order to approve this,
18 you would need to take an exception to, at least, goal 14 to allow this urban use of a rural land and
19 possibly an additional exception to goal 4 or goal 11.

20
21 So I want to start with the first point. I want to start by saying that this probably seems like a straight
22 forward application. As staff has stated the property is zoned for industrial use, the industrial zone in
23 turn allows commercial uses of the property. That seems simple enough. It probably seems even more
24 straight forward than the original...the prior application for the event venue. But we can ask why was
25 this rural resource property, this property that's surrounded by forest and farm lands, zoned for
26 industrial use in the first place. It was designated for industrial use through a goal exceptions process.

27
28 As many of you who no doubt know that as part of the comprehensive plan, there's an exceptions
29 document that's specific to this property, determined that because this property was already committed
30 to industrial uses an exception to goal 4 could be taken. Goal 4 would otherwise prohibit an industrial
31 use of this property on rural resource lands. So that was in 1987, the prior county Central Valley plan
32 had similar language in it. Essentially the most important take away here is that the whole basis for this
33 industrial zone, was this goal 4 exception to allow industrial uses because the land was already
34 committed to that industrial use of the land.

35
36 State administrative rules do not allow a transfer of a different type of use under one goal. So this
37 exception document that is in the materials that I provided lays out the justification for allowing an
38 industrial zoning on the site. That's part of the comprehensive plan and under OAR 6600040018 that
39 goal exception for that particular use does not justify or relieve a jurisdiction from remaining goal
40 requirements and does not authorize other types of uses than that which was identified in that goal
41 exception.

42
43 For...for goal exceptions like this one, which was a committed exception, the county would have to first
44 determine that this is the same use as the one for which that goal exception was taken. I don't think
45 anyone here would say that this is the same use as the mill that was on the site at the time the goal
46 exception was taken. If not, there's another set of criteria that can be applied. And that would be

1 looking at whether this is going to retain the land as a rural use and whether it would be compatible
2 with adjacent and nearby resource uses.

3
4 This use is not the same use; the goal 4 exception that was taken did not determine that this site was
5 suitable for commercial or for urban uses of the land. And the...perhaps most importantly there was no
6 goal 4...goal 14 exception taken for this property.

7
8 The first point of these 2, that this is not industrial and that it's not rural, if you were to maintain
9 industrial use of the property a rural industrial use would be allowed under the current comprehensive
10 plan and the goal exception, it would also be allowed under other regulations...state regulations that
11 allow...specifically allow for counties to put new industrial uses on properties that are zoned for
12 industrial use without taking other goal exceptions; without taking goal exception to goal 11 or goal 14.
13 There's a whole set of state laws that would allow and continue what this use was- this property was
14 contemplated for when that goal 4 exception was taken and that was for rural industrial uses.

15
16 Here the planning staff correctly treated this as a commercial use and not an industrial use. I don't think
17 anyone is arguing that this is not a commercial use of the land.

18
19 The second important piece is that the hotel is not a rural use. In goal 14...I'm going to jump ahead one
20 slide real quick here. Goal 14 prohibits urban uses on rural lands without taking an exception to goal 14.
21 It's clear when you look at the prior goal 4 exception that was taken on a comprehensive plan that there
22 were no findings that authorized or found that this property would be suitable, necessary, or intended
23 for urban use under goal 14.

24
25 So actually the Oregon Supreme Court has set forth what kind of factors you would look at in
26 determining whether a proposed use is an urban use as opposed to a rural use. The factors that you
27 consider are the density, the size in relation to the size of the property, whether the use would attract
28 people from outside the rural area to stay in the rural area; so people from urban areas coming out to
29 the site, and whether you would have certain types and levels of services that are more akin to urban
30 level services than rural.

31
32 In a prior case from 2007 the Land Use Court of Appeals found that a 50 room hotel that would allow
33 people visitors from urban areas to stay in rural areas was properly characterized as an urban use. This is
34 a 50 room hotel that would allow people to stay from urban areas, like Portland and Hood River, to stay
35 in the rural area. This is properly characterized as an urban use of land.

36
37 As I said without a goal 14 exception, this urban use of the rural property can't be allowed. And there's
38 another OAR that also would require this goal 14 exception for this use of the land. I think
39 what's...what's most important is that many of the issues that have been raised by neighbors and
40 members of the community would be appropriately addressed through these goal exception processes,
41 through the analysis of whether this use of land can maintain a rural character, whether it will be
42 consistent with the surrounding resource uses, what the long term environmental, social, energy and
43 economic consequences of the development will be as compared to conversion of other areas of rural
44 land.

1 Because this criteria hasn't been applied yet we haven't had the opportunity to give full measure to
2 those. And staff has been correct, that under the limited criteria that applied there isn't a lot of room for
3 analysis of those types of impacts. But the way that the land use system is set up is to ensure
4 compliance with these goals and to allow for this type of analysis to occur.

5
6 The exceptions process under goal 2 specifically gives the county the flexibility to do this but only with
7 this analysis to ensure that these types of rural lands are protected for the rural uses that they were
8 intended.

9
10 This is just kind of an overview of how the requirements play out. The goals, the statewide planning
11 goals, are prohibiting these uses without taking exceptions. The county, through its comprehensive plan;
12 implemented those goals and implements those goals, has for this property identified that it's
13 committed to industrial uses. So, industrial uses are allowed.

14
15 The hotel doesn't fit. It's not a rural use and it's not an industrial use. The county would have to take
16 exceptions to goals 4, 11 and 14 in order to allow this use to happen.

17
18 So even though the M1 zone allows for industrial uses and incorporates the commercial uses there, the
19 application of the comprehensive plan and the state wide goals, prohibits this use without taking these
20 exceptions. The application doesn't demonstrate that those exceptions are warranted and should be
21 denied. And I want to make sure that, because I don't want to take up too much time, in our written
22 materials we have set forth arguments about some of the other applicable criteria, some of the specific
23 impacts that we believe are not consistent with the rural character, not consistent with the resource
24 lands. I ask you to please take a look at those and also consider the impacts that you'll hear from other
25 neighbors and members of the community tonight about how this is going to impact this rural area.

26
27 Does anybody have any questions for me?

28
29 Chair Schuppe:

30 Thank you.

31
32 Appellant Female:

33 Okay.

34
35 Chair Schuppe:

36 Is there any other testimony in support of the appeal please?

37
38 Heather Staten:

39 I have something to pass out. I'm sure you know this [inaudible 00:30:47].

40
41 I'm Heather Staten. I'm the Executive Director of the Hood River Valley Residents Committee and I live
42 at 2931 Reed Road.

43
44 When the amphitheater and the hotel were approved a lot of people asked questions like how could
45 such an intense urban use be allowed way out in the country. They were surprised that Oregon's strict
46 land use rules would allow big development like this in such a remote rural setting. They asked lots of

1 questions about traffic and compatibility with the surrounding area and impacts to farming and forestry
2 practice...practices.

3
4 I think that's what had us scratching our heads too. When the county applied for a conditional use
5 permit to have Punch Bowl Falls turned into a county park, they had to prove that the new park
6 wouldn't impact farm practices and costs. But here is a concert venue and a 50 room hotel and use that
7 same setting with infinitely bigger impacts. Even if every farm around the Dee Flat lost money and time
8 hauling fruit to market because of this development, it wasn't a criteria that could be used to evaluate
9 the project. Under Hood River County's code, commercial uses are allowed in the industrial zone.

10
11 But it's more complex than that, state law and administrative rules also come into play. It's not enough
12 for a proposal to comply with county code; it must also comply with state regulations. The court
13 premise, and the thing that's really special about Oregon's land use system, is the idea of controlling
14 sprawl by putting urban development and urban uses in urban areas; inside cities and inside urban
15 growth areas. And everything outside those urban areas is protected and zoned as farmland, forests for
16 natural resource zones. There are exceptions to this, exception areas.

17
18 Because of this development in rural areas that proceeded Oregon's land use system, this site, the old
19 Dee Mill is an example of that. The Dee area was an important forestry and lumber center for 100 years
20 prior to Senate Bill 100. And there was an operating saw mill on the property when the county zoned
21 the land in 1984.

22
23 Based on its location, well outside an urban growth area, the property should have been zoned for
24 resource use; either farm or forest, but because there was a working mill on the site the county took an
25 exception, saying that the property was irrevocably committed to an industrial use. Exception areas are
26 a way to recognize facts on the ground. They are not anything go zones.

27
28 The Dee Mill exception was for a rural industrial use. The Oregon Administrative rules on exception
29 areas, as...as Johnson explained so well just a few minutes ago, describes the OAR exception areas and
30 they're very clear and specific; and they really don't apply to the 50 room hotel that is proposed here.

31
32 And then I also passed out something on traffic. And there is 2 different sheets. The second sheet is
33 actually the conditions from the amphitheater proposal. And I understand we're not reviewing the
34 amphitheater at this stage, we're reviewing just the hotel. But the hotel's traffic or its compliance with
35 the traffic criteria are based on the fact that...that this county staff found that the amphitheater
36 complied with the traffic criteria.

37
38 At the time when the amphitheater traffic report, the DKS traffic report came out we had questions
39 about the traffic count on Dee Highway. We thought it was taken in December, we thought it was low;
40 we didn't think it reflected of high seasons numbers. But if you're looking at the page where it says
41 traffic volume Highway 281 north of Lost Lake Road...When we were before you 2 years ago saying that
42 the numbers weren't...that we felt the numbers weren't right, that was sort of based on a gut feeling.
43 Now we have actual numbers. So you see where it says DKS traffic study? They had an average daily
44 traffic count of 1,450 cars. In late 2015 ODOT came out with their own transportation volume tables and
45 they said same highway, same location, 2,300 vehicles per day; which is 63% higher than the number
46 that DKS provided in their traffic report.

1
2 All of the traffic numbers that were relied on for the amphitheater and consequently for the hotel we
3 think are at least 63% wrong. And then the other thing about the traffic is, we haven't actually seen
4 compliance with the county requirements for not causing congestion for dangerous intersections. All of
5 that was actually just conditioned in the amphitheater approval and that's the second page where it says
6 condition number 19. Prior to developing the site...And all of those of those bullet points are the traffic
7 plan that the applicant was supposed to provide addressing safety and queuing, preventing dangerous
8 intersections, dealing with northbound left hand turns. It's been nearly...let's see it's been at least 18
9 months. The applicant has never provided a traffic plan to ODOT or to the county engineer. So it's
10 impossible to say whether they're actually able to do that.

11
12 But this...this is sort of a house of cards built on a quick sand foundation which is...This application is
13 using the previous application which hasn't actually shown compliance yet, so another reason why we
14 suggest that you deny this application. Thank you.

15
16 Chair Schuppe:
17 Any other supporting testimony for the appeal please?

18
19 Yes.

20
21 Steve Hunt:
22 My name is Steve Hunt and I live in Dee Flat. And I owned and operate an orchard in Dee Flat for 34
23 years. I also own an orchard in Parkdale.

24
25 Today I'd like to talk about 2 main points. I think I agree with the points that the appellant have brought
26 up and I have 2 further points that would lead you to uphold the appeal.

27
28 The first of these is the burden of proof, Section 60-10 of the Hood River County zoning ordinance. The
29 staff report doesn't believe that the burden of proof applies to this application because this application
30 is an outright permitted use. I cannot find any place in the ordinance that has clear unambiguous
31 language that says the burden of proof doesn't apply. In fact, the language on your hand out 60-10 the
32 burden of proof says "The Burden of Proof is placed on the applicant seeking an action pursuant to the
33 provisions of this ordinance." It doesn't say if it's an outright permitted use. It's the burden of proof
34 doesn't apply. It seems to me in 30 years of the existence of the comprehensive plan if this was a area of
35 confusion there would be a disclaimer somewhere in the burden of proof that says it doesn't apply.

36
37 I think there is no disclaimer in the burden of proof that says it only applies to some applications
38 because the county and the citizens don't want it that way. The burden of proof is important subjective
39 criteria. Most of the ordinance is objective. You looked at the maps, you looked at the setbacks. There's
40 not a lot of area for common sense, or judgment, or your experience in the county, or your walks of life
41 that have given you experience in the county. But the burden of proof is subjective. It lets you use your
42 common sense, let's you use your knowledge of various parts of the county.

43
44 So the very first clause in the burden of proof says granting the request is in the public interest. The
45 greater departure from present land use patterns, the greater the burden on the applicant. The greater
46 departure from present land use patterns, the greater the burden on the applicant. This is a huge

1 departure from any land use pattern on that parcel. For decades and decades and decades it was a mill
2 with probably 20 or 30 employees. They came in the morning in their pickup trucks and left at 5 o'clock,
3 not much of a traffic impact. The mill burned down in 1996. The property has sat vacant for 20 years. So
4 what we have here is this huge burden on this applicant.

5
6 So why does it matter? If the burden is huge on the applicant under the burden of proof, then the traffic
7 study has to be gold plated. It can't be sort of good enough; it can't be done at a time that's not the
8 most rigorous or the most stressful time for traffic in that area. So what you have is a bad intersection
9 going from Dee Flat to the Dee Highway. It's blind to the south and to the north. It's blind one tenth of a
10 mile, 500 feet, probably less than 500 feet. So a car approaching from Parkdale going 60 miles an hour
11 has about 6 seconds of reaction time to where the stop sign is there, the same coming from Hood River.

12
13 So you're talking about a lot of congestion. You're talking about 400 parking places? 400 parking places.
14 So you have a bad intersection. You have a busy weekend traffic, going to Lost Lake. Lots of traffic for
15 Lost Lake on the weekends. Bad intersection, busy weekend at Lost Lake, busy weekend...you have a bad
16 intersection, busy weekend at Lost Lake concert weekend. And then number 4, bad intersection, busy
17 weekend at Lost Lake, busy weekend at Lost Lake with concert, and harvest; people trying to move
18 thousands of bins of fruit out of Dee Flat.

19
20 There's about 1,000 acres of orchard in Dee Flat. There's about 15,000 acres of orchard in the county.
21 This is a significant area of agricultural land; this is not some tiny remnant of agricultural land in this
22 county. This is a significant portion of the production in this county. I'm on the Diamond board of
23 directors. We have 3 very large, very important growers in Dee Flat and we need that fruit delivered in a
24 timely manner. And we don't need that fruit delayed...every load delayed by 15 minutes or 20 minutes
25 and the cumulative effect of that. That's a serious problem.

26
27 If the burden of proof is high on this applicant, neither staff report for the amphitheater or for the hotel
28 has any mention of it, about thousand acres of high valued farm land that is literally a stone's throw
29 away from this parcel; probably about 200 feet. There was no notification because there's a parcel
30 between where the high value farm land. That seems a little disingenuous. We're not considering
31 something that is a fact on the ground.

32
33 There are no conditions on the amphitheater. The hours of operation...the hours of operation would
34 affect the high value farm land, would affect the traffic study.

35
36 Chair Schuppe:
37 Steve let me caution you, the amphitheater is not for hearing tonight.

38
39 Steve Hunt:
40 Okay. Okay. Strike that.

41
42 The second thing I'd like to talk about is...This...In the original...I'm going to talk about the amphitheater
43 just a little bit Bob. In the original application for the amphitheater, the applicants say this is going to be
44 a sequential process application. That this is not the only application they're going to make there.
45 They're going to apply for an amphitheater and then they're going to do other things...they're going to

1 apply for other things too. The county was put on notice basically that this project was going to evolve;
2 perhaps become something different than just the amphitheater.
3

4 With the application for the hotel it very much has become something different and what it has become
5 is a small scale destination resort. So in your hand outs I give you the definition of small scale
6 destination resort. It's on page 5. So you got a large scale destination resort on page 5 you've got small
7 destination resort.
8

9 First criteria is the resort must be located on a site, 20 acres or more. Check. At least \$2,000,000 must be
10 spent on improvements. Check. At least 25 but not more than 75 units of urbanite lodging shall be
11 provided. Check.
12

13 Number 6 is the county governing board or its designee must review the proposers ordinate, determine
14 that the primary purpose of the resort is to provide lodging and other services orientated to a
15 recreational resource that can only be reasonably be enjoyed in a rural area. And if you look under the
16 definition on the next page of recreation areas, facilities, and opportunities you see sports and cultural
17 events. You have a created recreational amenity provided with overnight housing. And the only problem
18 with that is there's no place in the county mapped for destination resorts; to the best of my knowledge.
19

20 We went through multiple hearings with the planning commission, probably 10 or 15 years ago, and we
21 never mapped. And if we had mapped this parcel wouldn't have qualified. Thank you.
22

23 Chair Schuppe:
24 Anyone else to testify in favor of the appeal?
25

26 Yes sir.
27

28 Isaac Smith:
29 Hi my name's Isaac Smith. I live on 6001 Iowa Drive; about a half a mile from the proposed hotel and
30 concert venue. I'll be brief. Everybody that spoke already that's covered everything that was technical
31 very well. I think what the developer is saying this is going to do, as far as enhancing the community and
32 the valley, it's going to do the opposite and it's going to ruin it for all the reasons that we chose to live
33 where we live. So that's all I got. Thank you.
34

35 Chair Schuppe:
36 Thank you.
37

38 Anyone else in favor of the appeal?
39

40 Ron Den:
41 Yes sir. Name's Ron Den. 4247 Linnaeus Road, which is a shoot off Iowa Drive. My only thing about this
42 hotel is...It'll just be said in plain, what's going to happen during the winter time? If there's no concerts,
43 this things is just going to sit empty? I understand during the summertime, yes, you want a hotel. But
44 obviously people who know and live in this area see what the upper valley and the snow...It's
45 tremendous up there and it's ice. So why put a hotel up there? I get the other part but it just, this just
46 seems over the top. And that's all I got to say. Thank you guys.

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Chair Schuppe:
Thank you.

Anything else?

Alex Ackerman:

My name is Alex Ackerman. I live at 5640 Alder Road. I'm an owner and operator of a small forestry business. And my family and I have lived up in the upper valley for the better half of a decade now and bought our first home in Dee in 2013. We're very excited to have a home in this area for several reasons. Because it's beautiful, it's quiet, rural, and its home to a tight nit community of good people.

My wife and I thought this would be a great place to raise our children. In recent years we've noticed some dramatic changes in the upper valley. There's been a large increase in tourism which has...which hasn't been all bad. Tourists in a large part have been supporting our local pubs Solera, and other restaurants in town but what concerns me is the number and the type of people that come to visit. From my experience, visitors tend to have no regard for people that conduct their business in this area on a daily basis. They ride their bikes down the middle of the road of the highway, and sometimes 2 or 3 wide. They park in inappropriate and unsafe areas. Sometimes they park in your own yard just to snap a photo.

The traffic to Lost Lake seems to be growing exponentially at this point and we can't even enjoy the beautiful places that we live so close to. Like I said I live on Alder Road at the intersection there of Alder Road and Lost Lake Road it's notoriously bad. On several accounts I've seen people who are unfamiliar to this area blow right through this intersection going straight instead of continuing on Lost Lake Road and it's only a matter of time before someone becomes seriously injured.

My major concerns for this proposed hotel and concert venue are that they will only intensify the problems mentioned previously. Dee Highway is already a treacherous enough for normal traffic, what makes it even more dangerous is the type of traffic that frequents this highway. There are fruit trucks, trucks towing tractors, loaded log trucks, low boy trailers hauling heavy equipment, all which have to navigate severely dicey intersections. Namely the intersections of 281 and Summit and the intersection of 281 and Lost Lake Road.

This is cause for concern for the general safety of my wife and child as they're driving to and from the house or walking around the neighborhood. There's also only one way in and one way out of Dee which is...which will cause major inconvenience for all residents in Dee while we are trying to go about our daily business. The residents of Dee have grown accustomed to a certain slow paced way of life and it's slowly being taken away from us. With the growth of Lost Lake, the new county campground going in off Punchbowl Road and now the hotel concert venue.

The hotel concert venue is something that belongs in Hood River that has the infrastructure to support it. Not in the rural farming and logging community that is unable and unwilling to support these dramatic changes. Thank you.

Chair Schuppe:

1 Thank you.

2

3 Anyone else?

4

5 Yeah.

6

7 Bonnie New:

8 Hi my name is Bonnie New, 4045 Stone Gate Drive, west side of Hood River. I have had a personal
9 experience that's somewhat relevant I think. That I'll relate to you and this has to deal with quality of life
10 from a similar adventure.

11

12 I used to live next to a university that had a very large football stadium. It was a...Realized at one point
13 that it was a significant potential for revenue. So they...Besides their own football games, they decided
14 Saturday night high school football games, then Saturday during the afternoon, then Friday, then
15 Thursday. Then there were concerts. Then there was 3 day Monsters of Rock. And there's...As I
16 understand that at this venue there are no you know it's not like once every 6 months, once a month,
17 once a week, once you know there's not a volume limit.

18

19 Ultimately this was a legal use of the university's property, which actually may be in contrast from what
20 we've heard to this hotel application. But my point is that if they were within their rights to do this the
21 outfall in terms of quality of life; noise, traffic congestion, general irritation, people parking in your
22 driveways and so on, was intense for many surrounding neighborhoods. And it took lots, lots of back
23 and forth over a long time with the university because they were enjoying the revenue and they weren't
24 there on site putting up with the down side of it.

25

26 Ultimately even though theirs was a legal use of the property, they canned the plan and just went back
27 to hosting their own football games. And the reason was it was a pain in the rear for...It was a serious
28 quality of life impact for surrounding neighborhoods, many of them. And it became...You know they
29 were being a bad neighbor basically. There's no law against being a bad neighbor but it's not the right
30 thing to do. Ultimately they did the right thing. They said gosh we like the money but we see it's not
31 working for the neighbors. In that way even if this is legal, the hotel application; it sounds like maybe
32 there's some questions, it would be worthwhile to consider what it takes to be a good neighbor. Thank
33 you.

34

35 Glenn Holmberg:

36 Hi my name is Glenn Holmberg live at 818 Devon Court, Hood River. And I'm part of a bicycle group...It's
37 not formal it's informal. It's just an e-mail list of about 30 40 people, and there's a lot of other groups
38 like that in the area and we ride every weekend. And Hood River Valley has some of the best road riding
39 that I know of throughout the country and other places. And it's because of the scenery and the
40 generally low traffic in the area. This is a really valuable asset for all the people who live here. And Lost
41 Lake Road and Vista Ridge are some of the best rides in this in the areas like hill climbing. And the posts
42 either start at Dee Mill parking lot or you can start in Hood River and ride out to Dee Highway. A lot of
43 people do that. Some people don't do that because they're afraid of Dee Highway cause there's no
44 shoulder basically. I ride it cause I'm not...there's not that many cars there right now.

45

1 I think the addition of this complex, you know we talked about the hotel but the concert venue's kind of
2 mixed in with it all...I think this would add hundreds of cars on to Dee Highway, especially on weekends
3 when concerts go off. And with increased danger to cyclists...I don't mind if there was to be some kind
4 of business in that area, but maybe one that doesn't significantly increase traffic.
5

6 If you look at the Mary Hill Concert Venue they were closed last summer cause of traffic problems and
7 they had to, they had to reconfigure the traffic areas there. And they're very close a major highway.
8 They're close to 84, 14, and have huge traffic problems there. And I'm not sure how many people this
9 concert venue holds but are they going to limit the number of cars parked there? And how are they
10 going to work out the tickets sold to this? If they sell 10,000 tickets and there are over 400 cars, do
11 people park on the street?
12

13 So I think that I would ask...I think a small handful of investors would make a lot of money on this and it
14 would lower the quality of life for the rest of us. My testimony's over.
15

16 Chair Schuppe:

17 Anyone else in opposition? Please let me mention again that this is the hotel, not the concert venue.
18

19 Lynn Guenther:

20 I'm Lynn Guenther. 4480 Riverside Drive. There's an old saying when the camel gets his nose under the
21 tent you're going to be sleeping with him before it's over with.
22

23 Commissioner Weathers:

24 What's that? I'm sorry. No I'm serious I didn't hear it. I heard ... The one thing that I actually wrote down,
25 by the way, is excellent. Could you repeat that?
26

27 Lynn Guenther:

28 I said once the camel gets his nose under the tent you're going to be sleeping with him by the time it's
29 over.
30

31 Commissioner Weathers:

32 The camel under the tent.
33

34 Lynn Guenther:

35 The camel. Good.
36

37 Bottom line is this is going to become a destination resort. We talked about the traffic right there at Dee
38 Mill. No one's mentioned traffic that will be generated in Tucker Park. That too is a dangerous
39 intersection because of the school buses going back and forth during peak hours. You live up and down
40 on that particular highway there's a number of residents entering and exiting that particular road. My
41 only caution, for the planning commission in their evaluation, that if this becomes a destination resort,
42 which I truly believe it's going to become, the effect it's going to have on the river, because there will be
43 a commercial float operation going on 16 miles upriver from there down to the mouth, will happen.
44 People will be exiting, doing their bodily functions alongside the river because there's no place to take
45 out, its private property all along that river. So that's going to happen. Fish and wildlife have endangered

1 species on that river and trust me it's going to happen. We are all being, we are all prepared for that
2 eventuality and hopefully it won't happen. That's all I have.

3
4 Chair Schuppe:
5 Thank you. Anyone else?

6
7 Gretchen Bayless:
8 Hello my name is Gretchen we're at 5400 Dee Highway up in Parkdale. I'm talking on behalf of my family
9 today and I second what everybody's has said already so I won't repeat it. But our main concern is the
10 safety. Dee Highway is extremely dangerous if you guys are on that highway at all during the high
11 seasons, we have to pull out our driveways right there and we basically, I just don't during certain times.
12 If we increase the amount of people that are using that road it's just going to be dangerous. We already
13 have extremely limited resources. And second I just second that my main concern is just the safety and
14 the traffic in the area. Thank you.

15
16 Chair Schuppe:
17 Thank you. Anyone else?

18
19 Next section the applicant, Apollo.

20
21 Gloria:
22 Are you taking testimony on opposition?

23
24 Chair Schuppe:
25 Oh I'm sorry. Yeah I'm...I didn't see you. Right. Tell them to wait please.

26
27 Gloria Krantz of Dee:
28 My name is Gloria Krantz of Dee I live on Dee block, 5000 O'Leary Rd.

29
30 Chair Schuppe:
31 Could I have your last name again please?

32
33 Gloria Krantz of Dee:
34 Krantz of Dee.

35
36 Chair Schuppe:
37 Okay. Thank you.

38
39 Gloria Krantz of Dee:
40 I moved there in 1974 so I've been riding the Dee highway a pretty long time. And I mentioned in a prior
41 hearing that that intersection is dangerous. And so what I used to do until I was educated by a police
42 officer. I would look to see if there was anything coming down the hill as I was approaching the
43 intersection and if I had saw another car I would hit the gas and just to continue onto Hood River. So the
44 police officer informed me that that was illegal and that it was a fine-able offense. And I said but officer
45 that is the only safe thing to do because if you don't do that people come down that hill and they're
46 running up your tail pipe. And so I need enough speed to get up that hill. And he said well that may be

1 so but you'll have to speak to ODOT about that because the law is there's a stop sign and you need to
2 stop at that stop sign. So here I do and when I look in my rear view mirror there are people running up
3 my tail pipe but that's their problem right?
4

5 The other problem with that, particular stretch of road and if this is going to be a hotel inviting people
6 who are not familiar with that particular road and those people are recreationists and they want to
7 bicycle; and I know what they're going to want to do, they're going to want to bike up to Parkdale to get
8 a one of those great bacon burger treats that they serve at the Alabama Jim's restaurant. And I've
9 happened to bike that stretch of road, not particularly by choice but my mechanic is located in Parkdale.
10 Which means that I need to have transportation to and from Parkdale to my home on O'Leary Road. And
11 so I rode my bicycle and that is a harrowing experience because that stretch of road where that rock
12 face comes down, number one that hill weeps rocks after a heavy rain. And those rocks land up guess
13 where, where I'm going to be going with my bicycle. So to avoid the rocks you got to, there's only one
14 place to go and that is into the lane with somebody behind me. I'm toast. And that is...
15

16 And if you're going the other direction there's a guard rail, and this is how wide it is. That's your stretch,
17 right there, that's how wide it is. And on the other side there is a guard rail but with a bicycle you are
18 above it and so if some...I mean sometimes I feel like the draft of the people passing me is enough to
19 suck me over the edge into the river. It's not safe for bicycles period. And I encourage anybody that I
20 know or see in Parkdale who seems to be heading that way on a bicycle; I ask them, "Have you biked
21 that bridge before"? Why don't you build...more places to bike then we'd be more safe because it's not
22 safe. It is not safe.
23

24 So I notice that there's a new entry onto the Dee Highway that didn't used to be there. And so that's
25 going to be another issue for people who travel that road. And I used to drive truck hauling the fruit to
26 my place and my neighbors place, to Odell. And I would meet cyclists because they think in the country
27 they're taking up...you know they're going side by side. It's not safe. People you know are out for an
28 adventure and they don't think about some of the realities. So those you know need to be well seen. So
29 per the grade...
30

31 The other thing that concerns me is the water. I don't know where he's going to get the water but all I
32 know is that if you live on Dee Flat for many years now, the Hood River water system has not allowed
33 people to tap into their pipeline. Now a few years ago they put in a new line for Hood River which
34 caused all manner of inconvenience to the people who lived on, in Dee. You know of course they took
35 the road down to bed rock and then they did some stuff and then they paved the road. And then guess
36 what. They went back down to bed rock because they had to put in a new valve or something or other.
37

38 Anyway that project took a long time and it was a great inconvenience to people who live in Dee. And
39 the railroad crossing was not repaired for a very long time. And I don't who's head of the project but I
40 was not very happy with what we had to endure at during that time. So if, if that hotel taps into the
41 Hood River water system below the hill, I think that something must, something must be negotiated so
42 that that hotel endures the same problems that the residence of Dee do for their water. It's just not
43 right. He's going to tap into a brand new line and he's going to suck it up and you know. Dee gets to deal
44 with the old line that goes through property and can't be repaired in winter because it's an orchard and
45 you can't get in there. It's not right.
46

1 I didn't write down everything I needed to say but this is my concern. Hood River has a great need for
2 affordable housing, worker housing. If you in your wisdom deem that that site is appropriate for a hotel I
3 would encourage you to think about doing something really good for Hood River county for the
4 community of Dee and require instead of a hotel which will invite people to come here who can ignore
5 some of the realities we endure. Give us some housing so that the people who live and work in Hood
6 River have a decent place to be.

7
8 The other thing, oh, above the hill...Okay so when you're when you're heading south out of Hood River,
9 on Dee Highway, that beautiful mountain plays willow the whisper for you one more time and then
10 suddenly you get to the top of that hill and you see the Dee Mill site and that glorious mountain, and I
11 can't tell you how many times I have come upon that and there's somebody parked on the side of the
12 road taking pictures. Taking pictures. Well I recently got...I recently entered the 21st century and got me
13 this thing called a cell phone and it has a camera. And I told the person what I felt then, you know when
14 I want a camera I'll get a camera, right now I want a phone. But anyways, the camera is convenient. And
15 I just noticed that there's no telephoto on my cell phone and so they put in that is...I think that you need
16 to require that whatever they have, whatever facility they build meets the same requirements the
17 people have along the river. So that their facility, their signage, does not destroy something that nature
18 has so generous for.

19
20 And if you allow this hotel to go in and he puts in a swimming pool that's going to be filled with the
21 Hood River city water, I know, you tell him he better make that thing big enough to accommodate all the
22 young people that live in Parkdale and Mount Hood who need swimming lessons, because my bus is
23 going to bring them.

24
25 Chair Schuppe:
26 Okay.

27
28 Gloria Krantz of Dee:
29 Thanks.

30
31 Chair Schuppe:
32 Yes, thank you.

33
34 Jeff McNerney:
35 Bob can I talk real quick on the same issue.

36
37 Chair Schuppe:
38 Sure.

39
40 Jeff McNerney:
41 I'll be real quick.

42
43 My name's Jeff Mc Nerney, I live at 5015 Green Road up in Dee Flat and I'm a grower at the thousand
44 acres along with a few other people here. And I really am going to make it quick. I'll show you how to
45 talk quick.

1 So when the venue, it's not about the venue but when the venue was first proposed I had concerns but
2 then when it shrunk down as a grower I really didn't have a problem with it, especially on the weekends
3 because we can work around that. But then when the hotel was proposed as a grower as a guy that
4 drives his own truck and hauls thousands of bins and drives on Dee highway, I was concerned. Because
5 now we're talking likely 7 days a week, I'm assuming.

6
7 I can work around the weekends you know because a lot of time we're going to be hauling on Sundays
8 but Monday through Friday we're working non-stop; trying to get our fruit to the packing houses. And if
9 we have all these tourists come in and that's a whole other issue that they built. The tourists come and
10 they really don't know where to go. You know, without passing lanes on Dee Highway driving our trucks
11 we have a hell of a time getting to the packing house on time. So we get more people that don't have a
12 freaking clue where they're going, no passing lanes, well then we don't get our fruit to the packing
13 house. So we're starting driving over top of people, which probably we won't do that.

14
15 So anyway that's...I'm going to make it just real quick. I didn't have a problem when it was a small music
16 venue, but now that we have a hotel and possibly, and destination resort in my opinion we have to
17 realize that Hood River Valley depends on agriculture. And nothing against...but I believe in people being
18 independent and starting new businesses but we have to keep the upper valley in, my opinion,
19 agriculturally strong. And if you bring all the tourists and all the destination resorts to the upper valley
20 it's going to be tough. I mean I don't have a bit of a problem with hotels in Lower Valley but man you're
21 going to make it tough on us bringing it up higher. And I've been in Dee since 1990. My dad, my
22 grandfather, and my brother all worked for Dee mill. I lived in Dee when they had the mill and it wasn't a
23 problem. I mean they came in, like Steve said, in the morning and the afternoon. The trucks knew where
24 to go, the workers knew where to go, there was no congestion. Tourists is a whole different deal. That's
25 it, thank you.

26
27 Chair Schuppe:
28 Thanks Jeff.

29
30 Anyone else now in opposition to the hotel?

31
32 All right, next phase is the hotel application.

33
34 Bill Summerfield:

35 Thank you so much. Bill Summerfield 718 State Street, I'm the Attorney for the applicant, Apollo Land
36 Holdings. I'd like to request a little bit more than 5 minutes; I've got a lot of ground to cover.

37
38 Chair Schuppe:
39 10? 15?

40
41 Bill Summerfield:

42 10 is fine.

43
44 I'd also like to leave the record open. Nothing fills me with joy like getting 8 pages of rather dense legal
45 argument handed to me at the night of the hearing. So I'd like the opportunity to respond to that in
46 writing, if possible.

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Chair Schuppe:
Sure you're asking for...

Bill Summerfield:
To leave the record open to reply to the goals and exception argument that was raised.

Chair Schuppe:
Right, when you're done I'll explain what we're going to do tonight.

Bill Summerfield:
Thank you.

As to the goals and exception argent I honestly don't think that's directed to you tonight, nor is it properly before you at this point. I think where you are is where we were when we started, which is that this is a use permitted outright. I don't think you're in a position to look beyond that at this moment. I think you need to rely on what staff has presented to you as the situation on the ground and I think that's probably where we are.

This is a use permitted outright and there are, there's...Applicants need to have that certainty that if someone tells him this property is zoned for this, you have the ability to generate a proposal within that and spend money and develop property and being this process and go down this road without being waylaid or sandbagged at the last minute with arguments that undercut that entire approach.

So another thing that I want to make clear to you is that this is not a conditional use, you see those all the time. It looks a lot like a conditional use because it's got 34 conditions attached to it. This is a use permitted outright and that limits our oversight, for better or worse. It limits your job and your oversight here tonight as to what you can and can't do. Formula stuff, setbacks, site clearances, those kinds of things. Your role.

Commissioner Weathers:
Hold on just a second. Could, excuse me, could you guys keep it down we are trying to listen to both sides of the argument. Thanks a lot.

Go ahead.

Bill Summerfield:
Your role is to look at those things and say has the applicant submitted adequate materials at outset for this, for the purpose of this review to see that those conditions can be met. Staff has told me they can. The experts have told you they can that staff have available to them; sanitarian, county engineer. All affected agencies were notified and they had no concerns, or if they did they were addressed on one of the 34 conditions.

That's what a use permitted outright process is. We're doing this properly. That's how this is done. This application meets all those criteria.

1 I want to talk a little bit about the burden of proof. I think Erik did a really good job on this in his
2 submission to you. I think there's substantial confusion about this burden of proof issue. Here's the way
3 I look at it. With an outright permitted use, the burden of proof has essentially been carried as a
4 threshold matter per the applicant.

5
6 We have said look we've looked at the comprehensive plan. We've looked at the zoning. Because it is
7 zoned this way, it is presumptively, yeah compatible with adjoining uses. That's why there's, that's why
8 the burden of proof then shifts to the appellant, in this instance, to show you that incompatibility. And
9 that...For a use permitted outright that burden should be very high to show you incompatibility.

10
11 We presumed when this property was zoned and those, and the zones get vetted at these hearings with
12 you folks and adopted by the county board of commissioners, that you anticipate what uses are going to
13 be allowed within a zone. What you allow what you, specifying what uses a zone can be put to. You have
14 looked at that and you have determined in advance the uses that are permitted outright in this zone are
15 presumptively compatible with adjoining properties. So if the property is zoned this way, it is
16 presumptively compatible.

17
18 So our burden of proof is essentially met as soon as we have a use that is permitted in this zone, which is
19 what we have. It's a commercial use, no one disputes that it's commercial use. No one disputes that at
20 present as zoned a commercial is permitted in this zone.

21
22 The appellant should not be allowed to just sit back and throw stuff up there and see what sticks. And
23 try to try to poke at incompatibility when you have a use allowed outright. They need to show you
24 incompatibility. They need to show you absolutely, absolute evidence and not rely on fear, assumption,
25 guess work, injector, and anecdotal evidence.

26
27 There are 4 specific issues that were initially raised that seem to have gone by the way side; I'm going to
28 touch on them real briefly. One is the notice requirement, 250 feet versus 750 feet. Like it or not, it's not
29 resource zoned. If it is not resource zoned you, the notification radius is 250 feet. As Eric pointed out to
30 you, we can't just arbitrarily make stuff up and say well this is a big one, we should, we should... let's
31 notice wire, because the converse could be true too. Somebody could say no let's notice a little bit less
32 and then you know argue about whether that was arbitrary or [inaudible 01:19:41] or not fairly applied.
33 That's why we have rules. The rule says 250 feet, the notice was adequate.

34
35 As a practical matter too, who wouldn't, who within that 500 feet didn't get notice that wouldn't be
36 here tonight? I think everybody that wants to know about this is here tonight. The appellant has a
37 website and has gotten the word out and has rallied its troops. I think people that care, that are affected
38 by this, are here to tell you about it and properly so.

39
40 The next issue is this, idea that somehow we're improperly deferring decisions to the future that we
41 should be vetting right here in this room. I guess we're supposed to be debating whether a sand filter for
42 septic filtering is more appropriate than a holding tank of some kind, or whether a bio swells effective or
43 not. Even though of course we don't really know what the buildings going to look like. Even though we
44 have a county sanitarian and we have a county engineer to speak to these issues and talk to staff and
45 who go on site and meet with the developer and look at the filed plans. That's how this works. We don't
46 sort all that out in this room. We have experts that come and do that after the fact. And as Eric pointed

1 out agencies say yeah we're satisfied and you're experts say yeah we're satisfied, this meets our criteria.
2 That's not improperly deferring any indecision, that's how this is done.

3
4 You're over site at this level is to determine, I think, look is there some fundamental flaw with the site,
5 with the proposal, where they can't meet the basic criteria. If we don't have a reason to say they can't
6 meet it, on a 32 acre site with a very minimal flood plain set back, then we really have no reason to say
7 this is not adequate at this point. You have to let that process go forward as part of the development
8 process.

9
10 One of the biggest issues raised tonight is traffic and the relevant number here tonight is 50, because
11 that's the rooms that we're talking about at the hotel. This is a zero sum game right now because the
12 parking lot up there is capped at 437 spaces for both the amphitheater and the hotel. The only relevant
13 portion of the traffic study tonight is what impact the hotel itself has on traffic up there. The answer to
14 that was that it's negligible. No one's addressed that part of it. They want to talk about the
15 amphitheater and all sorts of stuff. The hotel itself has negligible impact on traffic up there.

16
17 It's also...This should be intuitive, intuitively obvious to you as well but the hotel actually helps with the
18 other issue, the elephant in the room, which is the amphitheater because it gives people a place to stay
19 and it ameliorates some of that traffic coming down after an event. And again, I can't stress that
20 enough, we are capped at the number of spaces we have up there. This presentation tonight, the
21 application tonight adds nothing to what is already approved and already permitted for that site.

22
23 Public safety was raised as an issue and this is an example for me of throwing things at the wall and
24 anecdotes and fear and gossip and things that have no basis in reality. Every affected agency was
25 notified. No affected agency had anything to say about public safety. Don't be swayed by arguments
26 that aren't based in reality or have evidence to back them up.

27
28 Storm water runoff has been raised as a concern. Again this is a 32 acre site. We propose to deal with it
29 via bio-swales and filtered retention which it, I suppose we could have people come in and glaze your
30 eyes over with all kinds of calculations as to how that's going to happen and why that's not going to
31 impact the river, which it won't, but that's not what we do here. We say, can we address it, yes we can,
32 and we will.

33
34 Cumulative impacts was raised and there's some kind of a...I guess an undercurrent that we're somehow
35 being underhanded in the way that this approach has come about. Where you go for the hard thing first,
36 the amphitheater, and then you bring in the hotel later and that's somehow being under handed about
37 the approach. That's not the case. This is how development works in uncertain times, plans change,
38 things happen. You test the waters, you see what's available, what can happen. This proposal needs to
39 stand on its own and there's been a lot of talk tonight that really seems disgruntled with the approval of
40 the amphitheater, which is literally water under the bridge and 2 years gone now. We need to focus on
41 this hotel.

42
43 I'm a little...I've been a little puzzled by this opposition, because one it's a use permitted outright, two
44 you have a local developer with local ties; family worked at the mill. No one has mentioned the fact
45 there was a hotel up there in the 30's and 20's. There is historic precedent for this. The, the entire little
46 Dee Mill site was a quasi town up there. Like a mill town and there was a general store, and a hotel, and

1 a rail road station, and some houses and a whole little enclave up there, which none of the people who
2 want to talk about goal 14 exceptions want to talk about that. They want to talk about the industrial
3 mill.
4

5 The site is frankly a derelict wasteland and has been since the mill came down. And rather than throwing
6 out road blocks for these folks I, I can't for the life of me understand why we're not patting them on the
7 back and asking them to bring something decent to this community and the area, which they're trying to
8 do. That's what I think we ought to do here.
9

10 And I guess at the end of the day though I agree completely with the conclusions of staff and the report.
11 You did a great job on this one and I, I think you need to approve this. Thanks.
12

13 Chair Schuppe:
14 Anyone else in support of the application?
15

16 Yes sir.
17

18 Mark Vanderzanden:

19 Hi I'm Mark Vanderzanden from 2625 North East 16th in Portland Oregon. I'm the owner of Surround
20 Architecture. I've had a architecture firm developing projects in the gorge and Hood River in this region
21 for 25 years now. I started doing projects in '91. I've got over 40 projects completed in Hood River, and
22 Hood River County, as well as across the river. I've worked with this staff on several projects. I've worked
23 with the staffs all over and I think we have a strong reputation in this town, primarily because of our
24 follow through, and our confidence, and our careful execution of our projects. And I mention this
25 because you know the, potential for the trust that this project will be taken care of properly, I think
26 mostly rests on my shoulders at some point.
27

28 The county puts together a list of conditions and criteria that we need to follow. And we have a stellar
29 record of producing these projects that are safe, that are well engineered meet all the requirements of
30 the storm water and sewer et cetera. I mean we've...We've been working for everybody in this town
31 because of our reputation for follow through. And so I want to mention that because I think it's really
32 important. And you know my process with the county has always been stellar. And you know Erik has
33 done a great job of putting together the criteria that we would follow when putting this project
34 together. The setbacks from the river and the storm water regulations that we need to follow, the
35 regulations for the transportation issues that need to be addressed. And we understand those and this
36 process has been great in eliminating all the issues that we need to address, that we will take care of
37 and execute on this project. And I feel extremely confident in our ability to execute this project and
38 meet all those criteria and have a safe well executed project at the end of this.
39

40 Apollo came to me a while back with asking us to take on this project. And I got to say I was really
41 delighted to take this on because I, I believe it's a very good project in the sense that you know it's a
42 chance to really repair a derelict abandoned mill site, which I think is really important. And you know I, I
43 feel really good about that. I've had quite a few projects in Hood River County where we're building a
44 house in the middle of an orchard and this to me feels like a really great opportunity to do something
45 really important in cleaning up an area that is in disrepair and we feel really good about that.
46

1 Some general things about this project that I do want to mention, it's really already been mentioned but
2 I'll emphasize a few more points. You know with the...The hotel itself is integrated into the
3 amphitheater design and I think that's just important to reiterate that they're combined and that to the
4 extent that you will want to stay at...You will want to be attending the, amphitheater event if you're
5 staying at the hotel. So I really do believe that it diminishes the traffic impacts on events and in addition
6 it will diminish the storm water requirements that are on that parcel as well.
7

8 The project actually will emphasize the re-purposing or the repair of this property through its design.
9 And it will also be a great opportunity to illuminate the history of the site. So we're excited by that
10 because it's a chance to bring people into what is essentially growing now to kind of a ghost town and
11 show some of the existing structures. We'll have some interpretive signage et cetera so that we can
12 create kind of a story out of what once the little town of Dee. We plan to reuse some of the existing
13 structures or use the existing structures in a way that will allow people to just understand what was
14 formerly there. So you know we're trying to actually preserve the history of the Dee town while we
15 transform that property which is again is kind of abandoned and derelict.
16

17 I don't know if I need to really get into the technical requirements. I could speak to some of the issues of
18 storm water and waste water but I believe I'll, repeat that what's been outlined and given to us as the
19 working criteria. We feel extremely confident that we can easily meet on this project and again we base
20 our reputation on keeping those requirements moving forward on all of our projects and want to
21 continue to do projects for another 20 years or so, at least in my life. My firm can keep going and doing
22 projects in this town so we feel that it's very important to meet all those requirements and be super
23 successful in that.
24

25 Chair Schuppe:
26 Thank you.

27
28 Anybody else?
29

30 Jason Taylor:
31 Jason Taylor. 4710 Portland Drive.
32

33 Chair Schuppe:
34 Five minutes enough Jason, or do you want more?
35

36 Jason Taylor:
37 Just maybe a minute or two, I appreciate everybody's time.
38

39 Before I go into detail, a little bit about me and my partners and our history to both the site and the
40 community is important I think in this situation. Collectively we've lived in this community for
41 generations and have a deep respect and appreciation for its future. All of us are invested in farming in
42 the Hood River Valley and we all went to high school here. More specifically as some of you already
43 know, my family built the mill in the early 1900's. My grandfather was the captain his entire career. My
44 father was born in Mill Town and my father and uncle both worked the mill for a period of time.
45

1 As one can only imagine a project like this takes a lot of time. In fact, collectively we've spent thousands
2 of hours on this project in an effort to cover every subject as thoroughly as possible. We've hired one of
3 the most respected trafficking engineering firms in the business, TKS, to work with us on a number of
4 different fronts. Consulted with numerous engineers and all the various construction conditions and
5 contracted with various other specialists in an effort to thoroughly cover each of the conditions of this
6 approval with an expert opinion.

7
8 I'm a firm believer that hiring an expert in each category is critical in delivering accurate and relevant,
9 relevant opinion, which is why through this process I've come to believe we're not talking about the
10 sites viability. We're not talking about use, it's a outright permitted use. We're not talking about any of
11 the other hundred aspects that's in developing a site like this. Each has been covered through
12 professionally engineered plans, studies, tests, and one, one of the many conditions we've been tasked
13 with before the construction is to start.

14
15 This project is permitted outright. We've hired certified professionals. The plan has been well scrutinized
16 and we either have or will be complying with every single condition. What I really think we're talking
17 about is change and I realize change is difficult. However, it's also inevitable and essential. The key in my
18 mind is how do we change? We all know change is eminent. Most would agree it should be, after all it's
19 a concrete slab that set vacant for quite some time. And just to, kind of, give everyone a idea which I
20 think most everyone understands what this looks like, but here's where we are today.

21
22 As a private land owner we have a responsibility to create something that will stand the test of time,
23 offer great employment opportunities, and transform a concrete slab into something that adds value to
24 the community. Like the original Mill hotel, our hotel is essential in creating a co, a cohesive and
25 relevant community within the site. It too will be the centerpiece of the site and will provide a place to
26 congregate and socialize much like its predecessor. I think it's relevant to take a moment just to
27 understand what the mill community once looked like.

28
29 And this is phase one of the original hotel, it had two phases. It had a total of 60 rooms plus, that this
30 was 1909 when it was originally built and later expanded in the 30s. But the mill itself and ancillary
31 businesses employed hundreds of people. The hotel had 60 plus rooms as I mentioned. There was a
32 general store, a restaurant, bar, and a large mill complex of course. And this, this is a picture of my uncle
33 with his uncle, Jack Eccles coming out of the store in 19...in the late 30s and he's 3 years old at the time.
34 And this, this is a picture of the original cafeteria with my grandfather standing there with a couple other
35 people.

36
37 I'm showing you these photos today to convey that there was once a sense of community here. And at
38 the time both enhanced the greater community and provided well paying jobs. People worked here and
39 truly enjoyed what the mill offered. They were proud of their mill, they looked forward to it prospering.
40 The new hotel, while a different structure, is similar in that we'll provide well paying jobs and sense of
41 community. A place people are both excited to experience and work in. Which brings me back to where
42 we are today.

43
44 Today the mill again is nothing more than the concrete slab, we all know what it looks like. No
45 community, no jobs, no opportunity. As to the approval process today, the hotel use is permitted
46 outright and the, county planning department has done a very thorough job of outlining the conditions

1 required before construction is to start. We...We're not here before you today to reinvent the wheel.
2 Instead we are suggesting change with an eye towards the site's rich history. Our plan has always been
3 to create something special. To bring back the luster of the hotel that once stood where there is a
4 concrete slab today. To bring back a hotel similar to the original hotel. A project that pays homage to
5 both the site and the community. A hotel that hearkens back to its' past, that showcases the mill itself. A
6 hotel lobby that is adorned with photos and relics of the community. A hotel that pays tribute to the
7 families that worked here for generations.

8
9 In short, a hotel of which the community would be proud of and, to me, replacing a concrete slab with a
10 unique hotel that is steeped in history with the use that's permitted outright and a development plan
11 that has been well conditioned and professionally engineered, makes a lot of sense. And I appreciate
12 your time.

13
14 Chair Schuppe:

15 Thank you. Anyone else in support of the application of the hotel?

16
17 Are there any public agencies which wish to testify?

18
19 Before we get into rebuttal, let me kind of tell you where we're headed. Mr. Summerfield requested
20 that the record be left open so that he could respond to some of the data that was submitted tonight.
21 I'm required by ORS 197.763 and I quote "Prior to the conclusion of initial evidentiary hearing, which is
22 tonight, any participant may request an opportunity to present additional evidence, arguments, and
23 testimony regarding the application." There are two ways that can happen. I can, we can continue the
24 hearing for a week. What Mr. Summerfield has asked for is the record to be left open. So the process
25 that I would propose is that we will complete rebuttal testimony tonight, listen to planning
26 commissioner questions. I will then close the hearing to oral testimony and we will go into a 3 week, 7
27 day per week sequence.

28
29 The first week which would end on the 1st of June at 5 o'clock, anyone can, can apply or submit written
30 testimony to the planning department which is new and not in the record right now, essentially rebuttal
31 what you've heard tonight. The second 7 week period would end on the 8th of June 5 o'clock.

32
33 Mr. Weathers:

34 7 day. I'm sorry. 7 day period.

35
36 Chair Schuppe:

37 What did I say, 7 week?

38
39 Mr. Weathers:

40 7 week.

41
42 Chair Schuppe:

43 Okay its 7 days, 7 day period ending on the 8th of June would be an opportunity for anybody to rebut or
44 comment on testimony from the 1st week. We would reconvene here on the 15th of June. During that
45 final week, the only testimony that can be accepted is by the appellant; Apollo LLC. They can't introduce

1 new evidence, they can only respond. We will convene on the 15th at 5:30, deliberate and decide. Yes
2 ma'am?
3
4 Courtney Johnson:
5 Sorry you said the appellant, Apollo?
6
7 Chair Schuppe:
8 Yes.
9
10 Courtney Johnson:
11 So Apollo is the applicant but Hood River Residents Committee is the appellant. So who do you intend to
12 have the last...
13
14 Chair Schuppe:
15 The last week is the applicant, Apollo. Does that sound right Will?
16
17 Will Carrey:
18 Yes.
19
20 Chair Schuppe:
21 Any other questions?
22
23 Again the final 7 day period is the applicant, Apollo and after I close it tonight, you know we will accept
24 only written testimony.
25
26 All right Mr. Summerfield?
27
28 Bill Summerfield:
29 Yes.
30
31 Chair Schuppe:
32 Okay, is there any rebuttal to any testimony heard tonight?
33
34 Courtney Johnson:
35 If I may Chair?
36
37 Chair Schuppe:
38 Sure.
39
40 Courtney Johnson:
41 I'd just like to make a few points, again I'm Courtney Johnson, Crag Law Center, for the Hood River
42 Valley Resident's Committee.
43
44 I realize that this was a lot of new information but as Chair should be noted this is the 1st hearing and
45 this is the de novo hearing. It's entirely appropriate to bring this information forward to you all at this
46 hearing.

1
2 The property is subject to the zoning code, but that's the only applicable criteria. The state wide
3 planning goals, the comprehensive plan, and the OARs all apply to a proposal like this. Those are the
4 issues that we brought forward and the criteria that we're asking you to apply tonight.

5
6 As to the traffic issues, I don't want to talk about each of the individual issues. I think the community
7 members here that spoke to you today are in the best position to talk about what the impacts are likely
8 to be as a result of this project. I will point out though, that the, the traffic issues to the extent of the
9 current analysis relies on the analysis of the prior event venue. As Heather so beautifully put it, I can't
10 really restate it, but the house of cards on the quick sand foundation, that analysis is relevant here,
11 despite the fact that the applicant would like to suggest that the only thing that we're looking at is the
12 hotel use.

13
14 I also want to point out that the hotel that existed in the 1930s looked like a beautiful hotel. It was not
15 the basis for the goal exception that's in the comprehensive plan. So this, despite the fact that there
16 may have been a hotel in the past, that is not part of the committed exception that was taken for this
17 property to allow industrial uses of the property. We have that exception document, I'm sure you all
18 have it. Take a look at that and you'll see the description of how that came to pass.

19
20 Also want to point out that the residence committee is not opposing any redevelopment of the site. The
21 point is that the redevelopment of the site needs to be consistent with what the comprehensive plan
22 allows and consistent with the rural character of the neighborhood. And I think you've heard a lot of
23 testimony tonight from people who will be impacted by this development in their own neighborhood.

24
25 The last thing I want to say is we're not here to un-ring the bell of the event venue. That has happened
26 and there may not be an opportunity to change that but that doesn't mean we need to continue down
27 this path of allowing what is an urban use in a rural area without the proper review of whether it could
28 be consistent, whether it's going to retain that rural character, and whether it's going to comply with
29 exceptions to the goals that would otherwise prohibit this use.

30
31 So the residents committee would just ask that you consider that and we look forward providing further
32 information and to seeing what the applicant has to say. Thank you.

33
34 Chair Schuppe:
35 Thank you.

36
37 Any other rebuttal, Erik, John, Will?

38
39 Mr. Roberts:
40 No.

41
42 Mr. Carey:
43 No.

44
45 Chair Schuppe:
46 Eric, anything?

1
2 Mr. Walker:
3 No.
4
5 Chair Schuppe:
6 And any planning commissioner questions, Erik or Peter?
7
8 Commissioner Frothingham:
9 I have none?
10
11 Commissioner von Lubken:
12 I have none right now.
13
14 Chair Schuppe:
15 Jennifer?
16
17 Commissioner Euwer:
18 Oh you don't have any?
19
20 Chair Schuppe:
21 They have none.
22
23 Commissioner Euwer:
24 I do have one question. Is the ... I'm unclear on this traffic study information. Where it says 2300 is
25 that...Oh that's average daily annually?
26
27 Courtney Johnson:
28 Are you looking at the ODOT numbers? Yeah.
29
30 Commissioner Euwer:
31 So the ODOT one's...So that means it's 2300 as the year round average. So the highest would be higher.
32 Okay.
33
34 Courtney Johnson:
35 That's my understanding of that, yes.
36
37 Commissioner Euwer:
38 Okay that was my question.
39
40 Chair Schuppe:
41 John?
42
43 Commission Euwer:
44 No. Oh, I do have a question.
45
46 Chair Schuppe:

1 Go ahead.
2
3 Commission Euwer:
4 I have a question for the applicant. Are you contemplating...Is your plan to submit...If this were to be
5 approved, would your plan be to follow it with a request for a restaurant?
6
7 Jason Taylor:
8 No we have no plans for a restaurant at this time.
9
10 Commission Euwer:
11 At this time...So does that mean that at some point in the future you could be coming back and asking
12 for a restaurant?
13
14 Jason Taylor:
15 A project like this is completely fluid. You, I mean it's impossible to tell you exactly what we're going to
16 ask for. We don't have any other plans on the drawing board. We're not even thinking about any other
17 plans what so ever. So it...You know it's hard to say.
18
19 Commission Euwer:
20 But you talked about it being a gathering place just like the town that it had been before. Usually those
21 have restaurants and pubs and stuff.
22
23 Jason Taylor:
24 Right. Well there's already...It's already planned to have 7 trucks. That's already in part of the
25 amphitheater plan.
26
27 Commission Euwer:
28 To have 7 food trucks.
29
30 Jason Taylor:
31 Right, that was already approved and that was already part of the original plan that we would nominate
32 the community...you know various community trucks that we'd subcontract out.
33
34 Commission Euwer:
35 Do you have...have you contemplated plans to use the river somehow?
36
37 Jason Taylor:
38 No, not at all.
39
40 Chair Schuppe:
41 Ed.
42
43 Commissioner Weathers:
44 Not at this time.
45
46 Chair Schuppe:

1 I don't have any questions so...
2
3 Commissioner von Lubken:
4 You forgot about John.
5
6 Commissioner Kelter Gehrig:
7 I don't have any questions at this time.
8
9 Chair Schuppe:
10 Oh I'm sorry I thought you had said...
11
12 Commissioner von Lubken:
13 You're head of cheer. (laughing)
14
15 Chair Schuppe:
16 Go ahead, go ahead John.
17
18 Commissioner Kelter Gehrig:
19 No I don't have any questions, at this time
20
21 Commissioner von Lubken:
22 You just missed it.
23
24 Chair Schuppe:
25 No he didn't ask it.
26
27 Commissioner Euwer:
28 We're just messing with you.
29
30 Chair Schuppe:
31 Oh I got it.
32
33 Male Speaker:
34 I had one quick tiny question.
35
36 Chair Schuppe:
37 Yes.
38
39 [01:47:00]
40 Male Speaker:
41 I know there's a county decibel. Does this, because it's manufacturing zoned, does not qualify to have
42 the quality decibel law of the county? I don't, I don't, this isn't my wheel house but isn't there a county
43 code for decibel.
44
45 Mr. Carey:
46 You mean like a noise ordinance?

1
2 Male Speaker:
3 A noise ordinance.
4
5 Mr. Carey:
6 Noise ordinance.
7
8 Male Speaker:
9 Does this manufacturing zone somehow omit that?
10
11 Chair Schuppe:
12 I think there's, you know county ordinance on...
13
14 Mr. Carey:
15 We have a noise ordinance.
16
17 Chair Schuppe:
18 Nuisance and noise and in it is specified the noise level and the times of day which are appropriately
19 changed with time of day.
20
21 Male Speaker:
22 I thought it was 10 pm County wide? Like you know no noise past...
23
24 Mr. Carey:
25 Well I don't think we're prepared to debate the noise ordinance.
26
27 Chair Schuppe:
28 No. There is a noise ordinance which applies to this. And you know certainly during this written period,
29 again we're going into this 3, 7 day thing.
30
31 Will, do you have anything to add?
32
33 Mr. Carey:
34 No I don't...
35
36 Chair Schuppe:
37 Kim can you post any of the testimony that we receive during the weekly period after the close, 5
38 o'clock close, so that people can access that on the county's webpage?
39
40 Mrs. Paulk:
41 Yes sir.
42
43 Chair Schuppe:
44 All right, so again between now and the 1st of June, written comments only relative to things which
45 were new to you tonight, anybody. The following 7 day period which ends on the 8th of June, 5 o'clock,

1 would be testimony relative to that given during the 1st week of written. The final week, the 15th of
2 June, is only the applicant, Apollo, and that's not new evidence it's just response.

3
4 So I am closing this hearing to verbal testimony. The record is being left open as I described for written
5 testimony. We'll reconvene here at 5 o'clock on the 5th...

6
7 Commissioner von Lubken:
8 30. 5:30.

9
10 Chair Schuppe:
11 I'm sorry. 5:30 on the 15th to...for the planning commission to review the written docents, deliberate,
12 and decide. Any comments?

13
14 Mr. Roberts:
15 Can we have a motion to that effect, stating a date time and place please?

16
17 Commissioner von Lubken:
18 I'll so move the motion.

19
20 Commissioner Euwer:
21 Second.

22
23 Chair Schuppe:
24 Motion has been moved and seconded. All in favor signify by, Aye.

25
26 Commissioners:
27 Aye.

28
29 Chair Schuppe:
30 Opposed? All right. Thank you.

31
32 Well also let me condition...caution you this is a quasi judicial hearing. None of the planning commission
33 can talk to anybody about, other than staff; about this without declaring at this time so please don't
34 help us violate that.

35
36 We're adjourned.

37
38
39
40
41
42
43
44
45
46

1 HOOD RIVER COUNTY COMMUNITY DEVELOPMENT
2 PLANNING COMMISSION HEARING TRANSCRIPTION
3 Wednesday, June 15, 2016 – 5:30 p.m.
4 By Kim Paulk, Office Manager
5
6

7 **Continued Planning Hearing – Appeal P-16-0073 of ILUP P-15-0174 (Part 2 of 2)**
8

9 Chair Schuppe:

10 All right, I'm going to call this session of Hood River County Planning Commission to order for 15 June.
11 We do have an agenda. I don't think there's any meeting minutes, is there?
12

13 Mrs. Paulk:

14 No, sir.
15

16 Chair Schuppe:

17 Okay. Director's report, John?
18

19 Mr. Roberts:

20 Yeah. Since I have your attention I'm going to take advantage of it, just some housekeeping stuff. So, the
21 economy is good. We're busy, and these are some interesting numbers. In January we hit pause on our
22 code compliance program as we lost Josette unfortunately. Fortunately, Micaela came onboard to fill
23 the code compliance position about a month ago, and since then we've received ten code complaints in
24 May and four in June so we're really making up for lost time.
25

26 Commissioner Weathers:

27 Welcome to the fire.
28

29 Mr. Roberts:

30 Pardon?
31

32 Commissioner Weathers:

33 Just tell Micaela welcome to the fire.
34

35 Mr. Roberts:

36 Yeah. I think her comment yesterday was, "Things aren't always so black and white in the planning
37 department, are they?" Anyway, that's just good. Really why I bring that up is we're going to be moving
38 into the next two months reviewing marijuana business regulations and short-term rental revisions. A
39 backbone to any good planning program is having the ability to enforce, and I see this particularly true
40 for these two sets of regulations becoming before you.
41

42 A huge assumption moving into it is we have an enforcement program that is responsive and timely and
43 persistent. If you don't have that position available in your department it really creates problems, just
44 wanted to lob it out there so you index that and think about that as you review those soon. What to
45 watch for, dates, anybody want to guess how many meetings you all have had year to date?
46

1 Chair Schuppe:

2 A lot.

3

4 Mr. Roberts:

5 Including the joint meeting with the board this is the seventh meeting of the year so thanks for your
6 public service. Next week will be the eighth, and then July 13th will be the ninth. What we are going to
7 hand out before the end of the night, or did Kim do this already is your packets for next week. We just
8 wrapped them up ... You got them? Okay. There are Erick's report on the zone change and then the
9 marijuana business stuff.

10

11 I know there's going to be confusion out there, but I'm going to try and nip some of it right here. The
12 public hearing next week is just focused on marijuana. We're not going to really open it up to anything
13 else. We advertised both marijuana and short-term rentals, together, but throughout the public noticing
14 we try to be very clear June 22nd marijuana, July 13th short-term rentals.

15

16 Included in this packet are comments received through yesterday, and there is only three of them. We'll
17 continue to receive a lot of comments next week, which is great, and you'll get those at the meeting, but
18 when you dive into this, really read those public comments, I think they really indicate both sides of the
19 spectrum, really interesting stuff. Those that are for don't see any problem whatsoever, and those that
20 are opposed then see all the problems.

21

22 The last thing I want to mention about this you go through the staff report, you have some public
23 comments, you have some draft findings, and then you have your exhibits. Exhibit A is the draft of a lot
24 of what you've seen already with the draft marijuana and short-term rentals. We weave them together
25 and put them all in our home occupation chapter. That's the need of what you're doing.

26

27 Then we go on to Exhibit B, which is the ripple effect of those changes meaning all the other changes
28 now we have to make to the rest of the code and the chapters articles as a result of those changes. Then
29 Exhibit C is a new and organized introductory chapter, introductory provisions. It was triggered by one of
30 the short-term rental regulations, which we'll get to, but it's a big change for us organizationally, and it'll
31 be an important discussion item to call out a couple things in that introductory chapter.

32

33 Then, four, is Exhibit D, and these are what I refer to as technical changes. Take a close look at them, but
34 I would see the first half were triggered by DLCDC. They're annual changes that they made that we need
35 to incorporate into our code, which we hadn't done the last twenty years, which is why we had to go
36 through that big model code update. Then we're also tacking onto that administrative things that we
37 deal with whether it's almost every day or every week over the counter stuff with accessory buildings or
38 variances, so a number of changes there.

39

40 What I'm saying is take a close look at this, but at the end of the day, next week we're going to stay
41 focused on marijuana. That's really all I wanted to mention, and, yeah, the rest dealing with marijuana
42 we'll bring up next week.

43

44 Chair Schuppe:

45 The zone change is quasi-judicial. The marijuana is legislative so you're free to talk to anybody about the
46 marijuana, not the other, right?

1
2 Mr. Roberts:
3 Right, yeah.
4
5 Chair Schuppe:
6 Mr. Carey, Land Use Council?
7
8 Mr. Carey:
9 No, I have nothing.
10
11 Chair Schuppe:
12 Any other scheduled items from the public, things that are not on the agenda? Commissioners? Next
13 item on the agenda is a continued planning hearing of P-16-0073, Land Use Permit P-15-0174. This is
14 continued from the 25th of May. If you'll recall we got through all of the verbal testimony, and during
15 that the applicant's attorney, Mr. Summerfield, requested that the record be left open so that he could
16 review evidence that was presented that night. We did that. We closed the verbal testimony on the
17 25th.
18
19 We did the written testimony in three sets; first twenty-fifth to the first was any party could submit their
20 written testimony of what was conducted evidence to date. That was posted, I believe, on a county web
21 page on the 2nd of June. The following seven-day period was anybody commenting on the testimony
22 from the first week, the third week, and that period ended on the 8th of June. At 5:00 we closed the
23 record to written testimony at that point. The following week which ended tonight was for the applicant
24 only for his final argument, and I believe that was posted by Eric yesterday on the county's webpage,
25 there's probably paper copies here somewhere.
26
27 Tonight we're closed to verbal, and I'll cut testimony. What the goal tonight is for the planning
28 commissioners' deliberation and a decision. You'll notice Commissioner Dow is sitting here tonight. She
29 was not here on the 25th. Staff has given her all of the documentation that was presented plus a
30 recording of the proceedings, and she has reviewed those, would seem to be qualified to continue to sit
31 on the hearing this evening. Ann, do you have any reason for abstention, personal bias, ex parte contact,
32 or any personal interest?
33
34 Commissioner Dow:
35 I do not have personal interest, bias, etc. I do need to disclose that before I became a planning
36 commissioner in the fall of 2014 I wrote a letter of concern considering the scale of the Dee Tour
37 amphitheater proposal, which is not the project that we're looking at right now. It was before I was a
38 planning commissioner, and that letter of concern will not affect my deliberation tonight, has not
39 affected my analysis of the materials.
40
41 Chair Schuppe:
42 Was that before it was reduced in scale?
43
44 Commissioner Dow:
45 My comments had to do with the three thousand parking slots. It was an entirely different project.
46

1 Chair Schuppe:
2 Is there anyone who wishes to challenge Commissioner Dow? Since this is a quasi-judicial hearing I have
3 to ask the other planning commissioners if they had any contact since the last hearing that would have
4 any impact on their deliberations this evening.
5
6 Commissioners':
7 (All stated none.)
8
9 Chair Schuppe:
10 Will, is there anything else that I should have covered?
11
12 Mr. Carey:
13 No, I think that's good unless there's anything...Are there any challenges from the audience?
14
15 Courtney Johnson:
16 Could I just have a point of order, Chair Schuppe?
17
18 Chair Schuppe:
19 Sure.
20
21 Courtney Johnson:
22 I have an objection to the exhibits that were attached to the final testimony that came in from the
23 applicant. I believe there was a recommendation that those not be included as part of the record, but I
24 just wanted to make sure that that's where the result was.
25
26 Chair Schuppe
27 I believe they have the attached. They were attached...
28
29 Yes.
30
31 Courtney Johnson:
32 Okay. Thank you very much.
33
34 Chair Schuppe:
35 The written text has not been...the written text is okay.
36
37 Courtney Johnson:
38 Thank you.
39
40 Chair Schuppe:
41 There were three sets, as I said, of written documentation. They are part of the record now. Does staff
42 have any comments on those written input?
43
44 Mr. Walker:
45 No, we have nothing to add.
46

1 Chair Schuppe:
2 Any questions by the planning commissioners? Will, anything before we go into deliberation then?
3
4 Mr. Carey:
5 No, because I think you're all fully advised from the input that has been received after the hearing was
6 continued. That's all part of the record that we'll consider this evening. You've already been instructed
7 that there were a couple of things that were objected to in this last input that were deleted and so
8 you're not to consider those.
9
10 Chair Schuppe:
11 Any questions?
12
13 Commissioner Dow:
14 I'm sorry, I should have asked earlier. I do have a question for the proponent of the project, and I don't
15 know if that means it's a question for the attorney or for whom.
16
17 Chair Schuppe:
18 I think you probably can't do that.
19
20 Commissioner Dow:
21 Oh, from the last hearing. I can't bring that up then. Okay, sorry.
22
23 Chair Schuppe:
24 We're closed to verbal testimony.
25
26 Commissioner Dow:
27 We're closed. All right, sorry, I was just trying to clarify.
28
29 Chair Schuppe:
30 You can direct questions you might want to staff or to Will.
31
32 Commissioner Dow:
33 Okay. May I then ask a question now of them?
34
35 Chair Schuppe:
36 Sure.
37
38 Commissioner Dow:
39 Okay. There was reference in several places using a swimming pool for possible fire water source, and in
40 one of the drawings I could find the pool and then a later one none, and so I wasn't sure whether or not
41 there was a pool associated with the hotel anymore.
42
43 Mr. Walker:
44 That's a good question. As you mentioned the pool was on the initial plan. Later plans did not show the
45 pool. I think it's anticipated that's certainly possible that it could include a pool. That's an accessory

1 component to that type of use, and so there would be no issue with having a pool on the property if
2 that's what they so chose to do.

3
4 Commissioner Dow:
5 An additional recreation support of the hotel is approved, basically, if this is approved. Is that right?
6

7 Mr. Walker:
8 We see that as an accessory component to the hotel, yes.
9

10 Commissioner Dow:
11 One more question of clarification is that we know that the hotel is separate, not supposed to be an
12 expansion of the last project the amphitheater, but the amphitheater project Dee Tour included Port-a-
13 Potties and food court that would accommodate maybe a thousand people during events, and it showed
14 it in an area that I was not sure was still fully available if the hotel is there. Is it your understanding there
15 will still be food court and Port-a-Potties for a thousand people at some time?
16

17 Mr. Walker:
18 The prior approval did allow for those amenities. Certainly that was approved before the hotel so there
19 may be some tweaking of where those locations might be, but I don't know that this application changes
20 any of the allowances of the prior approval.
21

22 Commissioner Dow:
23 But the area didn't grow with this...It's just added in. Okay, thank you. That's all I had.
24

25 Chair Schuppe:
26 We're about to go into deliberation. Deliberations are on the appeal filed by the Hood River Valley
27 residents. Since this is De Novo the deliberations and decisions can and should consider the original
28 application of the hotel. Commissioner Frothingham will you begin the deliberations, please?
29

30 Commissioner Frothingham:
31 I would. The appellant in their filing for the appeal listed four reasons for the appeal. The first was
32 inadequate notice and in reviewing that the appellant would have liked to have seen wider notice in
33 reviewing the staff report. I think that the required legal notice was given, and that whether or not the
34 planning department has the latitude to expand that it seems to me it would create a Pandora's Box
35 creating future grounds for charges of inconsistencies or bias in the distribution of notices. I think that
36 the notice given was appropriate.
37

38 The details of the storm water drainage plan were wished for, and as noted by staff such details are not
39 appropriately a part of an initial application. There were concerns about the traffic and public safety at
40 intersections, and though I agree with the appellant that the traffic study is flawed, I do not agree that
41 the traffic created by the hotel alone will create a public safety issue.
42

43 The appeal is for the permit to build the hotel, though I think the planning department should consider
44 cumulative impacts from granting permits for any development. The permit for the hotel does not in my
45 opinion require the planning department to go back to the prior approval to consider cumulative
46 impacts. Were these the only points to be considered in this appeal I would vote to deny the appeal.

1
2 However the appellate has raised issues as to whether the hotel is an allowed use under state
3 guidelines. Staff has correctly identified the site as zoned industrial M1 and noted that commercial uses
4 are allowed in the M1 zone. The hotel is a commercial use. However as noted by the appellant the site
5 was zoned M1 through the exception process based on its commitment to non-resource use as to D
6 Hardwood plan.

7
8 The Supreme Court case presented as a part of the appeal document satisfies me that the hotel is an
9 urban use which is not allowed on rural land. It is a new and different use from the one which was used
10 to gain the exception to make this M1. Hence it would require a new exception under Goal 14.

11
12 In addition the appellate has raised questions about the legality of a wastewater treatment plant at this
13 site to serve as a new commercial use, and whether there is in fact sufficient water available to meet,
14 among other things, fire requirements from Parkdale Fire Department. For these reasons I will vote to
15 support the appeal 16-0073 of the application 15-0174 unless I'm persuaded otherwise by my fellow
16 commissioners.

17
18 Chair Schuppe:
19 Thank you. Commissioner Euwer.

20
21 Commissioner Euwer:

22 The first thing that occurs to me in deliberating about this is the fact that we now have before us a use
23 that was permitted at a time when the concept that it being an outright permitted use had not even
24 been broached for the planning commission. Because we didn't discuss that the first time around we
25 were not made aware that it was considered differently than an outright use if you looked at it through
26 the exceptions process. If that had been considered this probably would have turned out differently.

27
28 It's clear to me from reading the Supreme Court's opinion that under the exceptions process this would
29 require an exception to goal 4. It's clear to me that it is urbanization. It's also clear to me that it is
30 segueing into what I would recognize as a destination resort, which is also not accepted, not permitted
31 at that location.

32
33 I appreciate the work that the staff has put in for all the details, but the underlying assumption that it
34 was an outright permitted use I think was unfortunate, because it's clear to me from the submission
35 from the appellant that it is not an outright use, and that it was accepted for an industrial use. This is
36 clearly not an industrial use.

37
38 All along this has seemed illogical to me that it would have been zoned commercial at that location.
39 When we were told it was an outright use it seemed unusual. It seemed inappropriate that it would
40 have been a commercial use in that area. To me it makes sense that at the time that the county made
41 the exception that they were not thinking of it as a commercial use, that they were thinking of it as an
42 industrial use as has been shown by the appellant.

43
44 The traffic study, the original traffic study, considering that the numbers are 2,300 that are...of the
45 vehicle numbers I think are 63 percent higher than were originally presented to us, to me that indicates
46 that the traffic study is inadequate, the original traffic study was inadequate, and that building on it just

1 adds more [inaudible 00:22:30] something deemed inadequate. I think the traffic study has made it even
2 less appropriate now that we know what the real numbers would be for the traffic.

3
4 I would agree with the appeal that the hotel is not permitted outright from what I can see in case law
5 and that it is an urban use, and that is a commercial use, that it was not meant to be a commercial use,
6 it was not accepted for commercial uses. In addition to that I do see it segueing into looking like a
7 destination resort.

8
9 Chair Schuppe:

10 Thank you. Commissioner von Lubken.

11
12 Commissioner von Lubken:

13 I'd like to commend the staff on the work that they've done on this. My feelings are different than Peter
14 and Jennifer's. I feel that the land use designation that this piece of property has allows this. I don't see
15 a problem with the traffic because we're not adding any new parking spots. The drainage I think will be
16 satisfied with the county engineer and the work that he'll do to make sure that the owners of this will do
17 their due diligence on that. I support the staff report and the improvement.

18
19 Chair Schuppe:

20 Commissioner Dow.

21
22 Commissioner Dow:

23 I also would like to commend the planning staff as usual on an excellent job of working with proponent
24 over several years on this project and researching I believe the comprehensive plan and state code.
25 Unfortunately, I think that the staff had an oversight, and I agree with the appellant that adding in a
26 hotel, adding in commercial, or switching to a commercial use from an industrial use is not what the
27 exception was for in 1984. It is therefore not an outright allowed use. There needs to be another
28 exception filed if there's going to be movement forward on a commercial use.

29
30 I was not involved in the decision on Dee Tour, but I think that if this evidence by the residents'
31 committee had come forward in the fall, the winter of 2014, the amphitheater would also have been
32 found as not in compliance, and it's a different use. It was not an outright use of being able to make a
33 commercial undertaking on top of an industrially zoned area, because the industrial zoning was an
34 exception for industrial use. I also feel the hotel is an urban use, and I agree that the cumulative projects
35 is moving the area toward a small destination resort, and based on those my interpretations I would say
36 that the appeal should be upheld.

37
38 Chair Schuppe:

39 Commissioner Gehrig.

40
41 Commissioner Gehrig:

42 When the appeal was originally filed it was filed as Peter, Commissioner Frothingham, said for four
43 reasons which alone would not have swayed me, but with the additional evidence about the exception
44 which was for an industrial use, which was only used as an industrial use for twelve years before it
45 ceased to be an industrial use for twenty years, I would think that it is not a like use, and a hotel should

1 not be allowed under the same goal exception. I agree with Commissioner Dow on supporting the
2 appeal.
3
4 Chair Schuppe:
5 Ed?
6
7 Commissioner Weathers:
8 I would agree in part to the other commissioners and their analysis of the first four components of the
9 appeal in that those alone are not worthy of upholding an appeal. The goal exceptions surprisingly
10 enough are ripe for interpretation. In being in situations like this in the past obviously you have both ...
11 You have two sides that are saying clearly the other side is wrong and staff with interpretation as well.
12
13 I personally don't see the straight line between with the cases presented by the appellant that lead me
14 to believe that this is not an outright allowed use. I see them as a bit different, and I think as mentioned
15 this has been an outright allowed use and was part of the comp plan that LCDC was presented in 1985. I
16 just don't see the similarities. I see there being enough differences, and I would vote to deny the appeal.
17
18 Chair Schuppe:
19 I won't belabor it. Suffice it to say I think there's ample evidence in the testimony of the appellant to
20 justify the fact that this does not fall under the initial exception, and I did not find any compelling
21 testimony in the applicant that the appellant's testimony was wrong. This exception was for an
22 exception to goal four for an existing industrial use. There had been a hotel there once. I don't think it
23 was there when the county did its comprehensive plan. Even if it were that hotel was to support to a
24 mill town, not tourism.
25
26 We haven't talked about the arguments in favor or against the mill bill, but I think there is adequate
27 testimony in the appellant's documentation to justify a finding to support the appeal and to deny the
28 Dee Tour Hotel. There are probably additional things that should be looked at like traffic, sewerage, or
29 fire, but this turns on the exception, and I would vote to support the appeal. Is there any more
30 deliberation? Is there a motion?
31
32 Commissioner Frothingham:
33 I move that we support the appeal 16-0073 to as it has been presented.
34
35 Chair Schuppe:
36 Based on testimonies support of finding that's in the record.
37
38 Commissioner Frothingham:
39 Yes.
40
41 Chair Schuppe:
42 Is there a second?
43
44 Commissioner Euwer:
45 Second.
46

1 Chair Schuppe:
2 Any discussion of the motion? I'm going to call for a vote. A vote yes would support the appeal and deny
3 the original application for the hotel. Commissioner Frothingham?
4
5 Commissioner Frothingham:
6 Yes.
7
8 Chair Schuppe:
9 Commissioner Euwer?
10
11 Commissioner Euwer:
12 Yes.
13
14 Chair Schuppe:
15 Commissioner von Lubken.
16
17 Commissioner von Lubken:
18 No.
19
20 Chair Schuppe:
21 Commissioner Dow.
22
23 Commissioner Dow:
24 Yes.
25
26 Chair Schuppe:
27 Commissioner Gehrig?
28
29 Commissioner Gehrig:
30 Yes.
31
32 Chair Schuppe:
33 Commissioner Weathers?
34
35 Commissioner Weathers:
36 No.
37
38 Chair Schuppe:
39 Chair votes yes. The motion passes. Eric, I don't think you'll have the order by the time we meet next
40 week. Will you?
41
42 Mr. Walker:
43 No.
44
45 Chair Schuppe:
46 Is there a motion to allow the chair to sign the order when it's completed?

1
2 Commissioner Frothingham:
3 I so move.
4
5 Chair Schuppe:
6 Second?
7
8 Commissioner Euwer:
9 Second.
10
11 Chair Schuppe:
12 All in favor signify by aye.
13
14 Commissioners:
15 Aye.
16
17 Chair Schuppe:
18 Opposed? Once I sign the order anybody who is a party and has standing has 15 days to appeal this
19 decision to the county board of commissioners. Any questions? I thank you all. I've learned something,
20 any other comments? See you next Tuesday or Wednesday at 5:30. We are adjourned. Thank you.

ITEMS FROM THE WORK SESSION

AGENDA REQUEST FORM

DATE: 11/21/16 **DEPARTMENT:** Admin **DEPT. HEAD SIGNATURE:** _____

ISSUE: Waste Connections – Rate Increase Request; Setting a Public Hearing

STATUTORY AUTHORITY: OAR _____ County Ordinance _____

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Waste Connections District Manager Jim Winterbottom has requested to present a rate increase request for 2017. Per the Franchise Agreement with Waste Connections requires the Commissioners to conduct a public hearing to consider the request.

FISCAL IMPACT: Budget Line Item: _____ Account Balance: _____

PROJECT ANALYSIS:

Staff Contact: _____ Estimated Hours Spent to Date: _____
Estimated Completion Date: _____ Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES:

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

Receive information from Jim Winterbottom and then set a public hearing for December 19, 2016 at 6:00pm to consider a .85% rate increase.

County Administrator _____

ACTION OF THE BOARD:

County Administrator _____

FOLLOW-UP:*Ord./Res./Agmt./Order Originals: to R & A

*Additional Originals to: _____

Copies (all info.): _____ Copies (ARF only): _____

AGENDA REQUEST FORM

DATE: 11/21/16 **DEPARTMENT:** Public Works **DEPT. HEAD SIGNATURE:** _____

SUBJECT: Public Works Snow Removal Policy

AUTHORITY: ORS _____ OAR _____ County Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

As winter approaches the Public Works Department is preparing for snow removal from county roads. The department has lost several experienced plow operators over the last few years and although their replacements are qualified to be on the road crew they are not nearly as fast. Additionally, staff from other departments that have help with snow removal in the past may not be available to help because of their own responsibilities. The result is the department does not have enough operators to cover all the plow routes simultaneously and needs to prioritize which roads are plowed first and which are deferred during both normal and heavy storms. The department has generally followed the policy approved by the BOC in March, 2000 and requests it approve an updated policy prior to winter.

FISCAL IMPACT/PROJECT ANALYSIS:

Budget Line Item: _____ Account Balance \$: _____
Estimated Hours Spent to Date: 2 Estimated Completion Date: _____
Staff Contact: Mikel Diwan
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES: (IF APPLICABLE)

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

Approve and sign the Resolution affirming a Public Works Snow Removal Policy.

ADMINISTRATIVE COMMENTS/APPROVAL:

Review the Snow Removal Policy with staff and approve and sign a Resolution affirming the policy.

County Administrator _____ Dept. Head/Staff Attendance to Meeting (circle one) Yes No

ACTION OF THE BOARD:

Date _____

County Administrator _____

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: to R & A *Additional/Exceptional Originals to: _____

Copies (all info.): Public Works

Copies (ARF only):

**BEFORE THE BOARD OF COMMISSIONERS
HOOD RIVER COUNTY, OREGON**

IN THE MATTER OF AUTHORIZING THE)
HOOD RIVER COUNTY DEPARTMENT)
OF PUBLIC WORKS TO IMPLEMENT A) RESOLUTION # _____
STANDARD POLICY REGARDING SNOW)
REMOVAL FROM ROADWAYS)

WHEREAS, the Hood River County Department of Public Works is responsible for the maintenance of accepted County roads and bridges, including snow removal during storm events and;

WHEREAS, the decline of resources has made it difficult for the department to perform snow removal from all County roads in a timely manner and;

WHEREAS, it is in the best interest of the County and public safety to implement a standard Snow Removal Policy in order to provide consistent snow removal service with the resources available and;

WHEREAS, a policy would identify which County roads receive priority for snow removal and which County roads, depending on the severity of a storm event and the resources available, may not have snow removal performed until a later time and;

WHEREAS, the Board of Commissioners approved a Hood River County Public Works Snow Removal Policy in March, 2000 which is still utilized by the Public Works Department and;

WHEREAS, the county road official recommends the Board of Commissioners affirm an updated snow removal policy that considers current resources and operational needs;

THEREFORE, BE IT RESOLVED that the Hood River County Department of Public Works shall implement the following Snow Removal Policy subject to the resources available as stated herein:

Adopted this 21st day of November, 2016

Ron Rivers

Karen Joplin

Maui Meyer

Robert Benton

Les Perkins

Hood River County Public Works Snow Removal Policy

Standard County policy is to begin snow removal operations at 4:00 am when sufficient accumulation is present. Conditions to be deemed sufficient accumulation are described below in general terms. Snow will be removed from county roadways based on a priority rating between Priority 1 (first) and Priority 4 (last):

- Priority 1:** Main county roads with higher traffic volumes; (i.e. arterials and collectors)
Examples: Country Club Road, Barrett Drive, Wy'East Road
- Priority 2:** School bus routes that are not main county roads
- Priority 3:** Remaining paved county roads
- Priority 4:** Subdivision and cul-de-sac roads and outlying dwellings on gravel roads
Examples: Odell Subdivisions, Green Mt. Road, Old Dalles Drive

The intensity of a storm will impact the time needed for sufficient accumulation to occur and the type of response made:

- Normal Winter Operations:** At 1" of snow (with ice) snow removal will begin and sand will be applied. Hills and intersections will be a Priority 1 task for sanding.
- Light Snowfall:** At 2"-3" of snow (without ice) snow removal will begin and sand will be applied with the same priority as for normal winter operations.
- Moderate/Heavy Snowfall:** At 3" of snow or more (without ice) snow removal and sanding will occur based on the priority listings above until (a) all roads are clear, (b) after the evening rush hour or (c) until the plow operator's shift has extended long enough to cause concern for safety.

Vehicles left on the roadway during snow removal operations create a safety hazard, reduce the effectiveness of snow plow equipment and may be in violation of Hood River County Administrative Code Chapter 10.08.030. If plow operators discover a vehicle in the Right-of-Way that hinders operations they shall report the vehicle to the Road Foreman or their supervisor who in turn reports the vehicle to the Sheriff's Department. If the Sheriff determines a hazard exists and is unable to contact the owner to move the vehicle they may call a towing service to have it removed.

Standard operating practice is to attempt to get county roads cleared in time for peak morning traffic flows. The practice requires plow operators to begin at approximately 4:00 am to clear main county roads, after which attempts are made to clear any remaining school bus routes. Each road requires two passes. If the main roads and school bus routes remain clear for reasonably safe travel, snow is then removed from the remaining paved roads and widening passes are made on all paved roads before Priority 4 roads are attempted. **Depending on the availability of funds, plow operators and equipment, Priority 4 roads may not be plowed on a daily basis in the event of a severe snow event.** Under normal operations, each plow operator has a route that may include a combination of Priority 1, 2 or 3 roads. Operators will not "double-up" efforts on higher priority roads unless under severe snow conditions. Any snow berms formed in driveways by plow operations will be left in place and the responsibility of the property owner to remove. Any mailbox outside of the Right-of-Way that is knocked down or otherwise damaged by plow operations will be, at the department's sole discretion, either repaired or replaced within one (1) week after the end of the storm event. Any mailbox or post that is replaced will be done so using a low cost, basic mailbox.

Hood River County Public Works Snow Removal Policy

Standard policy is to begin snow removal operations at 4 a.m. when sufficient accumulation is present. The main roads are our first priority and those school bus routes that do not coincide with the main routes are plowed next. Vehicles left on the roads during a snow storm create problems for snow removal operations. Plow drivers report vehicles in the right-of-way to the road foreman, who in turn reports the vehicles to the Sheriff's Department. If the Sheriff determines that a hazard exists and is unable to get the owner to move the vehicle, he calls for a tow truck to remove the offending vehicle.

Our plowing and sanding priorities can be summarized as follows:

- Priority one - main (higher traffic) county roads
- Priority two - school bus routes
- Priority three - remaining paved roads
- Priority four - outlying dwellings on gravel roads; subdivision roads & cul-de-sacs

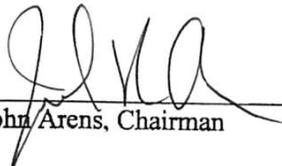
Our operational priority is to attempt to get the roads cleared in time for the morning rush hour. This requires that we start at 4 a.m. to open main roads, after which we try to open the remaining school bus routes. After two passes, if we are keeping up with the snow, we go to the remaining paved roads. After we have made widening passes on all the paved roads we go to the priority four roads. Depending upon the availability of funds, priority four roads may not be plowed on a daily basis in the event of a severe snow event.

The intensity of the storm also determines the type of response we make:

- Normal winter operations - (1" snow, ice) - Sanding is done with hills and intersections being the top priority.
- Light snowfall - (2-3" inches snow) - Plowing and sanding as required, with the same priorities as for normal winter operations
- Moderate to heavy snowfall - (3 or more inches) - Plowing in the priorities listed above until all roads are clear or until after the evening rush hour.

Sanding is not done until after the snow stops and then is done the same as for normal winter operations.

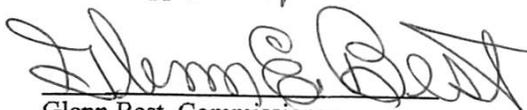
Approved this 20 day of March, 2000


John Arens, Chairman


Carol York, Commissioner


Bob Schuppe, Commissioner

Chuck Thompsen, Commissioner


Glenn Best, Commissioner

CURRENT BUSINESS

AGENDA REQUEST FORM

DATE: 11/21/16 **DEPARTMENT:** Admin **DEPT. HEAD SIGNATURE:** _____

ISSUE: 2017 Fee Schedule Review

STATUTORY AUTHORITY: OAR _____ County Ordinance _____

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Departments have reviewed the fees for their departments and have forwarded recommendations for modifications. It is the intent of staff to have the Commissioner give a preliminary review of the fees up for consideration for 2017 and provide direction, if any, for further modifications. The fee scheduled for 2017 will then be brought back for a second review at the December meeting to be considered for adoption.

FISCAL IMPACT: Budget Line Item: _____ Account Balance: _____

PROJECT ANALYSIS:

Staff Contact: _____ Estimated Hours Spent to Date: _____
Estimated Completion Date: _____ Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED PARTIES:

County Counsel Finance Director Other Affected Agencies Administrator
 Safety Committee Human Resources Director Appropriate County Committee Other

RECOMMENDATION FROM DEPARTMENT HEAD:

ADMINISTRATIVE COMMENTS/APPROVAL:

Review the proposed fees and provide any direction for additional modifications.

County Administrator _____

ACTION OF THE BOARD:

County Administrator _____

FOLLOW-UP:*Ord./Res./Agmt./Order Originals: to R & A

*Additional Originals to: _____

Copies (all info.): _____ Copies (ARF only): _____

2017 HOOD RIVER COUNTY FEE SCHEDULE		
DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
		(\$10 minimum charge required)
ALL DEPARTMENTS (unless otherwise noted)		
Xerox Copies	\$.25/side	\$.26/side
Research Fee	\$40/hr with 1 hr min.	\$41.25/hr with 1 hr. min.
911 DISPATCH		
Copies of dispatch call slips	\$10.00	\$10.50
Research fee		
Copies of audio tapes	\$40/includes up to 1st hr. of research	\$41.25/includes up to 1st hr. of research
ADMINISTRATION/HR/BOC		
Search fee	\$40/hr with 1 hr min.	\$41.25/hr with 1 hr. min.
Color Copies (max of 15)	\$1.00	\$1.05
Legal Cost	Actual cost of time spent	Actual cost of time spent
Transcript of BOC meeting minutes	Actual cost of time spent	Actual cost of time spent
BUDGET & FINANCE		
Stop payment - any tpe of check	\$30.00	\$32.00
Computer copies	\$0.50	\$0.52
Tax Statements	\$5.00	\$5.50
Research fee	\$40/hr with 1 hr min.	\$41.25/hr with 1 hr. min.
Magnetic Media - All types	\$40 set up fee/per file + \$.01 per acct/name	\$41.25 set up fee/per file + \$.01 per acct/name
Reports & Print outs	\$40 set up fee & \$0.10 per page	\$41.25 set up fee & \$0.11 per page
Labels	\$40 set up fee & \$0.03 per page	\$41.25 set up fee & \$0.04 per page
Property Tax Warrant Fees	Follows State guidelines for fee charged	Follows State guidelines for fee charged
Service Warrants	\$15.00	\$15.00
Banking Services: Non-County Entity on County Acct		
Accounts Payable Checks	\$10/per check	\$10.50/per check
Bank Deposits	\$30/per deposit w/max of 10 items per dep.	\$32.00/per deposit w/max 10 items per dep.
NSF Checks	\$30/per NSF	\$30/per NSF
BUILDING	<i>Fees adopted as a separate schedule</i>	

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
		(\$10 minimum charge required)
COMMUNITY DEVELOPMENT - PLANNING	<i>See separate attachment (Exhibit A-4)</i>	
DISTRICT ATTORNEY		
Misdemeanor cases	\$10.00 <30 pages	\$10.50 <30 pages
Felony cases	\$15.00 <30 pages	\$15.50 <30 pages
31+pages	\$0.25/per copy	\$.26/per copy
Audio Tapes	\$40.00	\$41.50
Video Tapes	\$40.00	\$41.50
CD's with up to 20 images	\$25.00	\$26.00
Photos	\$5.00/ea	\$5.25/ea
Electron Photo transmission	\$5.00/per tranmission	\$5.25/per tranmission
Expungement fee for conviction only	\$50.00	\$52.00
DA Diversion fee	\$100.00	\$103.00
ENVIRONMENTAL HEALTH	<i>See separate attachment (Exhibit A-2)</i>	
FORESTRY		
Wood Cutting Permit	\$5.00/per cord w 2 cord min. & 5 cord max.	\$5.25/per cord w 2 cord min. & 5 cord max.
Flat Rock for Ornamental/Personal Use	\$5.00/per PU load w/3 PU load max./yr	\$5.25/per PU load w/3 PU load max./yr
Rhododendron, Vine Maple, Sword Fern	\$2.00/ea w/10 plant max; \$10.00 min purch	\$2.25/ea w/10 plant max; \$10.30 min purch
Plant Material Collection	\$5.00/unit weight or volume; \$10.00 min purch	\$5.25/unit weight or volume; \$10.30 min purch
Forestry Event Permit - <i>less than 100 participants OR low impact, non-competitive</i>	\$90.00	\$92.70
Forestry Event Permit - <i>100 or more participants OR competitive OR high impact. May include added legal review/staff time charges.</i>	\$295.00	\$303.85
Road Restoration & Use/Mile	\$1,700.00	\$1,751.00
Commercial/Promotional per day	\$1,000.00	\$1,030.00
Liasion Fee	\$350.00/per day	\$360.50/per day
Facilities/Infrastructure Use & Maint (can include spectators)	\$200.00 for 100-150 persons	\$206.00
	\$1,000.00 for 151+ persons	\$1,030.00

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD (\$10 minimum charge required)
HEALTH	<i>See Separate Attachment (Exhibit A-3)</i>	
JUVENILE		
Xerox copies & precessing	\$0.25 + \$5.00 processing fee	\$0.26 + \$5.256 processing fee
Supervision Fee (violations; i.e. MIP)	\$25.00	\$26.00
Supervision Fee (formal -FAA)	\$50.00	\$52.00
Supervision Fee (Formal Prob. Misdemeanors/felonies)	\$75.00	\$77.25
Probation Violation fee	\$25.00	\$26.00
Expunction Fee	\$100.00	\$103.00
Lab Fees (urinalysis)	\$10.00/per specimen	\$10.50/per specimen
Lab Fees (urinalysis) - Prob. US positive	\$25.00/per specimen	\$26.00/per specimen
Drug & Alcohol Eval fee (SASSI)	\$25.00	\$26.00
Payment-in-Lieu of Community Service	\$55.00	\$56.65
Electronic Monitoring	\$10.00/day	\$10.30/day
MUSEUM	<i>See Separate Attachment (Exhibit A-5)</i>	
PARKS	<i>See Separate Attachment (Exhibit A-5)</i>	
PAROLE & PROBATION		
Supervision fees (ORS 423.570)	\$40.00	\$41.50
Supervision fees (reduced superv. Unit DUII's)	\$30.00	\$31.00
Compact application fee	\$50.00	\$52.00
Probation violation fee	\$25.00	\$26.00
Copy fee (per page)	\$0.25 + \$5.00 processing fee	\$0.26 + \$5.256 processing fee
CSW/Work Crew Workers Comp Insurance (Formal supervision, unsupervised, or out of County supervision)	\$25/ea referral/sanction	\$26/each referral/re-referral/sanction
Elec. Home detention Hook-up/installation	\$50.00	\$52.00
Elec. Home detention Daily fee Superv. Client	\$10.00	\$10.50
Elec. Home detention Daily fee Un-Superv. Client	\$15.00	\$15.50
Return Check fee	\$30.00/ea check	\$32.00/ea check

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD (\$10 minimum charge required)
PAROLE & PROBATION - continued		
DNA testing (per ORS 137.076)	\$15.00	\$15.50
Lab Fees - UA positive	\$25.00/per specimen	\$26.00/per specimen
Lab Fees - UA negative	\$10/per specimen	\$10.50/per specimen
Alcohol Test	\$25.00	\$26.00
Alcohol/Drug Assessment Class fee	\$50.00	\$52.00
DMV Identification	\$50.00	\$52.00
Fee Conversion Rate	Rate will be based on current Oregon minimum wage. Court fines may convert to voluntary community service work at one (1) hour of wk for ea dollar of fees owed or converted, upon order of judge.	Rate will be based on current Oregon minimum wage. Court fines may convert to voluntary community service work at one (1) hour of wk for ea dollar of fees owed or converted, upon order of judge.
PUBLIC WORKS	<i>See Separate Attachment (Exhibit A-5)</i>	
RECORDS & ASSESSMENT	<i>See Separate Attachment (Exhibit A-6)</i>	
SHERIFF / ANIMAL CONTROL		
<i>Animal Control</i>		
License Fees		
Spayed/Neutered	\$12.00/per dog	\$12.50
Not Spayed/Neutered	\$28.00/per dog	\$29.00
Senior Citizens (dogs spayed/neutered)	\$5.00/per dog	\$5.25
Senior Citizens (dogs not spayed/neutered)	\$17.00/per dog	\$17.50
Pick Up Fees		
1st pick up w/in 12 months	\$25.00/per dog	\$26.00
2nd pick up w/in 12 months	\$50.00/per dog	\$52.00
3rd pick up w/in 12 months	\$100.00/per dog	\$103.00
4th pick up or more w/in 12 months	\$100.00/each time/per dog	\$103.00
Impoundment/Boarding Fee	\$20.00/per day	\$20.75
Animals released to Hood River County	\$50.00	\$52.00

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD (\$10 minimum charge required)
SHERIFF'S DEPARTMENT		
Accident Report	\$10.00/per report	\$10.50
Police Report	\$10.00/per report	\$10.50
Audio Tape	\$25.00/per recording	\$26.00
Video Tape	\$25.00/per recording	\$26.00
Photos	\$5.00/each	\$5.25
CD with up to 20 images	\$25.00	\$26.00
Fingerprint Card	\$5.00/per card	\$5.25
Record Check Leter	\$15.00/per letter	\$15.50
Impounded/towed vehicle release charge	\$50.00/per vehicle	\$52.00
SAR Aircraft Reimbursement	\$50.00/per hour	\$52.00
Transport Aircraft Reimbursement	\$135.00/per hours	\$140.00
Noise Ordinance Variance & Permit Application	\$50.00/ea	\$52.00
Real Property Sales on Writ of Execution	\$833.00/per Writ of Execution	\$858.00

2016 2017 Proposed Fee Schedule: Planning Department Permit Type & Review Fee

* Fees can vary; to be entered by office staff after receiving application.

*Consolidated Permit Process / "Multiple Requests": Highest Fee + 1/2 of Additional Fees. For applications requiring more than one type of review, the full fee shall be paid for the primary/most expensive review and 50% for each additional review. Type I fees accompanying Type II-III Reviews will be waived. **Extension or renewal requests made past the 30-day deadline will be charged double the fee.***

TYPE I - Ministerial Applications	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
		(\$10 minimum charge)
Agricultural Building	150 \$200	\$180.25
Agri-Tourism/Single Event	100 \$135	\$139.05
Amendment - Minor (No Notice)	\$100	\$103.00
Communication Tower & Facility (Collocation)	1850 \$2,100	\$2,163.00
Decommissioning	\$125	\$128.75
Extension Request	150 \$175	\$180.25
<u>Extension after expiration (i.e., past 30-days)</u>	<u>\$350</u>	<u>\$360.50</u>
Floodplain or Geologic Hazards Permit (Minor)	\$500	\$515.00
Land Use Permit (LUP)		
<u>LUP: Accessory structure, replacement dwelling (farm or forest), prior approval, Type I, etc.</u>	<u>\$200</u>	<u>\$206.00</u>
<u>LUP: Marijuana Production / Grow (Type I)</u>	<u>\$1,150</u>	<u>\$1,184.50</u>
LUP: Prior Approval	<u>\$150</u>	<u>\$180.25</u>
LUP: Accessory Structures < 400 SF	<u>\$150</u>	<u>\$180.25</u>
LUP: General (No Prior Approval)	<u>\$600</u>	<u>\$618.00</u>
LUCS (Land Use Compatibility Statement) / Sign-Off		
LUCS: Minor	\$25	\$25.75
LUCS: Major	375 \$550	\$566.50
Other - Type I	*	*+3%
Property Line Adjustment (Minor)	\$750	\$772.50
<u>Replacement Dwelling (Farm or Forest)</u>	<u>\$600</u>	<u>\$618.00</u>
Research Letter (e.g., rebuild letters)	\$450	\$463.50
Renewals		
Temporary Hardship Dwelling (Dependent Relative)	\$75 (2-yrs)	\$77.25
Other (e.g., agri-tourism)	\$75	\$77.25
<u>Short-Term Rental (STR; every 2-years)</u>	<u>\$500</u>	<u>\$515.00</u>

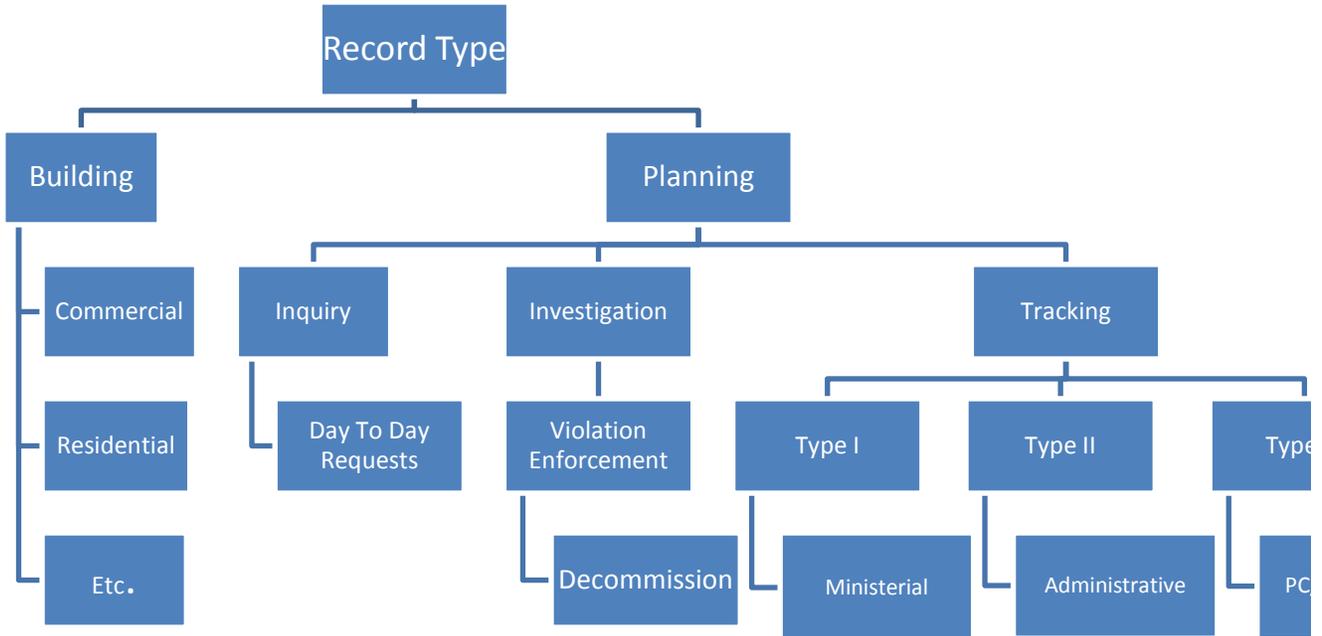
Short-Term Rental (STR)	\$1,000	\$1,030.00
Type II - Administrative Applications	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
		(\$10 minimum charge)
Amendment - Major (Notice Required)	1/2 original fee; max \$550	Whatever fee is +3%
Communication Towers and Facilities (concealment / new)	3800 \$4,100	\$4,223.00
Conditional Use Permit (CUP) - Type II		
<i>CUP: Agri-tourism</i>	\$450	\$463.50
<i>CUP: Temporary Hardship Dwelling (Dependent Relative)</i>	\$650	\$669.50
<i>CUP: Home Occupation</i>	\$850	\$875.50
<i>CUP: Commercial Use in Conjunction w/on site Farm Use</i>	\$950	\$978.50
<i>CUP: Bed & Breakfast</i>	\$1,000	\$1,030.00
<i>CUP: Short-Term Rental (STR)</i>	<u>\$1,850</u>	<u>\$1,905.50</u>
<i>CUP: Weddings & Related Events</i>	\$1,850	\$1,905.50
<i>CUP: Other</i>	\$1,000	\$1,030.00
Farm Dwelling		
<i>Farm Dwelling: Income, Accessory, Realtive</i>	\$850	\$875.50
<i>Farm Dwelling: Lot of Record (LOR), Non-Farm Dwelling</i>	1650 <u>\$1,800</u>	<u>\$1,854.00</u>
<i>Farm Dwelling: Other (e.g., Non-Farm Dwelling)</i>	<u>\$1,400</u>	<u>\$1,442.00</u>
Farm Stand Application (Subject to Standards/STS)	\$700	\$721.00
Floodplain Permit (Subject to Standards/STS)	\$650	\$669.50
Forest Dwelling (Template, Large Tract, LOR)	1200 <u>\$1,450</u>	<u>\$1,493.50</u>
Legal Parcel Determination (Validate unlawful parcel)	\$1,000	\$1,030.00
LUP: Commercial / Industrial / Multi-Family	\$950	\$978.50
LUP: Marijuana (Type II Processing or Retail)	<u>\$1,800</u>	<u>\$1,854.00</u>
Historical Preservation Application	\$500	\$515.00
National Scenic Area		
<i>NSA: Minor (decks, fences, expansion, <u>expedited reviews</u>)</i>	\$350	\$360.50
<i>NSA: Expedited</i>	<u>\$500</u>	<u>\$515.00</u>
<i>NSA: Accessory Buildings and Structures</i>	<u>\$500</u>	<u>\$515.00</u>
<i>NSA: Replacement Dwelling</i>	\$850	\$875.50
<i>NSA: <u>Other</u> Review Uses</i>	1000 <u>\$1,100</u>	<u>\$1,133.00</u>
<i>NSA: Subject to Standards</i>	1500 <u>\$1,600</u>	<u>\$1,648.00</u>
Other - Type II	*	* + 3%

Partition		
<i>Partition Major: Access Only</i>	\$500	\$515.00
<i>Partition: Replat</i>	\$900	\$927.00
<i>Partition: Minor/Major</i>	\$1,100	\$1,133.00
Permitted Uses - Subject to Standards (STS)	\$700	\$721.00
Property Line Adjustment (Non-Ministerial)	\$1,000	\$1,030.00
<u>Type II - Administrative Applications - continued</u>	<u>CASH/CHECK</u>	<u>MERCHANT/DEBIT/CREDIT CARD</u>
		(\$10 minimum charge)
Site Plan Review UGB	\$1,700	\$1,751.00
Variance		
<i>Variance Minor</i>	\$550	\$566.50
<i>Variance Major</i>	\$1,000	\$1,030.00
Zone Boundary Adjustment	\$775	\$798.25
<u>Type III - PC and/or BOC Reviewed Applications</u>	<u>CASH/CHECK</u>	<u>MERCHANT/DEBIT/CREDIT CARD</u>
Appeal to Planning Commission (PC); ORS 215.416(11)(b)	\$250	\$257.50
Appeal to Board of Commissioners (BOC)	\$2,025	\$2,085.75
Complex Project ¹ (i.e., technical; large-scale)	\$2,000 retainer + actual expense	\$2060 retainer + actual expense
Comprehensive Plan Text Amendment	\$4,000	\$4,120.00
Comprehensive Plan Amendment & Zone Change	\$4,000	\$4,120.00
Conditional Use Permit (CUP) Type III	\$1,600	\$1,648.00
<u>Destination Resort (see "Destination Resort Recovery Document")</u>	<u>N/A</u>	
Legislative (if not county initiated)	*	* + 3%
Other - Type III	*	* + 3%
Outdoor Mass Gathering (Less than 3,000 people)	\$2,500	\$2,575.00
Planned Unit Development	\$4,200 + \$50/unit	\$4,326 + \$51.50/unit
Special District Annexation Request	\$1,200	\$1,236.00
Subdivision	\$3,500 + \$50/parcel	\$3,605 + \$51.50/parcel
Subdivision Cemetery	\$1,100	\$1,133.00

¹ Complex Projects: Complex projects involve more resources of the planning and other county departments due to their complexity and overall impacts on the community. As such, complex projects may even require the hiring of outside assistance. For these types of projects that require a great deal of departmental resources to review, the county will require the applicant to sign a memorandum of agreement to compensate the county for actual costs incurred to complete the review and process in a timely manner. The agreement shall include details with regards to deposit and the scheduling of payments. If an applicant refuses to enter into a memorandum of agreement or if the applicant and the county fail to reach an agreement, the application will not be processed.

<u>OTHER MISCELLANEOUS FEES</u>	<u>CASH/CHECK</u>	<u>MERCHANT/DEBIT/CREDIT CARD</u>
LUBA Remand and Review	\$500	\$515.00
Pre-Application Meeting (Enter fee minus \$300 75% applied to fee if application if made within 1-year)	1/2 of land use fee involved (max \$1,000)	1/2 of land use fee involved + 3% (max \$1,000)
Records Request (e.g., PC / BOC record / tape)	\$100/hr (@1/4 hr increments)	103.00
Research Fee/HRCZO Interpretation/Similar Use Determination	\$75/hr	\$77.25/hr
Appeal of Planning Director Revocation of Permit to BOC	\$2,500	\$2,575
Road Naming		
<i>Pre-Approved Names - No Public Hearing</i>	\$150	\$154.50
<i>New Roads Requiring Public Hearing</i>	\$550	\$566.50
<i>Unspecified land use application or fee (based on similar use determination)</i>	For an application not explicitly listed in the fees schedule, the Planning Director will determine the fee based on the same general type of application and fee listed above.	
Subscription Fee (Type II or III Land Use Decisions Only)	\$325	\$334.75
Unauthorized Use (applications resulting from enforcement; work commenced without required land use approval)	Double Basic Fee	Double Basic Fee + 3%
Withdrawal of Application - Refunds	Actual Cost	Actual Cost + 3%
<u>GIS FEES (See public works for engineering / Surveying fees)</u>	<u>CASH/CHECK</u>	<u>MERCHANT/DEBIT/CREDIT CARD</u>
Standard Labor or Research (min 1/4 hour)	\$80.00/hr	\$84.00/hr
Record Suppression / Confidentially Fee	\$150	\$154.50
Customized Training (e.g., Webmap)	\$150	\$154.50
Print Charges (HPCC800ps)		
18x24"	\$4.00/ea	\$4.25/ea
24x36"	\$8.00/ea	\$8.25/ea
30x42"	\$12.00/ea	\$12.50/ea
36x48"	\$16.00/ea	\$16.50/ea

<u>All Paper Prints</u>	<u>\$1.00/per sq ft</u>	<u>\$1.05/per sq ft</u>
<u>GIS Data Fees</u>		
<u>Tax Lots</u>	<u>\$250.00</u>	<u>\$257.50</u>
<u>All other</u>	<u>\$45.00</u>	<u>\$47.00</u>



e III

/BOC Review

HEALTH DEPARTMENT		
2016 HOOD RIVER COUNTY FEE SCHEDULE		
	CASH/CHECK	MERCH/DEBIT/CREDIT CARD
		(\$10 min charge required)
Xerox Copies	\$.25/side	\$.26/side
Research Fee	\$40/hr with 1 hr min.	\$41.25/hr with 1 hr. min.
Our fees are based on an in-depth cost analysis that is required by the state for our programs		
All costs are dependent on charges of supplies to the Health Department & will be adjusted as needed.		
Office Visit Fee (OVF) assessed on all client visits to Health Department in addition to other services rendered.		
**Sliding Fee Scale will be applied based on individual need.		
New Client Visit Charge	\$65.00 *-NEW \$75.00	\$66.95 - \$77.25
Established Client Visit Charge	\$45.00	\$46.35
*Includes immunization visits		
PROCEDURES		
Minimal visit	\$65.00 - \$75.00/new -or \$45.00/est. client	\$67.00 - \$77.25 or \$46.35
Problem Focused Visit	\$105.00 - \$125.00/new or \$85.00/est client	\$108.25 - \$128.75 or \$87.55
Expanded Focused Visit	\$113.00 - \$179.00/new or \$93.00 - \$125.00/est client	\$116.00 - \$184.37 or \$96.00 - \$128.75
Detailed Visit	\$144.50 - \$205.00/new or \$124.50 - \$175.00/est client	\$149.00 - \$211.15 or \$128.50 - \$180.25
Comprehensive visit	\$191.75 - \$245.00/new or \$171.75 - \$205.00/est client	\$198.00 - \$252.35 or \$177.00 - \$211.15
IUD - Insert & Removal	\$150	\$154.50
Nexplanon - Insert & Removal	\$150	\$154.50

HEALTH DEPARTMENT 2016 FEES -Continued		
	CASH/CHECK	MERCH/DEBIT/CREDIT CARD
		(\$10 min charge required)
PROCEDURES- continued		
<i>Examples of Service Procedures provided under these categories are:</i>		
Breast Exam		
Diaphragm Fitting		
IUD Insertion		
IUD Removal		
Phlebotomy		
Pelvic Exam		
Testicular Exam		
LABS		
COST (based on lab charges & testing supplies) + OVF		
**Sliding Fee Scale will be applied to office visit only		
HIV Testing	\$25.00	\$26.00
PPD/TB Testing	\$25.00	\$26.00
Biopsy	Cost + OVF	Cost + OVF + 3%
Hemoglobin	Cost + OVF	Cost + OVF + 3%
Hep B, A & C	Cost + OVF	Cost + OVF + 3%
Hepatitis Function	Cost + OVF	Cost + OVF + 3%
Pap Smear	Cost + OVF	Cost + OVF + 3%
Pregnancy	Cost + OVF	Cost + OVF + 3%
Sexually transmitted infection tests	Cost + OVF	Cost + OVF + 3%
Urine Analysis	Cost + OVF	Cost + OVF + 3%
Wet Mount	Cost + OVF	Cost + OVF + 3%

HEALTH DEPARTMENT 2016 FEES -Continued	CASH/CHECK	MERCH/DEBIT/CREDIT CARD (\$10 min charge required)
MEDICATIONS		
COST + OVF		
**Sliding Fee Scale will be applied based on individual need		
Oral Contraceptives	Cost + OVF	Cost + OVF + 3%
Evra -Xulane (patch)	Cost + OVF	Cost + OVF + 3%
Bactrim DS	Cost + OVF	Cost + OVF + 3%
Metronidazole (Flagyl)	Cost + OVF	Cost + OVF + 3%
Depo Provera (injection)	Cost + OVF	Cost + OVF + 3%
Clotrimazole vaginal cream	Cost + OVF	Cost + OVF + 3%
Terazol cream or supp.	Cost + OVF	Cost + OVF + 3%
TB Meds	Cost + OVF	Cost + OVF + 3%
SUPPLIES		
Condoms - Female (1)	\$1.75	\$1.80
Condoms - Male (12)	\$1.50	\$1.55
Foam	Cost + 3%	Cost + 3%
Film	Cost + 3%	Cost + 3%
IMMUNIZATIONS	Insurance = V Cost + \$57.00 admin fee for 1st vaccine	
	Insurance = V Cost + \$27.00 admin fee for ea additional	
	Self pay = V Cost+\$21.95 per vaccine admin +OVF	Cost+\$21.95 Adm Fee+OVF+3%
**Sliding Fee Scale will be applied based on individual need		
NOTE: Cost of vaccine, which is set by the state, not including office visit or administration fee, changes January and July of each year. Clients will be charged according to current cost.		
**Need is determined by FPL based on income and family size		
10% discount given for payment in full at time of service		

		(\$10 min charge required)
Vital Statistics	FEES ARE SET BY THE STATE	
Birth Certificate - 1st Copy	\$25.00	\$25.75
Each Additional Copy	\$20.00	\$20.60
Death Certificate - 1st Copy	\$25.00	\$25.75
Each Additional Copy	\$20.00	\$20.60
Amendments	\$35.00	\$36.05
Certificate Replacement Fee	\$5.00/per replacement	\$5.15/per replacement

2017 HOOD RIVER COUNTY FEE SCHEDULE

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
MUSEUM		
Fees associated with the Hood River County History Museum are established by the Hood River County Heritage Council in accordance with the Agreement between the County and the Council, said Agreement dated 06/17/13 and amended 05/19/14, 10/22/14, and 07/20/16.		
Professional Services		
Research Fee	\$30.00/hr with 1 hour min.	\$30.00/hr with 1 hour min.
Xerox Copies	\$0.25/ea	\$0.25/ea
Color Copies	\$1.00/ea	\$1.00/ea
Scans (large format: 18x24)	\$15.00/ea.	\$15.00/ea.
Admission		
Adults	\$5.00/per person	\$5.00/per person
Children 12 & under	Free	Free
Current US Military & family	Free	Free
School Tours		
Student	\$1.00/per student	\$1.00/per student
Chaperone	Free	Free
Museum Memberships		
Individual	\$35.00/ea.	\$35.00/ea.
Family	\$50.00/ea.	\$50.00/ea.
Student (full time)	\$20.00/ea.	\$20.00/ea.
Senior	\$25.00/ea.	\$25.00/ea.
Photographic Services		
Non-commercial digital prints (all sizes)	Vendor Costs + 15% Service Fee (\$20 Min.)	Vendor Costs + 15% Service Fee (\$20 Min.)
Non-commercial low-resolution downloads	\$20.00/image + \$15.00 per add. Image	\$20.00/image + \$15.00 per add. Image
Books, Video/DVD sales, calendars, posters, etc.		
Less than 2,500 copies for non-profit use	\$20.00/image	\$20.00/image
Less than 5,000 copies for non-profit use	\$35.00/image	\$35.00/image
Less than 10,000 copies for non-profit use	\$45.00/image	\$45.00/image
Less than 25,000 copies for non-profit use	\$56.00/image	\$56.00/image
Less than 50,000 copies for non-profit use	\$68.00/image	\$68.00/image
More than 50,000 copies for non-profit use	Priced on request	Priced on request
Less than 2,500 copies for commercial use	\$50.00/image	\$50.00/image
Less than 5,000 copies for commercial use	\$80.00/image	\$80.00/image
Less than 10,000 copies for commercial use	\$110.00/image	\$110.00/image
Less than 25,000 copies for commercial use	\$175.00/image	\$175.00/image
Less than 50,000 copies for commercial use	\$230.00/image	\$230.00/image
More than 50,000 copies for commercial use	Priced on request (\$275.00 Min.)	Priced on request (\$275.00 Min.)
Periodicals		
Less than 5,000 circulation for non-profit use	\$15.00/image	\$15.00/image
Less than 10,000 circulation for non-profit use	\$20.00/image	\$20.00/image
Less than 50,000 circulation for non-profit use	\$25.00/image	\$25.00/image
Less than 100,000 circulation for non-profit use	\$40.00/image	\$40.00/image

2017 HOOD RIVER COUNTY FEE SCHEDULE

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
More than 100,000 circulation for non-profit use	Priced on request	Priced on request
Less than 5,000 circulation for commercial use	\$30.00/image	\$30.00/image
Less than 10,000 circulation for commercial use	\$45.00/image	\$45.00/image
Less than 50,000 circulation for commercial use	\$60.00/image	\$60.00/image
Less than 100,000 circulation for commercial use	\$120.00/image	\$120.00/image
More than 100,000 circulation for commercial use	Priced on request (\$285.00 Min.)	Priced on request (\$285.00 Min.)
Broadcast Film or Television		
Local only for non-profit use	\$40.00/image	\$40.00/image
Nationally for non-profit use	\$120.00/image	\$120.00/image
Local only for commercial use	\$110.00/image	\$110.00/image
Nationally for commercial use	\$225.00/image	\$225.00/image
Multi-Media (Broadcast, Video, Web, etc.)		
Any non-profit use	\$225.00/image	\$225.00/image
Any commercial use	\$450.00/image	\$450.00/image
Advertising and Promotion		
Local non-profit use	\$25.00/image	\$25.00/image
Regional non-profit use	\$40.00/image	\$40.00/image
National non-profit use	\$85.00/image	\$85.00/image
International non-profit use	\$140.00/image	\$140.00/image
Local commercial use	\$50.00/image	\$50.00/image
Regional commercial use	\$75.00/image	\$75.00/image
National commercial use	\$185.00/image	\$185.00/image
International commercial use	\$285.00/image	\$285.00/image
Internet		
Any non-profit use	\$30.00/image	\$30.00/image
Any commercial use	\$50.00/image	\$50.00/image
Public Display		
11x14 or smaller for non-profit use	\$35.00/image	\$35.00/image
16x20 to 40x60 for non-profit use	\$50.00/image	\$50.00/image
40x60 or larger (mural) for non-profit use	\$75.00/image	\$75.00/image
11x14 or smaller for commercial use	\$50.00/image	\$50.00/image
16x20 to 40x60 for commercial use	\$100.00/image	\$100.00/image
40x60 or larger (mural) for commercial use	\$200.00/image	\$200.00/image
Facility Use Fees (Non-Profit groups during normal business hours)		
Individual admission	\$3.00/pp	\$3.10/pp
Facility Use Fees (Non-Profit groups after normal business hours; For-Profit groups; Private individuals) *		
Mezzanine	\$50.00/night	\$51.50/night
Educational Area	\$100.00/night	\$103.00/night
Atrium Gallery	\$300.00/night	\$309.00/night
Entire Museum	\$500.00/night	\$515.00/night
Facility Grounds—non furnished	\$250.00/day or evening	\$257.50/day or evening

2017 HOOD RIVER COUNTY FEE SCHEDULE

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
Additional Event Fees		
Tables and Chairs use	\$50.00/event	\$51.50/event
Kitchenette	\$50.00/event	\$51.50/event
Cleaning Fee for food in Mezzanine	\$50.00/event	\$51.50/event
Museum Cleaning Service	\$150.00/event	\$154.50/event
*A 50% deposit is required for all after-hours events.		
PARKS & BUILDINGS		
Campsites*		
Full hook-up campsite (p/w/s)	\$30.00 \$29.00 /per night	\$31.00 \$30.00 /per night
Partial hook-up campsite (p/w)	\$25.00 \$24.00 /per night	\$26.00 \$25.00 /per night
Single tent campsite	\$20.00 \$19.00 /per night	\$21.00 \$20.00 /per night
Primitive campsite	\$10.00/per night	\$11.00/per night
Riverside campsite (Tent or RV)	\$30.00 \$29.00 /per night	\$31.00 \$30.00 /per night
Hiker/Biker Site	\$5.00/pp per night	\$5.25/pp per night
Group Campsites**		
Adams site (Toll Bridge Park)	\$80.00/per night	\$83.00/per night
Rainier site (Toll Bridge Park)	\$80.00/per night	\$83.00/per night
St. Helens site (Toll Bridge Park)	\$60.00/per night	\$62.00/per night
Kingsley Reservoir group sites	\$60.00/per night	\$62.00/per night
Additional Fees		
Extra tent	\$10.00/per tent	\$11.00/per night
Extra vehicle	\$5.00/per vehicle	\$5.25/per vehicle
Reservation/Modification Fee (non-refundable)***	\$9.75 \$8.00	\$10.00 \$8.25
Shelter Reservation****	\$111.50 \$60.00 min. + addtl fee pp	\$115.00 \$62.00 \$310.00
Park firewood	\$5.00/bundle arm load	\$5.25/bundle arm load
Park Shower (free w/paid campsite)	\$10.00	\$10.50
Septic tank dump (free w/paid campsite)	\$25.00	\$26.00
Picnic Tables	\$5.00	\$5.25
Late Fee	\$5.00	\$5.25
Park House Rentals (Base Rent)		
Tollbridge Park	\$775.00/mo.	\$800.00/mo.
Tucker Park	\$775.00/mo.	\$800.00/mo.
Panorama Point	\$625.00/mo.	\$650.00/mo.
* Campsite fees are based on a maximum site occupancy of five (5) persons per site (children not included), excluding group sites, and one (1) vehicle for a maximum duration as defined by County Administrative Code. Larger permanent groups or additional vehicles within a site will be prohibited unless specified otherwise and may be subject to additional fees.		
** Group campsite fees are based on a maximum site occupancy of forty (40) persons for Adams and Rainier sites, twenty (20) persons for St. Helens and Kingsley Reservoir sites (children not included), and two (2) vehicles for a maximum duration as defined by County Administrative Code. Larger permanent		

2017 HOOD RIVER COUNTY FEE SCHEDULE

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
groups or additional vehicles within a site will be prohibited unless specified otherwise and may be subject to additional fees.		
*** The Reservation/Modification fee allows for the initial reservation and a maximum of two (2) subsequent modifications. Modifications include, but shall not be limited to, cancelling one or more sites in a single or group reservation, changing the date of stay or departure for a single or group reservation, or changing sites upon their availability.		
**** Shelter reservations are subject to a non-refundable Reservation/Modification Fee and based on a maximum site occupancy of 250 persons, INCLUDING children. Parking vehicles immediately adjacent to the shelter area will be prohibited.		
PUBLIC WORKS		
Minimum Charge	\$2.00	\$2.10
Research Fee	\$75.00/hr. (1 hr. min)	\$77.50/hr. (1 hr. min)
Map/Print Reproductions	\$1.00 per sq ft + copy charge	\$1.05 per sq ft + copy charge
Survey Filing & Review Fees		
Record of Survey	\$185.00 + \$50.00 per page over 2 pages.	\$191.00 + \$51.50 per page over 2 pages.
Property Line Adjustment	\$250.00 + \$50.00 per page over 2 pages	\$258.00 + \$51.50 per page over 2 pages
Single Parcel Partition Plat	\$480.00	\$495.00
2 or 3 Parcel Partition Plat	\$625.00	\$645.00
Subdivision	\$700.00 + \$65.00 per lot	\$725.00 + \$67.00 per lot
Condominium	\$750.00 + \$70.00 per unit	\$775.00 + \$73.00 per unit
Oregon Public Land Corner Restoration	No Fee	No Fee
Re-Check/Re-Design Fee	50% of Cash/Check Filing Fee	50% of Merchant Filing Fee
Affidavits (Correction, Post-Monument, Etc.)	\$50.00	\$51.50
Engineering - Development Review		
Partition Plat	1.5% of engineer's est. const. costs for Street sidewalk, and stormwater related infrastructure \$100.00 min. collected at app. Bal. collected before final plan approval	1.5% of estimate +3% and \$103.00 at app.
Land Use Application and Site Plan Review (except single family residential)	1.5% of engineer's est. const. costs for Street sidewalk, and stormwater related infrastructure \$50.00 min. collected at app. Bal. collected before bldg permit sign off.	1.5% of estimate +3% and \$52.00 at app.
Subdivision & PUD	1.5% of engineer's est. const. costs for Street sidewalk, and stormwater related infrastructure \$500.00 min. collected at app. Bal. collected before final plan approval	1.5% of estimate +3% and \$515.00 at app.
County Road Map	\$7.00	\$7.25
Driveway/Road Approach Permit	\$50.00/ea	\$52.00/ea
Underground Right of Way Permits	No Charge	No Charge
Over width/weight permit	\$8.00/ea	\$8.25/ea
No Spray/No Mowing Zone Permit	\$135.00/per policy	\$140.00/per policy
Road Name Sign	\$75.00	\$78.00
Tourist-Orientated Sign and Permit (3-Yr)	\$250.00	\$258.00

2017 HOOD RIVER COUNTY FEE SCHEDULE

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
Tourist-Orientated Sign Permit Renewal (3-Yr)	\$25.00	\$26.00
Petition to Vacate or Decrease width of Public Road	\$1,500.00	\$1,545.00
Event Permit (Non-Forestry)		
Less than 50 participants (Non-Commercial)	\$75.00/day	\$78.00/day
50 participants or more (Non-Commercial)	\$125.00/day	\$128.75/day
Commercial or Promotional Use	\$1,000.00/day	\$1,030.00/day
Event Liaison Fee (Use Permit Fee not included)	\$350.00/day	\$360.50/day
Road Restoration Fee for Motorized Racing Events on gravel roads (Use Permit Fee not included)	\$1,700.00/per mile (total length)	\$1,751.00/per mile (total length)
Transportation SDC Per Unit Of Development	Total Transportaion SDC Per Unit 2016 Adjusted ***	
Residential		
210 Single Family Detached	\$1,557.00/dwelling unit	\$1,604.00/dwelling unit
215 Additional/Accessory Dwelling Unit (ADU)****	\$778.50/ADU or 1/2 the fee of the primary dwelling.	\$802.00/ADU or 1/2 the fee of the primary dwelling.
220 Apartment	\$1,093.00/dwelling unit	\$1,126.00/dwelling unit
230 Residential Condo/Townhouse	\$954.00/dwelling unit	\$983.00/dwelling unit
240 Manufactured Housing	\$812.00/dwelling unit	\$837.00/dwelling unit
254 Assisted Living	\$446.00/bed	\$460.00/bed
255 Continuing Care Retirement	\$457.00/unit	\$471.00/unit
Recreational		
412 County Park	\$412.00/ac	\$425.00/ac
416 Campground/RV Park **	\$1,001.00/camp site	\$1,034.00/camp site
430 Golf Course	\$8,723.00/hole	\$8,985.00/hole
432 Golf Driving Range **	\$2,258.00/tee	\$2,326.00/tee
437 Bowling Alley	\$6,020.00/lane	\$6,201.00/lane
444 Movie Theater (9 or fewer screens) **	\$36,520.00/screen	\$37,616.00/screen
445 Multiplex Movie Theater (10+ screens) **	\$24,636.00/screen	\$25,375.00/screen
473 Casino/Video Poker/Lottery **	\$32,779.00/T.S.F.G.F.A.	\$33,763.00/T.S.F.G.F.A.
488 Soccer Complex	\$12,883.00/field	\$13,270.00/field
491 Raquet/Tennis Club	\$6,990.00/court	\$7,200.00/court
492 Health/Fitness Club	\$5,948.00/ T.S.F.G.F.A.	\$6,127.00/T.S.F.G.F.A.
495 Recreation/Community Center	\$5,584.00/T.S.F.G.F.A.	\$5,752.00/T.S.F.G.F.A.
Institutional/Medical		
520 Elementary School (public)	\$84.00/student	\$86.50/student
522 Middle.Junior High School (public)	\$105.00/student	\$108.50/student
530 High School (public)	\$209.00/student	\$215.50/student
536 Private School (K-12)	\$303.00/student	\$312.50/student
540 Junior/Community College	\$146.00/student	\$150.50/student
550 University/College	\$289.00/student	\$298.00/student
560 Church	\$1,112.00/T.S.F.G.F.A.	\$1,146.00/T.S.F.G.F.A.
565 Day Care Center/Preschool	\$292.00/student	\$301.00/student
590 Library	\$3,515.00/T.S.F.G.F.A.	\$3,621.00/T.S.F.G.F.A.

2017 HOOD RIVER COUNTY FEE SCHEDULE

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
610 Hospital	\$2,037.00/bed	\$2,099.00/bed
620 Nursing Home	\$409.00/bed	\$421.50/bed
630 Clinic	\$5,424.00/T.S.F.G.F.A.	\$5,587.00/T.S.F.G.F.A.
Commercial/Services		
310 Hotel/Motel	\$1,800.00/room	\$1,854.00/room
812 Building Materials/Lumber	\$3,210.00/T.S.F.G.F.A.	\$3,307.00/T.S.F.G.F.A.
813 Free Standing Discount Superstore w/Groceries	\$4,834.00/T.S.F.G.F.A.	\$4,979.00/T.S.F.G.F.A.
814 Speciality Retail Center	\$3,998.00/T.S.F.G.L.A.	\$4,118.00/T.S.F.G.L.A.
815 Free Standing Discount Store Without Groceries	\$6,355.00/T.S.F.G.F.A.	\$6,546.00/T.S.F.G.F.A.
816 Hardware/Paint Stores	\$5,188.00/T.S.F.G.F.A.	\$5,344.00/T.S.F.G.F.A.
817 Nursery/Garden Center	\$3,255.00/T.S.F.G.F.A.	\$3,353.00/T.S.F.G.F.A.
820 Shopping Center	\$3,874.00/T.S.F.G.L.A.	\$3,991.00/T.S.F.G.L.A.
823 Factory Outlet Center	\$2,399.00/T.S.F.G.F.A.	\$2,471.00/T.S.F.G.F.A.
841 New Car Sales	\$3,008.00/T.S.F.G.F.A.	\$3,099.00/T.S.F.G.F.A.
843 Automobile Parts Sales	\$4,823.00/T.S.F.G.F.A.	\$4,968.00/T.S.F.G.F.A.
849 Tire Superstore	\$2,004.00/T.S.F.G.F.A.	\$2,065.00/T.S.F.G.F.A.
850 Supermarket	\$8,944.00/T.S.F.G.F.A.	\$9,213.00/T.S.F.G.F.A.
851 Convenience Market (no fuel)	\$19,670.00/T.S.F.G.F.A.	\$20,261.00/T.S.F.G.F.A.
853 Convenience Market w/fuel pump	\$12,608.00/V.F.P.	\$12,987.00/V.F.P.
860 Wholesale Market	\$763.00/T.S.F.G.F.A.	\$786.00/T.S.F.G.F.A.
861 Discount Club	\$4,742.00/T.S.F.G.F.A.	\$4,885.00/T.S.F.G.F.A.
862 Home Improvement Superstore	\$2,118.00/T.S.F.G.F.A.	\$2,182.00/T.S.F.G.F.A.
863 Electronic Superstore	\$3,694.00/T.S.F.G.F.A.	\$3,805.00/T.S.F.G.F.A.
867 Office Supply Superstore **	\$3,067.00/T.S.F.G.F.A.	\$3,159.00/T.S.F.G.F.A.
870 Apparel Store **	\$3,455.00/T.S.F.G.F.A.	\$3,559.00/T.S.F.G.F.A.
880 Pharmacy/Drugstore w/out drive up window	\$5,786.00/T.S.F.G.F.A.	\$5,960.00/T.S.F.G.F.A.
881 Pharmacy/Drugstore w/drive up window	\$6,145.00/T.S.F.G.F.A.	\$6,330.00/T.S.F.G.F.A.
890 Furniture Store	\$325.00/T.S.F.G.F.A.	\$335.00/T.S.F.G.F.A.
896 Video Rental Store **	\$21,596.00/T.S.F.G.F.A.	\$22,244.00/T.S.F.G.F.A.
911 Bank/Savings (no drive-in)	\$17,752.00/T.S.F.G.F.A.	\$18,285.00/T.S.F.G.F.A.
912 Bank/Savings w/drive in	\$17,856.00/T.S.F.G.F.A.	\$18,392.00/T.S.F.G.F.A.
931 Quality Restaurant (not a chain)	\$8,212.00/T.S.F.G.F.A.	\$8,459.00/T.S.F.G.F.A.
932 High Turnover, Sit-Down Restaurant (chain or stand alone)	\$5,896.00/T.S.F.G.F.A.	\$6,073.00/T.S.F.G.F.A.
933 Fast Food Restaurant (no drive-thru)	\$29,126.00/T.S.F.G.F.A.	\$30,000.00/T.S.F.G.F.A.
934 Fast Food Restaurant (w/drive-thru)	\$20,182.00/T.S.F.G.F.A.	\$20,788.00/T.S.F.G.F.A.
935 Drive-Thru Restaurant (no seating) **	\$62,585.00/T.S.F.G.F.A.	\$64,463.00/T.S.F.G.F.A.
936 Drinking Place/Bar **	\$4,613.00/T.S.F.G.F.A.	\$4,752.00/T.S.F.G.F.A.
941 Quick Lubrication Vehicle Stop	\$3,171.00/Service Stall	\$3,267.00/Service Stall
942 Automobile Care Center **	\$3,179.00/T.S.F.G.L.A.	\$3,275.00/T.S.F.G.L.A.
944 Gasoline/Service Station (no mkt or car wash)	\$6,681.00/V.F.P.	\$6,882.00/V.F.P.

2017 HOOD RIVER COUNTY FEE SCHEDULE

DEPARTMENT	CASH/CHECK	MERCHANT/DEBIT/CREDIT CARD
946 Gasoline/Service Station (w/mkt & car wash)	\$6,058.00/V.F.P.	\$6,240.00/V.F.P.
Office		
General Office Building	\$1,899.00/T.S.F.G.F.A.	\$1,956.00/T.S.F.G.F.A.
720 Medical-Dental Office Building	\$6,232.00/T.S.F.G.F.A.	\$6,419.00/T.S.F.G.F.A.
730 Government Office Building	\$11,889.00/T.S.F.G.F.A.	\$12,246.00/T.S.F.G.F.A.
731 State Motor Vehicles Dept.	\$28,635.00/T.S.F.G.F.A.	\$29,495.00/T.S.F.G.F.A.
732 U.S. Post Office	\$15,488.00/T.S.F.G.F.A.	\$15,953.00/T.S.F.G.F.A.
750 Office Park	\$1,970.00/T.S.F.G.F.A.	\$2,030.00/T.S.F.G.F.A.
Port/Industrial		
030 Truck Terminals	\$1,699.00/T.S.F.G.F.A.	\$1,750.00/T.S.F.G.F.A.
090 Park & Ride Lot w/Bus Service	\$615.00/Parking Space	\$634.00/T.S.F.G.F.A.
110 General Light Industrial	\$1,202.00/T.S.F.G.F.A.	\$1,238.00/T.S.F.G.F.A.
120 General Heavy Industrial	\$259.00/T.S.F.G.F.A.	\$267.00/T.S.F.G.F.A.
140 Manufacturing	\$659.00/T.S.F.G.F.A.	\$679.00/T.S.F.G.F.A.
150 Warehouse	\$855.00/T.S.F.G.F.A.	\$881.00/T.S.F.G.F.A.
151 Mini-Warehouse	\$431.00/T.S.F.G.F.A.	\$444.00/T.S.F.G.F.A.
170 Utilities **	\$1,088.00/T.S.F.G.F.A.	\$1,121.00/T.S.F.G.F.A.
<i>Transportation SDC Abbreviations:</i>		
T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area		
T.S.F.G.L.A. = Thousand Square Feet Gross Leasable Area		
V.F.P. = Vehicle Fueling Position		
** Because there is not ITE Weeekday Average Trip Rate for this code/category, the Trip Rate shown is the ITE P.M. Peak Hour Trip Rate multiplied by a factor of ten.		
*** 2016 SDC Adjusted based on change in Engineering News Record Construction Cost Index:		
July 2008 CCI = 8754.84	July 2015 CCI = 10,398.24	Change = +18.77%
**** Fees for ADU's shall be in addition to fees for a primary dwelling (Single Family Detached) and apply to livable space in permanent structures.		

As Adopted By HRC-BOC	Environmental Health 2016 Fee Schedule		Proposed 2017 Adjustments (mostly 3% increase)	
	CASH/CHECK	MERCH/DEBIT/CREDIT CARD (\$10 min charge required)	CASH/CHECK	MERCH/DEBIT/CREDIT CARD (\$10 min charge required)
Significant Changes in Yellow				
Research Fee per HRC fee schedule			\$40/hr with 1 hr min	41.25/hr with 1 hr min
RE-CHECK INSPECTION FEE				
<i>OHA Licensing Program - (Two re-check inspections included in the cost of each annual license. If additional re-check inspections are required during a calendar year, subsequent re-check inspections will be billed).</i>	\$111.00	\$114.58	\$114.00	\$117.42
DEQ Permitting Program - Additional inspection fee	\$139.00	\$143.22	\$114.00	\$117.42
FOOD SERVICE ANNUAL LICENSE FEES:				
<i>Full Service Restaurants</i>				
0-15 seats	\$472.00	\$485.89	\$486.00	\$500.58
16-50 seats	\$536.00	\$551.67	\$552.00	\$568.56
51-150 seats	\$605.00	\$622.75	\$623.00	\$641.69
151+ seats	\$711.00	\$732.02	\$732.00	\$753.96
Bed & Breakfast (food service only)	\$185.00	\$190.96	\$191.00	\$196.73
Limited Service Restaurants	\$339.00	\$349.04	\$349.00	\$359.47
Class I-II Mobile Units	\$373.00	\$384.09	\$410.00	\$422.30
Class III-IV Mobile Units	\$373.00	\$384.09	\$410.00	\$422.30
Commissaries	\$27.00	\$27.58	\$30.00	\$30.90
Warehouse	\$27.00	\$27.58	\$30.00	\$30.90
Benevolent Org. Food Establishment (Rest., Mobile Unit, etc)	\$0.00		\$0.00	\$0.00
NOTE: Licenses expire after December 31st of each year. To reinstate the license after this date a \$100 reinstatement fee is required in addition to the license fee. If the applicant reinstates the license after January 1st the reinstatement fee shall increase by \$100 on the first day of each succeeding month until the license is reinstated.				
TOURIST FACILITY ANNUAL LICENSE FEES:				
Any Traveler's Accommodation, B&B Accommodations, Hostel & Picnic Park	\$93.00	\$95.48	Re-Organized Fee Schedule - See below	
Short Term Rental / Travelers' Accommodation	\$93.00	\$95.48	\$200.00	\$206.00
Travelers' Accommodation: Commercial Hotel/Motel with 5+ Units	\$93.00	\$95.48	\$100.00	\$103.00
Travelers' Accommodation: Per Unit Surcharge (for each rentable unit)	-	-	\$1.50	\$1.55
Mass Gatherings License & Application Fee	\$1000.00 + \$1 per person estimated to attend over 5000 attendees	\$1030.00 + \$1.05 per person est. to attend over 5000 attendees	\$1000.00 + \$1 per person estimated to attend over 5000 attendees	\$1030.00 + \$1.05 per person est. to attend over 5000 attendees
Organizational Camps - For Profit Facility/Organization	\$793.00	\$816.89	\$817.00	\$841.51

Organizational Camps - Benevolent -Facility/Organization	\$93.00	\$95.48	\$96.00	\$98.88
Recreation Park (RV Park) Annual License	\$130.00	\$134.20	\$134.00	\$138.02
RV Site Surcharge (1-50 sites) per site	\$3.00	\$3.18	\$3.00	\$3.09
RV Site Surcharge (51-100 sites) per site	\$2.00	\$2.12	\$2.00	\$2.06
RV Site Surcharge (101+ sites) per site	\$1.00	\$1.06	\$1.00	\$1.03
SWIM POOL & SPA ANNUAL LICENSE FEES:				
First Pool/Spa	\$216.00	\$222.79	\$238.00	\$245.14
Additional Pool/Spa	\$144.00	\$148.53	\$158.00	\$162.74
DAYCARE/GROUP HOMES/SCHOOLS (CONTRACT INSPECTIONS):				
Daycare - Childcare Home	\$93.00	\$95.48	\$96.00	\$98.88
Daycare - Childcare Center	\$113.00	\$116.70	\$116.00	\$119.48
School Food Inspection	\$93.00	\$95.48	\$96.00	\$98.88
Contract Facility Re-check Inspection (School/Daycare)	\$62.00	\$63.65		
FOOD SERVICES FEES-VENDING MACHINES:				
1-10 machines	\$124.00	\$127.31	\$127.72	\$131.55
11-20 machines	\$268.00	\$275.83	\$276.04	\$284.32
21-30 machines	\$366.00	\$376.62	\$376.98	\$388.29
31-40 machines	\$464.00	\$477.41	\$477.92	\$492.26
41-50 machines	\$556.00	\$572.89	\$572.68	\$589.86
51-75 machines	\$654.00	\$673.67	\$673.62	\$693.83
76-100 machines	\$845.00	\$869.94	\$870.35	\$896.46
101-250 machines	\$1,427.00	\$1,469.35	\$1,469.81	\$1,513.90
251-500 machines	\$2,194.00	\$2,259.72	\$2,259.82	\$2,327.61
501-750 machines	\$2,966.00	\$3,055.39	\$3,054.98	\$3,146.63
751-1000 machines	\$3,620.00	\$3,729.06	\$3,728.60	\$3,840.46
1001-1500 machines	\$4,697.00	\$4,837.70	\$4,837.91	\$4,983.05
More than 1500 machines	\$5,856.00	\$6,031.22	\$6,031.68	\$6,212.63
PLAN REVIEW FOR INITIAL CONSTRUCTION/OPERATION:				
Initial Construction Plan Review, Full Service Restaurant & Mobile Unit (per food establishment - including commissaries & warehouses when applicable) and Organizational Camp Kitchens - Includes one 'Pre-Opening' Inspection	\$345.00	\$355.40	\$355.00	\$365.65
Initial Construction Plan Review, Limited Service Restaurant, B&B Kitchen and additional Mobile Food Unit Commissaries & Warehouses (more than one). Includes one 'Pre-Opening' Inspection	\$170.00	\$175.05	\$175.00	\$180.25
A single plumbing fixture plan review (new handwashing sink)	\$26.00	\$26.52	\$30.00	\$30.90
Intermittent & Seasonal Restaurant License - Formal Operational/Plan Review	\$139.00	\$143.22	\$143.00	\$147.29
Food Establishment and Intermittent & Seasonal Temporary Restaurant - Minor Menu Alteration, Operational/Plan Review	\$26.00	\$26.52	\$27.00	\$27.81
Benevolent Organizations - Any Food Establishment or Temporary Restaurant	\$0.00		\$0.00	
Pool/Spa Plan Review (Both new facilities and remodel Plan Review)	\$1,030.00	\$1,060.90	\$1,061.00	\$1,092.83
Pool/Spa Variance Application	\$1,030.00	\$1,060.90	\$1,061.00	\$1,092.83

Pool/Spa Construction Permit - two site visits	\$1,030.00	\$1,060.90	\$1,061.00	\$1,092.83
Pool/Spa Construction Permit Additional approval Inspection (Per inspection)	\$108.00	\$111.39	\$111.00	\$114.33
Remodel Plan Review Full Service Restaurant & Mobile Unit (per food establishment - including commissaries & warehouses when applicable) and Organizational Camp Kitchens. Includes one 'Pre-Opening' Inspection	\$258.00	\$265.23	\$266.00	\$273.98
Remodel Plan Review Food facility other than full service restaurant, Mobile Unit or Organizational Camp. Includes one 'Pre-Opening' Inspection	\$170.00	\$175.05	\$175.00	\$180.25
Benevolent Organizations - Any Food Establishment or Temporary Restaurant	\$0.00		\$0.00	\$0.00
Tourist Facility & Pool/Spa Facility Pre-Licensing Inspection (when plan review preformed by another party - Or No Plan Review Required)	N/A	N/A	\$294.00	\$302.82
TEMPORARY RESTAURANT:				
Single-Event, For Profit, Temporary Restaurant License (up to 30 days)	\$103.00	\$106.09	\$106.00	\$109.18
Discounted, For Profit, Single-Event Temporary Restaurant License Fee received two or more weeks in advance	\$77.00	\$79.57	\$79.00	\$81.37
Intermittent & Seasonal, For Profit, Temporary Restaurant License (up to 30 or 90 days)	\$77.00	\$79.57	\$79.00	\$81.37
Benevolent (tax-exempt facility) - Paid more than two weeks in advance	\$0.00		\$0.00	\$0.00
Benevolent (tax-exempt facility) - Paid less than two weeks in advance (Administrative Fee)	\$62.00	\$63.65	\$64.00	\$65.92
Intermittent & Seasonal Temporary Restaurant License - Formal Plan Review Required - Benevolent Organization	\$0.00		\$0.00	\$0.00
MISCELLANEOUS OHA LICENSING PROGRAM FEES:				
Food Facility License Reinstatement Fee (late / delinquent license)	\$100 / (calendar month) delinquent Begins on first day of first month delinquent		\$100 / (calendar month) delinquent Begins on first day of first month delinquent	
Food Handlers Certificate	\$10.00	\$10.61	\$10.00	\$10.30
Food Handlers Certificate Replacement Card	\$5.00	\$5.30	\$5.00	\$5.15
Mobile Unit - Inspection fee for units licensed in another County	\$25.00	not available	\$25.00	\$25.75
Extra inspections required by OAR: 333-157-0027	half annual license fee per additional complete inspection	+3%	half annual license fee per additional complete inspection	+3%
Tourist Facility delinquent License reinstatement fee - Applies only after 15 days delinquency	50% of the annual license fee	+3%	50% of the annual license fee	+3%
Failing to apply for licensing within 30 days after engaging in the recreation park or travelers' accommodation business	Equals: (Annual license fee) + \$60. If RV Park: shall pay an additional fee not to exceed \$2 for each space	Equals: (Annual license fee) + \$62. If RV Park: shall pay an additional fee not to exceed \$2.25 for each space	Equals: (Annual license fee) + \$60. If RV Park: shall pay an additional fee not to exceed \$2 for each space	Equals: (Annual license fee) + \$62. If RV Park: shall pay an additional fee not to exceed \$2.25 for each space

ON-SITE WASTEWATER SYSTEMS - DEQ PROGRAM FEES -				
Includes DEQ Surcharge of \$100.00 (subject to change)				
Site Evaluation - All Sites (Per System)	\$551.00	\$567.58	\$565.00	\$581.95
COMMERCIAL FACILITY SYSTEMS - STANDARD SYSTEM				
CONSTRUCTION PERMITS:				
Construction - Commercial Property - Standard System - Up to 1000 gal per day flow	\$752.00	\$774.46	\$772.00	\$795.16
Construction - Commercial Property - Standard System - 1000-1500 gal per day flow	\$891.00	\$917.68	\$915.00	\$942.45
Construction - Commercial Property - Standard System - 1500-2000 gal per day flow	\$1,035.00	\$1,066.20	\$1,063.00	\$1,094.89
Construction - Commercial Property - Standard System - 2000-2500 gal per day flow	\$1,174.00	\$1,209.43	\$1,206.00	\$1,242.18
NON-COMMERCIAL RESIDENTIAL FACILITY SYSTEMS -				
STANDARD SYSTEM CONSTRUCTION PERMITS:				
Standard On-site Sewage System	\$752.00	\$774.46	\$772.00	\$795.16
Construction - Tile Dewatering (Curtain Drain)	\$314.00	\$323.57	\$320.00	\$329.60
ON-SITE CONSTRUCTION SURCHARGES:				
Construction - Alternative System - Pressure Distribution	\$98.00	\$100.79	\$101.00	\$104.03
Construction - Alternative System - Capping Fill	\$139.00	\$143.22	\$143.00	\$147.29
Construction - Alternative System - Disposal Trenches in Saprolite	\$72.00	\$74.26	\$74.00	\$76.22
Construction - Alternative System - Sand Filter or ATT	\$355.00	\$366.01	\$366.00	\$376.98
Construction Surcharge - All Pumps, Siphons & hydro-splitters	\$46.00	\$47.74	\$47.00	\$48.41
ON-SITE ALTERATION PERMITS:				
Alteration - Major	\$458.00	\$472.10	\$470.00	\$484.10
Alteration - Major - Commercial facility (with flows greater than 1000gpd)	\$736.00	\$758.54	\$755.00	\$777.65
Alteration - Minor - Site Visit Required	\$242.00	\$249.31	\$245.00	\$252.35
Alteration - Minor - No Site Visit	\$118.00	\$122.00	\$120.00	\$123.60
ON-SITE SYSTEM REPAIR PERMITS:				
Repair - Major	\$458.00	\$472.10	\$470.00	\$484.10
Repair - Major - Commercial facility (with flows greater than 1000gpd)	\$809.00	\$832.81	\$830.00	\$854.90
Repair - Minor (tank only)	\$294.00	\$302.36	\$300.00	\$309.00
ON-SITE AUTHORIZATION PERMITS:				
<i>Connecting to an existing system not in use replacing a mobile home or house with another. The addition of one or more bedrooms, hardship dwelling connection to existing system.</i>				
Authorization - Field Inspection Required	\$458.00	\$472.10	\$470.00	\$484.10
Authorization - No Field Visit	\$118.00	\$122.00	\$120.00	\$123.60
NON-PUBLIC WATER SYSTEM FEES:				
Water Quality Sample and Test (Coliform Bacteria only):	\$57.00	\$58.35	Re-Organized Fee Schedule - See below	
Non-Public Water System / Non-Commercial Facility Coliform Bacteria Test	\$57.00	\$58.35	\$59.00	\$60.77

Non-Public Water System / Commercial Facility Coliform Bacteria Test	\$57.00	\$58.35	\$177.00	\$182.31
Non-Public Water System Survey - Consultation, No Report	\$88.00	\$90.18	\$91.00	\$93.73
Non-Public Water System Survey - Formal Written Report	\$175.00	\$180.35	\$180.00	\$185.40
MISCELLANEOUS DEQ ON-SITE PERMITTING PROGRAM FEES:				
File Review	\$5.00	\$5.30	\$0.00	\$0.00
Existing System Evaluation (Record Review) - Site Visit Required - Formal Report Required	\$1,030.00	\$1,060.90	\$1,061.00	\$1,092.83
DEQ Program Permit Renewal	\$103.00	\$106.09	\$106.00	\$109.18
Pumper Truck Inspection - First Vehicle	\$103.00	\$106.09	\$106.00	\$109.18
Pumper Truck Inspection - Additional Vehicle (available immediately on-site)	\$52.00	\$53.05	\$59.00	\$60.77
Annual Report Evaluation - Holding Tanks	\$31.00	\$31.83	\$32.00	\$32.96
Annual Report Evaluation - Sand filter, gravel filter, ATT	\$57.00	\$58.35	\$59.00	\$60.77
Note:				
All DEQ Program permits include a DEQ surcharge of \$100.00				
Photo-Copy Fee (per page)	\$0.25	\$0.26	\$0.25	\$0.26
Spanish / English Translations per hr (not including normal HD work)	\$33.00	\$33.95	\$34.00	\$35.02
Environmental Health Specialist - Hourly Contract Work – For-Profit Entity and/or Written Report Required	\$155.00	\$159.14	\$176.00	\$181.28
Environmental Health Specialist – Hourly Contract Work – Benevolent Entity – No Written Report	\$0.00		Eliminated	
Phone Consultation	\$0.00		\$0.00	\$0.00

Hood River County, Oregon
Department of Records and Assessment
Other Fees
Effective 1/1/2017

DOCUMENTS	Fee Breakdown						
	Recording	PLCP	GIS	CATA + OLIS	Housing	Total	
DEEDS							
Bargain and Sale Deed	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Certificate of Redemption	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Declaration of Deed Restrictions	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Deed Restrictions (incl. CCR, etc.)	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Easement (Including public utility easement)	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Lot Line Adjustment Deed	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Notice of Intent to Forfeit	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Quitclaim Deed	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Trustee's Deed	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Warranty Deed	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Well Ownership	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
CONTRACTS							
Assignment of Contract	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Contract of Sale	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Land Sale Agreement	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Land Sale Contract	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Memorandum of Purchase Agreement	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
MORTGAGES							
Appointment of Successor Trustee, Substitution of Trustee	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Assignment of Deed of Trust, Assignment of Mortgage	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Assignment of Rents	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Assumption of Trust Deed	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Deed of Trust, Trust Deed, Mortgage	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Notice of Lis Pendens, Pendency of Action	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Security Agreement	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
SATISFACTIONS							
Deed of Reconveyance, Full or Partial Reconveyance	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Release of Mortgage	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Satisfaction of Construction Lien	\$5.00	page	none	none	\$11.00	\$20.00	\$36.00
Satisfaction of Mortgage	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Lien & Satisfaction of Lien							
County Lien, Satisfaction of County Lien	\$5.00	page	none	none	\$11.00	\$20.00	\$36.00
Construction Lien, Satisfaction of Construction Lien, Hospital Lien	\$5.00	page	none	none	\$11.00	\$20.00	\$36.00
Federal Tax Lien, Satisfaction of Federal Tax Lien	\$5.00	page	none	none	none	none	\$5.00
State Tax Lien, Amendment, State Tax Lien Satisfaction	\$5.00	page	none	none	\$11.00	none	\$16.00
Lien Record Abstract	\$5.00	page	none	none	\$11.00	none	\$16.00
Other Documents							
Judgment	\$5.00	page	none	none	\$11.00	none	\$16.00
Satisfaction of Judgment	\$5.00	page	none	none	none	none	\$5.00
Completion Notice	\$5.00	page	none	none	\$11.00	\$20.00	\$36.00
Death Certificate (<i>Short Form</i> certified copy only)	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Memorandum of Lease	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Military Discharge (DD-214)	none	none	none	none	none	none	\$0.00
Mobile Home Exemption from Title	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Mine Location, Proof of Labor on Mine, Cert of Mine Ownership (not for federal lands)	\$5.00	page	\$10.00	\$15.00	\$11.00	none	\$41.00
Power of Attorney (or revocation)	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Uniform Commercial Code (UCC)	\$5.00	page	\$10.00	\$15.00	\$11.00	\$20.00	\$61.00
Board of Commissioners Appeal (not recorded)	\$2,025	each	none	none	none	none	\$2,025 each
Plat (minor partition)	\$35.00	page	none	none	\$11.00	\$20.00	\$66.00
Subdivision (20 or fewer lots) + Assessor & Commissioner Fees	\$35.00	page	none	none	\$11.00	\$20.00	\$116.00
Subdivision (21 - 99 lots) + Assessor & Commissioner Fees	\$50.00	page	none	none	\$11.00	\$20.00	\$131.00
Subdivision (100 or more lots) + Assessor & Commissioner Fees	\$75.00	page	none	none	\$11.00	\$20.00	\$156.00

Hood River County, Oregon
Department of Records and Assessment
Other Fees
Effective 1/1/2017

Document Recordings	See separate recording fee schedule.
Search & Certification for Documents	The fee to search for a recorded document is \$3.75. The fee to certify a copy as being "a true copy of the original" is \$3.75. Photocopying is 25 cents a page. {A certified copy is \$7.75} Payment must be made before the county will retrieve and copy documents. The county will accept a "not to exceed" check for a document search.
Computer Data	Elections data are available on CD-ROM in Excel format. Please contact the county elections office for information about cost and restrictions on using elections data. Most elections & recording information is available on paper printouts.
Copying	Photocopying is 25 cents a page. Copies from microfilm are 25 cents a page. Computer generated copies are 25 cents a page.
Liquor License	Application for a new liquor license or change of ownership, location or privilege to an existing license is \$75. Application for renewal of an existing license is \$35. This is in addition to OLCC fees.
Marriages Licenses	A marriage license costs \$50. Marriage licenses are recorded in the county of issue. To retrieve, copy and certify a marriage license costs \$7.75 for the first copy and \$4 for each additional copy. Amendments are \$25. Waiver of 3-day waiting period is \$10 (Fee can be waived at the discretion of the Department Management for Active Duty Military or the terminally ill).
Passport Application	The county fee to process a passport application is \$25. This is in addition to federal fees imposed for processing, expedited service, special handling, etc.
Plats & Subdivisions	Applicants for plats or subdivisions are responsible to ensure that all necessary fees have been paid and approvals granted before recording. Approval of a subdivision by the county assessor costs \$45 and approval by the Board of Commissioners costs \$5.
Vital Records	Most vital records are maintained by the state. The county does not keep birth certificates or death certificates. The county keeps a record of marriage licenses, but only those issued in Hood River County.
* NOTES *	* Checks should be made payable to "Hood River County." Please do not send cash by mail.
	* "Not to exceed" checks, with the amount left blank, are accepted.
	* We accept only in person credit card transactions with a 3% convenience fee added to each transaction.
	* Any document that does not have room to attach our recording certificate will receive a \$5 additional page fee.
	* Online Access- Assessment/Recording information \$100 per month + initial activation fee
	* Any document that combines two actions. Example: Substitution of Trustee & Deed of Reconveyance: EXTRA \$5 per title
	* Requests to mail copies of documents or other information should be accompanied by a self-addressed stamped envelope with adequate postage attached.