

GOAL 2 - PLAN DESIGNATIONS AND ACREAGES

- A. Rural Residential: Applied to lands to maintain and enhance the rural residential living atmosphere. The primary use is residential, however agriculture or timber uses are of secondary importance. Further development in these areas will allow for housing and related rural activities that are compatible with surrounding agricultural and forest uses.

Lands designated Rural Residential include: (1) areas outside the *UGA, around the communities of Odell and Parkdale; and in other isolated rural areas; (2) areas where smaller parcelization has already occurred; (3) in and around areas justified as being built upon or committed to non-resource uses; (4) areas where rural services (e.g., rural water and fire districts, septic tanks and drain fields, etc.) can accommodate Rural Residential development; and (5) areas where Rural Residential housing will not conflict with agriculture and forestry uses.

The minimum lot or parcel size for a new dwelling will vary according to location and will range from ½ to 5 acres. The Rural Residential designation is implemented with the Rural Residential zone. Minimum lot size for new lots or parcels is shown on the zoning map.

- B. Medium Density Residential: Applied to lands to allow higher density single family housing in areas that permit easy access to schools, churches, parks, shopping areas, and where services are available to support further development.

Lands designated Medium Density Residential include: (1) areas within UGAs, and within the communities of Odell and Parkdale; (2) areas committed to higher density uses and where smaller existing parcelization has occurred; (3) in and around areas justified as being built upon or committed to non-resource uses; (4) areas where existing and proposed urban or rural services (e.g., public sanitary sewer and water; areas that are served by existing rural water and fire districts, etc.) can accommodate housing; and (5) areas where Medium Density Residential housing will not conflict with agriculture or forestry uses.

The minimum lot or parcel size for a new dwelling varies from 5,000 to 7,500 square feet or greater, depending upon whether the lot or parcel is within an UGA or in the communities of Odell and Parkdale; is served by either a public sewer or water system or both; and conforms with the requirements of the County Sanitarian, County Engineer, City Engineer (Hood River), and the Department of Environmental Quality (DEQ) and applicable service districts.

New lot or parcel sizes of 5,000 square feet are permitted within the UGAs of both the City of Hood River and Cascade Locks only if specific provisions outlined in the R-1 Zone are affirmatively met.

* Some lands in the Cascade Locks UGA (acknowledged) are designated Rural Residential.

The “Bonus Density Options” Ordinance applies to lots or parcels within UGAs that are served by public sanitary sewer and water and if all criteria are met, the density can be increased by 100 percent. Provisions must also be met within the UGA to allow future re-division to urban densities.

The Medium Density Residential plan designation is implemented with the Residential (R-1) Zone. Provisions for minimum lot size for new lots or parcels are outlined in the R-1 zone, and are shown on the zoning map.

- C. Multi-Family Residential: Applied to lands to allow urban density single family, two family and multi-family dwellings in locations near arterials, shopping areas, and community services.

Lands designated Multi-Family Residential include: (1) areas committed to higher density uses and where smaller existing parcelization has occurred; (2) in and around areas justified as being built upon or committed to non-resource uses; (3) areas where existing and proposed urban services (e.g., public sanitary sewer and water, fire and police protection, etc.) will accommodate multi-family housing; (4) areas where multi-family housing will not conflict with agriculture or forestry uses; and (5) areas within UGAs.

The minimum lot or parcel size for a new dwelling within UGAs will be 5,000 square feet provided the lot is served with a public sanitary sewer and water system. If the lot or parcel is not served by a sanitary sewer system, the size shall be increased to conform to the requirements of the County Sanitarian, Department of Environmental Quality (DEQ) and the County and City Engineers.

The “Bonus Density Options” Ordinance applies to lots or parcels within the UGA that are served by public sanitary sewer and water and if all criteria within the Ordinance are met, the density can be increased by 100 percent. Provisions must also be met within the UGA to allow for future redivision to urban densities.

The Multi-Family Residential designation is implemented with the Residential (R-2) Zone. Specific provisions for minimum lot or parcel sizes are outlined in the R-2 Zone and are shown on the zoning map.

- D. Rural Center: Applied to lands to maintain rural communities as rural service centers. Rural Centers provide limited housing, business, cultural and governmental services to the surrounding rural areas.

Lands designated Rural Center include: (1) areas justified as being built upon or committed and where limited additional infilling can occur; (2) the Rural Centers of Oak Grove, Rockford, Van Horn, and Windmaster Corner; (3) lands where smaller parcelization (½ acre lot sizes or less) has occurred; (4) areas that will not conflict with resource lands (farm and forest); and (5) areas that have historically served rural areas of the County.

The minimum lot size for a new parcel or lot shall be ½ acre and development standard provisions must be met.

The Rural Center plan designation is implemented with the Rural Center Zone. (RC).

- E. Commercial: Applied to lands to maintain and provide retail, business and service establishments for residents and visitors.

Lands designated commercial include: (1) lands justified as being built upon or committed to commercial uses, where additional infilling can be accommodated; (2) isolated existing commercial uses that serve a rural trade area; (3) where urban services (e.g., public sanitary sewer and water) or rural services (e.g., septic tank/drainfield; rural water and fire districts) exist or can accommodate additional development;. (4) communities of Odell and Parkdale; (5) areas that will not conflict with resource lands (farm, forest, scenic, etc.);and (6) areas within the City of Hood River UGA.

The minimum size for a new parcel or lot is not specified, however applicants must adhere to lot coverage requirements and development standards noted in the Commercial Zone.

The Commercial plan designation is implemented with the Commercial Zone (C-1).

- F. Light Industrial: Applied to lands to provide for manufacturing and other uses that are in close proximity to residential, commercial and farm uses.

Lands designated Light Industrial include: (1) areas justified as built upon or committed to industrial use; where additional infilling can be accommodated; (2) community of Odell and areas within the city of Hood River UGA; (3) areas where space for high density uses is needed; and (4) areas where either urban services (e.g., rural water and fire districts, etc.) are in place and can accommodate future development.

The minimum size for a new parcel or lot is not specified however development standard provisions outlined in the Light Industrial Zone must be met.

The Light Industrial plan designation is implemented with the Light Industrial Zone (M-2).

- G. Industrial: Applied to lands to provide and maintain areas for heavier industrial uses that are generally not in close proximity to residential or commercial uses.

Lands designated Industrial include: (1) areas justified as built upon or committed to industrial use, where additional infilling (development) can be accommodated; (2) areas where heavier industrial uses (e.g., log mills, log storage yards, motor pools, etc.) exist and can be accommodated; (3) areas that are more compatible with residential or commercial uses; (4) areas within the communities of Odell and Parkdale and along Highway 35; and (5) areas within close proximity to natural resources.

The minimum size for a new parcel or lot is not specified, however development standard provisions outlined in the Industrial Zone must be met.

The industrial plan designation is implemented with the Industrial Zone (M-1).

- H. Airport: Applied to lands to recognize and maintain the existing airport and its related uses and to allow future expansion.

Lands designated Airport include: (1) areas justified as being built upon or committed to airport and related uses including additional areas to allow expansion or infilling and (2) in or adjacent to areas where surrounding lands are resource lands lacking high density development.

The minimum size for a new parcel or lot is not specified, however development standard provisions outlined in the Airport Development Zone must be met.

The Airport plan designation is implemented with the Airport Development Zone (AD) and the Airport Height Zone (AH).

- I. Farm: Applied to lands to preserve and maintain the County's agricultural economic land base.

Lands designated Farm include: (1) Land of predominantly class I, II, III and IV soils as identified in the Soil Capability Classification System of the Soil Conservation Service (Soil Survey of Hood River County, prepared by the U.S.D.A. SCS, in cooperation with the Oregon Agricultural Experiment Station, January, 1981); (2) Other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes; existing land use patterns, technological and energy inputs required or accepted farming practices; (3) lands in other classes (V, VI, VII, etc.) which are necessary to permit farm practices to be undertaken on adjacent or nearby lands included as agricultural land in any event; and (4) areas which are not generally located within medium or multi-family residential, commercial, and industrial land use designation.

The minimum size for a new parcel or lot for a dwelling shall be 20 acres. Justification for the minimum 20 acre lot size is presented in the County Background Document.

The Farm plan designation is implemented with the Exclusive Farm Use Zone (EFU).

- J. Forest (F-1) and Primary Forest (F-2): Applied to lands to preserve, protect and maintain timber production, harvesting and related uses and to recognize that commercial forest lands are necessary for the continuous production of renewable resources in the form of forest crops and as such are beneficial to the economy of the County.

Forest lands are designated and zoned either Forest (F-1) or Primary Forest (F-2).

Lands designated Forest (F-1) include: (1) lands not justified as being built upon or committed to residential, commercial or industrial uses; (2) lands where “need” exceptions for other uses (residential, commercial, industrial) have not been justified; (3) areas that are within rural fire protection districts where equipment is available for suppression of structural fires, also portions are served by rural water districts; (4) areas where access by public roads is generally available; (5) areas considered to be “transitional” or buffers between farm and rural residential areas in the Valley and commercial timber lands at higher elevations; (6) non-forest uses such as housing are limited to non-existent while other non-forest uses include surface mining and combining and orchard lands; (7) areas where the average parcel size varies between 29 to 44 acres, however taking into consideration large contiguous ownerships noted south of Parkdale, could be as high as 93 acres; (8) in general, these areas are not owned by major commercial timber operators who are in the exclusive business of growing commercial timber, however they might be considered adequate for small-woodlot operations; (9) the majority of lands have a cubic foot site class rating between 4 and 5; and (10) areas where the average parcel size of all private ownerships (excluding major commercial timber companies and public ownerships) is 55 acres.

The minimum size for a new lot or parcel in the Forest Zone (F-1) shall be 40 acres.

The Forest (F-1) Plan designation is implemented by the Forest (F-1) Zone. New dwellings are required to meet siting criteria, fire suppression and emergency access standards, and other applicable provisions of the Forest Zone (F-1).

Lands designated Primary Forest (F-2) include: (1) lands not justified as being built upon or committed to residential, commercial, or industrial uses; (2) lands where “need” exceptions for other uses (residential, commercial or industrial) have not been justified; (3) areas where public access roads are limited and where road access to the majority of commercial ownerships is limited and controlled by the owners to prevent, primarily, vandalism, fires, etc.; and in areas where roads are gated; (4) in general, rural fire protection districts do not provide structural fire protection to these areas; (5) in general, the water districts do not provide services to these remote or isolated areas which are located at higher elevations above the valleys; (6) these areas are susceptible to seasonal climatic conditions (e.g., snow, ice, etc.) making them inaccessible during portions of the year; (7) areas that are generally located at higher elevations and due to extreme slopes, seasonal climatic conditions, etc., encroachment of non-forest activities such as roads and housing are generally restricted; (8) applied to areas that are generally removed from non-forest uses like those noted in the Forest 40 Acre designation and from areas of more intensive use noted along the valley bottom lands; (9) areas where development such as housing is costly primarily due to non-improved access, seasonal weather conditions, well drilling, lack of fire protection, etc.; (10) areas where the average parcel size of timber company ownerships is 282 acres (excluding Champion International whose ownership is 27,426 acres and mostly contiguous), this is an indicator that the management direction is primarily resource oriented and not development; (11) areas where other ownerships and parcel sizes are substantial, for example, the average parcel size for Hood River County lands is 500± acres and Champion International is 1,140± acres; (12) areas where the

majority of lands have a cubic foot site class rating between 3 to 7 with the dominant being 3, 4, and 5 which is about average for Hood River County; (13) areas where development such as housing over the past four years has been almost non-existent; and (14) areas where the State Fish and Wildlife Department states that 40 acre minimums are adequate for protection of wildlife resources.

The minimum size for a new lot or parcel for a dwelling in the Primary Forest designation is 80 acres. The dwelling must be necessary and accessory to a forest use and meet siting criteria, fire suppression, and emergency access standards. The minimum size for a new lot or parcel for forest resource purposes is 40 acres, however this resource division does not allow a dwelling(s).

The Primary Forest Plan designation is implemented with the Primary Forest Zone (F-2).

Other characters of lands where either Forest and Primary Forest designations are applied include: (1) lands composed of existing and potential forest lands which are suitable for commercial forest uses; (2) other forest lands needed for watershed protection, wildlife and fisheries habitat and recreation; (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover, irrespective of use; (4) other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors, and recreational use; (5) lands within the U.S. Forest Service cubic foot site classes 1-7 (Source: Techniques for Mapping Forest Land by Site Productivity Using Soil Survey Information, Oregon State Forestry Department, 1978); (6) lands necessary to allow forest practices on adjacent lands to continue; (7) existing and potential commercial timber land contiguous to or surrounded by commercial timber land; (8) lands containing areas of rock outcrops, and rubble land complexes with slopes varying from 0-100%, cliffs, areas of severe erosion and high water runoff and areas where vegetation is limited to non-existent due to rockiness of soil, etc.; and (9) isolated lands, not in close proximity to areas justified as being built upon or committed to development, which are also marginal; however, a need has not been justified to allow further intensive development to occur.

For additional information regarding the Forest and Primary Forest designations, see Background Document, Goal 4, Forest (F-1): 40 Acre Justification; and Primary Forest (F-2) 40 and 80 Acre Justification.

- K. Scenic Protection: Applied to lands to protect, conserve, enhance and maintain significant scenic, historic and cultural resources within the Columbia River Gorge which are of public value.

Land designated Scenic Protection include: (1) geologically unstable areas; (2) areas within the 100-year floodplain; (3) areas where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use; (4) other areas needed for watershed protection, fish and wildlife habitat and recreation; (5) areas within the U.S. Forest Service cubic foot site classes 3-7; (6) lands predominantly under public ownership; (7) lands which contain large manageable ownership patterns; (8) lands

used as open space buffers between agricultural, forest and urban activities; The minimum size for a new lot or parcel for a dwelling shall be 40 acres. Development standard provision to protect scenic qualities are as outlined in the Scenic Protection Zone.

The Scenic Protection plan designation is implemented with the Scenic Protection Zone (SP).

- L. Environmental Protection: Applied to lands to protect life, property and to avoid severe economic hardship and dislocation.

Lands designated Environmental Protection include: (1) areas within the 100-year floodplain; (2) areas where severe soil conditions exist; (3) watershed protection areas; (4) areas of excessive slope; (5) geologically unstable areas (deep bedrock slides, thick talus or loose rock and soil debris, earth flow and slumps, earthquake faults, etc.); (6) areas to assist in protecting wildlife and fisheries habitat areas; and (7) low intensive recreation areas (hiking, hunting, boating, beach or shore activities).

The minimum size for a new parcel or lot must comply with one of the following: (1) as required by each base zone; or (2) must be consistent with the requirements of the predominant adjacent (abutting) zone.

The Environmental Protection plan designation is implemented with the following zones: (1) Geologic Hazard Zone; (2) Floodplain Zone; and (3) Environmental Protection Zone.

- M. Natural Area: Applied to lands to preserve, protect, enhance, restore and maintain significant natural and man-made features which are of public value including natural water supply sources and watersheds. The Natural Area designation is applied to water resource sites that are identified in the Comprehensive Plan.

Lands described as Natural Areas include: (1) lands containing a resource site that is of such importance and the allowing of conflicting uses are so great that the resource site should be protected from conflicting uses; (2) lands designated 3A sites (Protect the Resource Site) resulting from evaluating through the Goal 5 process outlined in OAR 660-16-000; (3) lands within the Parkdale Lava Beds (Parkdale Lava Beds are those shown on the Geological Survey Sheets: (a) Dog River, Oregon, 1962 photo, revised, 1979; (b) Mt. Hood North, Oregon, 1962, photo revised, 1980; (c) Dee, Oregon, 1977; and (d) Parkdale, Oregon, 1974, all 7.5 minute series); and (4) lands containing the following water sources: Crystal Spring, Parkdale Cold Spring, McIsaac Springs, Roger Spring and Lava Springs.

The minimum size for a new lot or parcel must comply with one of the following: (1) as required by each base zone; or (2) must be consistent with the requirements of the predominant adjacent (abutting) zone.

The Natural Area Plan designation is implemented with the Natural Area Zone (NA)

- N. Columbia Gorge boundary: Applied to lands to maintain and enhance the Columbia River Gorge as an area of special concern, to maintain tourism as a compatible use of the Gorge. The primary concern is to provide economic diversification through protecting of the scenic qualities within the Columbia River Gorge.

Lands within the Columbia Gorge Boundary include: (1) lands encompassing approximately 2,800 acres; (2) lands outside the City of Hood River UGA that generally extend 3± miles east and west along the Columbia River and extend back from the river from ½ to 1 ½ miles; (3) lands within the Columbia River Gorge Boundary as defined in ORS 390.460; (4) lands where the primary Plan designation is Forest, however other Plan designations include Farm (along the river), Rural Residential and Environmental Protection (geologic hazards, floodplain, etc.); (5) lands even though designated primarily Forest contain areas of rock outcrops, rubble land complex, slopes varying from 30-100%, cliffs, areas of severe erosion and high water runoff and lands where vegetation is limited to non-existent due to rockiness of soil, etc.; (6) land where mineral and aggregate resources exist and are allowed to expand; (7) areas considered built out and committed to residential use; (8) lands containing the following geologic hazards: earth flows and slumps, deep bedrock slides, and thick talus (loose rock and soil debris); (9) lands that have agricultural capability ratings of VI, VII, and VIII; (10) lands with cubic foot site classes 4, 5, and 6 and other lands with commercial timber capabilities; and (11) lands primarily on the north facing walls of the Gorge.

The minimum size for a new parcel or lot for a dwelling is specified by each applicable zone which are shown on the zoning map and listed below.

Lands within the Columbia Gorge Boundary are implemented with the following zones: (1) Forest; (2) Exclusive Farm Use; (3) Rural Residential; (4) Geologic Hazard Combining; and (5) Columbia Gorge Combining. The Columbia Gorge Combining zone is an overlay zone for all lands within the Columbia Gorge Boundary. This zone contains specific provisions for scenic protection.

- O. Historic Preservation: Applied to lands to preserve, protect, maintain and enhance those historic resources that trace the evolution of man's influences in Hood River County.

Lands designated Historic Preservation include: (1) Historic Resources identified in the Statewide Inventory of Historic Sites and Buildings, Hood River County, 1976; and (2) sites designated in the Hood River County Comprehensive Plan as having important historic significance.

The minimum size for a new lot or parcel must comply with the following (1) as required by each base zone; or (2) must be consistent with the requirements of the predominant adjacent (abutting) zone.

The Historic Preservation plan designation can be implemented with the Historic Preservation Zone (HP). The Historic Preservation Zone can also be used as an overlay

zone, or the zone can be used to protect historic resources from conflicting uses (exterior remodeling, alteration, demolition, or new construction).

- P. Surface Mining: Applied to lands to allow surface mining and processing. Lands designated Surface Mining include: (1) lands identified through the Goal 5 process as important Mineral and Aggregate Resource Sites; and (2) lands where the Surface Mining designation has been applied.

The minimum size for a new lot or parcel must comply with the following: (1) as required by each base zone; or (2) must be consistent with the requirements of the predominant adjacent (abutting) zone.

The Surface Mining Plan designation can be implemented with the Surface Mining Zone. The Surface Mining Zone can also be used as an overlay zone.

¹APPROXIMATE ACREAGES PLAN DESIGNATION: PRIVATE LANDS

<u>Designations</u>	<u>Acres</u>
Rural Residential	4,085
Medium Density Residential	270
Rural Center	30
Commercial	115
Industrial	260
Light Industrial	240
Airport	95
Farm	29,175
Forest	44,000
Natural Area	255
Environmental Protection	6,225
Scenic Protection	1,100
Columbia Gorge Boundary	2,800
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	88,650 acres or 138± square miles

¹ (a) the County has a Historic Preservation Ordinance to control demolition and alterations of sites, however these sites do not have to be shown on the Plan diagram with a Plan Designation. The County has the option of using the Historic Preservation Designation in the future; (b) Surface Mining can and is being used as an overlay zone, consequently the Plan Designation of Surface Mining has yet to be used. The County has the option of using the Surface Mining Designation; (c) Acreage figures for streets, highways, and roads have not been disaggregated; and (d) the majority of lands designated Scenic Protection are under Federal ownership.

GOAL 2 - POPULATION PROJECTIONS

I. COUNTY GROWTH TRENDS

- A. County: Table 1 below shows general population growth trends for Hood River County between 1940-1980.

TABLE 1
GENERAL POPULATION GROWTH TRENDS
HOOD RIVER COUNTY (1940 – 1980)

<u>Year</u>	<u>Population</u>	<u>Percent Change</u>
1980	15,835	20.1%
1970	13,187	-1.6%
1960	13,395	5.1%
1950	12,740	10.0%
1940	11,580	

Source: Census and Bureau of Governmental Research and Service, University of Oregon; 1950-1980 Population and Housing Trends, March, 1982.

Since 1940, the County's population has grown approximately 36.7% or 4,255 individuals. Between 1940 and 1950 a 10% growth rate was noted; however, the most significant growth period occurred between 1970-1980. During this period the County's growth rate was 20.1% and increased the County's population by an additional 2,648 individuals. The majority of growth during this period was attributed to immigration, however it is anticipated that between ¹1990-2000 out-migration will generate a negative growth trend as noted between 1960 and 1970.

- B. City of Hood River: Table 2 shows population growth trends for the City of Hood River between 1950-1980.

¹ Bonneville Power Administration, page 29, 1979

TABLE 2
 GENERAL POPULATION GROWTH TRENDS
 CITY OF HOOD RIVER (1940-1980)

<u>Year</u>	<u>Population</u>	<u>Percentage of Change</u>
1980	4,329	8.5%
1970	3,991	9.1%
1960	3,657	-1.2%
1950	3,701	12.8%
1940	3,280	

Source: 1982 LCDC Critique and Census Data.

Since 1950 the City's population has grown approximately 17% or 628 individuals. Between 1940 and 1950 the City's growth rate was the most significant. During this period the growth rate was 12.8%, which generated an additional 421 individuals. During the last decade, 1970-1980, the growth rate was 8.5%, generating an additional 338 persons. It is anticipated that between 1990-2000, migration from the area will generate a negative growth trend as noted between 1950 and 1960. Based upon past growth rates (1960 and 1980) it is reasonable to assume the City's population will increase by ²800+ individuals.

- C. City of Cascade Locks: Table 3 shows population growth trends for the City of Cascade Locks between 1940-1980.

² City of Hood River Planning Department, 1983.

TABLE 3
 GENERAL POPULATION GROWTH TRENDS
 CITY OF CASCADE LOCKS (1940-1980)

<u>Year</u>	<u>Population</u>	<u>Percent Change</u>
1980	759	32.0%
1970	574	-13.0%
1960	660	- 9.9%
1950	733	4.3%
1940	703	

Source: City of Cascade Locks Comprehensive Plan, page 51, September, 1977; and 1970 and 1980 Census Data.

The City of Cascade Locks Comprehensive Plan was acknowledged by the LCDC October 6, 1978. (For details, see City of Cascade Locks Comprehensive Plan, September, 1977; available for review at the Hood River County Planning Department or the City of Cascade Locks). The acknowledged Plan anticipates the City will grow to a population of between 1,500 and 2,000 within the next 20 years. The City and the UGA have historically experienced several rapid growth and contraction periods. This growth pattern has been primarily caused by large construction projects; for example the Bonneville Dam, which required a large labor force and when completed, the force migrated from the area. Overall, between 1940-1980 the City's population grew approximately 8% or 56± individuals, however this trend is only an accumulative indicator and does not reflect the City's cyclic growth trend. For example, in the past, the population in the area has varied from 500 to 2,000 persons. Also a significant growth rate was noted between 1970 and 1980, when the population increased 32% or an additional 185 persons. However, between 1960 and 1970, there was a negative growth rate of -13.0%, resulting in an out-migration of approximately 86 persons from the area.

II. POPULATION DISTRIBUTION

Table 4 shows the 1980 distribution of population throughout the County.

Population distribution characteristics noted in Table 4 include: (1) approximately 33% or 5,167+ persons reside in the cities while 54+% or 8,523+ persons reside in the rural portions of the County; (2) 13.2% or 1,950+ persons reside with Urban Growth Areas; and (3) the majority of the rural population resides in the Central Valley Planning Unit.

III. POPULATION PROJECTIONS

A. Methodology: Population projections were based upon analyzing projections from other agencies including what new development the Comprehensive Plan could accommodate.

TABLE 4

³POPULATION DISTRIBUTION - 1980

HOOD RIVER COUNTY

<u>Area</u>	<u>Population</u>	<u>Percent of County</u>
City of Hood River	4,329	27.33%
City of Cascade Locks	838	5.30%
UGA/Hood River	⁴ 1,950	12.30%
UGA/Cascade Locks	195	1.23%
<u>Rural County</u> (City/Westside; Central Valley; Mt. Hood and Columbia Gorge)	8,523	53.84%
	15,835	100%

³ Based upon 1980 Census Divisions which approximate previous Planning area boundaries; also, Cascade Locks Plan states total population in City and Urban Growth Area by the year 2000 will be between 1,500-2,000 persons; high figure of 2,000 used in the above calculations for consistency, also 81% of the population will be in the City and 19% in the Urban Growth Boundary Area. The latter percentages were determined from the 1980 Census Data.

⁴ City of Hood River Planning Department, April 8, 1983.

Agency projections analyzed included: (1) 1980 Census; (2) Bonneville Power Administration (1976 and 1979); (3) Center for Population Research and Census, Portland State University (1976); (4) Pacific Economica, Hood River County/An Analysis of Alternative Economic Futures, November, 1981; and (5) the Oregon Department of Economic Development, 1979.

In an attempt to refine the above, the following observations and assumptions were made: (1) projecting 1970-1980 census trends could substantially inflate projections by the year 2000, consequently they were not utilized; (2) recognition of the current slow down in the economy and migration of people from the area; (3) the County's Plan has continually projected a total population by the year 2000 of approximately 20,000 persons; (4) direction from the LCDC to select a single recognized population projection source to provide a more reliable and consistent population projection for the County; (5) recognition that some exception areas might not meet Goal 2 exception criteria, or built upon or committed criteria which will result in the reduction of population growth; (6) data from Portland State University and the Oregon Department of Economic Development project 21,500 persons in Hood River County by the year 2000; and (7) the Bonneville Power Administration projects a County population of 18,300 by the year 2000. Due to the above assumptions and observations, the population projections from the Center for Population Research, Portland State University, 1976, the Oregon Department of Economic Development, 1979, and Bonneville Power Administration, 1976 and 1979, were utilized.

- B. Population Projections: Population projections for Hood River County for the next 20 years are shown in Table 5. These projections are intended to provide a general overview of potential population growth and they are generalized.

Although Table 5 shows a high and low projection, a high projection of 21,500 persons by the year 2000 will be used by the County primarily for the following reasons: (1) consistency and ease of administration for all County planning efforts; (2) to avoid confusion and provide the public with a specific projection figure to deal with; (3) it is more prudent in land use planning to have some access capacity rather than risk serious deficiencies; (4) reliance upon more sophisticated methods and techniques of attaining population projections; (5) the majority of other sources generally support either directly or indirectly a projection of over 20,000 by the year 2000; and (6) the LCDC requires that a single growth projection figure derived from a reliable source be utilized.

TABLE 5
POPULATION PROJECTIONS

HOOD RIVER COUNTY 1980 – 2000

	<u>1980</u>	<u>1985</u>	<u>1990</u>	<u>1995</u>	<u>2000</u>
<u>⁵High Population Projection</u>	15,835	16,400	17,900	19,700	21,500
<u>⁶Low Population Projection</u>	15,835	16,675	17,450	17,875	18,300

Source: Oregon Department of Economic Development Economic Information Clearing House, June, 1979; Center for Population Research and Census, Portland State University, 1976. Bonneville Power Administration Population Employment & Households Projected to 2000; Oregon; September, 1979, and 1980 Census Data.

⁵ 20 year projected growth rate, straight line 35.7% which will generate an additional 5,665 persons. Compounded annual growth rate, 1.54%.

⁶ 20 year projected growth rate straight line 15.8% which will generate an additional 2,500 persons. Compounded annual growth rate, .726%.

⁷The City of Hood River states a growth rate of 1.7% is projected for the Urban Growth Area and 0.87% for the City. The population of the Urban Growth Area is expected to grow more rapidly than will the City because there is a greater amount of buildable land available and as services are extended, minimum lot size requirements will decrease making land and subsequently housing more affordable. In addition, the average family size also tends to be greater than inside the City, primarily due to more elderly and single persons inside the City Limits where more multi-family housing is available as well as shopping and service conveniences. The present population of the City of Hood River/Urban Growth Area is just over 6,200. By the year 2000, 8000+ persons are expected to reside within the area. Projection populations for the City, 5,148; an increase of 819 persons (19% increase) and within the UGA, an increase of 782 persons (40% increase). (See Table 6) For additional detailed information, contact the City of Hood River Planning Department.

- C. Population Analysis: The population of Hood River County could increase by an additional 5,665 persons to a total population of 21,500 individuals by the year 2000. Translated into additional dwelling units, there is a potential for approximately 2,575 more dwellings in the County by the year 2000 (Census, 1980; 2.2 persons per household).⁸

Furthermore, the Exceptions Summary (County Exception Document) states that approximately 1,175 dwelling units can be accommodated through infilling within areas already built upon and committed to primarily residential development. Consequently, approximately 1,575 dwellings will be built within both UGAs, the City Limits of Hood River and Cascade Locks, and throughout rural resource lands.

The annual growth rate (compounded) necessary to achieve a population of 21,500 by the year 2000 is 1.54%, while a low growth rate of .726% is noted. For the past 20 years (1960-1980) the County's growth rate has been approximately .84%, while for the past 10 years (1970-1980), .92%.

- D. Population Distribution: Projected population distribution for the year 2000 is shown in Table 6.

Population distribution characteristics noted include: (1) approximately 31.5% or 6,769± persons will reside in the cities of Hood River and Cascade Locks; (2) 14.5% or 3,111± persons will reside in the Urban Growth Areas; (3) 46% of the

⁷ Hood River County Planning Department, 1983.

⁸ Population and Housing Trends, Bureau of Governmental Research and Service, University of Oregon, 1982, provides the following information regarding the Average Household Size; 1950 - 3.2 persons; 1960 - 3.10 persons; 1970 - 2.70 persons; 1980 - 2.60 persons. 1980 Census data shows that the average household size is 2.2 persons, however the Mid-Columbia Economic Development District states this figure is low; however, it is used to estimate average persons per household by the year 2000.

projected population will reside in the cities and Urban Growth Areas; (4) 54.0% or 11,620 persons will reside in the rural portions of the County; and (5) over 37%± of the County's population will reside within the City of Hood River's UGB.

TABLE 6

POPULATION GROWTH AND DISTRIBUTION – 2000

HOOD RIVER COUNTY

<u>Area</u>	<u>Population Increase 1980-2000</u>	<u>Total Population- 2000</u>	<u>Percent of County</u>
City of Hood River	819	5,148	23.95%
City of Cascade Locks	783	1,621	7.55%
UGA/Hood River	782	2,732	12.70%
UGA/Cascade Locks	184	379	1.80%
<u>Rural County</u>			
City Westside; Central Valley; Mt. Hood; Columbia Gorge)	3,097	11,620	54.00%
	5,665	21,500	100.0%

Source: 1980 Census data; Oregon Department of Economic Development, Economic Information Clearing House, June, 1979; Center of Population Research and Census, Portland State University, 1976 and City of Cascade Locks Comprehensive Plan, 1977; City of Hood River Planning Department, April 8, 1983.

⁹There are four basic factors which support continuation of population growth within the Hood River Urban Growth Boundary. These are: (1) the cost of housing; (2) increased levels associated with projected employment generated by increased population growth; (3) the availability of public services; and (4) the primary objective of the existing Comprehensive Plan is to support intensive growth within the Urban Growth Boundary.

¹⁰The cost of housing in the future will significantly affect housing trends. The pattern of inflation in the construction costs and land prices established in recent years has increased the expense of an average new three bedroom home threefold since 1971. Higher finance costs, expected to continue into the foreseeable future, are severely limiting the number of qualified purchasers in the marketplace.

In response to these circumstances, national and state trends show significant increases in multi-family housing construction and occupancy, i.e., the rental market is growing as fewer families are able to purchase single-family homes. Condominiums, another multi-family housing alternative, are gaining popularity in the marketplace. Simply stated, multi-family housing is becoming increasingly attractive because more units can be built on less land with savings in construction costs, utility expenses and other site development costs. With the lower cost per unit, multi-family living is the only alternative which is affordable for many families seeking new housing.

In Hood River County, the increased demand for multi-family housing will lessen pressures to construct new residences on acreage property in the rural areas of the County.

- E. City/Westside Planning Area: The previous City/Westside Planning Area included the City of Hood River, the UGA and rural portions of the County. This area approximates the Same Census Enumeration District or the Hood River Division, Hood River City and a substantial portion of rural lands. Overall, the majority of County population resides in this area, therefore it is a strong indicator where the majority of future population will reside because the Plan supports growth in this area, consequently the data base can be utilized to provide a fairly accurate growth rate. Currently the present population in the City/Westside Planning Area is 8,417± persons. Census Data (1970-1980) states that an average of 55% of the County's entire population resides in this area, and the Comprehensive Plan directs that growth will continue to occur in this particular area. The above generally supports the premise that the City/Westside Planning Area will have a higher growth rate than the overall Countywide annual growth rate of 1.54%. A fair assumption is further made that 55% of the County's projected population of 21,500 persons will, in fact, reside in the City/Westside

⁹ Pacific Economica Inc.; Hood River County, an Analysis of Alternatives/Economic Future; page 77, November, 1981

¹⁰ op cit; pages 77-78.

Planning Area. Consequently, population in the City/Westside Area will increase from 8,417± persons to 11,825± persons, with an annual (compounded) growth rate of approximately 1.7% (.1715).

- F. Population Growth and Housing Growth Distribution: Table 7 shows population and housing growth and their distribution throughout the County by the year 2000. It is generalized and only provides a general indicator of growth.

TABLE 7

¹POPULATION GROWTH AND HOUSING GROWTH DISTRIBUTION – 2000

HOOD RIVER COUNTY

<u>Area</u>	<u>Population Increase 1980-2000</u>	<u>Increase in Dwellings 1980-2000</u>	<u>Total Population 1980-2000</u>	<u>Percent of County</u>
City of Hood River	819	² 405	5,148	23.95%
Cascade Locks	783	356	1,621	7.55%
UGA/Hood River	782	³ 602	2,732	12.70%
UGA/Cascade Locks	184	84	379	1.80%
Rural County				
1. Infilling (Built out and committed)	2,585	1,175	11,620	54.00%
2. Remainder of rural County	512	232		
	5,665	⁴ 2,854	21,500	100%

¹ Except where noted, majority of figures based upon 2.2 persons per household.

² City of Hood River, 1983 figures; 203 single family (50%); 162 multi-family (40%); 40 mobile homes (10%).

³ City of Hood River, 1983 figures: 421 single-family (70%); 120 multi-family (20%); 61 mobile homes (10%).

⁴ Due to the projection variables associated with housing types within the City of Hood River and its UGA, this figure will vary and could be greater than the County's general overall estimation of 2,575±.

GOAL 2 - COUNTY OWNERSHIP PATTERNS

Tables 1 through 2 provide a general indicator of jurisdictional land patterns in Hood River County.

TABLE 1

¹COUNTY JURISDICTIONAL LAND PATTERNS

<u>Jurisdiction</u>	<u>Acres</u>	<u>Sq.Miles</u>	<u>Percent/County</u>
Federal	214,732	335.5	63.4
State	3,248	5.1	1.0
County	30,641	47.9	9.0
City	1,418	2.2	0.4
Hood River (City Limits)	² 845	1.3	
Cascade Locks (City Limits)	³ 520	0.8	
Other City	53	0.1	
⁴ UGA's	1,905	3.0	0.6
Other Private	86,616	135.3	25.6
TOTAL	338,560	529.0	100.0%

TABLE 2

PUBLIC/PRIVATE OWNERSHIP

	<u>Acres</u>	<u>Sq. Miles</u>	<u>Percent/County</u>
Public	250,039	391	74%
Private	88,521	138	26%
TOTAL	338,560	529	100%

¹ Acreages obtained from County Assessments Office index cards which includes all tax lot numbers in the County and ownerships as of 1980. They are updated periodically.

² Taken from City/Westside Plan, page 24.

³ Obtained from City of Cascade Locks.

⁴ Obtained from City/Westside and Cascade Locks Plans.

GOAL 2 - FEDERAL LANDS: BACKGROUND REPORT¹

A. Introduction:

This report discusses the following primary topics including other relevant information: (1) the location of federal lands; (2) managing agencies; (3) activities that occur on such lands; (4) how such uses generally affect other lands in the County; and (5) which designation and policy shall prevail on federal and private lands subject to both County and federal designations and policies.

1. Location: Federal ownership in Hood River County can be found on the map entitled Federal Ownerships, 1982, Hood River County; see Map #1, Background Report. (A larger scaled map entitled Federal Ownerships, Hood River County, 1982, is available for review in the Hood River County Planning Department.) Federal ownership dominates the County's land base at higher elevations to the west, southwest, and south.

Approximately 63% of the County's land base of 338,629 acres or ²529 square miles is under federal ownership. Other forms of public or semi-public ownership exist (e.g., School District, State Department of Forestry, County Forest Lands, Special Districts, Churches, Grange Halls, Lodges, other State ownership, etc.) and it has been estimated that total public ownership amounts to approximately 74% of the County's land base.

2. Federal ownership and agency management include: (a) 99% of the federally owned lands in Hood River County are managed by United States Forest Service; (b) The Dalles Watershed is managed jointly by the United States Forest Service and the City of The Dalles; (c) Bureau of Land Management, approximately 360+ acres; (d) U.S. Army Corps of Engineers, 317 acres. (Acreage for BPA does not include right-of-way for power lines, only-substations.)
3. Mt. Hood National Forest: United States Forest Service has developed the following Unit Management and Multiple Use Plans that are adjacent to private lands in Hood River County: (a) Eagle Creek; (b) Mt. Hood; and (c) Hood River. Other United States Forest Service plans include: (a) Badger Jordan; (b) Bear Springs; (c) Barlow; (d) The Dalles Watershed; and (e) Bull Run. For details regarding these plans contact the Mt. Hood National Forest; copies are available for review at the Hood River County Planning Department.

¹ The Goals, Policies, Strategies, and Land Use Designations and Standards developed by the County are not binding on the management of the National Forest System Lands within Hood River County.

² County land base: 1981-82 Oregon Blue Book states: Hood River County contains 536 square miles or 343,040 acres; 1981 County Plan utilized 529 square miles or 338,560 acres; 1982 National Resources Inventory County Base Data Worksheet prepared by the Soil and Water Conservation District states the County contains 522 square miles or 334,286 acres; based upon an average of the above, Hood River County contains approximately 529 square miles or 338,629 acres.

The United States National Forest Land Management Direction Plan, 1979, inventories the following activities on lands in Hood River County: (a) General Forest; (b) Watershed Management - The Dalles Watershed; (c) Recreation, roaded, unroaded, and developed; (d) Wilderness; (e) Roadless Area Review and Evaluation Process RARE II; (f) Special Interest - Eagle Creek; and (g) Scenic Corridor. (See Appendix "A", Land Management Categories, 1979; Background Report for descriptions of Land Use Management Categories.)

The United States National Forest Service is currently updating the various plans for the Mt. Hood National Forest. The update will be entitled the Forest Land and Resource Management Plan and will be made available for public review when completed. Also the update represents consolidation of the previous planning unit or management plans developed by the U.S. Forest Service.

4. Activities and Land Uses that generally occur on these lands:

- a. U.S. Forest Service lands adjacent to private lands are designated General Forest, Roaded Recreation and Special Interest.

The majority of these lands adjacent to private lands are designated General Forest. These areas will be managed for the production and utilization of forest resources; principally timber, water, dispersed recreation, wildlife and grazing. Management efforts will recognize, protect or improve soil, mineral, geothermal, water quality, wildlife, and visual resources.

Roaded Recreation areas have a common boundary with approximately 15 miles of private lands. This designation applies to areas west of the City of Hood River; southwest of Dee Flat; and southwest, southeast, east, and northeast of Parkdale where there is a common boundary of approximately 12 miles with private lands.

Primary uses allowed in Roaded Recreation: these areas contain resources that have special attraction to recreationists who prefer to be reasonably near roaded systems. Recreation activities include berry picking, wildlife viewing, rock hounding, snow playing, hunting and some timber harvesting.

The Special Interest (Eagle Creek) Land Management Category is applied generally to all federal ownership paralleling the Columbia River in Hood River County and includes approximately that area extending west from the Urban Growth Boundary of the City of Hood River to the Multnomah County line. The proposed management for this area will be wilderness as outlined under RARE II, however this designation has yet to be accepted by Congress. This area will also be used for low intensive recreation.

- b. The Bureau of Land Management ownerships are managed for multiple use purposes. Currently the role is custodial; there are no active programs. Access is limited to these lands.
 - c. Approximately 98% of the U.S. Army Corps of Engineers ownership is submerged land. These lands are retained for management of the Bonneville Dam Pool. The Corps has additional easements adjacent to their ownership which allows periodic flooding as necessary. Additional information regarding non-submergible lands has yet to be submitted by the Corps.
 - d. The Bonneville Power Administration's ownership is limited to four substations and power line rights-of-way (acreage figures are only provided for substations).
5. Private Land Designations Affecting Federal Lands: The majority of private lands adjacent to the United States Forest Service lands and other federal ownerships are designated and zoned Forest and Scenic Protection. The Forest Zone is established for the purposes of maintaining renewable forest resource production, retention of watershed productivity, recreation and other compatible uses. The purpose of the zone is to discourage land uses incompatible with management and development of forest resources in order to maximize forest resource production and to minimize the possibility of damage from fire, pollution, and conflict caused by urbanization. Basically the County's Forest Zone is synonymous with the U.S. Forest Service's primary designation of General Forest.

The majority of land along the Columbia River Gorge outside the Urban Growth Boundary is designated Scenic Protection or Columbia Gorge Combining. These zones emphasize protection of environmental and scenic qualities of the Gorge. The Scenic Protection Zone is basically synonymous with the Special Interest designation, however development with strict limitations is allowed on private lands.

Three of the BPA substations are zoned Exclusive Farm Use while the fourth, in Cascade Locks, is zoned Rural Residential 2½ acre. Public utility facilities necessary for public services except facilities generating power for public use by sale are permitted in the Exclusive Farm Use Zone, however commercial utility facilities generating power for public use by sale require a Conditional Use Permit.

Utility transmission lines are permitted in the Rural Residential Zone however utility facilities for public services require a Conditional Use Permit.

The Hood River County Planning Commission reviews and makes decisions through a public hearings process regarding Conditional Use Permits.

Limited exceptions exist involving small federal ownerships intermixed with dominant holdings of private lands within the lower valleys. The majority of ownerships are small (e.g., 40, 80 acres, etc.). The majority are designated and zoned Forest with a limited number being designated Farm and zoned Exclusive Farm Use.

The Mt. Hood Planning Unit, (FES 1977) specifically map 15, is synonymous with the Land Use Plan map adopted by Hood River County for the Mt. Hood Planning Unit in 1977. These synonymous plans amply demonstrate the coordinating efforts between the U.S. Forest Service and Hood River County in developing a Comprehensive Plan back in 1977. Background information regarding development of the County's Mt. Hood Planning Unit Plan was limited, consequently the FES, entitled the Mt. Hood Planning Unit, Plan developed by the U.S. Forest Service in 1977, plan map 15, should be adopted by the County.

The County, through previous agreements (i.e., 1979 Declaration of Cooperative Intent and the Cooperative Agreement signed in 1979) has relied on the U.S. Forest Service to develop plan designations, consequently the County has not developed a plan designation for the majority of Forest Service lands, however the County has zoned these lands Forest and Scenic Protection.

6. Adverse and Favorable Impacts: Some adverse and favorable impacts resulting from increased recreation, road construction and timber harvesting, on both federal and private lands include: (a) Adverse Impacts: (1) loss of some wildlife and plant species through alteration of habitat; (2) erosion would result from trail and camp site development, road building and timber harvesting; (3) soil compaction; (4) localized increase in runoff as developed areas or compacted soils create new impervious surfaces; (5) sedimentation in water systems through road building, timber harvesting and trail building; (6) lack of quality recreation due to congestion of people; (7) increased incidents of trespass and vandalism on adjoining property; and (8) alteration of management practices on adjoining resource lands. (b) Favorable Impacts: (1) social benefits such as site-seeing access, etc., would occur from development of recreation trails and roads; (2) scenic values may be improved through dispersion of recreation use over more area; (3) adherence to visual quality standards and proper design and recreation site construction should alleviate the magnitude of adverse impacts; and (4) increased use of various forest-related activities will have a positive impact on the County's primary economic sectors of forestry and recreation.

Private lands are subject to more intensive uses such as housing. For example, (1) dwelling unit per 40 acres is allowed in areas designated Forest. To preserve forest land on private lands, strong consideration must be given to creating a commercial forest designation of at least 160 acre minimum with no dwelling units and a smaller designation which allows limited development, such as (1) dwelling per 40 acres, only if certain site criteria are met.

7. Coordination: The County has demonstrated its coordination responsibilities with the U.S. Forest Service through the following mechanisms. In 1973 a declaration of cooperative intent was signed by the various agencies responsible for managing and regulating lands within the U.S. Forest Service Mt. Hood Planning Unit. Primary participants were the U.S. Forest Service, Bureau of Land Management, and Clackamas and Hood River Counties. The U.S. Forest Service has also signed a cooperative agreement (1979) with the County regarding land use planning coordination with the primary stipulation that they will coordinate efforts in developing policies for land management of lands in the boundaries of the Mt. Hood National Forest with Hood River County.

Due to the cooperative agreements coordination has existed and will continue to exist. The U.S. Forest Service management plan developed for the Mt. Hood Planning Unit (1977) has been referenced by the County as background information for development of the County's Plan. The land use designations adopted by the County for the general area south of Parkdale are basically synonymous with the U.S. Forest Service Plan; specifically map 15, as noted in the Final Environmental Statement dated 1977.

8. Hood River County's Land Management Responsibilities: The responsibility for adopting plans for private lands resides with Hood River County. Decisions regarding plan and zoning designations for private lands will be made only after applicable hearings before the Hood River County Planning Commission and Board of Commissioners. The hearing process requires notification of adjoining property owners regardless of whether they are private or public. Due to the cooperative agreements between the U.S. Forest Service and the County, the U.S. Forest Service would be notified if their lands became affected.

If federal lands are transferred to private ownership, the County has the responsibility through the hearings process to plan and zone those lands.

9. Federal Agency Responsibilities: Land management decisions on federal lands rests with the responsible agency. The U.S. Forest Service is the dominant federal land holder in Hood River County and they have agreed to cooperate through the 1973 Declaration of Cooperative Intent and the 1979 Cooperative Agreement, in developing land use management plans, policies, etc. Decisions regarding federally administered lands will be made following the filing of a draft Final Environmental Impact Statement which will be made available to the County and the public for input prior to adoption.

B. Recommendations:

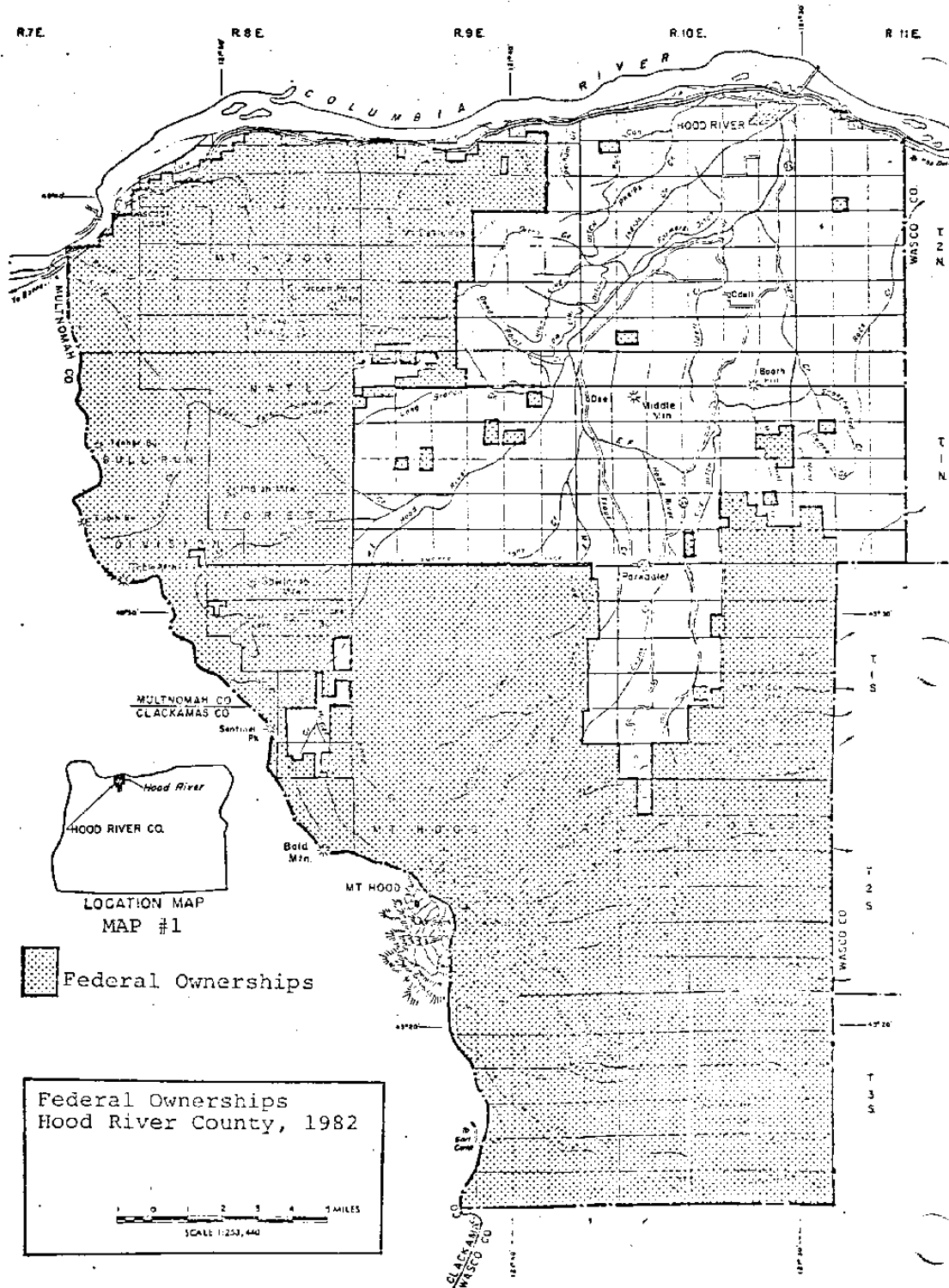
The following Goal, Policies, and Strategies have been added to the Countywide Policy Document.

1. *GOAL: Governmental agency management plans shall be consistent with Hood River County's Comprehensive Plan.
2. POLICIES:
 - a. Coordinate development of the Comprehensive Plan and related implementing measures with plans of other affected governmental units.
 - b. Develop and adopt appropriate plan and zoning designations for all properties transferred from federal ownership to private ownership.
 - c. Review and comment on various management plans and policies developed and adopted by governmental agencies in Hood River County.
 - d. Develop and adopt for all private lands in Hood River County a Comprehensive Plan and implement that Plan with appropriate ordinances.
 - e. The County will take into consideration other governmental needs when developing the Comprehensive Plan.
 - f. Ensure that affected governmental agencies are involved in development of the County's Comprehensive Plan.
3. STRATEGIES:
 - a. Affected governmental agencies shall seek and enter into special district cooperative agreements with Hood River County.
 - b. Educate the general public and governmental agencies to the fact that the County has the responsibility for developing a Comprehensive Plan and it is expected that local and state governmental agencies will conform to this Plan.
 - c. Recognize that the U.S. Forest Service has entered into a cooperative agreement with the County regarding coordination of land management plan and policies.
 - d. Review and comment on the U.S. Forest Service Forest Land and Resource Management Plan when made available to the public.
 - e. Adopt as a Background Report the Mt. Hood Planning Unit, Final Environmental Statement 1977 as developed by the U.S. Forest Service

* The Goals, Policies, Strategies, and Land Use Designations and Standards developed by the County are not binding on the management of the National Forest System lands within Hood River County.

except for all revisions determined by the County to ensure that all private lands are appropriately planned and zoned.

- f. Recognize, support and educate the public, agencies, etc., regarding the following concept and directive:
 - (1) The concept that the FES map scale was chosen to describe the resource area characteristics primarily for the purpose of selecting a plan management direction etc., for the U.S. Forest Service and Bureau of Land Management lands. Specific direction on private, County or state land will continue to be their adopted or revised comprehensive plan and ordinances. They are not superseded by the FES.
 - (2) The Goals, Policies, Strategies, and Land Use Designations and Standards developed by the County are not binding on the Management of the U.S. Forest Service Lands with Hood River County.



For specific details see large scale map, "Federal Ownerships, 1982".
 Hood River County Planning Department, Hood River, Oregon.

MAP #1

APPENDIX “A”

LAND MANAGEMENT CATEGORIES

There are several national land management categories currently in use across the nation. The following categories have their descriptions and goals well established in the FSM.

Wilderness	Wilderness Study
National Recreation Area	Special Interest (294.1)
National Historical & Archlgcl (EO 11394)	Research National Area
Wild and Scenic River Study	Experimental Forest
	Other Congressionally Classified

AREA SIX LAND MANAGEMENT CATEGORIES

The following are descriptions of general land management categories. Within each category, there may be management units or subcategories where a particular emphasis is desired. For example: the Developed Recreation category might be used to include several different types of that use or a variation like “Developed Recreation – Winter Sports Site” or “Mt. Hood Meadows Management Unit” might be used.

Wildlife Management

Description: These areas provide the habitat necessary to maintain wildlife populations during critical periods of their life cycle such as nesting, calving, migration or critical winter periods.

Management Goal: Maintain or improve the wildlife habitat; other resource uses and activities are permitted where generally compatible with the wildlife goal.

Developed Recreation

Description: These areas include lands where physical improvements will be maintained to provide recreation experiences. Included in this category are campgrounds, picnic areas, boating sites, swimming areas, ski areas, resorts, vista/viewpoints, VIS stations, marinas and recreation residence tracts.

Management Goal: Manage the area for concentrated recreation use; other uses and activities are permitted which enhance or compliment the uses.

Special Purpose

Description: These areas contain, existing or imminent structures that limit other land uses. Examples are: administrative sites, utility corridors and large electronic sites.

Management Goal: Manage the area to support the major use and allow other land uses that compliment the specific purpose.

General Forest

Description: Area managed for a wide variety of resources in which timber management activities may be evident; however, a wide variety of recreation, mineral, geothermal, wildlife, grazing and water resources are also produced. The area contains mostly productive forest lands but does include non-forest and unproductive forest lands, and a wide range of soil conditions relating to stability and erosion potential.

Management Goal: Manage the area for the production and utilization of forest resources; principally timber, water, dispersed recreation, wildlife and grazing. Management efforts will recognize, protect or improve soil, mineral, geothermal, water quality, wildlife and visual resources.

Unroaded Recreation

Description: Such areas have the capacity to provide a variety of high quality recreation experiences (but do not possess the characteristics to qualify for wilderness classification). Proper administration of the area may require methods, improvements or activities that would not be allowed in Special Interest or Wilderness Areas.

Management Goal: Manage the area in a near-natural roadless condition for dispersed recreation. Some provisions will be made for user convenience, environmental protection and administration of the area. Other uses will be permitted where they do not reduce the opportunity for a primitive recreation experience.

Roaded Recreation

Description: These areas contain resources that have special attraction to recreationists who prefer to be reasonably near road systems. Recreation activities include berry picking, wildlife viewing, rock-hounding, snow play, fishing and hunting.

Management Goals: Manage the area to maintain or improve the dispersed recreation activities that are available. Provide reasonable road access consistent with recreation and environmental protection goals. Other uses will be allowed that do not significantly detract from the recreation values.

Watershed Management

Description: Areas used as watershed for a community where all other uses are subordinate to water quality and quantity, usually covered by special agreement.

Management Goal: Manage the areas primarily to provide high quality water for municipal purposes and permit other uses which are compatible with water quality.

Scenic Corridor

Description: These areas are generally along travel route corridors where there are significant scenic qualities or high public sensitivity to the visual environment. Areas are also managed for a variety of resources such as timber, wildlife, water and minerals.

Management Goal: Manage the area with primary emphasis on visual resources; usually retention or partial retention standards. Manage other resources in harmony with visual objectives.

Other

It may be necessary to include special categories in order to: (a) fit the above within existing or pending land management plans or (b) deal with a specific area where desired objectives do not fit in with the above categories or variations.

GOAL 2 - MAP DEFICIENCIES

A. Introduction:

The following discusses map deficiencies noted by the LCDC in the County's 1980 submittal.

B. Corrections: Deficiencies:

1. General: The tabloids submitted with the County's Plan to LCDC are generalized and it is further indicated on each copy that for specific detailed information refer to official adopted zoning maps in the Hood River County Planning Department. Larger Plan and Zoning Maps exist in the office (originals) but were not submitted. Due to the small scale of these tabloids, it was difficult in some situations to graphically display all boundaries correctly and the larger maps in the office must be used as noted above.

To further assist in solving the problem, the County is consolidating all of its Plans and will produce one Plan and Zoning Map for distribution to the public, scale 2½"=1 mile. Currently available in the Department is a Zoning Atlas consisting of tax assessment maps upon which all zoning is identified. Scale, primarily 1" = 200' and 1" = 400' and samples were sent to the Lead Reviewer (Mitch Rohse) who concurred with the approach.

In most situations the existing Plan maps and Zoning Atlas have clarified the deficiencies. The new Plan and Zoning Map tabloid will be updated to ensure all corrections are noted.

2. Schools: The designations of "School" and "Fair" will not be shown on the Plan Map. The zoning of Exclusive Farm Use and Residential (R-1) will prevail. "Schools" (private and public) are an outright permitted use in the EFU Zone and a Conditional Use in the R-1 Zone. This zoning exists for the sites in question. Conditional Use Permits exist for Mid-Valley Elementary School and the County Fairgrounds.
3. Clear Indications of Designation Boundaries: (1N 10E 31; 1N 10E 17; and 1N 10E 18) Adopted Zoning Atlas Maps show the river as the zone boundary. In Section 31, the dividing line is the Middle Fork and EFU zoning exists east with Forest zoning west. Floodplain zoning exists along the river. The larger Plan Maps reflect appropriate Plan designations of Forest and Farm. Further along the stream is the Plan designation of Environmental Management (see Map #1, Zoning Map, 1"= 400').

The Plan and Zoning designations and boundaries for the other sections are also shown on the existing Plan and Zoning Maps.

4. Strip of Land Undesignated: 1N 9E 12; and 1N 10E 7) The strip of land is planned Farm and zoned Exclusive Farm Use on the larger plan diagram and Atlas Zoning Maps in the Department. The new tabloid will be updated to reflect those designations.

Plan and Zoning designations on larger Plan Map and Zoning Maps show the areas between Farm and Industrial designations to be Farm and EFU Zoning. Again, due to the small scale of the tabloid, and lack of adequate time to do the job correctly, the smaller tabloid does not show in detail the designation for this area. Obviously it would be graphically difficult to do.

5. FM Designation: (SE¼, 1N 10E 22) Approximately 60 acres are mistakenly designated “FM” in the summary tabloid. There is not a “FM” designation described in the Plan. This is most likely a typographical error. The Plan diagram in the Department designates the area Farm, the adopted Atlas Zoning Maps designate the area EFU.
6. FA Designation: (NW¼, 1N 10E 22) Basically the same comments as above. The larger Plan and Zoning Maps designate the area Farm and EFU. Again, the new tabloid will reflect these concerns.
7. Area North of Parkdale: (1N 10E 32DC; 1N 10E 32DD; and 1N 10E 33) For clarification the area north of Parkdale is planned and zoned as outlined on Map 6 (Mt. Hood Planning Unit) and the zoning was also placed on tax assessor maps available in the Department (Ordinance 84, 6/13/77; 1N 10E 32DC and 1N 10E 32DD). Zoning to the northeast was also adopted through the same ordinance for the south ½ of the south ½ of 1N 10E 33 (see map 2).
8. Central Valley and Columbia Gorge Plan and Zoning: (2N 9E 1 portion of #300; and 2N 9E 2 portion of #200) This area has already been addressed in Goal 2 - Plan and Zone all undesignated lands, and the recommendation was to plan the area Forest, the zoning designation of Forest already exists. The area was zoned Forest by the Zoning Atlas. Through consolidation of all Plans, deficiencies such as these will be corrected.
9. Cascade Locks: (2N 8E 5 #200 and 900; U.S.A. ownership) The Cascade Locks Comprehensive Plan was acknowledged October, 1978. The site in question is in the UGB. Basically, the problem relates to graphics and mapping. The triangle was inadvertently left out on the Plan Map primarily due to the base map lacking that portion; the reproduction size would not allow inclusion of that specific corner, and through the zoning process, additional research within the adopted Plan stated the site was in a hazard area.

However, the adopted zoning map for that area does show the triangle (see Map #4) and the existing zoning to be Forest/Geologic Hazard. Justification for the Geologic Hazard designation is presented in the Acknowledged Cascade Locks

Comprehensive Plan, under Natural Hazards. In this section there is a Hazard and Floodplain trap showing that the area is a designated hazard area.

It was determined through the zoning hearings process that the area be planned and zoned Forest and Geologic Hazard Combining. The adopted Zoning Map was also expanded to include the triangle and the UGB. Unfortunately the Plan Map was not updated to reflect these changes, however, material in the adopted Plan supports those designations. Also a 400' elevation line is shown on the adopted Zoning Map which indicates where the Geologic Hazard Area begins.

This problem should have been addressed when the Cascade Locks Comprehensive Plan received acknowledgment.

The new Plan and Zoning tabloid will reflect the appropriate Plan and Zoning designations.

10. Two Large Parcels South of Parkdale: The two referenced large parcels south of Parkdale have been zoned and are shown on the Tax Assessors map, available in the office, as being zoned EFU in 1977. Nevertheless, the new tabloid, plan and zoning maps will show the area in question also as being zoned.
11. Forest/PUD Designation: The PUD designation does not exist. The Mt. Hood Plan diagram map states that the designation Forest with PUD was referred to the Electorate, however the results of the ballot measure stated that PUD (Planned Unit Development) designation would not be shown on the Plan diagram, but the Forest designation, 40 acre minimum lot size, would be shown. The ballot measure was voted on after the map was created, consequently it needs to be updated. Nevertheless the new plan and zoning map will not reflect the PUD designation.
12. Exception Area South of Parkdale: The large area southwest of Parkdale has been planned Rural Residential and zoned Rural Residential. An Exception report has been written (see Exception Document) and it is recommended that this entire area be replanned and zoned to Forest and Exclusive Farm Use. This area is not committed nor built out. The Planning Commission determined that the area should be planned and zoned EFU and Forest.
13. FES Plan: Within the FES (1977) Map 15 (following page 142) and the Community Land Use Map for Parkdale (between pages 142 and 145) show in general proposed U.S. Forest Service land use designations for the majority of private lands in Hood River County.

In short, the Mt. Hood Planning Unit resulted initially from a lengthy coordination and review process which involved the U.S. Forest Service, Bureau of Land Management, Hood River County, Clackamas County, the State of Oregon and numerous citizens. The FES (1977) and Mt. Hood Plan conceptually support each

other, however due to plan deficiencies noted by the LCDC, because the County has the responsibility to ensure all private, County and State lands are planned and zoned, and because the state of the Art (planning) has substantially changed since 1977, the following changes are being proposed for private lands within the County Plan: (See referenced reports for details; located in the Planning Department.

- (a) All undesignated (plan or zoning) private, State and County land to be appropriately designated. See report entitled GOAL 2: Plan and Zone All Undesignated Lands, September, 1982; covers all undesignated lands in Mt. Hood Area and others. (Report sent to affected property owners.)
- (b) Exception Area Report South of Parkdale; May, 1982, which recommends Forest and Farm designation for land zoned Rural Residential (property owners sent copies).
- (c) Additional map deficiencies within the Mt. Hood Area were further resolved in the Background Report entitled: GOAL 2 - Map Deficiencies.
- (d) Additional plan and zoning recommendations for the Parkdale area are noted in the report entitled GOAL 2: Proposed Plan Changes Parkdale Area.

Adoption of the above reports, etc., will assist in solving noted plan deficiencies.

The following recommendations are proposed.

- (a) Add the above information into the County Background Report.
- (b) Update the Federal Lands section to include the following strategies:
 - (1) Adopt as a Background Report the Mt. Hood Planning Unit, Final Environmental Statement 1977 as developed by the U.S. Forest Service except for all revisions determined by the County to ensure that all private lands are appropriately planned and zoned.
 - (2) Recognize, support and educate the public, agencies, etc., regarding the following concept and directive:
 - i. The concept that the FES map scale was chosen to describe the resource area characteristics primarily for the purpose of selecting a plan management direction etc., for the U.S. Forest Service and Bureau of Land Management lands. Specific direction on private, County or State land will continue to be their adopted or revised comprehensive plan and ordinances. They are not superseded by the FES.

- ii. The Goals, Policies, Strategies, and Land Use Designations and Standards developed by the County are not binding on the Management of the U.S. Forest Service Lands within Hood River County.

For additional clarification of map deficiencies in the Mt. Hood Area, see report entitled GOAL 2: Proposed Plan and Zoning Changes Parkdale Area.

- (c) Recommendations: Include the following as noted in the County Policy Document Background:
 - (1) Ensure new plan and zoning maps include all clarified deficiencies as noted above (Background Report).
 - (2) Add all the above information in the County Background Report.
 - (3) Add recommendations noted in Section 13. FES Plan to the Policy Document under GOAL 2: Federal Lands; Strategies (Strategies (1) & (2, i & ii).

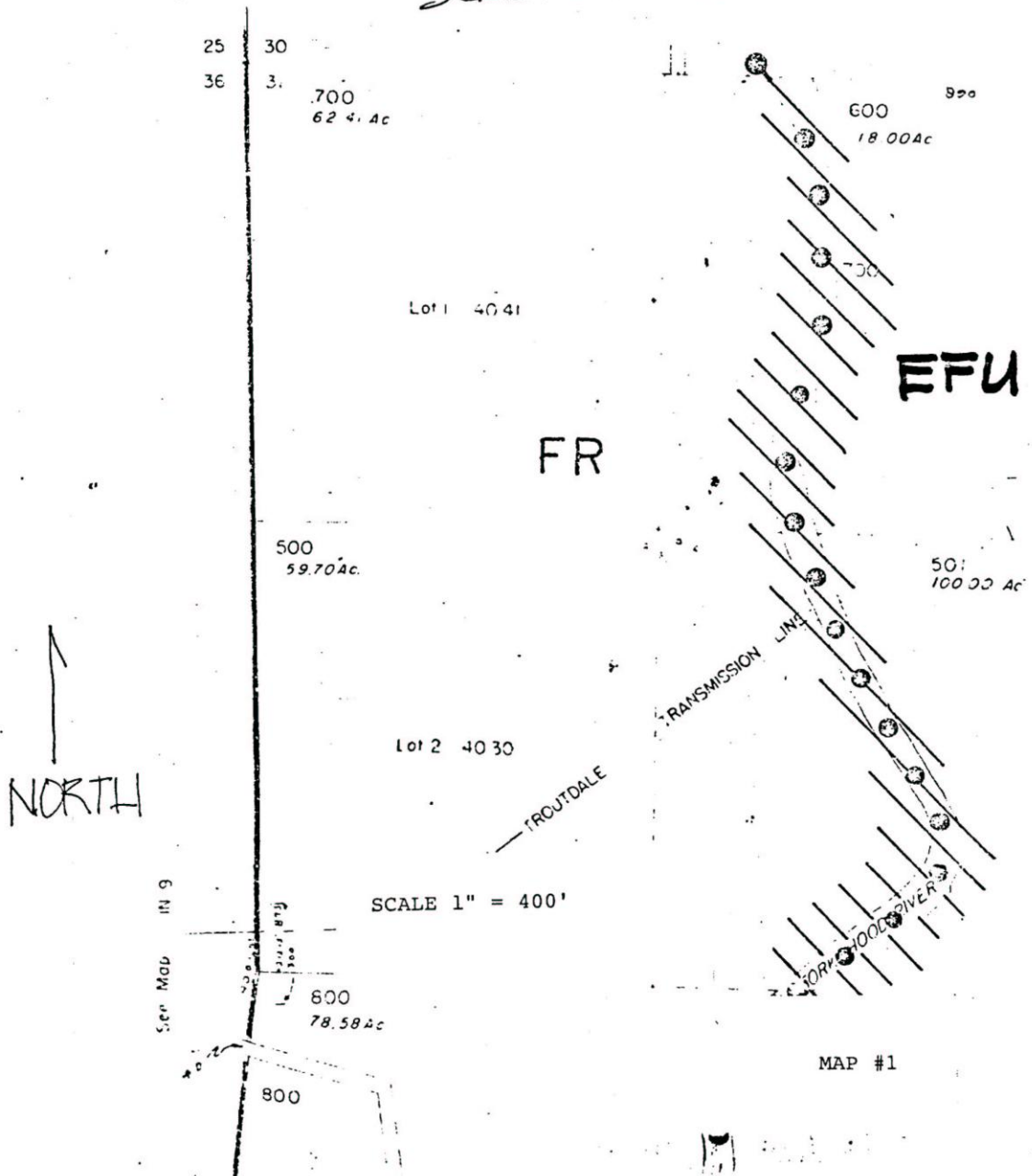
Section:
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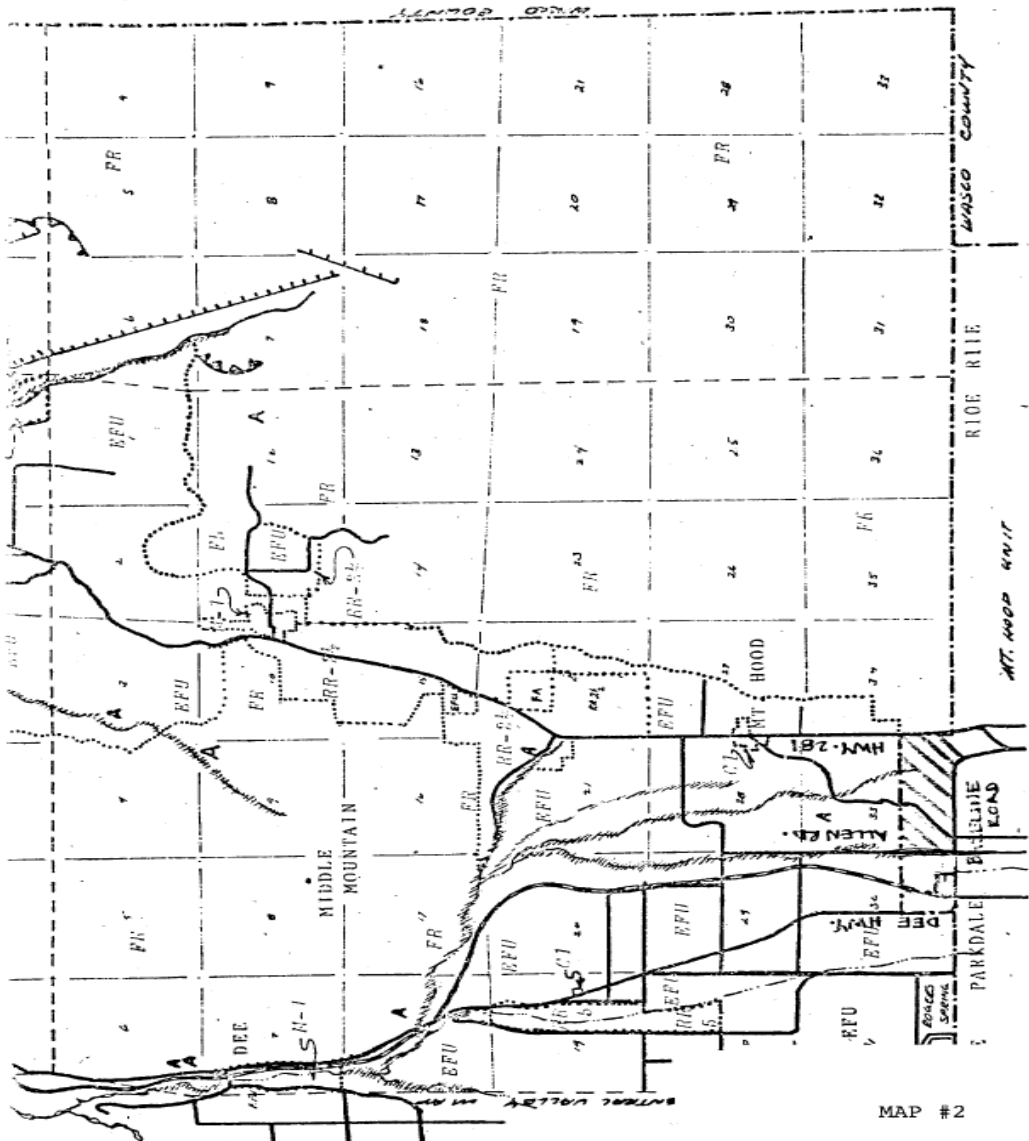
Hood River County Zoning Map

Ordinance # 106 Adopted 7/21/82

[Signature]
Hood River County Board of Commissioners

SCALE 1" = 400'

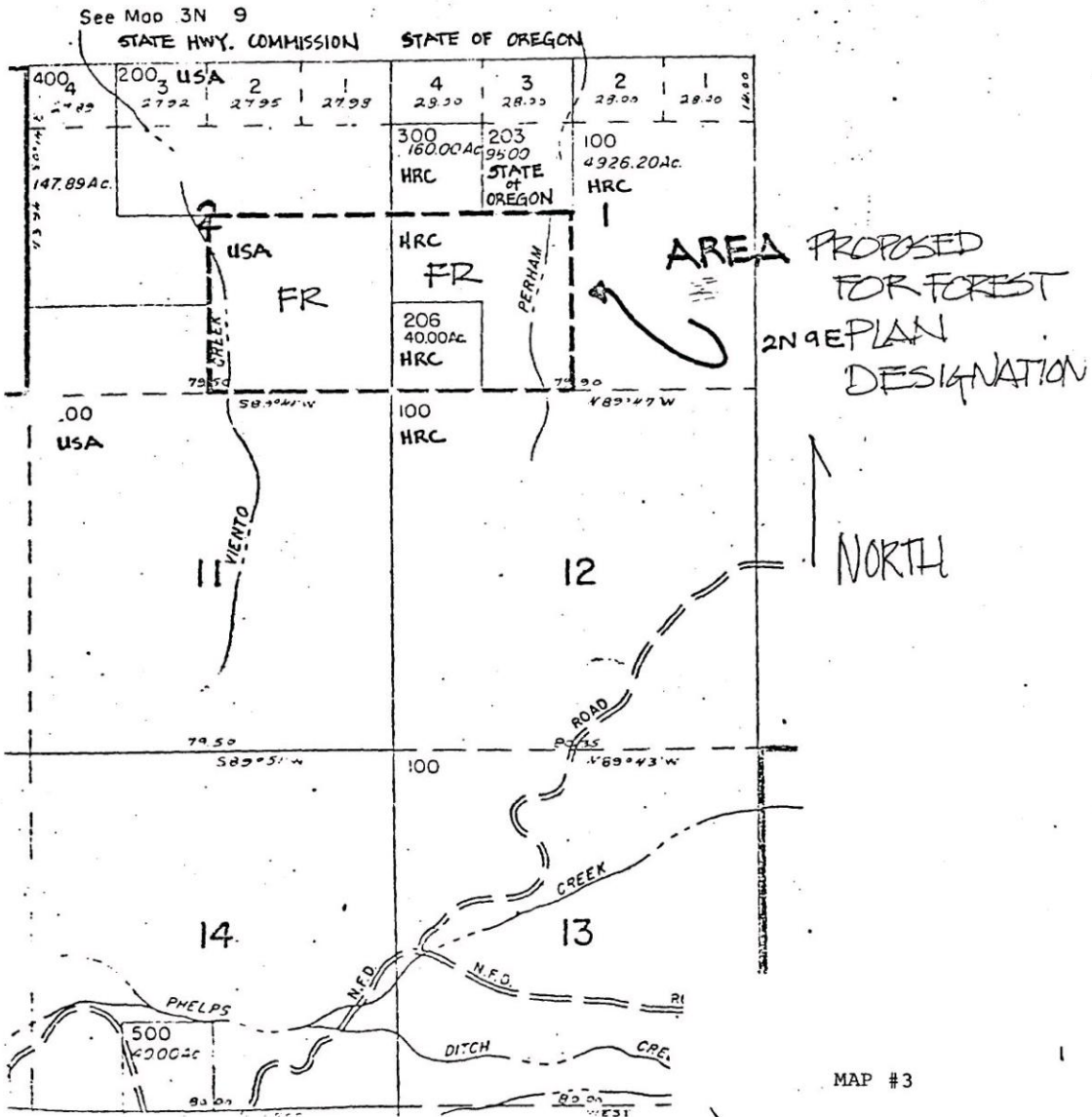


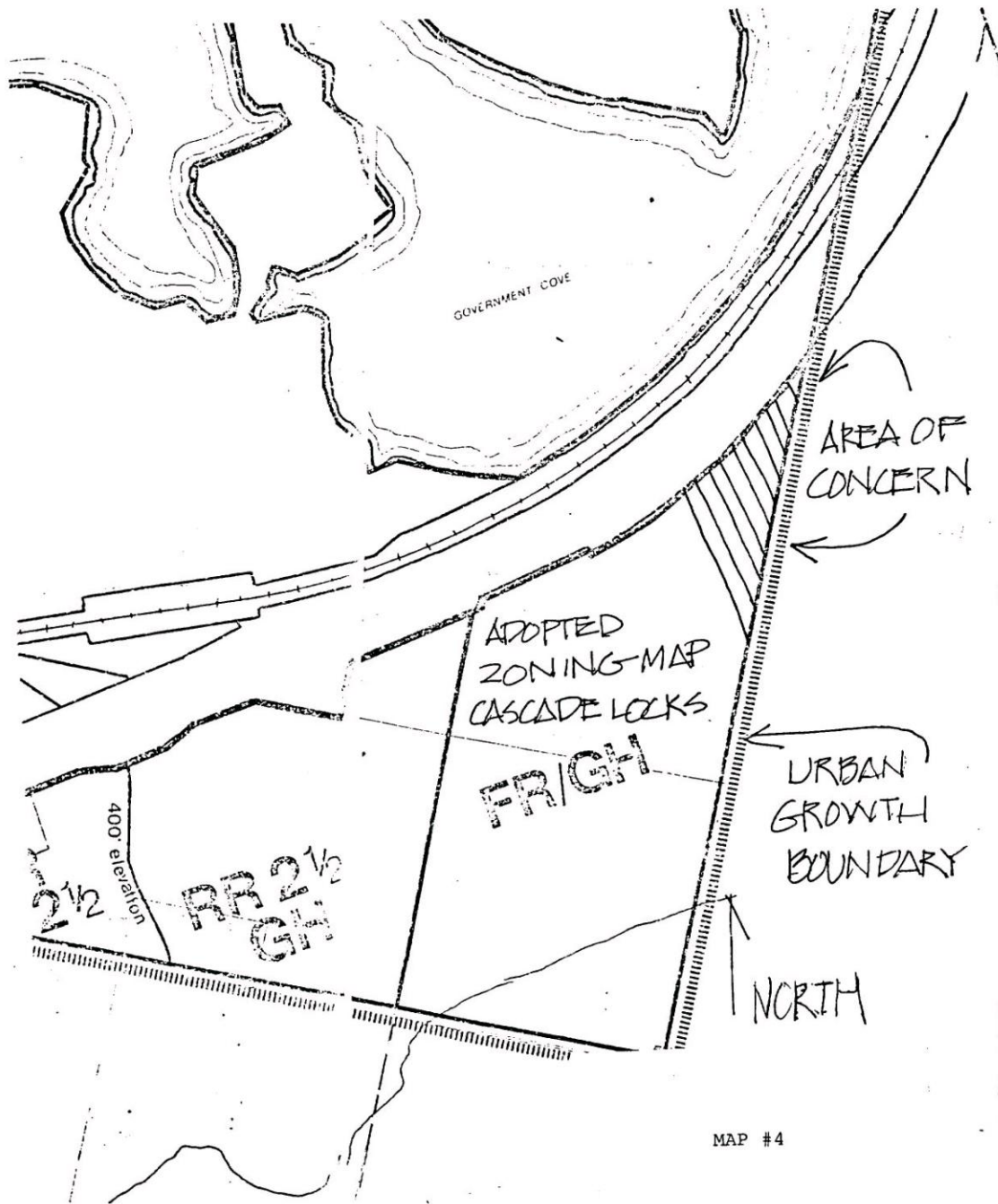


NOTE: FOR SPECIFIC INFORMATION, REFER TO THE OFFICIAL MAPS AT THE HOOD RIVER COUNTY PLANNING DEPARTMENT.

NORTH ↑

2N 9
& INDEX





GOAL 2: MAP DEFICIENCIES: (FLOODPLAIN AND ENVIRONMENTAL PROTECTION ZONING: EAST FORK OF THE HOOD RIVER)

A. Introduction:

A large area along the East Fork of the Hood River has been designated Environmental Protection (EP). It was necessary to implement the plan designation of EP with Environmental Protection and Floodplain Zoning.

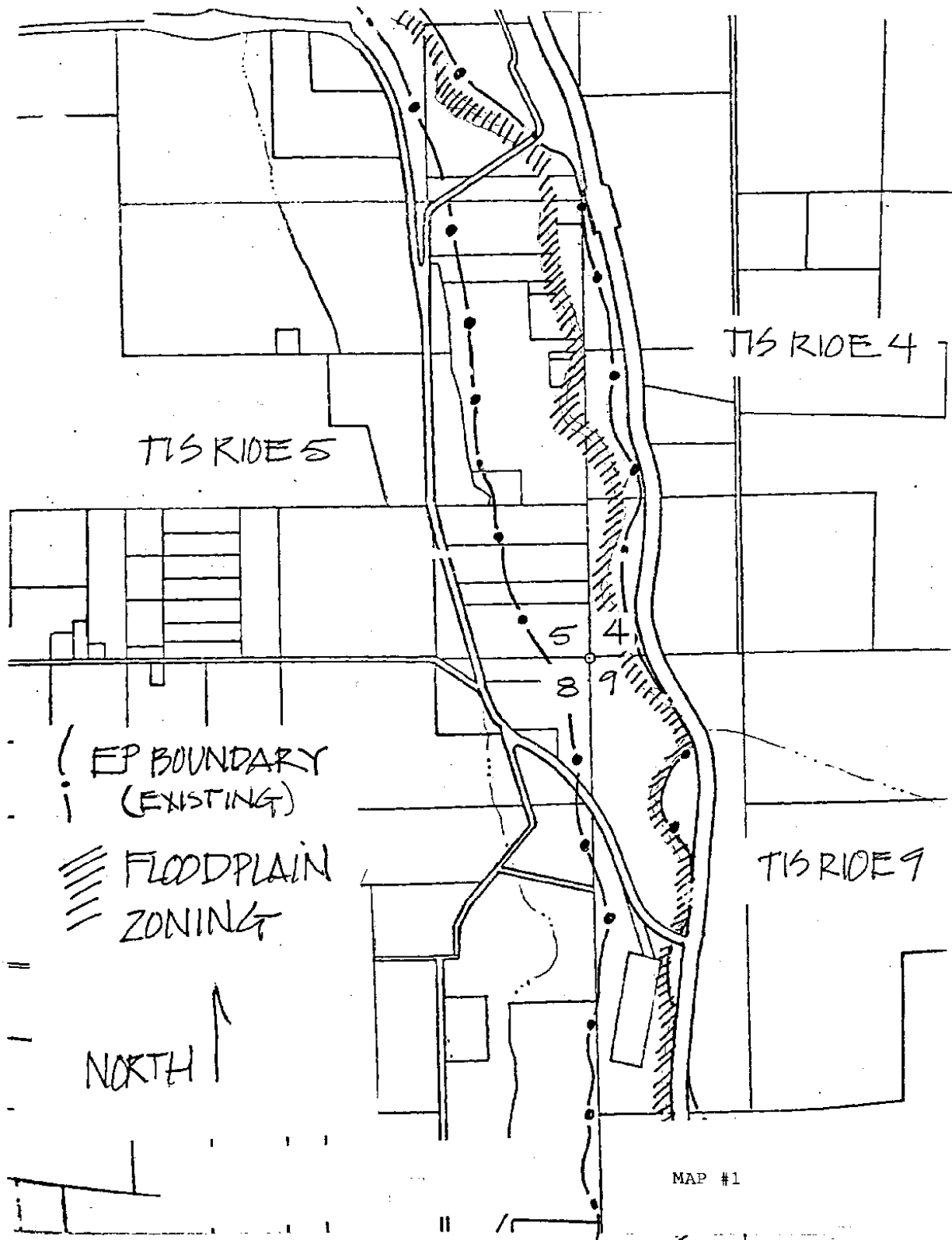
B. Discussion:

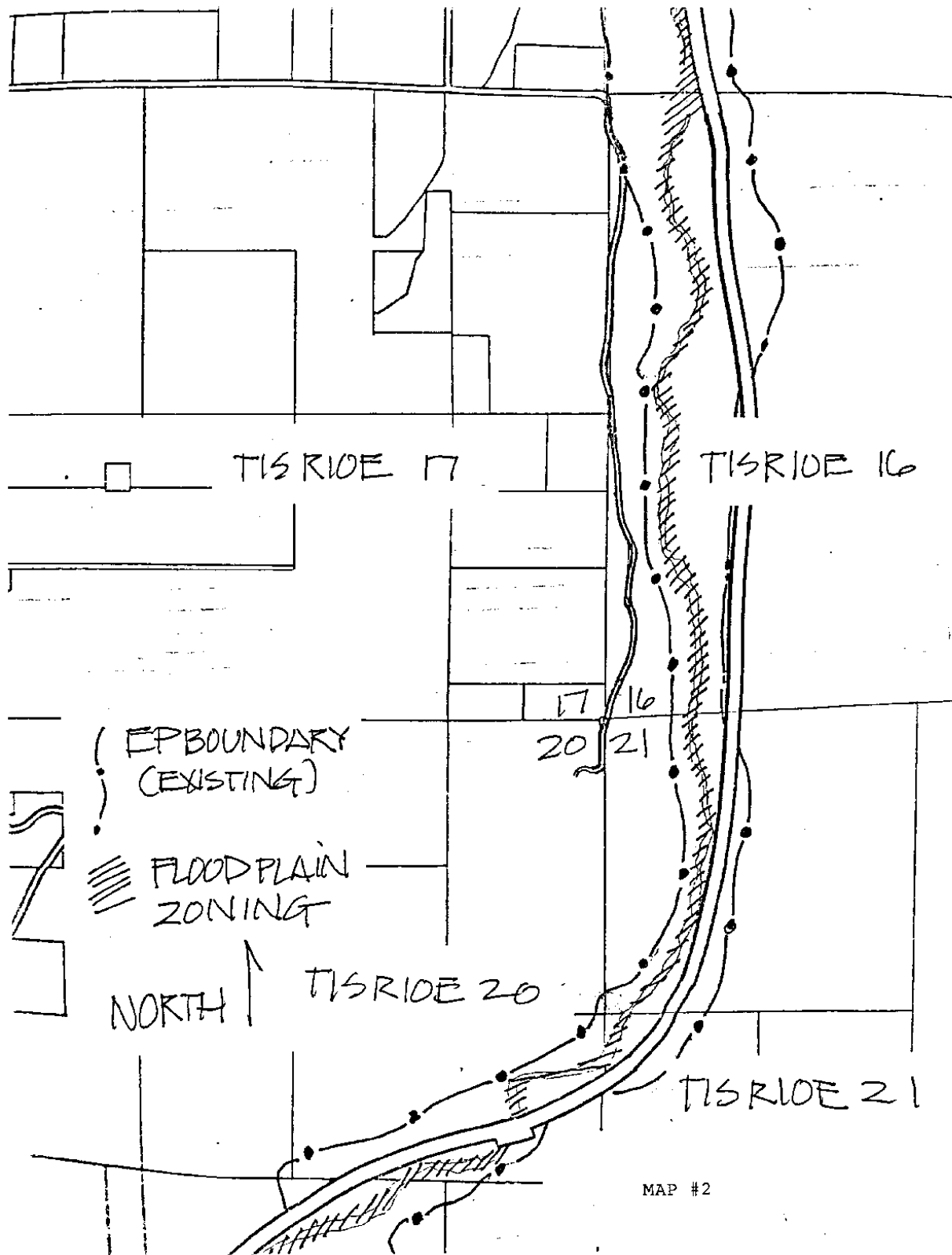
1. The Environmental Protection designation has existed since 1977 (over 6 years), yet proper zoning has not been implemented in recognition of the EP designation. Again, the Plan Designation is law and the County must implement that designation with commensurate zoning.
2. Sources used to identify the Floodplain included:
 - a. Flood Hazard Boundary Map; U.S. Department of Housing and Urban Development (HUD), 1977 maps 0004A and 006A).
 - b. Soil Survey of Hood River County Area, Oregon, U.S.D.A., Soil Conservation Service, and OAES, 1981.
 - c. 1979 aerials.
 - d. 1980 Flood information.
3. Obviously the Floodplain does not occupy the entire area designated Environmental Protection, consequently appropriate zoning commensurate with the EP designation must be applied to those lands between the Floodplain boundary and the outer EP boundary.
4. Map numbers 1, 2, and 3 show the existing Environmental Protection Plan designation and proposed Floodplain zoning along the river. It is highly questionable whether it is necessary to inform affected property owners because the Plan designation, which is the law, has been in existence for over 6 years and has been used continually to evaluate applications.
5. The Environmental Protection designation is also commensurate with the FES designation of Environmental Protection. This plan involved several meetings and hearings.

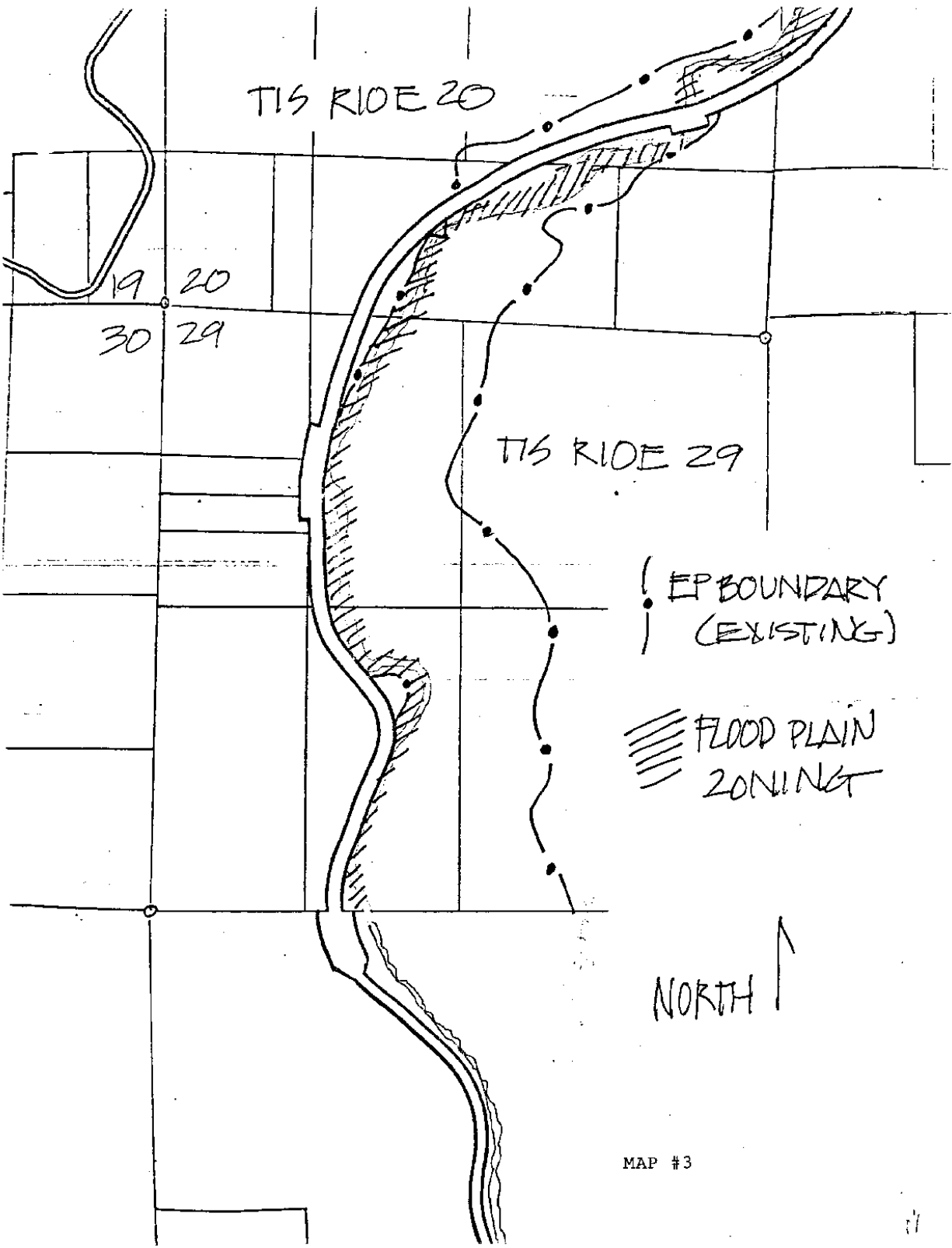
C. Recommendations:

1. Include information above in the Background Document.

2. Zone areas identified as Floodplain on Map numbers 1, 2, and 3 as Floodplain Zone (Article 44).
3. Zone remaining lands within the Environmental Protection designation Environmental Protection.







GOAL 2: PLAN AND ZONE ALL UNDESIGNATED LANDS

A. Introduction:

This report identifies lands that were primarily zoned but not planned and proposes plan designations.

B. Discussion:

Approximately 4,355+ acres in Hood River County do not have a Comprehensive Plan designation. Zoning for these acres was adopted on the official zoning maps of 1977 and 1980. The areas are shown in general on Attachment “F” and in detail on Attachments “A” through “E”. Areas having similar background information and recommendations were placed in groups. A larger detailed map is available for review in the Planning Department entitled, “Non-Designated Lands, June, 1982”.

I. AREAS A, B, AND C (2,000 ACRES)

- A. Location:
- Area A: 2N-9E-1 #106 and portion of #300
2N-9#-2 portion of #200
(see Attachment “A”).
 - Area B: 1S-8E-9 #300
(see Attachment “B”).
 - Area C: 1S-8E-13 #400 1S-8E-24 #800
1S-8E-25 #1000 1S-8E-26 #1100
1S-8E-35 #1200 1S-8E-36 #1300
(see Attachment “C”).

B. Background Information:

Zone: Forest (FR), existing.

Access: Areas B and C have limited access from Lolo Pass Road. Logging, Forest Service, or other roads may exist to Area A.

Public Facilities and Services: Limited. Fire protection provided by State Forester.

Ownership: Area A: Hood River County and federal surrounded by HRC, USA and state ownership.

Area B Hood River County, surrounded by federal ownership.

Area C Champion International Corp., surrounded by federal ownership.

Soils: Area A: No Soil Conservation Service data.
Area B: No Soil Conservation Service data. Forest site class 3-4-5 (USFS Soil Resource Inventory)
Area C: No Soil Conservation Service data. Forest site class 4-5 (USFS Soil Resource Inventory).

Land Use: Area A: County forest and Mt. Hood National Forest land. Adjacent lands all public.
Area B: County forest land. Adjacent lands all federal.
Area C: Commercial forest land. Adjacent lands all federal.

Flood Hazard: Area A and B, no flood hazard identified by H.U.D. Flood Hazard Boundary Maps.

C. Recommendation:

Area A: Designate Forest (2N-9E-1 #206 and portions of 300; and 2N-9E-2, portions of #200);

Area B: Designate Forest (1S-8E-9, #300);

Area C: Designate Forest and Environmental Protection, and zone Forest and Floodplain, as mapped by H.U.D. on West Fork Hood River, McGee Creek, Red Hill Creek and an unnamed creek. (1S-8E-13 #400; 1S-8E-25 #1000; 1S-8E-26 #1100; 1S-8E-35 #1200; 1S-8E-36 #1300; and 1S-8E-24 #800).

D. Proposed Findings:

1. Soils are suitable for forest use.
2. Land is currently in commercial forest use.
3. U.S. Department of Housing and Urban Development maps identify flood hazards on West Fork Hood River, McGee Creek, Red Hill Creek and an unnamed creek. Other private lands within the County with H.U.D. flood hazard designations are or will be designated Environmental Protection.
4. 320 acres are in the County ownership. The State Attorney General directs that all County forest land be used for forest purposes unless a referendum is passed by the public to do otherwise.

5. All areas are isolated and surrounded by public ownerships.

II. AREA D (1,293.60 acres)

A. Location: 1S-9E-12 #300, 1S-9E-13 #200, 1S-9E-24, 25 #400 (see Attachment "D").

B. Background Information:

Zone: Forest (FR); existing zoning.

Access: Clear Creek Road; Laurence Lake Drive

Public Facilities and Services: Forest lands are protected by the State Forester, not in a water district, other services limited.

Ownership: Hood River County, surrounded by private lands to the east and USFS land to the west.

Soils: SCS data not available for total area (see large scale map for limits of survey). 4.0± acres of agricultural class I-IV, 1,290.0± acres of cubic foot site class 3-5.

Land Use: County Forest.

Flood Hazard: No flood hazard identified by H.U.D. Flood Hazard Boundary Maps.

C. Recommendation: Designate those portions of 1S-9E-12 #300; 1S-9E-13 #200; and 1S-9E-24, 25 #400 within the Lava Beds as described on the USGS sheets (see Goal 2 - Plan designations - Natural Areas) as Natural Area and zone NA. Designate remainder of these tax lots as Forest.

D. Proposed Findings:

1. Area is in County ownership and is currently in forest use.
2. Area has been zoned Forest.
3. Soils are site class 3-5.
4. The State Attorney General directs that all County forest land be used for forest purposes unless a referendum is passed allowing other uses.

III. AREA E (160.0 acres)

A. Location: 1S-9E-24 #500 (see Attachment “D”).

B. Background Information:

Zone: Rural Residential - 5 acre; existing

Access: Clear Creek Road.

Public Facilities and Services: Not within a rural fire protection district, water district or sanitary district; phone and power may be provided upon arrangement with the appropriate utilities.

Ownership: Private (Edelweiss Meadows, Oregon, Ltd.)

Soils: Cubic foot site class 3-5.

Land Use: Vacant, receiving forest tax deferral.

Other: The Planning Commission recommended rezoning and planning of this area to Forest (Exceptions hearing, May 25, 1983).

C. Recommendation: Designate and zone the area Forest.

D. Proposed Findings:

1. Cubic foot site class soils 3-5 exist throughout the area.
2. No development has occurred in the area.
3. Limited public facilities and services are available.
4. No agricultural class I-IV soils are present.
5. Currently does not meet the exception criteria or built out or committed criteria.

IV. AREA F (902.0 acres)

A. Location: 1S-9E-1 #100, 101, 200, 201, 500, 600; 1S-9E-12 #100, 200, 201, 202, 500, 600, 601, 700, 800, 900, 1000; 1S-9E-13 #300. (See Attachment “E”.)

B. Background Information:

Zone: Existing; Forest, Forest-Surface Mining Combining; Exclusive Farm Use and Exclusive Farm Use-Surface Mining Combining.

Access: Laurence Lake Drive, McIntosh Drive, Crusher Drive, Culbertson Drive, Baseline Drive.

Public Facilities and Services: Portions of 1S-9E-1 and 12 are within the Parkdale Rural Fire Protection district boundary. Mail delivery to the nearest main road; Individual septic systems; phone and power provided upon request (developer may incur some of the cost).

Ownership: All private ownerships.

Parcel Sizes: Parcel average is 90 acres (largest 243 and 230 acres; smallest, 3.0 and 6.0 acres).

Soils: Agricultural Class I-IV and cubic foot site class 3-4 throughout area. Portions of 1S-9E-1 and 12 have lava bed formations.

Land Use: With the exception of 1S-9E-12 #201, (5.60 acres) and 1S-9E-1 #600 (2.96 acres), all parcels have either farm or forest tax deferral (435 acres in farm; 300 acres in forest). There are 10 houses and farm labor houses in the area. Majority of the land is in orchard, other farm uses and woodland.

Other: Clarification is necessary concerning 1S-9E-1 and portions of tax lot #200 and 201 (see file #81-14). This area was zoned SM Combining and supported by the Commission and Board, however the County's action was appealed to LUBA by surrounding property owners. LUBA remanded back to the County due to lack of an adequate Plan designation. In the interim, the LCDC Goal #5 Critique directs the County to evaluate the Parkdale Lava Beds, Rodger Creek Springs and McIsaac through the Goal #5 process. (See Goal #5 reports dealing with: (1) Water Areas, Wetlands, Watersheds, and Ground Water Resources, and (2) Ecologically and Scientifically Significant Natural Areas). These reports evaluate all Goal 5 concerns for these areas. Due to the above concerns a separate report has been prepared. See report dated May 2, 1983 entitled "Goal 5: Background Report: Mineral and Aggregate Resources: Green Pit (Site 27; also known as Jame Corp., Inc. Pit)".

C. Recommendation:

1. Plan and Zone Natural Area all portions of the following tax lots that lie within the Lava Beds as shown on the U.S. Geological Survey Sheets: (a) Dog River, Oregon, 1962 photo, revised, 1979; (b) Mt. Hood, Oregon, 1962 photo, revised, 1979; (c) Dee, Oregon, 1977; and (d) Parkdale, Oregon, 1974, all 7.5 minute series.

1S-9E #100, 200, 201, 500, 600

1S-9E-12 #100, 200, 202, 600, 700, 500, 800

2. Plan and Zone Forest: 1N-9E-12 remainder of: W½ of 100, 200, 500, 600, 700, 800, and all of 900 and 1000.

1N-9E-13 all of #300.

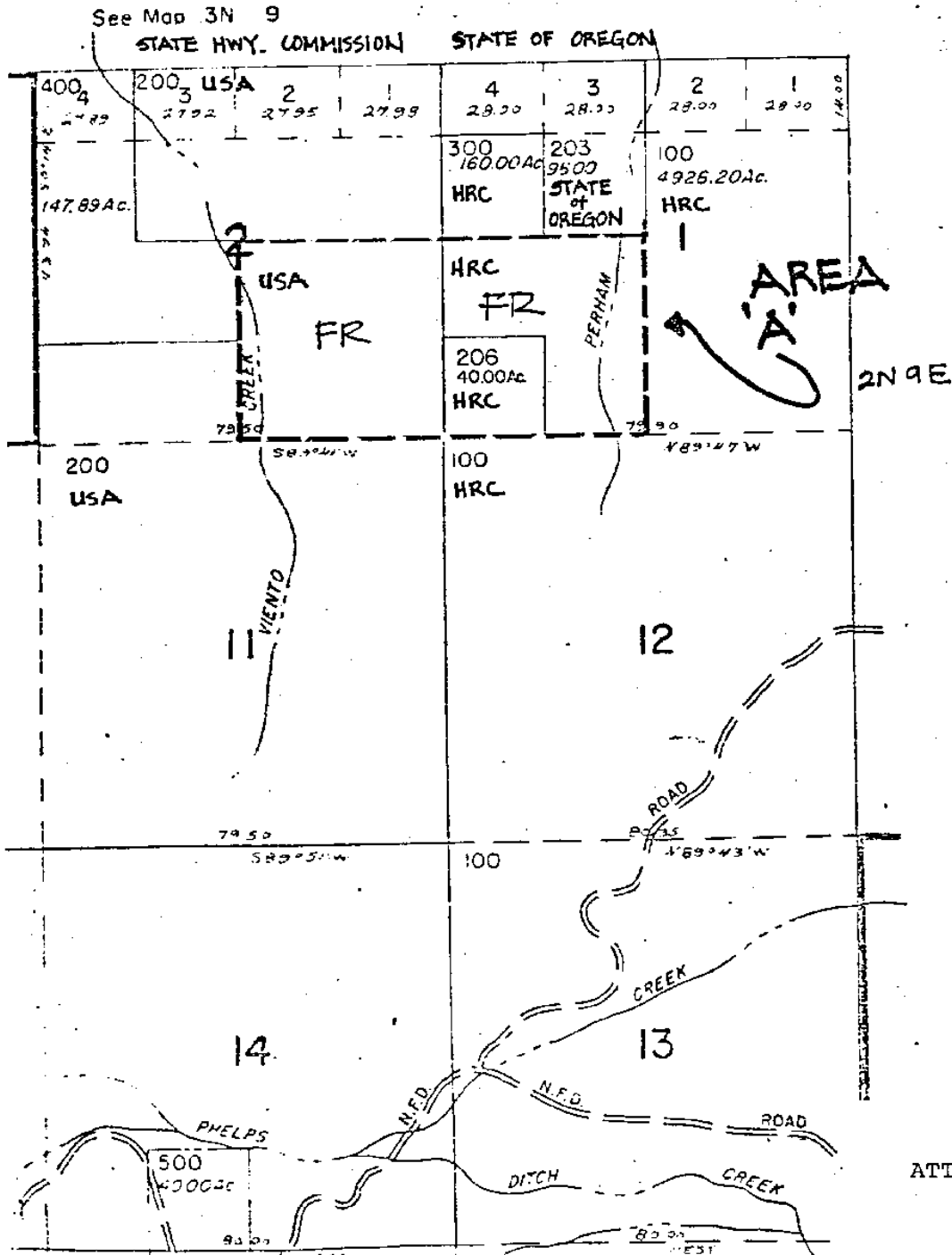
3. Plan Farm and Zone EFU: 1N-9E-1 remainder of: 100, 200, 201, 500, 600 and all of 101. 1N-9E-12 E½, #100, 201, 202, and 601.
4. *1S-9E-1 portion of #200 (see file #81-14); due to concerns raised below a recommendation is not made at this time but will be forthcoming in a separate report
5. *1S-9E-1, a portion of tax lot #201; due to concerns raised below a recommendation is not made at this time but will be forthcoming in a separate report.

D. Proposed Findings:

1. Average parcel size is 90 acres.
2. Majority of land is in farm or forest use.
3. Agricultural Class I-IV soils in Sections 1 and 12.
4. Cubic foot site class soils 3-4 exist throughout the area.
5. Development in the area is associated with farm uses.
6. Zoning which has been in effect since 1977 is generally consistent with the soil types and land uses of the area.
7. Natural Area designation is suitable to protect and conserve the Lava Beds and associated water resources.

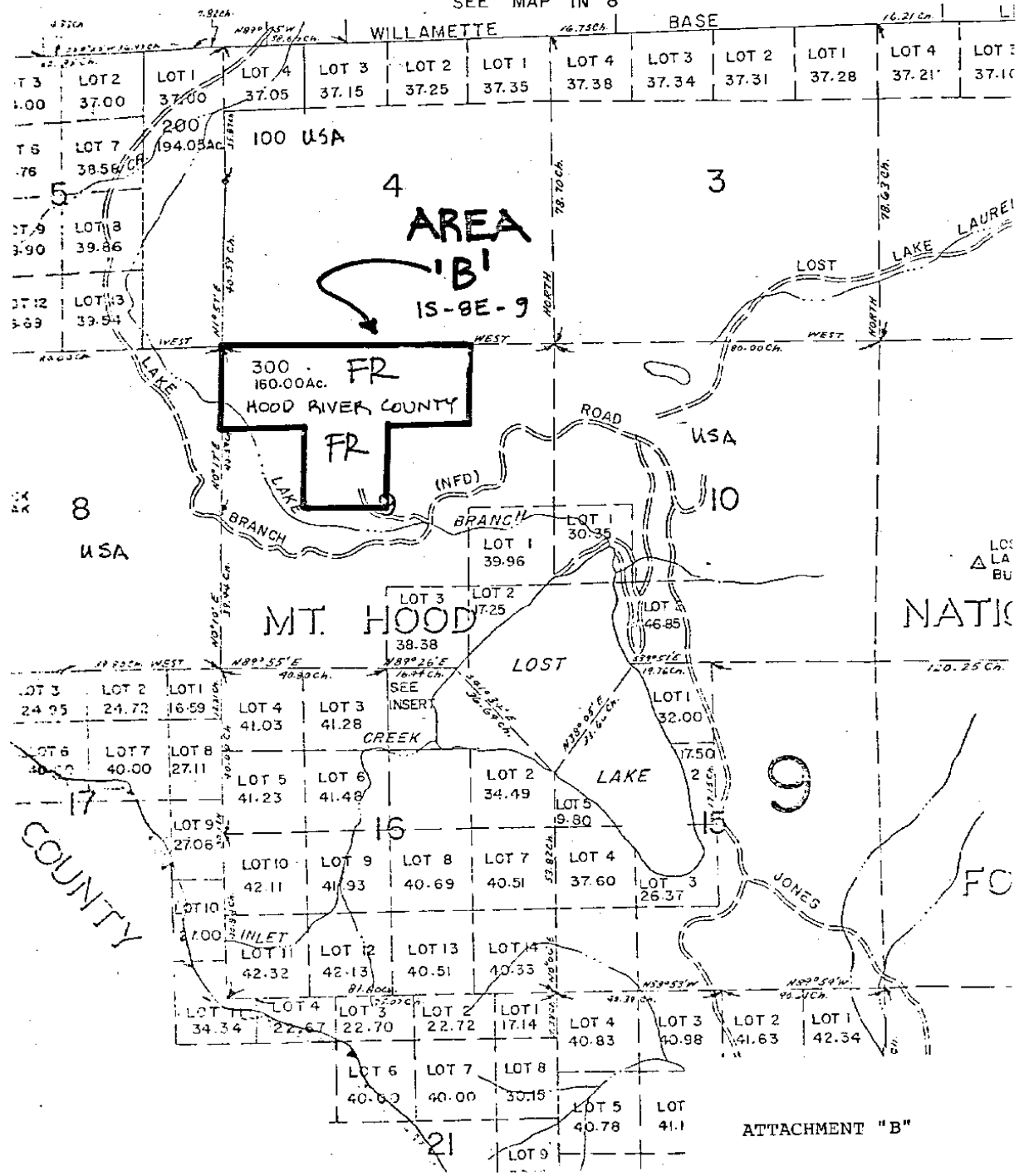
* The existing zoning for the property in question is Surface Mining Combining, an overlay zone with base zones of Forest and Exclusive Farm Use (see file #81-14 available in the Planning Department). A Plan designation currently does not exist for these properties. Due to the remand from LUBA (LUBA #81-080) the County must consider and take action regarding the grounds upon which LUBA remanded (e.g., lack of a Plan designation, and because previous “findings” did not indicate that the commercial quarry and rock crusher operation were consistent with Statewide Goals 2,3,4,5, and 6) prior to making a recommendation regarding the Plan designation.. Also the site is directly and indirectly affected by new information gathered through the Goal 5 process namely Natural Areas. Due to the above concerns a separate report has been reared. See report dated May 2, 1983 entitled Goal 5: Background Report: Mineral & Aggregate Resources: Green Pit (site 27; also known as Jame Corp., Inc. Pit).

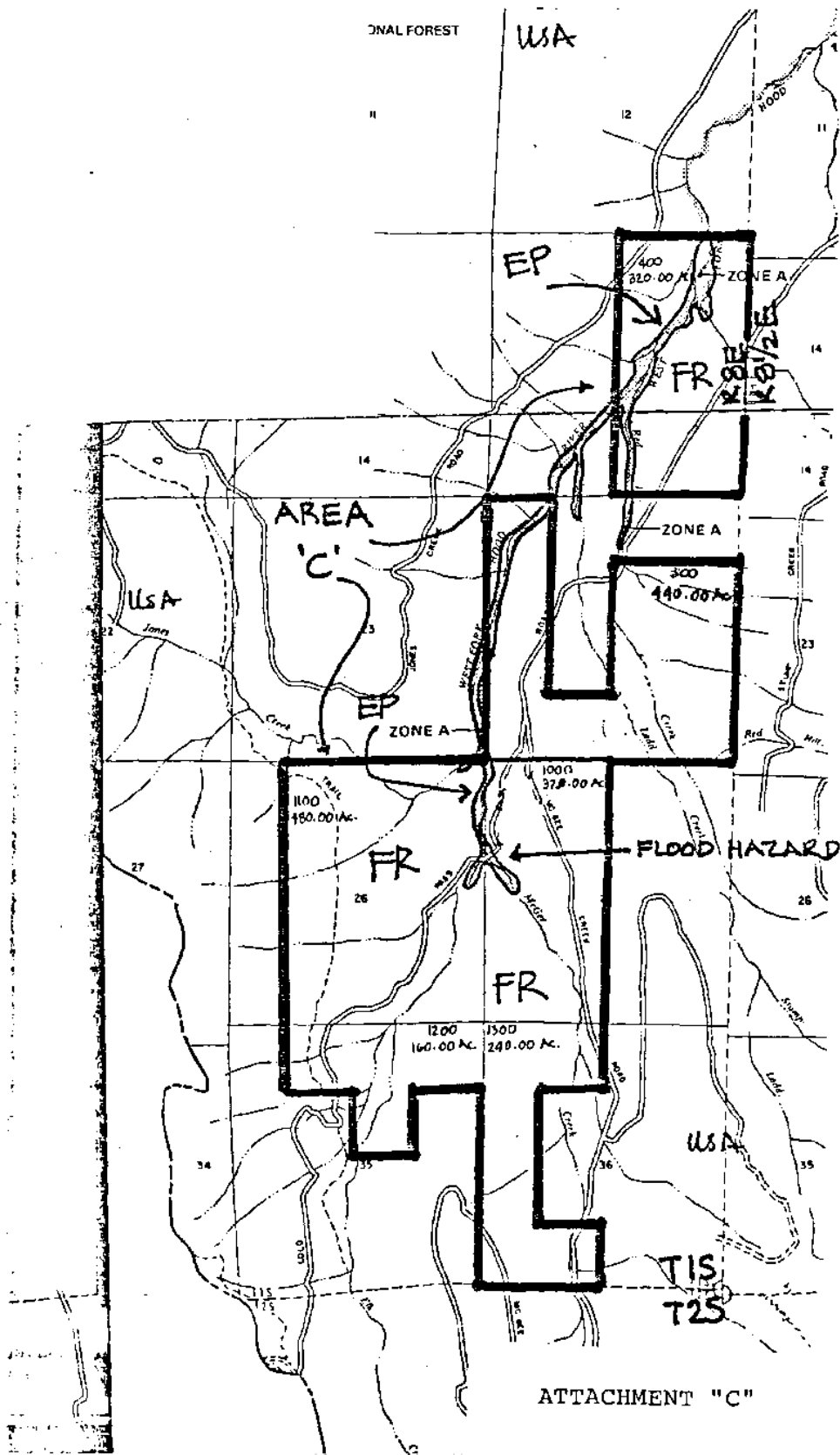
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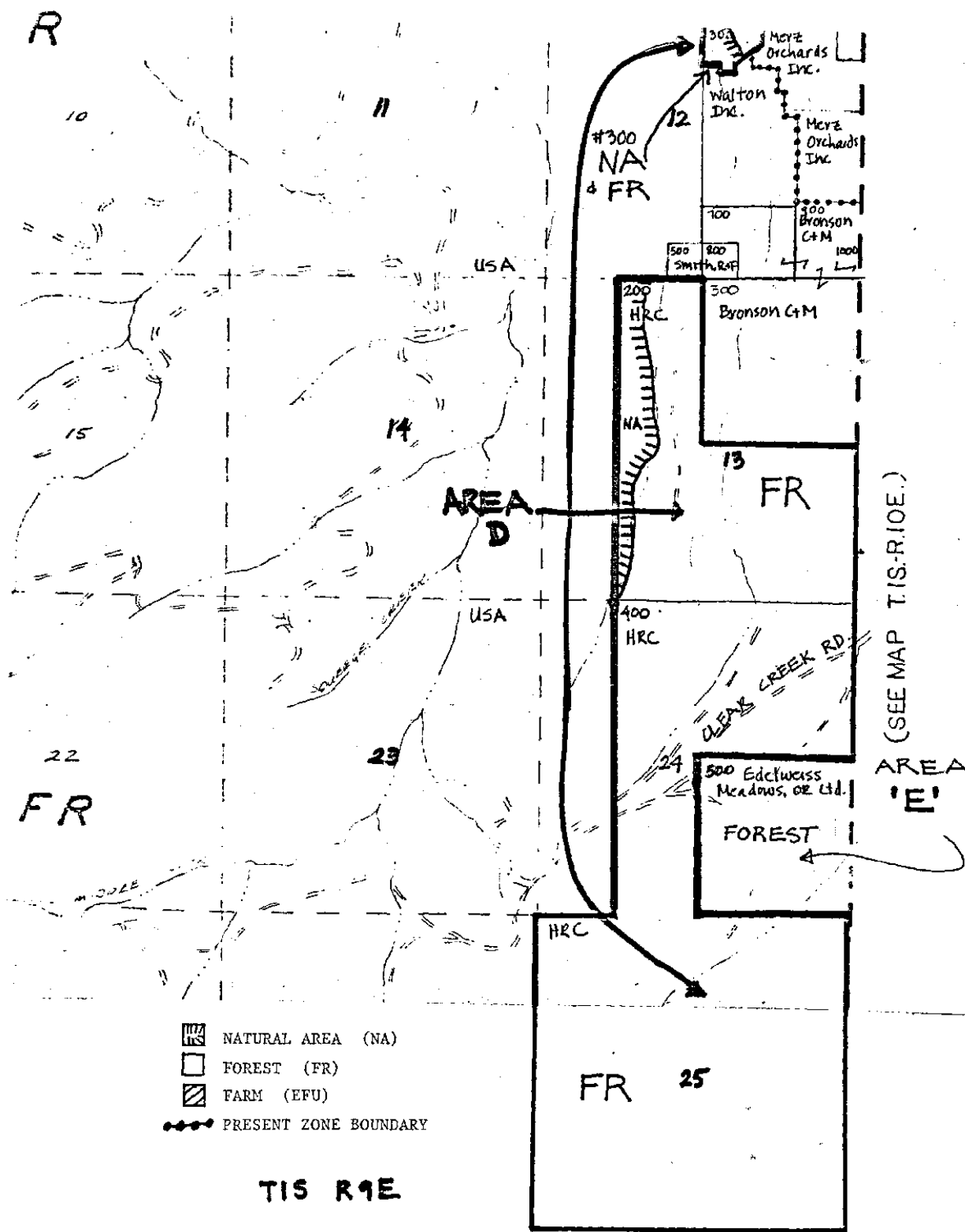
T.1S. R.7&8E. W.M.
HOOD RIVER COUNTY

1" = 2000'
SEE MAP IN 8



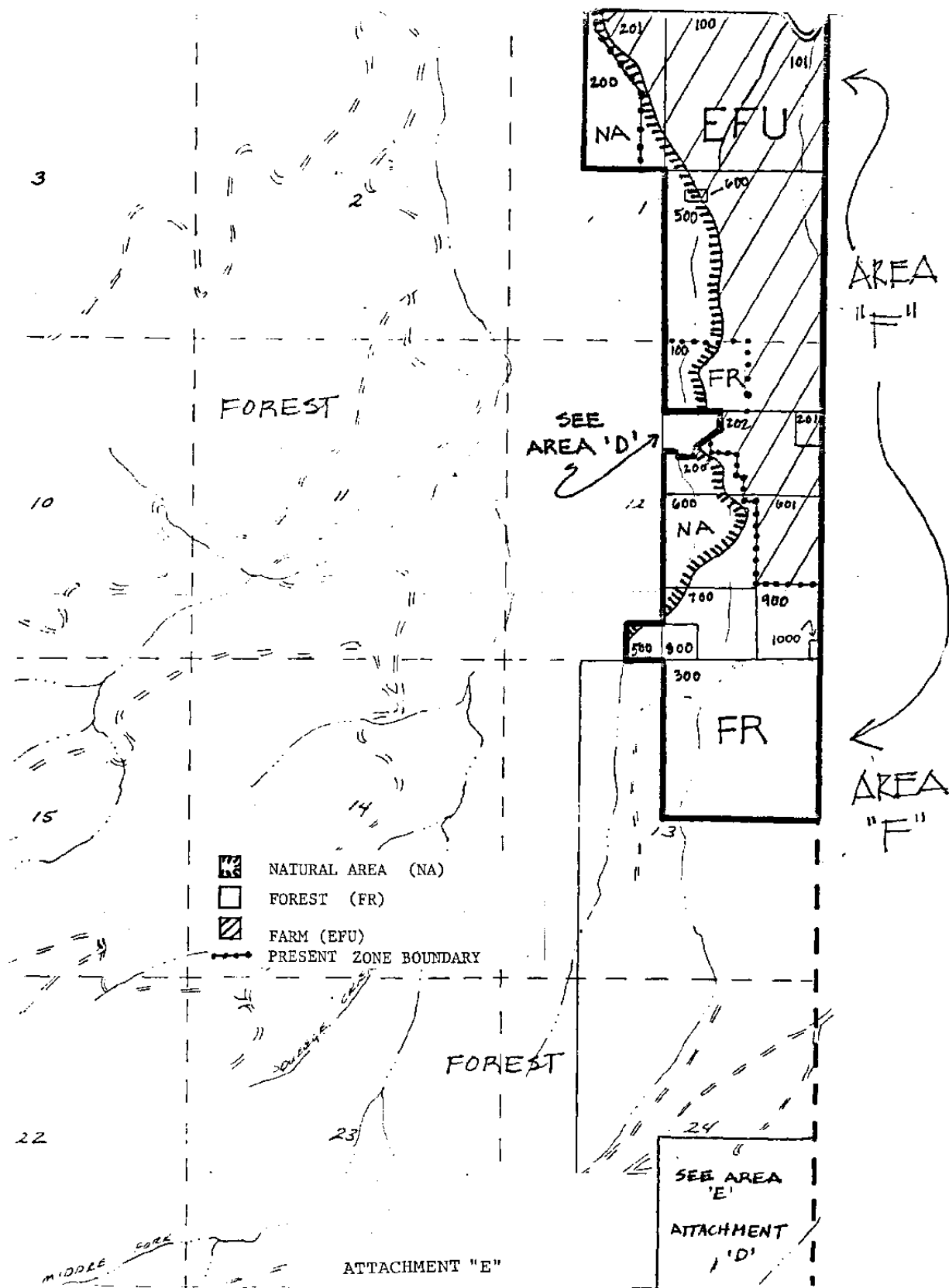


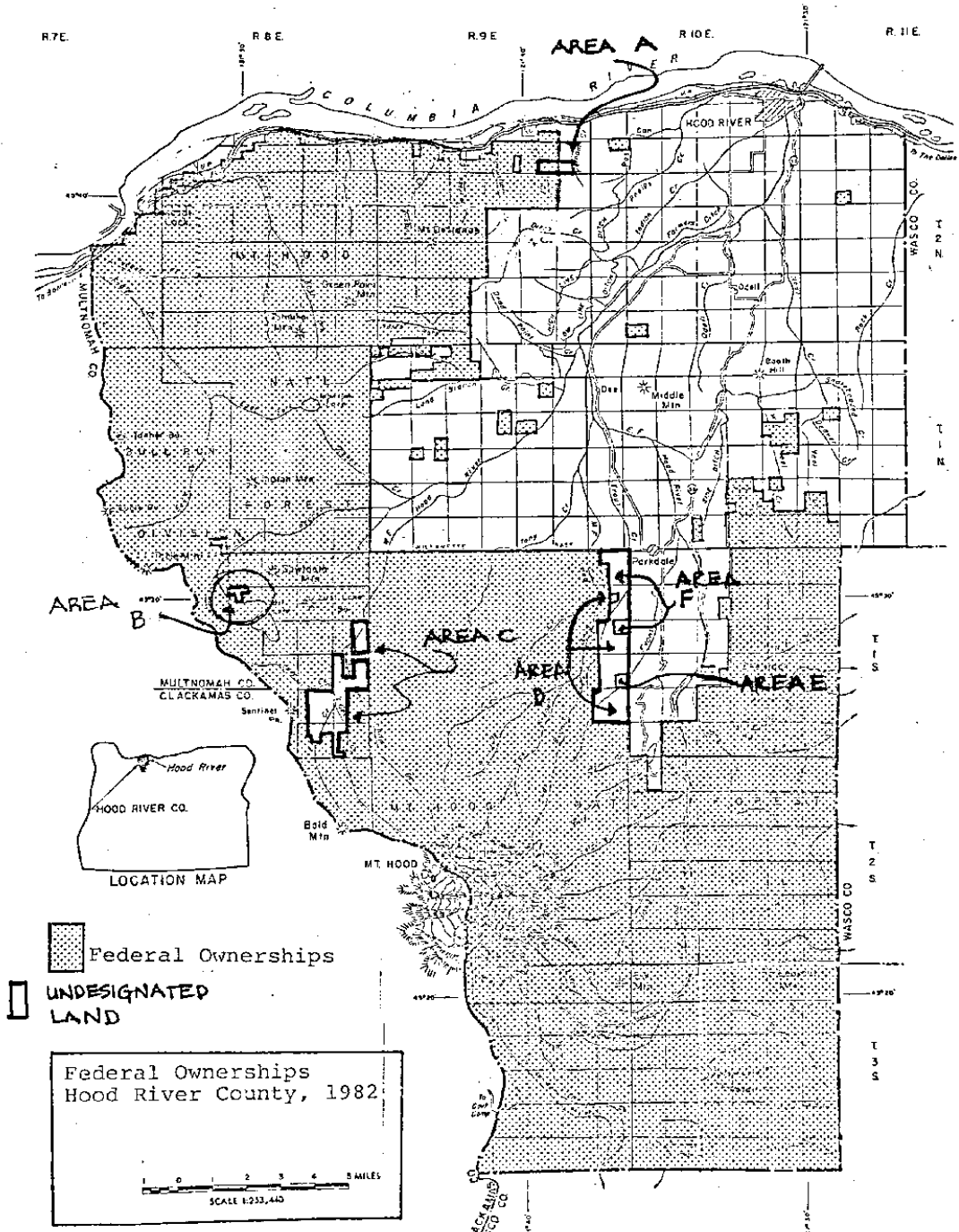
ATTACHMENT "C"



T1S R9E

ATTACHMENT "D"





ATTACHMENT "F"

For specific details see large scale map, "Federal Ownerships, 1982".
 Hood River County Planning Department, Hood River, Oregon.

GOAL 2: PLAN CHANGES - PARKDALE AREA

A. Introduction:

These parcels all have Plan designations and Zoning, however, the overall problem is to ensure that they coincide and ensure that the Plan is properly implemented.

B. Discussion:

1. Special Site: It is recommended that the Special Site designation be deleted for the following reasons: (a) to avoid creating additional zoning ordinances; (b) to maintain consistency with other designations and previous decisions; (c) because none of the other planning areas used this designation; (d) to avoid spending additional County time in the form of research to identify other special sites throughout the entire County; (e) to expedite the overall compliance process; and (f) to avoid creating additional conditions for review of applications. Again, it was not developed as a Plan designation for other parts of the County. In the majority of situations the adopted zoning recognizes what exists, however the Plan designation must be updated. See Attachments "A", "B", "C", and "D" for proposed Plan designations.

The proposed Plan designation for Area 1 is Medium Density Residential (see Attachment "A" and "B"). This recognizes the existing zoning of R1-7500 and schools would be considered as a conditional use. This is consistent with other decisions in other parts of the County and will assist in achieving compliance in a short period of time; also adjacent areas to the east and south are zoned R-1.

The proposed Plan designation for Area 2 is Industrial which is consistent with the existing zoning, M-1 (see Attachment "B"). Changes of use would be required to go through an Industrial Land Use Permit. The County should consider replanning and zoning the adjacent mill operation to the north as industrial. This however, is not a compliance item.

The proposed Plan designation for Area 3 is Commercial. This is consistent with the existing zoning (see Attachment "C").

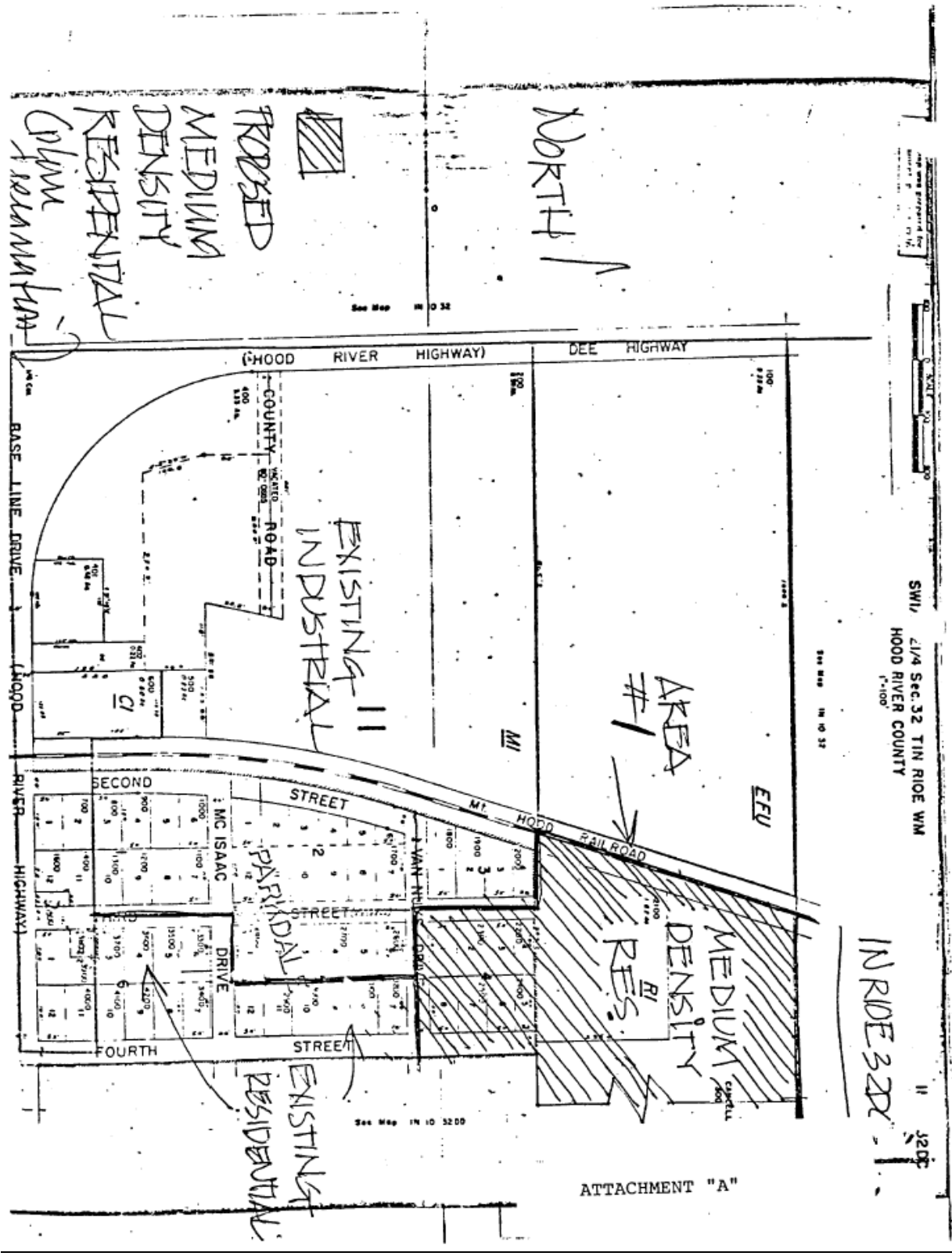
A Special Site designation has also been applied to the State maintained shop, yard, etc., along the east side of Highway 35. (See Attachment "D", Area 4.) The site is located in T1S R10E 4 #101 and 301. The existing zoning is Forest which has been in existence since 1977. The Forest Zone permits outright utility facilities necessary for public service except commercial facilities generating power for public use for sale. It is recommended that the Plan designation for Area 4 be changed to Forest.

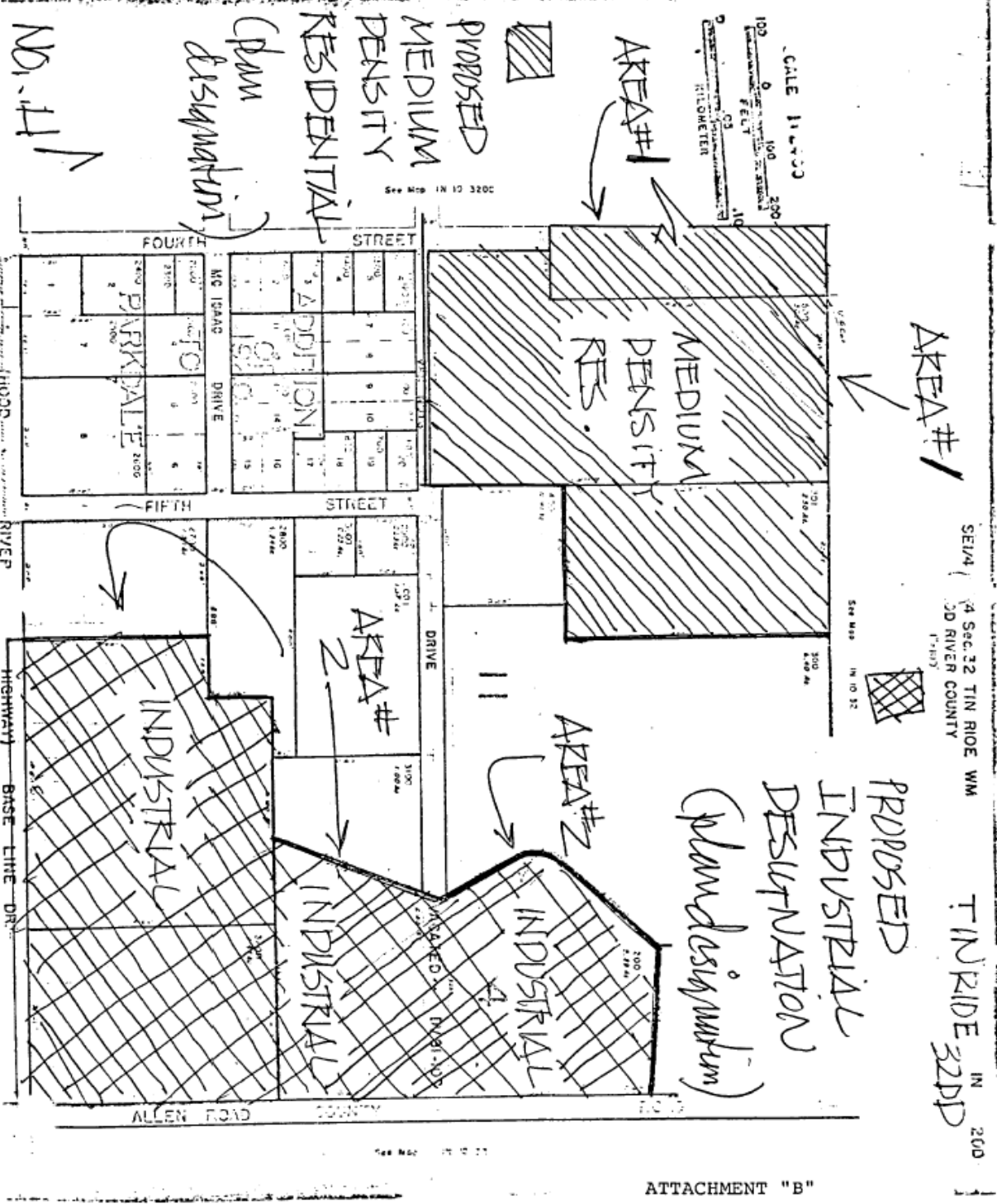
2. Farm Areas: Area 5 north of Diamond Fruit operation currently in orchard and zoned Exclusive Farm Use. The site is located adjacent to existing agricultural

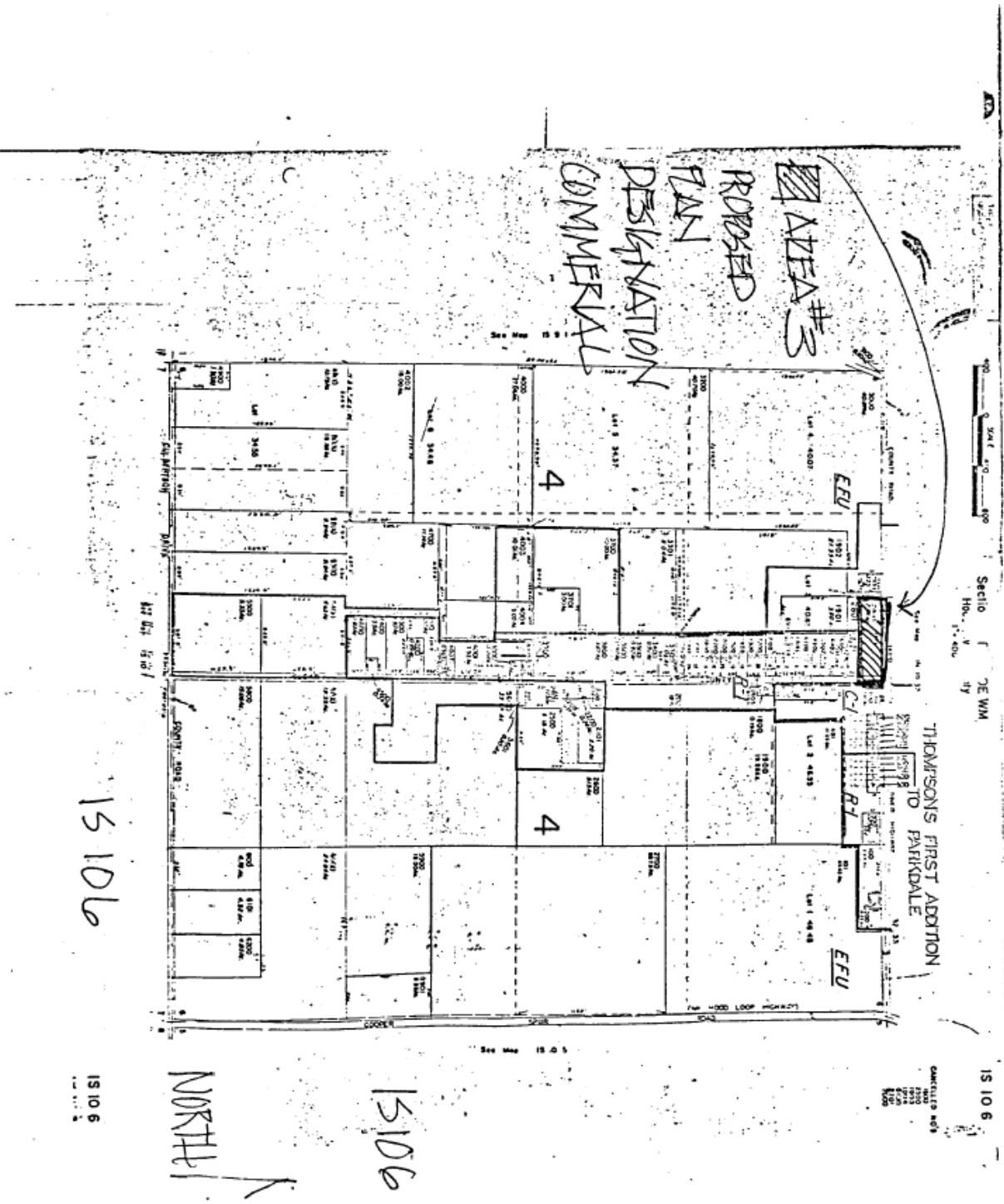
industrial use which has been justified through an Exception. Mt. Hood Railroad abuts the property to the east and Dee Highway is to the west. It was determined (1977) to plan the area Industrial but zone the area Exclusive Farm Use until the area was to be developed for industrial use. The Planning Commission supports this approach. (See Attachment “E”.) The concept was discussed with the LCDC Field Representative and supported.

C. Recommendation:

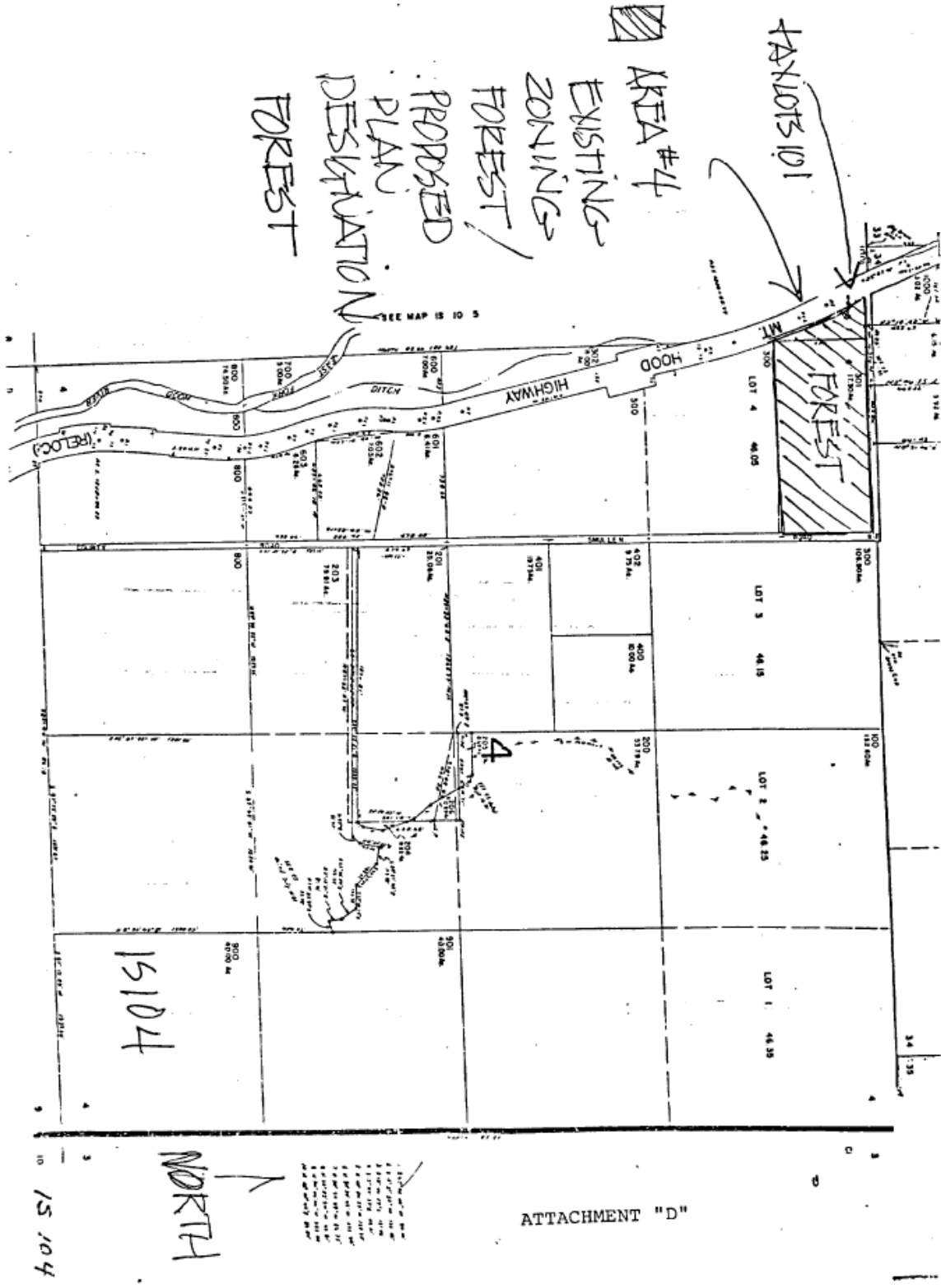
1. Include the above information in the County Background Document.
2. Delete the Plan Designation of Special Site.
3. Update the Plan diagram to reflect the following:
 - a. Designate Area 1 Medium Density Residential (existing Industrial). Area includes T1N R10E 32DD tax lot numbers 500, 301, and a portion of #2500 in T1N R10E 32; T1N R10E 32DC #2100, 2200, 2300, 2400, 2500, and a portion of 2500 in T1N R10E 32;
 - b. Designate Area 2 Industrial (existing Special Site). Area includes: T1N R10E 32DD #200, 3100, 3200, and a portion of 2800;
 - c. Designate Area 3 Commercial. This area includes T1S R10E 6 #2800; and
 - d. Designate Area 4 Forest. This area includes County Forest Land.
4. Change the Low Density Plan Designation to Medium Density Residential to be consistent with other designations throughout the County.
5. The Plan designation for Area 5 to remain Industrial; the zoning, Exclusive Farm Use.

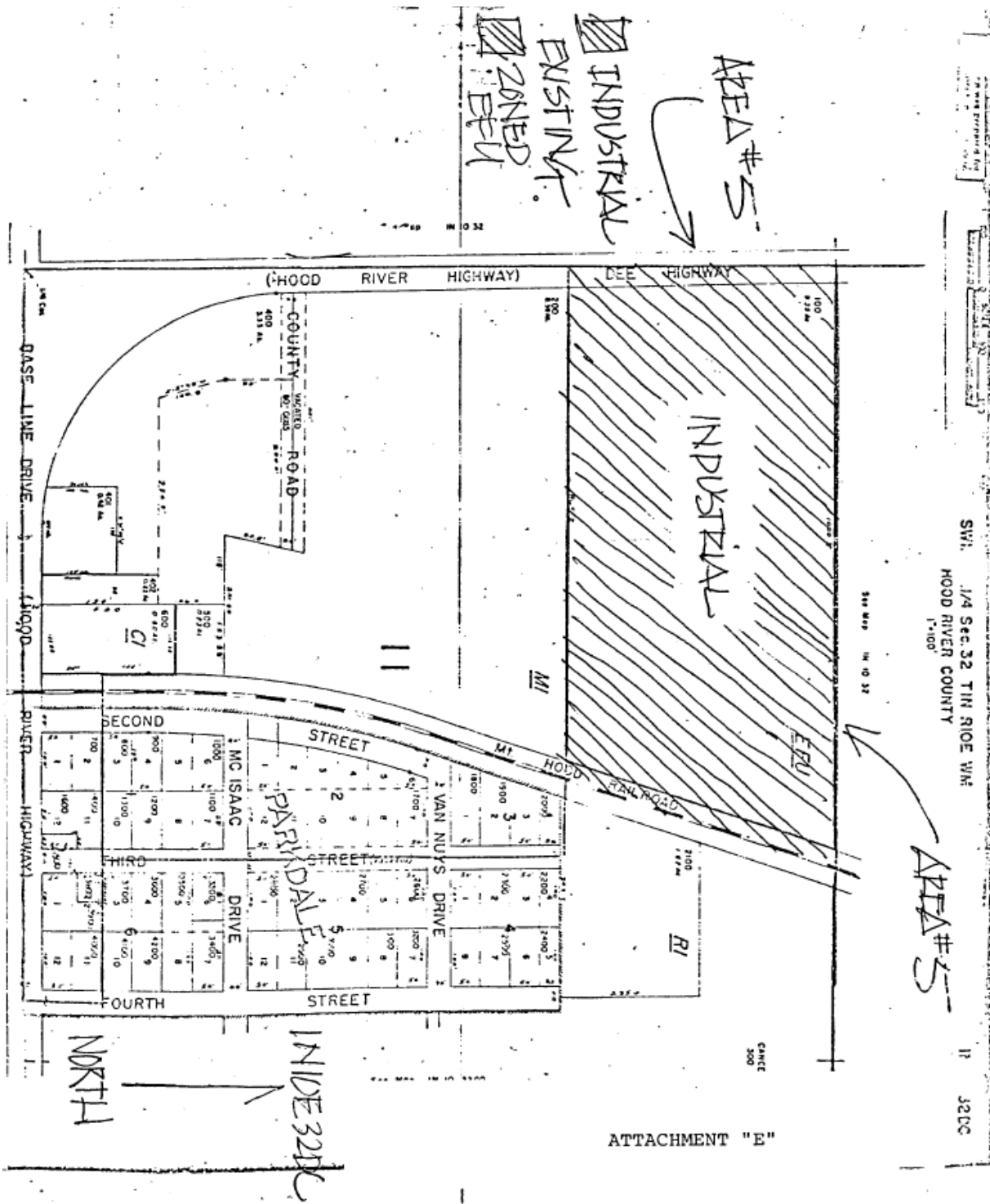






ATTACHMENT "C"





ATTACHMENT "E"

GOAL 2: COOPER SPUR INN

A. Introduction:

The County has prepared an Exception to Goal 4 to justify a Plan and Zoning designation of Commercial for the Cooper Spur Inn (Dillard property).

B. Discussion:

1. Location: T2S R10E Section 6, Tax Lot #103; see MAPS #1 and 2.
2. Planning Commission Action: In April, 1981, the Planning Commission approved a Comprehensive Plan and Zone Change from Forest to Commercial (see Appendix "A").

Board of Commissioners: In July, 1981, the Board approved a Plan and Zone Change from Forest to Commercial. They also denied an appeal filed by Sara Howell (See Appendix "B").

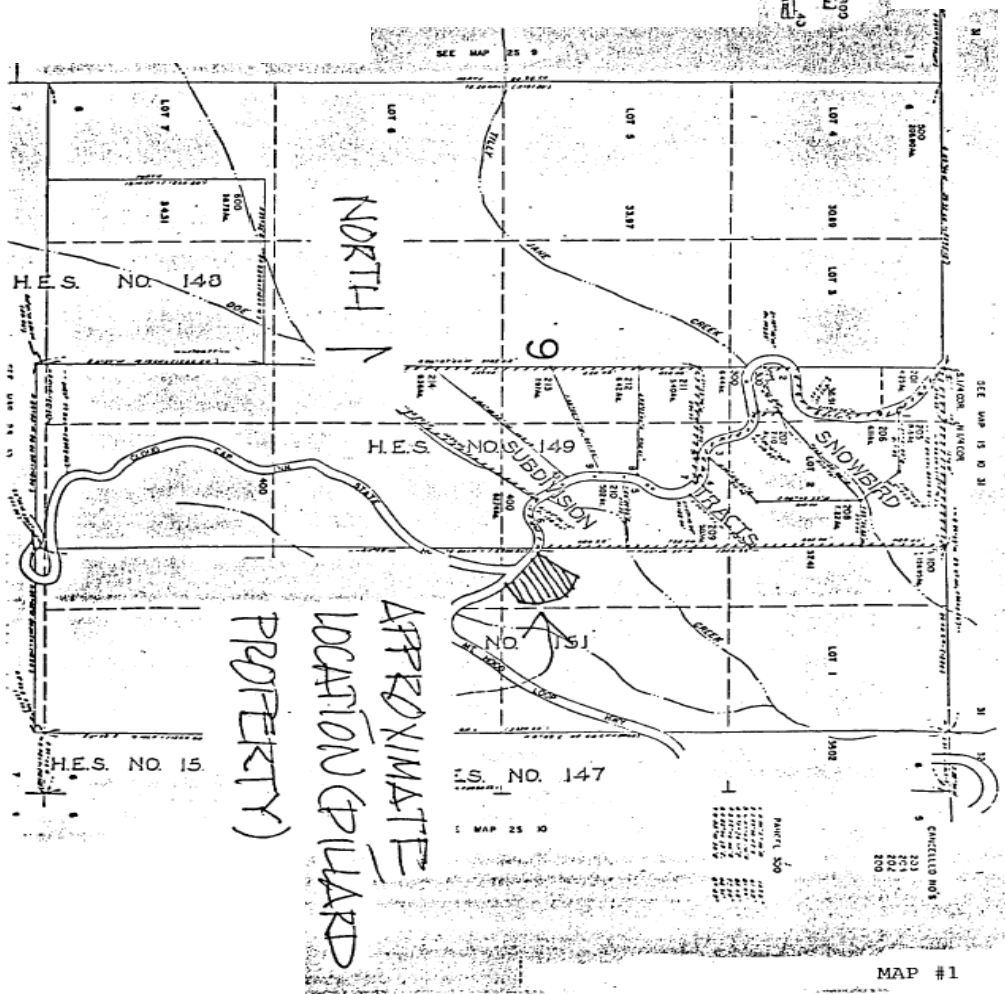
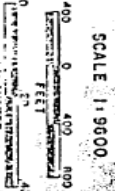
LUBA: In brief, the Board's decision was appealed to LUBA and LUBA remanded (November, 1981) back to the County for the following reasons: LUBA concluded that Hood River County did not adequately explain why other potential areas were not available to accommodate overnight lodging facilities. Concerning compatibility, the County should have given consideration to what was likely to occur on surrounding properties in the foreseeable future and how that will impact on or be impacted by the County's approval of the Commercial zoning designation (see Appendix "C").

Board Action Regarding LUBA Remand: June, 1982, the Board of County Commissioners prepared findings and conclusions addressing LUBA remand (see Appendix "D"). They were not appealed to LUBA.

C. Recommendation:

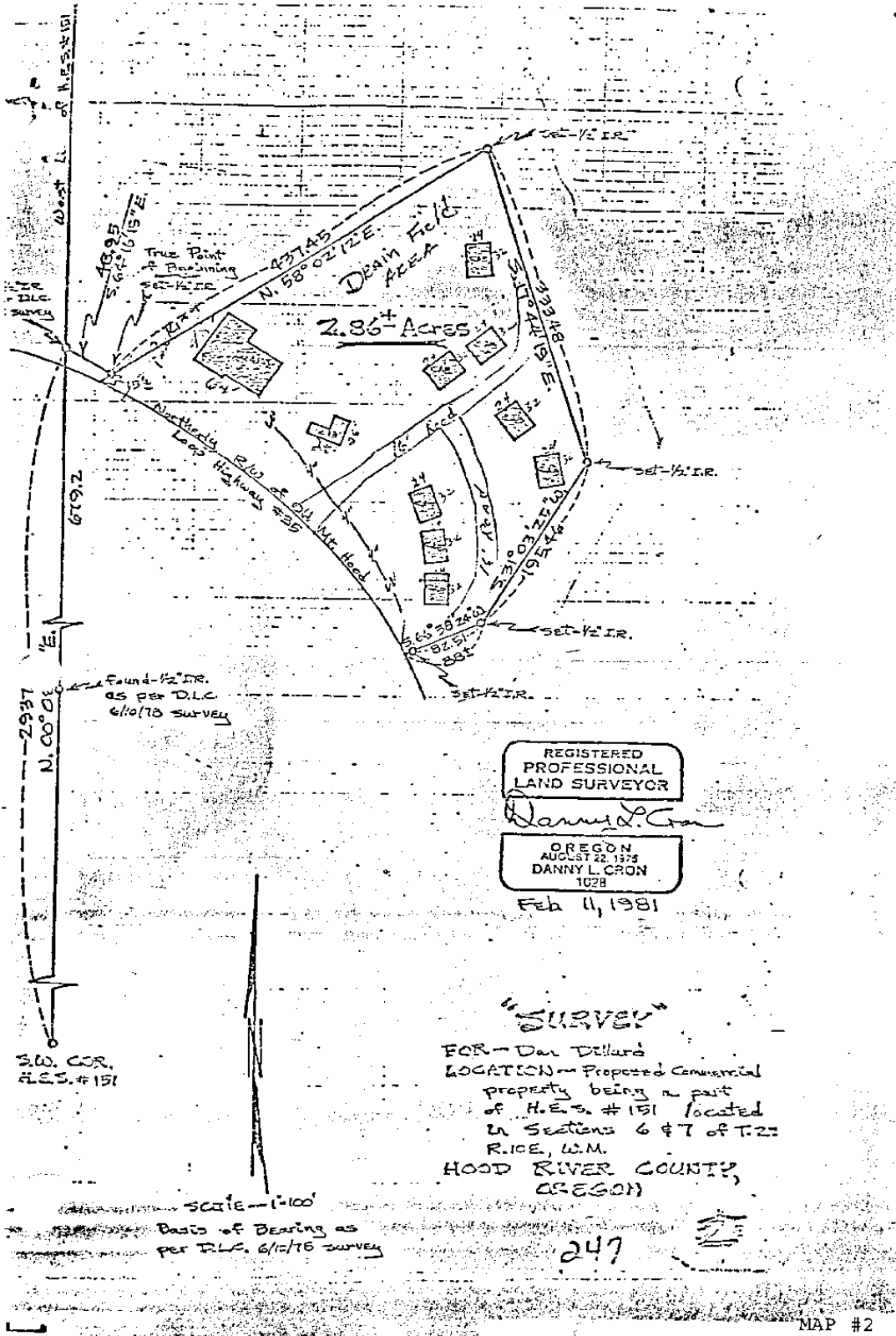
1. The Board has taken action as noted above and presented in the Board's Order dated June, 1982, to support a Plan and Zoning designation of Commercial.
2. Include the above in the Plan as Background information.

This map was prepared for
assessing property value.



SECTION 6 T.2S. R.10E. W.M.
MODO RIVER COUNTY

MAP #1



BEFORE THE PLANNING COMMISSION

HOOD RIVER COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAN AND SHARON DILLARD FOR A) ORDER
ZONE CHANGE AND A COMPREHENSIVE)
PLAN CHANGE)

The above entitled matter came on for public hearing on the 25th day of March, 1981, and the 8th day of April, 1981, upon the application of Dan and Sharon Dillard for a zone change from forest to commercial and a comprehensive plan change from forest to commercial on property encompassing approximately 2.86 acres of tax lot 100, located at approximately 10755 Cooper Spur Road, in Section 6, Township 2 South, Range 10 East Willamette Meridian.

Due notice was given of the hearing and the applicant appeared in person before the Planning Commission. Based upon the evidence and testimony received at the hearing and upon a staff report the Hood River County Planning Commission hereby makes the following findings:

I. MAJORITY FINDINGS:

1. The Forest Service in its plan states recreational development is compatible with forest management. The Mt. Hood Plan did not address what existed there. A broad brush approach was given to the entire area without defining the existing uses.
2. Goal #1 - The majority of oral and written testimony received by the Planning Commission from the public and government agencies has been supportive of Mr. Dillard's use of the land. The Forest Service has testified that there is a public need for this service and that if private industry cannot provide it they would have to consider providing the services needed.
3. Goal #2
 - (a) Need: No overnight facilities exist close to the mountain. The Mt. Hood Plan overlooked what already existed there since the 1940`s.
 - (b) Alternatives: Much better land use planning to utilize existing facilities already developed than to relocate on another site.
 - (c) Consequences: The proposal will have a positive effect on the local tax base, encouraging local people to utilize resources in their own county rather than going outside the area.

(d) Compatibility: No new use is being introduced into the area. This site has been used for overnight lodging in the past and the restaurant is already in use.

4. Goal #3 - Agricultural Goal does not directly apply.
5. Goal #4 - Forest Lands: The management of commercial forest of 98% of this property will not be subjected to significant negative effects from concentrated recreational use on the remaining 2%. An allowable forest use is outdoor recreational activities and related support services. The use before the Planning Commission has not in the past conflicted or impeded forest harvest. The Forest Service has testified in regards to the fire issue that the proposal would be consistent with what they require of loggers and other contractors operation on National Forest lands.
6. Goal #5 - Open Spaces and Historic Areas and Natural Recourses: This would provide preservation of this site which has been written about in books concerning the history of Mt. Hood.
7. Goal #6 - Air, Water, Land Resources, Qualities: This parcel has already been developed and used for this service for many years.
8. Goal #7 - Natural Disasters: No one has been able to document an exact date and time when Mt. Hood will erupt. If we deny this use based on this premise, then we certainly should shut down all activities on the mountain - skiing, hiking, camping, etc.
9. Goal #8 - Recreational Needs: To satisfy the recreational needs of the citizens of the State and visitors, we have a demand now for recreational facilities. This would meet recreational needs of persons of limited mobility and finances living in Hood River County. This would provide conservation of energy both in transportation and energy. At present many people travel outside the County for these facilities.
10. Goal #9 - Economy of the State: Additional jobs and taxes will be brought into the county. Hood River County has a narrow economic base and this use will be a diversification.
11. Goal #10 - Housing: A segment of society feels there is a need for additional overnight housing in this area. The Forest Service indicated development should occur on private lands. This is not a new use, but one that has existed for many years. It makes no sense to shut this use down and move 1½ miles southwest. It would also be a waste of land. Why move into a new undeveloped area? This would only take more land out of production and be poor planning.

12. Goal #11 - Public Facilities: This area already is in use as a ski area. People who utilize the area pay a fee for a "Snow-Park" sticker. This is to provide extra monies for road maintenance from the people who demand the services. The Sheriff already patrols the area due to the skiing activities.
13. Goal #12 - Transportation: No new system would be required.
14. Goal #13 - Energy: This use will encourage conservation by providing accommodations close to the recreational area.
15. Goal #14 - Not applicable.
16. This request does not open the door to other developments. This use is unique in the fact that it has been in use for many years; it is not productive land being taken out of production.
17. This is an existing use and spot zoning is not applicable. We are accommodating an existing use that was caught up in the desire to prevent future development on the mountain when the zoning and comprehensive plan was done and was not addressed.

II: MINORITY FINDINGS:

A. GENERAL FINDINGS

1. The Comprehensive Plan designation is Forest.
2. The Zoning is Forest.
3. U.S.D.A. Forest Service Mt. Hood Planning Inter-agency Land Use Plan designates this land General Forest.
4. Water supply is private.
5. Fire District does not exist and no plans for fire protection plan have been proposed.
6. Soils are Hutson fine sandy loam, 0-30% cubic site class rating 4.
7. The forest service plan states recreational developments in a Forest Zone will be compatible with forest management - that is day use facilities and hunting camps.
8. The County's Comprehensive Plan states that recreational development will be limited to those uses compatible with forest management, camps and day use facilities.

9. Conditional uses such as restaurants; overnight cabins are not permitted or conditionally allowed in a Forest Zone.
10. Except for the restaurant, the remaining uses as proposed in the application are non-conforming.
11. There has been no need presented for this use, but rather only desires.
12. The Comprehensive Plan has not been shown to be in error.
13. This request for a zone change and comprehensive plan change is not consistent with the overall objectives of the plan.
14. There have been no changes in the character of the area or neighborhood that would necessitate a comprehensive plan change.
15. This request accommodates the desires of a particular landowner. It is contrary to good zoning practice, violates the rights of the neighboring landowners, and is contrary to the intent of the enabling legislation which contemplates planning zoning based upon the welfare of an entire planning area.
16. To grant this request would be an example of spot zoning.

B. GOAL ANALYSIS

Goal 1 - Citizen Advisory Group, Board of Commissioners and Forest Service, after many public meetings and hearings, recorded the land use designation as “Forestry” and approved the zoning for the land in question.

Goal II -

(a) Enough land for the anticipated commercial needs of the planning unit for the next 20 years have been allocated both within the Mt. Hood Plan, the Forest Service Plan, and the general County as a whole.

(b) Alternative locations for a commercial development have been provided in both the Mt. Hood Plan and the Forest Service Plan.

(c) Allocating land for commercial uses in this location will adversely impact forest resources, wildlife habitat, consumption of energy, public facilities and service cost.

(d) Commercial zoning will have a negative impact on surrounding forestry management practices.

Goal IV - Forest lands are defined by the State as any lands which provide watershed protection, wildlife and fishery habitat, outdoor recreational areas, grazing of livestock, and open space.

- (a) Small parceling restricts economically feasible management practices of wood lots.
- (b) Fire danger is increased; fire suppression costs rise.
- (c) Non-forest use property owners are less likely to be knowledgeable about forest management.
- (d) Inconsistent or conflicting land management policies result.
- (e) This action would set a precedent for additional non-forest uses and support facilities. The administration of the Oregon Forest Practices Act will become more difficult.

Goal IX – No testimony has been presented which would indicate that this area would significantly improve the economy of the area. Very few jobs would be created.

Goal X - This area was not identified as an area where overnight housing should occur in the Comprehensive Plan. In fact, it is specifically stated that day use only should be allowed.

Goal XI - Additional demands for security will be placed on the Sheriff's Department.

THEREFORE, it is evident that the approval of this application conflicts with Statewide Planning Goals #1, #2, #4, #9, #10, and #11.

C. ILLEGAL APPLICATION

1. In June, 1977, the Commission received a request for a conditional use to expand Cooper Spur Inn Restaurant to construct 8 single family cabins. The commission approved the expansion of the restaurant, however, at a continued hearing they denied the request for 8 single family cabins. Primary reasons for denial: (1) not compatible with the Comprehensive Plan, or zoning ordinance; (2) would establish a precedent; (3) the use is commercial, not recreational; (4) make the non-conforming use section vulnerable to use by others thereby setting a precedent and making the non-conforming use policy invalid; (5) Incompatible with the surrounding lands; and (6) generate potential fire hazard.

2. In August, 1977, the Board overruled the Commission's denial and approved the applicant's request for 9 single family cabins, built upon 20' x 24' foundations. The Board supported the applicant primarily because the uses were pre-existing.

3. On December 3, 1979, the Board held a special meeting to review and make a decision regarding the violation of the conditional use permit previously granted the applicant including the agreement between the applicant and the Board to pour concrete. Primary reasons for the review: (1) violation of the agreement with the Board by partial construction of a cabin after pouring concrete; (2) poured foundation in excess of the size previously approved (poured 24' x 32', an increase of 288 square feet per cabin); and (3) an increase in dwelling units to a potential total of 19 units. Other issues and problems were discussed at the meeting, however, since then they have been mitigated. However, regarding the above noted violations, the Board directed the District Attorney to file a suit in Circuit Court seeking an order from the Court requiring the applicant to stop work on his cabins and remove the work already completed including the non-conforming cement foundation. (The stop work order also applied to other violations, however, they have been mitigated). The stop work order is still in existence and its future disposition is subject to final decisions regarding the application before the Commission.

4. During March and April, 1981, the Commission reviewed a request by the same applicant for 19 units and expansion of the restaurant. The expansion of the restaurant was conditionally approved, however, due to a tie vote, the construction of the 19 units was denied.

5. The applicant appealed to the Board the Commission's denial (April, 1980) of a conditional use permit to allow construction of 19 units. On July 23, 1980, the Board upheld the Commission's denial.

6. In July, 1980, the applicant applied for a Conditional Use Permit to allow 8 single family cabins 24' x 32', 3 "basements" for employees, storage and laundry facilities. The Commission on July 23, 1980, denied the application. The Commission's denial was appealed to the Board, the Board upheld the Commission's denial.

7. The applicant appealed the Planning Commission's denial (July 23, 1980) to the Board; the Board upheld the Planning Commission decision.

8. Section 60.12 of the Zoning Ordinance states:

"If the application is denied either intentionally, or upon review by the Courts affirming denial, no new application for the same or

substantially similar action shall be filed for at least one year from the date of final order on the action denying the application."

9. Applicant has had several requests for a land use, i.e., building a motel in a forest zone, turned down by both the Planning Commission and the Board of Commissioners within the past two years.
10. Applicant stated during this hearing that among his intended uses was to begin the exact same land use he had previously been denied within the past two years.
11. Therefore, this hearing was an illegal action and should have been stopped when it became apparent that an exactly similar use was proposed.

Based upon the foregoing majority findings and after due deliberation and a vote being taken by the Planning Commission, there being a quorum present,

IT IS HEREBY ORDERED that the application of Dan and Sharon Dillard for a zone change is hereby GRANTED subject to the following conditions:

1. The applicant shall prepare and submit to the Commission an exception to Goal #4 - Forest Lands.
2. The applicant shall obtain an approved land use permit (commercial) and building permit prior to any further construction.
3. The applicant shall provide one parking space per cabin. The access road to the cabins and parking spaces shall be graded and maintained with an all weather surface. Minimum width of the road shall be 12 feet. The parking areas and road shall be kept substantially clear of snow during business hours. No parking will be permitted adjacent to County right-of-way.
4. This permit becomes null and void if not activated within one year from approval.
5. Any signing will require a Conditional Use Permit.
6. All conditions will be accomplished prior to occupancy.
7. Cabins shall be constructed of log and stone as indicated by the applicant.

8. Oral and written representations of the applicant and/or his representative shall become part of this permit unless they are in direct conflict with a special condition.
9. Fire protection precautions and directives of the U.S. Forest Service shall be accomplished.
10. The applicant shall verify through the sanitarian whether the septic drain fields are within the area zoned and if necessary obtain or provide an easement.
11. The applicant shall comply with buffer requirements specified in Article 50 of the zoning ordinance.
12. There shall be a single access to the cabins from Cooper Spur Road, preferably the most southerly one shown on the site plan. This is to minimize potential conflicts and to allow more clearance from the restaurant parking. The boundaries shall be adjusted as required by the Hood River County Public Works Department so that all adjuncts to the development such as roads, parking, etc. are encompassed within the boundaries.

Based upon the foregoing majority findings and after a vote being taken by the Planning Commission, there being a quorum present,

IT IS HEREBY RECOMMENDED to the Hood River County Board of Commissioners that the application of Dan and Sharon Dillard for a comprehensive plan change be GRANTED.

Dated this 30th day of April, 1981, nunc pro tunc for April 8, 1981.



Chairman

BEFORE THE BOARD OF COMMISSIONERS
OF HOOD RIVER COUNTY

IN THE MATTER OF THE APPLICATION)
OF DAN AND SHARON DILLARD FOR A)
COMPREHENSIVE PLAN CHANGE FROM)
FOREST TO COMMERCIAL FOR PROPERTY)
LOCATED IN SECTION 6, TOWNSHIP 2) No.
SOUTH, RANGE 10 EAST WILLAMETTE) Order
MERIDIAN, CONTAINING 2.86 ACRES,)
MORE OR LESS)

The above-entitled matter came before the Hood River County Board of Commissioners for a public hearing on the application of Dan and Sharon Dillard for a Comprehensive Plan change as set forth above. The hearing began on June 8, 1981, and was continued by order of the Board of Commissioners for conclusion on June 16, 1981.

Public notice of the hearing was made in accordance with law.

After hearing testimony from all those in attendance who wished to be heard, and from written testimony hereby made a part of the record herein, the Board of Commissioners closed the hearing. After due deliberation, a quorum being present, the Board of Commissioners hereby makes the following findings of fact:

Majority Findings

Commissioner Palmer makes the following findings of fact:

1. All testimony, dating back to 1977, indicates that Goal 1 was not fully addressed when this piece of ground was designated as a Forest Zone. All witnesses expressed a desire to have a restaurant (Commercial Use) on this land. Goal 2, Part 2, "Exceptions" should have been addressed originally. If the original testimony was not as overwhelming as in the recent hearings, there is a demonstrated change in the public's attitude toward a commercial operation in this area. This supports a change in the Comp Plan.
2. To continue the operation of this commercial operation in a non-conforming status is contrary to the theory that nonconforming uses are to be phased out of existence, or brought in to conforming compliance.
3. There is an extreme span of land uses between the designations of Forest and Commercial, most of which are not desired in the area. Thus, the very strict conditions imposed, with this change, are not capricious, unreasonable, or

discriminate. They are necessary to prevent any other use of the area other than was requested in the application.

Commissioners Murray and Routson concur with Commissioner Palmer. In addition, Commissioners Murray, Routson and Palmer incorporate by this reference the Majority Findings of the Hood River Planning Commission as set forth in its order of April 30, 1981, said order dealing with a request for a Zone Change by the applicants herein.

Minority Findings

Commissioner Schock hereby incorporates the Minority Findings of the Hood River Planning Commission as set forth in its order of April 30, 1981, said order dealing with a request for a Zone Change by the applicants herein.

Commissioner Ekker hereby makes the following findings of fact:

- I. Mt. Hood Planning Unit Comprehensive Plan
 1. General Forest designation on page 17.
 - a. Recreational development is limited to those uses compatible with forest management, i.e., hunting camps and day use facilities.
 - b. Housing - new lots or parcels shall be 40 acres or larger. One dwelling unit is allowed per lot or parcel.
 2. Developed Recreation
 - a. Included are areas such as ski areas, developed campgrounds, picnic tables, etc.
 3. No commercial designation allowed.
- II. Zoning Ordinance
 - 1 - Article 6 - Forest Zone
 - 6:40 - Uses subject to a Conditional Use Permit
 - c. Parks, playgrounds, hunting, fishing preserves, campgrounds and travel trailer parks.
 - d. Minimum lot sizes for parcels: 40 acres
- III. Impacts

1. Commercial uses such as overnight housing will impact severely on surrounding forest lands. As supported by the County Forest Manager; Impacts of non-forest uses on surrounding forest lands include:
 - a. Fire danger is increased, fire suppression costs rise, and fire fighting techniques become altered.
 - b. Non-forest use property owner is less likely to be knowledgeable about forest management.
 - c. Economic or social hardships to a neighboring forest owner who uses silvicultural management techniques.
 - d. Inconsistent or conflicting land management policies would result.
 - e. Set a precedent for additional non-forest uses and support facilities and services; and
 - f. The administration of the Oregon Forest Practices Act becomes more difficult (Practices such as the aerial and ground application of chemicals, logging, and reforestation).

This 2.86 acres is surrounded by U.S. Forest lands, county forest lands and private forest lands.

2. If the 2.86 acres are zoned commercial, the land could be built upon to 50% of the lot coverage as allowed in the zoning ordinance. The 2.86 acres are 124,581 sq. ft. Fifty percent of that is 62,290 sq. ft. The restaurant and one dwelling are approximately 3,300 sq. ft. lot coverage, leaving almost 59,000 sq. ft. of allowable building lot coverage. The lot coverage of the illegal foundations is 6,144 sq. ft. If a zone change is allowed almost 10 times more buildings could be sited on this 2.86 acres than the illegal foundations cover in lot coverage. This would be a massive deviation from the eight one-bedroom cabins allowed Mr. Dillard in 1977 as a reinstatement of a non-conforming use. To allow a zone change would seem as though we are telling the public to disregard our zoning ordinance, past decisions and rules and regulations of the County and State.



STATEWIDE PLANNING GOAL ANALYSIS

By this reference those exceptions set forth in the Goal Analysis section of the Order allowing a Zone Change signed by the Board of Commissioners on this same date are hereby incorporated herein with respect to the findings and the parties mentioned therein.

Based on the above Majority Findings and Goal Exceptions of Commissioners Murray, Routson and Palmer, it is hereby ORDERED that the applicants request for a change in the Mt. Hood Comprehensive Plan is hereby allowed as per the application, but under the same conditions as set forth in the Zone Change granted applicants this same date.

Dated this 13th day of July, 1981.

Hood River County Board of Commissioners:

[Handwritten signature]



Commissioner

Commissioner

Commissioner

BEFORE THE BOARD OF COMMISSIONERS
OF HOOD RIVER COUNTY

IN THE MATTER OF THE APPEAL FILED)
BY SARA HOWELL FROM THE HOOD RIVER)
COUNTY PLANNING COMMISSION DECISION) No.
TO APPROVE THE APPLICATION OF DAN) ORDER
AND SHARON DILLARD FOR A ZONE CHANGE)
FROM FOREST TO COMMERCIAL ON PROPERTY)
LOCATED IN SECTION 6, TOWNSHIP 2 SOUTH,)
RANGE 10 EAST OF WILLAMETTE MERIDIAN)
(2.86 ACRES LYING IN A PORTION OF TAX LOT 100))

The above-entitled matter came before the Hood River County Board of Commissioners on the appeal filed by Sara Howell from the Hood River County Planning Commission decision as set forth above. The de novo public hearing began on June 8, 1981, and was continued by order of the Board of Commissioners for conclusion on June 16, 1981.

All parties had notice of the hearing.

After hearing testimony from all parties and from the public, the Board of Commissioners closed the hearing. After due deliberation, a quorum being present, the Board of Commissioners hereby makes the following findings of fact:

MAJORITY FINDINGS

The majority of the Board of Commissioners concur with the Majority Findings of the Hood River County Planning Commission as set forth in its Order of April 30, 1981, and by this reference adopts those Findings as its own.

In addition, Commissioners Palmer and Murray add thereto the following findings:

1. All testimony, dating back to 1977, indicates that Goal 1 was not fully addressed when this piece of ground was designated as a Forest Zone. All witnesses expressed a desire to have a restaurant (Commercial Use) on this land.

“Exceptions” should have been addressed originally. If the original testimony was not as overwhelming as in the recent hearings, there is a demonstrated change in the public's attitude toward a commercial operation in this area. This supports a change in the Comp Plan.

2. To continue the operation of this commercial operation in a non-conforming status is contrary to the theory that non-conforming uses are to be phased out of existence, or brought in to conforming compliance.

3. There is an extreme span of land uses between the designations of Forest and Commercial, most of which are not desired in the area. Thus, the very strict conditions imposed, with this change are not capricious, unreasonable, or discriminatory. They are necessary to prevent any other use of the area other than was requested in the application.
4. Section 65.30 of the Zoning Ordinance is in direct conflict with the purpose of Article 65, as described in Section 65.00. This has led to a continued expansion of a commercial operation in a Forest Zone. Therefore, a use which should have been phased out is more firmly established to a point where it will not be possible to prevent future expansions. A change in the zoning is preferable to a continued and expanded, non-conforming use.
5. The past performance of the applicant indicates that he is inclined to disregard conditions imposed on his land use permits. Therefore, it is necessary to require a performance bond to assist reaching compliance

MINORITY FINDINGS

Commissioner Schock concurs with the Minority Findings of the Hood River Planning Commission as set forth in its Order of April 30, 1981, and by this reference adopts those findings as his own.

Commissioner Ekker makes the following findings:

The applicant has stated, in the record, as reasons for the charge:

1. Historic use of the 2.86 acre parcel has been commercial use for the past 50 years, citing the site included a gas station, 8 cabins, a restaurant, and trailer spaces.
2. The 2.86 acres are already built upon and irrevocably committed to non-forest use.
3. He wants a zone change so he can rebuild in case of fire or other disaster destroys over 75% of a building.
4. He doesn't want to go before the Planning Commission every time he wants to get a building permit.
5. He feels he should have a commercial designation the same as was given to Murray Auction Yards.

The record speaks, in No. 1 above, to the historic value of the Cooper Spur Junction Area. The South side of Cooper Spur Road was at one time developed with a gas station, rental cabins, tavern with living quarters above, a lodge and an inn. By 1949, some were destroyed

by fire, including the tavern and gas station. Other buildings had a change of use because of the lack of demand for such services with the completion of Highway 35 and it's becoming a year-round road. The lodge and inn were either destroyed by fire or use changed to living quarters. The North side of Cooper Spur Road, where the 2.86 acre parcel is, that we are concerned with in these proceeding, had a partially constructed building at the time of the fire that destroyed the tavern on the South side of the road. This building was completed in 1950-51, and was made into a restaurant with living quarters above, and is now known as Cooper Spur Inn. A Hood River County tax appraiser work sheet of 1972, (from our Department of Assessment and Records) shows the one cabin that still exists on the 2.86 acre parcel (where applicants parents now live) as a class 2, 542 sq. ft. building with the value of \$1510.00, and three sheds with values of \$100.00, \$100.00, and \$300.00 respectively. The Work Sheet also noted "1 acre commercial." This is for tax purposes and is not a zoning designation. The record also provides knowledge that the restaurant operated spasmodically, periodically, and not continuously until after Cochran/Dillard purchased the property (160 acres) in 1974. To give credence to a periodically "open for business" venture or a building that has been completed for 30-35 years as a Historic Site needing the protection of a commercial zone, could certainly elicit like requests from others using the same criteria. Don't let the true historic area be confused with the reality of the spasmodic land use the past 30 years on the. 2.86 acre parcel.

Number 2 above, tells us the 2.86 acres are built upon and irrevocable committed to non-forest use. The Cooper Spur Inn covers 2775 sq. ft. of land, and the one cabin in which Mr. Dillard's parents live is 542 sq. ft. That is all that is legally sited on the 2.86 acre parcel. This 2.86 acres do not meet the test. All other buildings were torn down in 1976 as they were not repairable.

In 1000 Friends of Oregon, et al v. Board of Commissioners of Marian Co. LCDC No. 75-006. LCDC determined that an exception to Goal 3 is justified, and the full findings required by Goal 2 not necessary, if a local government finds that "resource land" is already "physically developed" or "irrevocably committed" to non-resource use (Opinion and Order, March 2, 1977, pp. 4-5).

In their policy paper regarding the exception process, LCDC says, "Past partitioning or subdivision decisions made without findings against the goals when required should not be used to justify new partitioning under the built and committed test." Jurgensen v. Union County Court, 42 Or App 505, 512 (1979) has found that conditional use permits are land use actions and must be reviewed against the Goals. Zone changes are also land use actions needing goal review. Willamette University v. LCDC, 45 Or App 355 (1980). It follows that conditional use permits approved without requiring review against the goals cannot be used to justify a zone change under the built and committed test. No review was taken in the 1977 conditional use action by the Board of Comm. of Hood River County. The eight 24 x 32 foundations cannot be used to show commitment. They were constructed in 1980 without approval of the County and without review against the goals.

When determining that land is built upon or committed, the LCDC exceptions process policy paper requires a local jurisdiction consider the following land use characteristics: (a)

adjacent uses, (b) public services (water and sewer lines, etc.), (c) parcel size and ownership patterns, (d) neighborhood and regional characteristics, and (e) natural boundaries. Following is a brief discussion of these characteristics as they relate to the Dillard parcel.

- A. Adjacent uses - All surrounding lands are zoned General Forest. However, Snowbird Tracts is a peninsular area used for rural residential uses to the northwest of the Dillard parcel. This tract alone does not show commitment. In the case Still v. Marian Co., 42 Or App 115 (1979), the Oregon State Court of Appeals said,

“A finding that agriculture land is 'committed' to residential use must be based on something more than a continuation of a peninsular growth trend in the vicinity; the evidence must demonstrate that it is 'not possible to apply the appropriate goal' to the specific property...” The same would apply to forest land. Clearly, the adjacent uses criteria does not support a rezone and plan change.
- B. Public Services - Public services in the area do not commit the parcel to Commercial Use. In fact, the parcel has no public water, public sewer, nor public fire protection.
- C. Parcel size and Ownership patterns - The 2.86 acres being discussed is a portion of an aggregation of parcels consisting of 160 acres. An ownership of this size is certainly appropriate for Forest uses. It is not committed to commercial development except for the 2775 sq. ft. being used as a restaurant.
- D. Neighborhood & Regional Developments - Except for Snowbird Tracts, the neighborhood surrounding the Dillard parcel is committed to Forest Use. Snowbird Tracts are individually owned parcels.
- E. Natural Boundaries - No natural boundaries exist which physically separate the concerned 2.86 acres from the surrounding lands.

Number 3 above, expresses concerns regarding being a conditional use in regards to fire and rebuilding if 75% of restaurant is destroyed. Concerns aren't warranted in looking at past decision-makers actions:

- A. Allowed expansion of restaurant.
- B. Allowed reinstatement of cabins after demolition more than a year before.
- C. Allowed building more cabins than previously existed.
- D. Allowed generous time lapses without loss of Conditional Use Permit.
- E. Allowed concrete pouring without building permit because of hardship.

Only after many, many violations to County ordinances did Board of Commissioners initiate court proceedings against Mr. Dillard. The above list points out that Mr. Dillard has been able to protect his non-conforming status, but it also points out he is unwilling to live within the rules and regulations that all other citizens must live with.

Number 4 above, going before the Planning Commission to get a conditional use permit to build is a means of assuring the public certainty on what is going to happen. After a quasi-judicial hearing has been held, conditions set and agreed upon, by the applicant, and a decision reached, the applicant, the County and the general public each has a right to expect things to happen according to the public process that has taken place. A change to a commercial zone will not allow a public process of what occurs on the land, but does seem to condone an “end run process.”

Number 5 above, the desire to be treated like Mr. Murray regarding a zone change. Mr. Murray requested and met his burden of proof for a zone change from Rural/Residential to Commercial in a public hearing process before the West Side Comprehensive Plan was adopted by the Board. Mr. Murray, also, through the years went before the Planning Commission (public hearings) and received conditional use permits for each expansion. He also adhered to all conditional use permits, to his site plan, time restraints, and he lives within one mile of the Urban Growth Boundary. His parcel was, indeed, built upon and committed. There is very little comparison to the impacts involved.

Changing forest land to commercial is the broadest possible change. The five reasons stated above by the applicant are not valid reasons for a change of this magnitude and the initiation of a new use (commercial) in a forest zone.

STATEWIDE PLANNING GOAL ANALYSIS

Commissioner Palmer makes the following “Goal Exceptions”:

- A. The closest restaurant is approximately 6 miles distant, and it has limited operational facilities and hours. The nearest overnight accommodations are in Hood River City, approximately 20 miles distant.
- B. The entire surrounding area is classified as either “Forest” or “Exclusive Farm Use” precluding other commercial uses. The Commercial areas in the Villages of Mt. Hood or Parkdale are not conducive to this type of dining establishment.
- C. The actual area rezoned, has not been in forest use for more than 50 years. It could not produce timber for at least another 30 years. There will be significant tax revenue from a small commercial operation as opposed to that from miniscule unharvested forest acreage. This commercial operation will provide some needed local employment, in an area that tends to have exceptionally high unemployment due to seasonal farm uses. It will be a gathering place for social contacts in a totally rural community. There will be a conservation of fossil fuels by providing services that are not available locally.

- D. The fact that the use is not compatible with the adjacent land uses is its greatest value. It provides a haven for humans in the midst of a large forest.

Commissioners Routson and Murray concur with Commissioner Palmer.

Commissioner Ekker makes the following “Goal Exceptions” statement and findings:

- Goal 1 - Citizen advisory group, the Planning Commission, and the County Board of Commissioners held many public meetings, public hearings, and public work sessions regarding the Mt. Hood Interagency Comprehensive Plan. The designation on this property and all surrounding property is General Forest with 40 acre minimum -- one dwelling per 40 acres. Recreation Development will be limited to those compatible with Forest use, i.e., hunting camps and day use facilities, and commercial use is not allowed. A county-wide vote affirmed the 40 acre minimum lot size before Plan was adopted. There has been no evidence that is compelling to change the Forest designation to commercial in order to allow overnight facilities.
- Goal 2 - Enough land for the anticipated commercial needs of the planning unit for the next 20 years have been allocated. A Goal 2 exception must be taken if it appears that it is not possible to apply the appropriate goal to specific properties. Four criteria are used for an exception:
1. Need - A desire has been expressed that overnight cabins in the area would be more convenient and save energy. Lands have been designated and zoned in both the Parkdale and Mt. Hood Communities within the Planning Unit. Both communities offer support services such as grocery stores and service stations and Parkdale has public sewer. Both have public water and are within public fire districts. Zoning land for commercial use in this location will adversely impact forest resources, wildlife habitat, consumption of energy, and public services.
 2. Alternatives - Locations have been provided and zoned for commercial use in both Parkdale and Mt. Hood where support facilities are available.
 3. Consequences - Designating and zoning land for commercial use in the middle of a forest zone will impact use of normal forest practices such as aerial and ground application of chemicals, logging and reforestation, and will increase trespass and fire danger with urban-type density in forest zone.
 4. Compatibility - Urban-type dwellings will adversely impact forest management in surrounding lands. Discussion under - III Impacts.

Goal 4 - The site and surrounding area consists of soils with a cubic foot site class rating between 3 and 5, 4 is average for growing timber in Hood River County. The Oregon State Department of Forestry through studies has identified the impacts of additional non-forest use on adjacent forest lands. Some include:

- a. Small parceling restricts economically feasible management practices.
- b. Fire danger is increased; fire suppression costs rise and fire fighting techniques become altered.
- c. Non-forest use property owner is less likely to be knowledgeable about forest management.
- d. Economic and social hardships to a neighboring forest owner who utilizes silvicultural management techniques.
- e. Inconsistent or conflicting land management policies would result.
- f. Set a precedent for additional non-forest uses and support facilities and services; and
- g. The administration of the Oregon Forest Practices Act becomes more difficult.

The above impacts generated by non-forest uses on adjacent forest land will generally be the same throughout the County. Also, the County Forest Manager supports the above impacts of non-forest uses on forest lands.

Goal 9 - The economy of this area is forest management. No testimony in record to assure any new jobs if zone change is allowed. Undoubtedly, the increased business would increase the revenue of the applicant and any new structures would be added to the tax rolls regardless of the zoning. The rezoning would have a short and long range negative economic effect on surrounding forest lands. (Discussion under Goal 4)

Goal 10 - The County has identified a need for housing in the rural area and has zoned land to satisfy that need on lands that are not zoned Forest. In the Forest Zone one dwelling per 40 acres is allowed. A county-wide vote supported one dwelling per 40 acres before Board adopted Comprehensive Plan for this area.

Goal 11 - Requires the planning and development of timely, orderly and efficient arrangement of public facilities and service to serve the framework for rural development. This area does not have public water, sewer, or fire

protection (outside area served by Parkdale and Mt. Hood Fire Districts). The two agencies providing protection are the U.S. Forest Service and the State Forestry. These two agencies indicated that there is no structural fire protection, and no water protector in the winter months. Other commercial locations in the Comprehensive Plan have public fire protection.

Goal 13 - Requires conservation of all forms of energy based upon sound economic principles and through the management and control of land and uses developed on the land. This area has not been designated in the Comprehensive Plan as an area where dense development such as a commercial use should occur. Other areas for growth currently are designated so as to minimize energy depletion and provide support services to meet this urban-type density. Isolated areas will not be prone to saving energy, but will require additional energy to get to them. The site is outside areas designated commercial, consequently development of the site will contribute to depletion of transportation-related energy by requiring transportation energy for support services such as stores and service stations.

Goal 14 - Site is not considered as urbanizable lands which are located in the Urban Growth Boundary.

Based on the Mt. Hood Interagency Comprehensive Plan, Hood River County Zoning Ordinance, LCDC Goals, and previous County action relating to this property, the application for the zone change and comprehensive plan change must be denied.

Based on the Majority Findings and Goal Exceptions of Commissioners Palmer, Routson and Murray, it is hereby ORDERED that the appeal of Sara Howell is denied and the applicants zone change request is approved, under the following conditions:

1. The applicant shall prepare and submit to the Commission an exception to Goal No. 4 - Forest Lands.
2. The applicant shall obtain an approved land use permit (commercial) and building permit prior to any further construction.
3. The applicant shall provide one parking space per cabin. The access road to the cabins and parking spaces shall be graded and maintained with an all weather surface. Minimum width of the road shall be 12 feet. The parking areas and road shall be kept substantially clear of snow during business hours. No parking will be permitted adjacent to County right-of-way.
4. This permit becomes null and void if not activated within one year from approval.

5. Any signing will require a Conditional Use Permit.
6. All conditions will be accomplished prior to occupancy.
7. Cabins shall be constructed of log and stone as indicated by the applicant.
8. Oral and written representations of the applicant and/or his representative shall become part of this permit unless they are in direct conflict with a special condition.
9. Fire protection precautions and directives of the U.S. Forest Service shall be accomplished.
10. The applicant shall verify through the sanitarian whether the septic drain fields are within the area zoned and if necessary obtain or provide an easement.
11. The applicant shall comply with buffer requirements specified in Article 50 of the zoning ordinance.
12. There shall be a single access to the cabins from Cooper Spur Road, preferably the most southerly one shown on the site plan. This is to minimize potential conflicts and to allow more clearance from the restaurant parking. The boundaries shall be adjusted as required by the Hood River County Public Works Department so that all adjuncts to the development, such as roads, parking, etc., are encompassed within the boundaries.
13. No more than eight (8) one-bedroom cabins may be erected on the land encompassed by this zone change. Their foundations shall not exceed 20 feet X 24 feet in size.
14. The existing restaurant and the above-mentioned cabins shall be the only commercial use allowed in this zone.
15. Prior to the issuance of a Land Use Permit or a Building Permit the applicants shall post a \$25,000 performance bond, in favor of Hood River County, to insure compliance with the conditions of this zone change. Said bond shall be continuously in force for a period of five (5) years.

Dated this 13th day of July, 1981

HOOD RIVER COUNTY BOARD OF
COMMISSIONERS:

[Handwritten signature]
[Redacted]

11-11-81
[Redacted]

Commissioner



STATE OF OREGON

INTEROFFICE MEMO

TO: MEMBERS OF THE LAND CONSERVATION AND DEVELOPMENT COMMISSION DATE: 11/24/31

FROM: THE LAND USE BOARD OF APPEALS

SUBJECT: HOWELL v HOOD RIVER COUNTY
LUBA No. 81-093

Enclosed for your review is the Board's proposed opinion and final order in the above captioned appeal.

Petitioners in this case appealed Hood River County's approval of a comprehensive plan amendment and zone change from "forest" to "commercial" for 2.86 acres. Petitioners asserted that the county's two decisions violate Goals 2, 4, 5, 8 and 9.

The Board decided, preliminarily, that only petitioner Howell had standing and that her standing was limited to appealing the zone change. The Board's opinion, therefore, does not address the validity of the comprehensive plan amendment.

The Board concluded that Hood River County's findings in support of its exception to Goal 4 failed to comply with the "alternatives" and "compatibility" requirements of Goal 2. The present use on the property consists of the Cooper Spur Inn. The zone change to commercial was to enable the owners of the property to construct eight overnight cabins on the 2.86 acres. The commercial zoning on the property was limited by the county to eight overnight cabins and the existing restaurant. The Board found that sufficient reasons were expressed in the findings to demonstrate that overnight lodging facilities in the area of Cooper Spur should be provided and that there were beneficial consequences from doing so. However, the Board concluded that Hood River County had not adequately explained why other potential areas were not available to accommodate overnight lodging facilities. For example, two nearby villages of Parkdale and Mt. Hood had areas designated for commercial use and yet the county failed to explain why these villages could not take care of the need identified for overnight lodging facilities. Concerning compatibility of the proposed use, the Board said that the county should have given some consideration to what was likely to occur on surrounding properties in the foreseeable future and how that will impact or be impacted by the county's approval of the commercial zoning designation.

The Board also addressed petitioner's contentions concerning Goals 5, 8 and 9, but found that those contentions were without merit.

The Board is of the opinion that oral argument will not assist the commission in its understanding or review of the statewide goal issues involved in this appeal. Therefore, the Board recommends that oral argument before the commission not be allowed.

BEFORE THE BOARD OF COMMISSIONERS
OF HOOD RIVER COUNTY

In the Matter of the Application)
of Dan and Sharon Dillard for a)
Comprehensive Plan Amendment and)
Zone Change from Forest to) ORDER
Commercial for Property located)
in Section 6, Township 2 South,)
Range 10 East, Willamette)
Meridian, Containing 2.86 Acres,)
More or Less,)

WHEREAS, THIS MATTER came before the Hood River County Board of Commissioners on remand from a Final Opinion and Order of the Land Use Board of Appeals dated December 12, 1982, in which the Board of Appeals concluded that the Board of Commissioners' decision to grant Application No. 81-10 does not comply with the requirements of Goal 2, Part II, Exceptions.

WHEREAS, at a public hearing held on May 10, 1982, the Board of Commissioners reviewed the record of the original proceeding on this matter and heard oral argument for the purpose of preparing supplemental findings of fact and conclusions of law addressing the "alternative site" and "compatibility" requirements of Goal 2 and reconsidering the conditions of approval imposed by the Board of Commissioners in its initial order.

WHEREAS, the Board of Commissioners has reviewed the record and heard oral argument with regard to these issues and, after due deliberation, a quorum being present,

It is hereby ORDERED that the supplemental findings and conclusions attached hereto, which is Exhibit A, be adopted as additional support and reasoning for such decision and that Goal 2, Exception Findings "B" and "D", as previously adopted pursuant to the Board's initial order on this matter dated July 15, 1981, is hereby withdrawn, and it is

HEREBY ORDERED that the Board of Commissioners' initial order in this matter dated July 15, 1981, be amended to include the following conditions of approval:

1. The applicant shall obtain an approved land use permit (commercial) and building permit prior to any further construction.
2. The applicant shall provide one parking space per cabin. The access road to the cabins and parking spaces shall be graded and maintained with an all weather surface. Minimum width of the road shall be 12 feet. The parking areas and road shall be kept substantially clear of snow during business hours. No parking will be permitted on the County right-of-way.

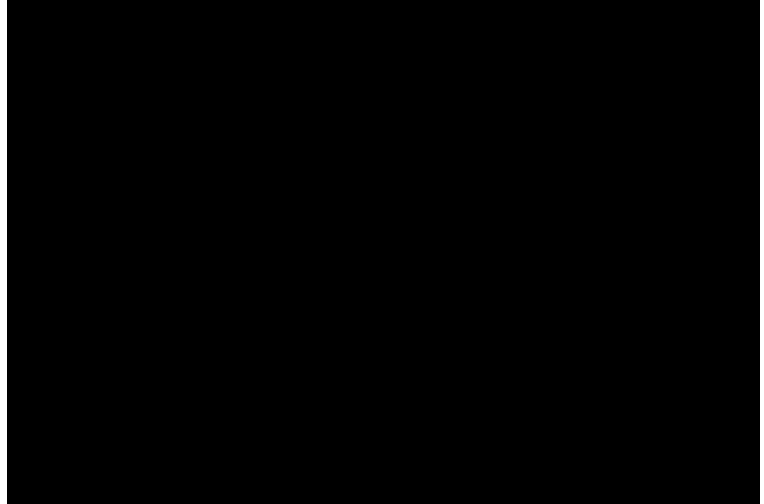
3. This Order becomes null and void if not started within one (1) year from final approval.
4. Any signing will require a Conditional Use Permit.
5. All conditions will be accomplished prior to occupancy.
6. Cabins shall be constructed of log and stone as indicated by the applicant.
7. Oral and written representations of the applicant and/or his representative shall become part of this permit unless they are in direct conflict with a special condition.
8. Fire protection precautions and directives of the U.S. Forest Service shall be accomplished.
9. The applicant shall verify through the sanitarian whether the septic drain fields are within the area zoned and if necessary obtain or provide an easement.
10. The applicant shall comply with buffer requirements specified in Article 50 of the Zoning Ordinance.
11. There shall be a single access to the cabins from Cooper Spur Road, preferably the most southerly one shown on the site plan. This is to minimize potential conflicts and to allow more clearance from the restaurant parking. The boundaries shall be adjusted as required by the Hood River County Public Works Department so that all adjuncts to the development, such as roads, parking, etc., are encompassed within the boundaries.
12. No more than eight (8) one-bedroom cabins may be erected on the land encompassed by this zone change. Their foundations shall not exceed 20 feet X 24 feet in size.
13. The existing restaurant and the above-mentioned cabins shall be the only commercial use allowed in this zone.
14. Prior to the issuance of a Land Use Permit or a Building Permit the applicants shall post a \$25,000 Performance Bond, in favor of Hood River County, to insure compliance with the conditions of this zone change. Said bond shall be continuously in force for a period of five (5) years.
15. The portion of the existing foundations that are in excess of the 20 feet X 24 feet authorized building size may be used as an attachment to the building and considered an "M" occupancy. However, this portion shall not be covered or enclosed.

Based on the above findings and on the findings which were approved by the Land Use Board of Appeals and contained in the Order dated July 13, 1981, it is

HEREBY ORDERED that the appeal of Sara Howell is DENIED and the applicants' zone change request is approved subject to the foregoing conditions.

Dated this 21st day of June 1982.

HOOD RIVER COUNTY BOARD OF COMMISSIONERS



BEFORE THE BOARD OF COMMISSIONERS OF HOOD RIVER COUNTY

IN THE MATTER of the Application)	
of DAN and SHARON DILLARD for a)	
Comprehensive Plan Amendment and)	
Zone Change from Forest to Commercial)	No. _____
for Property Located in Section 6,)	
Township 2 South, Range 10 East,)	FINDINGS AND CONCLUSIONS
Willamette Meridian, Containing 2.86)	
Acres, more or less)	

These findings concern a request by DAN and SHARON DILLARD for a Comprehensive Plan amendment and zone change from Forest to Commercial for 2.86 acres owned by the Dillards. The subject property, which is entirely within the Mount Hood Planning Unit, is located at the junction of Cooper Spur Road and Cloud Cap Inn Road or, more precisely, 10775 Cooper Spur Road, Mount Hood, Oregon. The Dillards operate a restaurant on a portion of the subject site and seek a Commercial plan and zone change designation to render this use conforming and permit the completion of eight partially constructed overnight cabins to be operated in conjunction with the restaurant facility.

On July 13, 1981, this Board approved the Dillards' request for both the Comprehensive Plan amendment and zone change noted above. In granting these requests and thereby permitting the continuation and reestablishment of a nonforest use of forest land as it has been for over 50 years, the Board adopted findings addressing the exceptions process set forth in State-wide Planning Goal 2, Part II. In August, 1981, opponents filed an appeal to the Land Use Board of Appeals raising, among other issues, the question of the adequacy of the Board's findings to support an exception to Goal 4. In a Final and order dated December 21, 1981 LUBA concluded that the Board's findings addressing the "alternative sites" and "compatibility" considerations set forth in Goal 2 are not adequate to demonstrate goal conformance. See LUBA No. 81-093, Final Opinion and Order, attached hereto and by this reference incorporated herein. LUBA rejected petitioners remaining assignments of error.

The application is now back before the Board of Commissioners for the sole purpose of reviewing the record and providing additional findings and conclusions of the type and level deemed necessary by LUBA to demonstrate conformance with the specific Goal 2 criteria noted above. These supplemental findings and conclusions are set forth below.

Section I addresses what alternative locations within the area could be used to satisfy the identified need for the uses proposed. While our findings regarding "need" under Goal 2 and Goal 8 identify the specific type of uses determined to be needed, namely overnight lodging and an adjacent dining establishment in close proximity to recreational lands and facilities within the Planning Unit, this section describes the characteristics which such a site should have. Further, this section assesses the potential for other sites identified in the record to meet these specific requirements. Finally, this section goes on to demonstrate that these

alternative sites exhibit particular characteristics which warrant removing them from further consideration.

Section II addresses the compatibility of the proposed uses with adjacent uses. This section describes the land uses occurring or expected to occur on lands adjacent to the chosen site. This section also explains how the existing dining establishment and eight proposed cabins which may be established on this site under the Board's order will be compatible with these other uses.

I. ALTERNATIVE SITES

A. Required Site Characteristics

The Mount Hood Planning Unit, which encompasses the upper reaches of the Hood River Valley, is exceptionally rich in recreational opportunities. The public lands within the boundaries of the Mount Hood National Forest provide the bulk of these opportunities. These lands support a variety of recreational activities, including hiking, hunting, fishing, winter sports, camping, horseback riding, woodcutting and similar outdoor pursuits. Established recreational facilities within the area include the Cooper Spur Ski Area, Mount Hood Meadows Ski Area, Cloud Cap Inn, Tillie Jane Campground, Sherwood Campground, Robin Hood Campground, Routson Park, and Polallie Campground. The Unit has 57 miles of hiking trails, with approximately 20% of the trails open to horses and four miles open to motorized travel.

Since only approximately 660 people live in this area on a full-time or part-time basis, according to a 1975 estimate, the vast bulk of those individuals using these lands for recreational purposes come from population centers outside the Planning Unit, such as Portland, Hood River or The Dalles. Consequently, it is important that these temporary visitors are assured adequate lodging and dining facilities at a location close to the recreational opportunities available in this portion of Hood River County and on adjacent National Forest lands. Without such facilities, the time and expense involved in traveling to the area from these distant locations and returning the same day likely outweighs the recreational benefits received.

As evident from our findings regarding statewide Goals 2 and 8, there is a clear need to develop overnight lodging accommodations and adjacent dining facilities in close proximity to these recreational lands and uses as a means of conserving energy and providing persons of limited mobility and finances with the opportunity to meet their recreational needs. Recognizing this need, these findings and conclusions address the issue of which site is most appropriate to serve as the location of these facilities. To this end, we used the following characteristics as criteria in our evaluation of potential alternative sites.

1. Location - The location of overnight lodging and restaurant accommodations in close proximity to recreational lands and within the area is essential to satisfying the particular need we have identified for such facilities. Specifically, the factors which serve as a basis for our need determination, namely, energy conservation and the provision of adequate access for persons of limited mobility and finances, establish a corresponding need for such facilities which must be reflected in the characteristics of the chosen site. At present, the tourist, skier, hiker, or

hunter now seeking to spend a weekend on the mountain is now forced to return to the City of Hood River, a distance of at least 60 miles roundtrip, to obtain the nearest overnight accommodations. The restaurant closest to the National Forest boundary is approximately six miles away and is limited in both facilities and hours of operation. To meet the identified recreational needs of these individuals, the site chosen must be accessible from and as near as possible to the National Forest lands on Mount Hood and recreational facilities located primarily on these lands which serve as the principal destination points of recreational visitors to the area.

Where not based upon testimony or other evidence presented during these proceedings, all distance calculations as applied to potential alternative sites are based upon detailed Planning Unit maps provided in the Comprehensive Plan and supporting background documents referenced therein and incorporated by reference into the record of this matter.

2. Utilities - The availability of adequate electricity, gas, potable water and sewerage service at a reasonable cost is essential to assure full development of restaurant and lodging accommodations of a type and level sufficient to meet the identified need. Conversely, the availability of a properly designated site upon which necessary utilities are not available, are sub-standard, or available only at high cost is of little or no benefit.

3. Adequate Road Access - The expense and difficulty involved in traveling to the chosen site from distant population centers and from the site to the area's recreational lands and facilities should be minimized. Given the severe weather extremes which are common to the Mount Hood area, this criterion necessarily seeks to ensure adequate road maintenance and safe travel conditions, while reducing the amount of road travel required to gain access to recreational opportunities.

4. Adjacent Land Uses - This consideration addresses the absence of adjacent uses which are incompatible with or otherwise detract from the identified purpose of the proposed facilities. Since these facilities are specifically designed to accommodate visitors seeking an escape to the Mount Hood environment for a period of two or more days, it is imperative the site chosen is relatively free of the traffic, noise, congestion and other urban trappings which detract significantly from the recreational opportunities sought.

While proximity to recreational uses and facilities is recognized as the most critical characteristic in light of our identified need for energy conservation and improved access for visitors to the area, each of the criteria noted above have been considered and are addressed in the findings set forth below. Taken together, these findings and reasons support our determination that the chosen site is indeed the most appropriate location for the facilities which satisfy this need.

B. Alternative Sites

During proceedings before this Board and the Planning Commission, a number of potential alternative sites were identified. These are alternatives, ranging from land within the community of Parkdale zoned commercial to a location on public lands within the Mount Hood National Forest, which would not require an exception to satisfy the identified need. The remaining land within the Planning Unit and immediate area is designated and zoned for resource use and is, therefore, not available absent a similar exception. In addition, there are no lands within the area which are identified in the Comprehensive Plan as irrevocably committed and therefore available for nonresource use.

Further, the Comprehensive Plan identifies three sites within the Mount Hood Planning unit for which an exception to Goal 3 and 4 have been taken and therefore could support non-resource uses without an exception. Mount Hood Comprehensive Plan at page 5. One of these sites, the community of Parkdale, is discussed below in detail with regard to its potential as an alternative site for the uses proposed by the applicant. The remaining two exception areas are located near Baseline Road and at the south end of Clear Creek Road. Due to their location in the lower reaches of the Valley, these sites, which were not addressed as potential alternative sites during the proceedings before either the Planning Commission or this Board, are located far from the recreational lands and facilities within the Mount Hood National Forest and immediate area. As a result, we conclude that these sites are not within sufficient proximity to available recreational opportunities within the Planning Unit to satisfy the need we have identified for commercial restaurant or overnight lodging at a location which will conserve energy and provide access to persons of limited mobility.

It is understood that no site, including Mr. Dillard's parcel, will be completely free of drawbacks and disadvantages. However, we do find, based upon facts and reasons set forth below, that these alternative sites are not adequate to satisfy the identified need for overnight lodging and dining accommodations which are fully accessible, close to the mountain's recreational opportunities and free of the urban or residential environment from which visitors to the forest setting seek to escape.

SITE A - MOUNT HOOD NATIONAL FOREST

1. Location - This alternative site consists of public lands within the mount Hood National Forest which are managed by the Forest Service for multiple use. A description of the National Forest boundaries and specific lands in public ownership within these boundaries is contained in the Mount Hood Planning Unit/ Environmental Impact Statement prepared by the Forest Service which serves as the data base for the county's own Comprehensive Plan.

2. Description - This alternative site, which encompasses the bulk of the recreational land within the Upper Hood River Valley arm, is managed under the direction of the U. S. Forest Service. These lands are extremely varied in terrain, vegetation and other attributes which support a wide range of recreational uses.

3. Evaluation - Despite the fact that these lands obviously contain specific sites which conceivably could be well-suited to accommodate the needed facilities, the District Ranger of the Hood River Ranger Station has indicated that the Forest Service subscribes to the basic philosophy of preferring the establishment of commercial recreational ventures on private lands rather than on National Forest lands. Mr. Mueller further advises that this policy is particularly applicable to overnight facilities of the type we have identified as needed. It is further noted that the county has no authority to direct the development of federal lands within the National Forest to meet the need for facilities of the type required.

4. Conclusion - It is apparent that the Forest Service has no intention of establishing or permitting the establishment of overnight lodging or dining facilities of the type needed in this area. On the contrary, the Forest Service has expressed an established policy of rendering the public lands unavailable for such development. Consequently, we conclude that this alternative site does not warrant further consideration.

SITE B – COMMUNITY OF PARKDALE

1. Location - This site is located at the extreme northern edge of the Planning Unit, approximately one and one half miles west of Highway 35 and 20 miles south of the City of Hood River.

2. Description - Surrounded by orchards and other agricultural uses, this unincorporated community lies on the flat valley floor to the north of the Mount Hood recreational area. The community has a population of approximately 300, which swells two-fold with the influx of seasonal migrant labor in the summer months. The town consists of limited commercial facilities, an elementary school, community hall, and a large industrial fruit processing plant designed to serve the surrounding agricultural community. The town, which has four vacant buildable acres zoned commercial, presently provides no overnight facilities and supports a single restaurant which operates only during the day and never on Sunday. Sewer and water services are available.

As noted, this site lies one and one-half miles west of Highway 35 at the northern edge of the Planning Unit. The community lies approximately seven miles from the nearest Mount Hood National Forest boundary, approximately 14 miles from the Cooper Spur ski area and in excess of ten miles from the nearest National Forest Campground within the Unit. Since the remaining lands beyond the developed community are in private ownership and maintained as agricultural production, the immediate area offers little or no recreational opportunities.

3. Evaluation - This site is perhaps best characterized as a small rural village which supports, by nature and design, the needs of the surrounding agricultural community and serves as site of the predominant industrial employer within the area, Diamond Fruit, Inc. While the town contains land zoned commercial upon which lodging and dining facilities of the type necessary could be established without the need for an exception, all such sites are far removed from the Mount Hood National Forest and the recreational opportunities and facilities which are available on those lands. Consequently, the specific type of facilities deemed necessary, namely those in close proximity to recreational opportunities, could not be provided on this site. To

require the skier, snowmobiler or hiker to drive from Parkdale to the mountain and return the same day at a total distance of 30 miles or more is simply contrary to the identified need to conserve energy and improve access to recreational opportunities by limiting the commute to and from the lands upon which such opportunities are available.

The limitations presented by the distance from this site to recreational areas on the mountain become even more pronounced in the winter months due to the hazards of winter driving. While maintained throughout the winter by the State Highway Department, Highway 35, which serves as the primary access to the Mount Hood area from Parkdale, nonetheless becomes perilous in conditions of ice and snow. These hazards are increased where the time involved in commuting necessitates driving during hours of darkness. In short, the necessary exposure of the winter recreational visitor to the Mount Hood area to the hazards of such travel would be unnecessarily increased by the establishment of overnight lodging and dining facilities at this site as opposed to a site within or very near the recreational area itself.

Further, the community of Parkdale does not afford the atmosphere sought by the visitor seeking to spend two or more days pursuing the recreational amenities available on National Forest lands. Rather than providing the sights and sounds of the forest setting, this community supports a large processing industry, the noise and bustle of a typical small agricultural town and a two-fold population influx during the summer months. During this peak period of seasonal growth, it appears likely that all available temporary accommodations, including any recreational lodging facilities provided as an alternative to this exception, would be consistently occupied. If so, the weekend recreational visitor would find the location of overnight lodging at this site wholly ineffective to meet their recreational needs, even if the extensive commute and attendant cost in energy and money could be tolerated.

4. Conclusion - Based upon the facts and reasons set forth above, we conclude that this site does not warrant further consideration as an alternative to meet the identified need for overnight lodging and restaurant facilities within close proximity to recreational opportunities within the area.

SITE C - COMMUNITY OF GOVERNMENT CAMP

1. Location - This unincorporated community, which is entirely within Clackamas County, lies along Highway 26 on the southwest side of Mount Hood approximately six miles west of the Hood River County line.

2. Description - Government Camp is a resort community serving primarily the Portland metropolitan area through several ski and snow play facilities within the immediate vicinity. In 1977, the population was estimated at approximately 550 residents, almost three-fourths of which are seasonal. See Mount Hood Planning Unit/Environmental Impact Statement Background Report. This same document, which serves as the background report for the Comprehensive Plan, identifies weekend parking circulation problems within the area as acute during the snow season and goes on to indicate that there is a need for a community parking facility, a system of snow removal and storage, and a program for local tire protection. See E.I.S. Available services include a private water system and a public sanitary treatment facility.

This site lies approximately 46 miles from the City of Hood River on the opposite or southwest slopes of Mount Hood. Access to this community from the Hood River Valley requires a traverse over the mountain's eastern flank and the summit of Highway 35, much of which is maintained under extreme snow and ice conditions during the winter months. The approximate distance to recreational facilities within the upper Hood River Valley include:

- Cooper Spur Ski Area - 27 miles
- Hood River Meadows Ski Area - 16 miles
- Sherwood Campground - 20 miles
- Pollalie Campground - 22 miles
- Tillie Jane Campground - 38 miles
- Cloud Cap Inn - 39 miles
- Routson Park - 32 miles

Access to National Forest Lands within and adjacent to the valley would involve similar distances, depending upon the particular destination chosen.

The community, which is located entirely within the boundaries of the Mount Hood National Forest, contains approximately 20 buildable acres zoned commercial. While the area itself is developed with in excess of 200 housing units and related limited commercial facilities, surrounding land uses include three established ski areas and otherwise undeveloped National Forest land.

3. Evaluation - Although this site is favorably situated in regard to the availability of services and access to recreational opportunities on the southwest side of the mountain, it is severely limited in its availability to meet the need we have identified due to its distance from the recreational lands and facilities within the upper Hood River Valley. We have identified a specific need for overnight accommodations close to these recreational amenities as a means of meeting the recreational needs of residents and visitors to this county in a manner which conserves energy and improves access to such opportunities for persons of limited mobility. Establishment of facilities at this site to satisfy this identified need would require users to either travel around the mountain and utilize lands within Clackamas County while ignoring Hood River County's own recreational resources or, alternatively, undertake this same commute for the purpose of journeying back around the mountain the next day to fish or ski and return to their overnight accommodations in Clackamas County that same day at a distance of up to 60 miles. Since such a commute would be roughly equivalent to the drive from existing accommodations within the City of Hood River to National Forest lands in the upper valley, the choice of this a location would serve no purpose in our attempts to meet the recreational needs of users traveling from the north, namely residents and visitors to Hood River County.

Finally, the highly developed nature of this community and the extensive travel over high elevation roads under winter conditions which would be required of users of this site render our evaluation of facts regarding hazardous winter access and the compatibility of adjacent uses as applied to the Parkdale alternative site applicable here as well.

4. Conclusion - For the reasons set forth in our evaluation above, it is apparent to this Board that the utilization of this site would not satisfy the identified need for overnight lodging and dining accommodations in close proximity to the recreational areas and facilities available to potential users from Hood River County. Consequently, the community of Government Camp does not warrant further consideration as an alternative site for these uses.

SITE D - COMMUNITY OF MOUNT HOOD

1. Location - This small unincorporated community lies 19 miles southwest of the City of Hood River along Highway 35. It is outside the Mount Hood Planning Unit as identified in the Comprehensive Plan.

2. Description - This area contains a small grocery store, service station and other limited commercial establishments. There are approximately 20 acres of vacant buildable commercial land within the area, most of which fronts on Highway 35. The area contains no overnight accommodations. The area is not served by sanitary sewers, relying instead upon individual septic tanks. The availability of water service, either through an established district or by individual well, is not evident from the record. Surrounding lands beyond the developed area are zoned and utilized for farm use.

Since this community is roughly three miles north of Parkdale via the main highway, the distances from this site to recreational areas and facilities on or near Mount Hood would be uniformly increased by three miles if this site were utilized for the needed facilities.

3. Evaluation - As with alternative sites B and C, the appropriateness of this site is severely limited by its extreme distance from the recreational opportunities found in the upper valley region and on Mount Hood. Given this limitation, the utilization of this site would be of little benefit in our efforts to satisfy the identified need to reduce commuting costs and energy consumption, now imposed upon the area's visitors and residents as a condition of meeting their recreational needs.

Further, this site, along with Sites B and C, is located within an urban setting which, due to the intrusion of Highway 35, adjacent commercial and residential uses, and the number and density of people within the area, affords little or none of the recreational amenities or atmosphere sought by the individual seeking to spend a weekend relaxing in the outdoors. This consideration is particularly appropriate with regard to the person of limited mobility whose ability to enjoy the solitude and quiet of the outdoors is restricted by his or her inability to venture beyond the immediate location of their accommodations. If this site were utilized, the recreational user who is not so afflicted by age, disease, or limited finances would, nonetheless, be forced to undertake a costly and wasteful round trip commute to National Forest lands or other recreational areas to the south. For those individuals whose mobility is so limited, the location of needed lodging and dining facilities at this site would serve no purpose whatsoever.

Finally, this site shares with alternatives B and C the limitations inherent within the use of Highway 35 as the principal winter access to mountain recreational areas. Since this

highway serves as the primary access to the Mount Hood area in general, as well as the only access to public and private roads leading to the various recreational facilities located at more remote location on the forest, use of this site would require extensive commuting by the recreational user. Such commuting would, in turn, unnecessarily increase his or her exposure to hazards of winter driving under snow and ice conditions which frequently occur at the higher elevations to the south.

4. Conclusion - Based upon the foregoing facts and reasons, the limitations inherent within this site render it unsuitable for development of the specific commercial uses identified by this Board as necessary to meet the recreational needs of County residents and visitors.

C. Conclusions

There are four sites or areas identified within the record as potential alternative locations for the overnight lodging and dining establishment which has been identified as necessary for this area. The location and character of these various sites is discussed above.

Site A - Mount Hood National Forest - does not warrant further consideration because of the U. S. Forest Service policy that commercial ventures of the type sought should take place on private, not public, lands.

Sites B, C and D - Parkdale, Government Camp, and Mount Hood respectively - do not warrant further consideration because of their distance from available recreational uses and facilities within or adjacent to the Mount Hood Planning Unit, their urban or semi-urban settings, and the increased travel hazards inherent within the commute under winter conditions which would be required of a recreational user traveling to and from these sites.

II. COMPATIBILITY WITH ADJACENT USES

A. ADJACENT USES

The chosen exception site is within the jurisdictional boundaries of the Mount Hood National Forest. The subject 2.86 acres is only a portion of a much larger 40-acre parcel owned in part by the applicant. The remainder of this parcel, and an adjacent 117-acre parcel owned by the applicant, is actively managed for commercial timber production. The applicant planted 8,000 trees last year and will plant again this year through his contract with a commercial forestry firm.

The chosen site is bounded on three sides by land owned and managed by the applicant and a state highway on the fourth side. Across the highway lies a 63-acre parcel in private ownership which supports two houses and three cabins. To the west of the site lies Snowbird Tracts, a residential development of approximately 80 acres and 13 parcels, of which two are developed. Approximately two and one-half miles to the northwest lies Mountain Shadows, a development of approximately 20 lots and 16 houses. The applicant's entire holding of approximately 157 acres is bounded by Mount Hood National Forest lands on three sides, the

above mentioned state highway on the fourth, and private holdings used for recreational residential purposes beyond the highway. According to the county Forest Manager, most of the adjacent private lands east and south of the applicant's property will be exchanged shortly to the U. S. Forest Service. Rec. at 245. In the general vicinity are the Cloud Cap Inn, Tillie Jane Campground, Cooper Spur Ski Area, Polallie Campground and Sherwood Campground.

All private property within the area under the jurisdiction of Hood River County is designated "Forest" on the Comprehensive Plan Map, and zoned "Forest". Notwithstanding the current residential use of some properties so designated within the area, the most likely activity to occur on these lands would be timber harvesting and other forest related activities. National Forest lands are managed for multiple use, including timber harvesting, watershed protection and recreational activities.

Thus, the two adjacent uses with which the proposed facility must be compatible are the few rural residences to the west and timber management.

B. COMPATIBILITY

Goal 2, Part II requires that the uses allowed pursuant to the Plan amendment and zone change approved by this Board be compatible with adjacent uses. As previously noted, those uses which now exist or may occur on adjacent lands include timber harvesting and rural residential housing. Based upon the facts and reasons set forth below, the Board concludes a compatibility with these uses has been demonstrated.

1. Conditions of Approval - This Board's decision incorporates the following conditions of approval which serve to mitigate any potential adverse impacts stemming from the permitted use of the subject site.

a. Any signing shall meet the criteria required of a conditional use permit. These criteria, as set forth in § 60.10 of the Zoning Ordinance, include a showing of public interest, conformance with applicable Comprehensive Plan Policies and a consideration of the factors set forth under ORS 215.055 regarding land use patterns and property values within the area.

b. The cabins shall be constructed of logs and stone, thereby ensuring compatibility with the natural character of the site and surrounding area.

c. Fire protection precautions under the direction of the U. S. Forest Service shall be accomplished. See finding No. 3 below regarding the applicant's present compliance with Forest Service fire protection standards and the fire protection facilities available on the site.

d. All drainfields shall be within the area zoned Commercial and an easement shall be obtained or provided if necessary. The record contains evidence that the soils on the site have been evaluated and found to be suitable for septic tanks and drainfields. Further, septic tank and drainfield permits have already been issued for the existing restaurant facilities

and the eight proposed cabins. In the event that an easement should be necessary at some future date, the applicant has indicated that an area adjacent to the subject site has been cleared for possible use as an additional drainfield.

As a condition of obtaining a land use permit prior to building, the applicant must demonstrate full conformance with applicable Department of Environmental Quality Standards pursuant to § 64.015 (d) (2) of the Zoning Ordinance. As previously noted such conformance has already been demonstrated and septic tank and drainfield permits for the proposed facilities have been issued.

e. Access to the cabins is limited to a single roadway off of Cooper Spur Road located entirely within the boundaries of the area zoned Commercial. The area will be served by a single access road which will be serviced and maintained free of snow to a width not less than 12 feet, thereby assuring constant and adequate access by fire suppression equipment and other emergency vehicles necessary to protect the proposed structures and adjacent lands and uses. On-site parking will be provided for each cabin.

f. The applicant shall comply with the buffer requirements of Article 50 of the Zoning Ordinance. As a condition of approval, the applicant must provide an 80-foot setback from all adjacent lands zoned “Forest” or used for forest use. In addition, each structure must be surrounded by a maintained firebreak at least 30 feet in width. See § 50.45 (3). Our findings regarding fire protection set forth below at subpart 3 demonstrate that these buffer requirements have already been met.

Further, a notification statement identifying potential hazardous timber practices occurring on adjacent lands and the present and future property owners' acceptance of such hazards shall be attached to the applicants' deed. See § 50.25 (B).

g. Commercial uses to be allowed within the subject 2.86 acres shall be limited to the proposed cabins and the existing restaurant, thereby precluding the establishment of unanticipated future commercial uses which are either potentially or inherently incompatible with adjacent land uses yet are not made the subject of specific mitigating conditions of approval pursuant to our Order.

2. Ownership and Use of Adjacent Forest Lands.

As previously noted, a substantial portion of the adjacent forestland, or approximately 157 acres, is owned and managed by the applicant for commercial timber production. The applicant planted 8,000 trees during 1980, and has indicated that he will thin and plant again this year through his contract with Lava Nursery, Inc., a timber management consulting firm. Expert testimony offered by a professional forester suggests that the limited nature of commercial uses proposed for this site namely the eight small cabins and existing restaurant, will not conflict with forest management practices undertaken on the remainder of the applicants' property or other adjacent lands which support forest uses. In addition, the U. S. Forest Service has indicated that commercial recreational uses of the type proposed in this instance can effectively blend with the

forest environment while complementing the Cooper Spur Ski Area and other recreational uses on National Forest lands.

We conclude that these facts, coupled with the incentive to ensure compatibility occasioned by the applicant's own forest management activities, further demonstrate that the limited type and level of development to be permitted on this exception site will be compatible with the existing and potential use of adjacent lands.

3. Fire Protection.

Testimony in the record points to fire hazard as a potential threat to forestlands. Addressing this concern, we note the applicant has provided evidence of an extensive array of proposed and existing fire protection facilities at the site. The existing restaurant facility, including the recent addition, contains a professionally installed sprinkling system which provides a fire insurance rating of 75%. Each individual cabin will be equipped with fire extinguishers. Further, there is a 500-gallon fire truck available on the site that can pump out of the stream running through the property or the 27-acre lake being developed adjacent to the site, as well as providing its own water storage facilities. This equipment also contains 350 feet of hose which serves to provide protection throughout the subject site and, if necessary, on adjacent lands. The nearby lake now under development will also be used by the Forest Service to provide fire protection to adjacent National Forest lands.

An area of approximately 42 feet in width has been cleared to serve as a firebreak around the entire perimeter of the subject area and in excess of seven acres extending immediately east of the cabins has been cleared to serve as an additional buffer. The area between the cabins and the state highway has also been cleared of fire transmitting debris. All electrical lines will be underground. A D-7 Cat will be available on the site at all times for the use in emergency firebreak preparation. Fire extinguishers are provided on each piece of equipment stored within the area, as well as within the various outbuildings on the site. The site is also served by a water reservoir and system, complete with two hydrants providing approximately 50 lbs. of pressure which is, in turn, supported by an existing well with a pump possessing a capacity of 95 gallons per minute. In addition, approximately 365 slash piles were burned during 1980 as a means of eliminating the primary fire hazard on the property. Further, the entire area will be served by an access road which is maintained free of snow to a width of not less than 12 feet to assure constant and adequate access by fire suppression equipment needed to protect the existing and proposed structures and, in turn, prevent the spread of fire to adjacent lands.

Finally, the record contains testimony of Mr. Paul Mansur, a representative of the U.S. Forest Service, regarding the applicant's conformance with the Forest Service's expectation of the level of fire protection to be required of loggers and other contractors operating on National Forest Lands. Specifically, Mr. Mansur stated at the March 26, 1980 Planning Commission meeting, and the applicant quoted at p.180 of the record, that:

“In regards to the fire issue, the Forest Service does, upon request of the landowners who are adjacent to Forest Service property, come in with inquiries in regards to their fire equipment and what plans they and try to work with them. Based on the information that

they have been given in regards to Dan Dillard's plans, they feel that generally what he is proposing to do would be consistent with what they require of loggers and other contractors operating on National Forest lands.”

This evidence demonstrates that the customary level of fire protection needed to minimize or eliminate fire hazards posed to forest lands and forest uses within the area is available on this site.

4. Potential Impacts

The staff report suggests that commercial zoning of the type proposed in this instance will “likely have a negative impact on surrounding forest management practices”. Staff Report at p. 6. Staff relies in part upon the comments set forth in a letter from Mr. Ken Galloway, County Forest Manager, to support this finding. However, we note that Mr. Galloway merely recites the type of commercial forest activities which commonly occur on forest land and notes that the proposed change, if granted, should be supported by a demonstration that such adjacent forest activities would not be limited by any permitted nonforest use. Contrary to the staff report, this testimony suggests that the proposed commercial uses could be rendered compatible with the forest use of nearby lands for the imposition of appropriate mitigating conditions. Based upon the facts and reasons set forth in our discussion of compatibility in subparts 1-3 above, we conclude that such effective mitigation has indeed been accomplished by the conditions of approval we have imposed in the applicant's own forest management practices and fire protection efforts.

The staff report also identifies a number of potential impacts to forest lands and uses which may occur generally upon the location of nonforest uses on adjacent lands. We note, however, that the staff has failed to apply these considerations to the facts of this particular proposal other than to state that such impacts will generally be the same “throughout the county and outside the county wherever forest land exists”. Staff Report at p. 7. Further, the County Forest Manager has also failed to offer any detailed analysis of precisely how these considerations are applicable, if at all, to this proposal.

With this in mind, we have considered this range of potential impacts as applied to the particular proposal before us, and conclude, based upon the discussion of compatibility provided above and the findings and reasons set forth below specifically addressing these considerations, that such potential impacts are either nonexistent or successfully mitigated in this instance.

a. Small parceling restricts economically feasible management practices.

Subject 2.86 acre site presently supports a number of structures, including:

- a 2,785 square foot restaurant facility
- a 542 square foot cabin
- numerous outbuildings and storage sheds
- a partially constructed cabin of approximately 768 square feet
- seven 32' x 24' cabin foundations
- access roads throughout the site

The restaurant building was completed in 1950-51. In the past 50 years, structures on the site have included a gas station, 8 cabins, a restaurant and trailer spaces complete with sewage and power hookups. The site is bordered to the west by a state highway.

Evaluation

It is clear that this 2.86 acres has supported nonforest uses for a number of years and has, therefore, not been available for forest management or other resource use during this time. Furthermore, the applicant has expressed an intent to improve and continue operation of the restaurant facility as a valid nonconforming use rather than convert the site to forest management use of the type now undertaken on the remainder of his property. In short, the potential impact on the feasibility of forest management practices for the particular site is an inappropriate consideration where, as here, the particular site involved is very small and unavailable for forest use due to authorized existing development. Consequently, we find this factor inapplicable to our determination of compatibility as applied to this particular proposal.

b. Fire danger is increased; fire suppression costs rise, and firefighting techniques become altered.

Our findings and discussion under subparts 3 and 4 above adequately identify the fire protection facilities and safeguards available or to be provided on the site.

Evaluation

The applicant has taken significant steps to provide adequate fire protection to protect structures and forest resources upon the subject site and adjacent lands. Further, we have expressly required full conformance with appropriate Forest Service fire protection standards and Article 50 of the Hood River County Zoning ordinance as conditions of approval. Indeed, the provision of extensive firefighting equipment on the site, including a pressurized water supply system with hydrants, hoses and adequate storage facilities, will insure a level of fire protection not otherwise available on surrounding forestlands.

For the reasons set forth above, we conclude that any potential increase in fire hazard stemming from the limited type and level of commercial use permitted on the subject site is and will continue to be effectively mitigated.

c. Nonforest property owner is less likely to be knowledgeable about forest management.

Our previous findings regarding the applicant's extensive forest management activity on the remaining 95% of his property coupled with his retention of expert professional foresters to assist in his efforts, demonstrate the applicant's knowledge and continued practice of appropriate forest management techniques.

Evaluation

Given the applicant's forest management experience and his continued use of the remainder of his property for commercial forest production, we conclude that this consideration is not applicable.

d. Economic or social hardship to a neighboring forest owner who utilizes silva cultural management techniques.

Once again, our previous findings regarding compatibility are relevant here. In particular, we note that the applicant must comply with the extensive buffer requirements set forth in Article 50 of the Zoning Ordinance as a condition of approval. In addition, we have expressly limited any commercial use of the site to the existing restaurant and eight proposed cabins. Furthermore, much of the adjacent forestland not otherwise managed by the National Forest for multiple use/recreational purposes is owned and managed by the applicant or utilized for rural residential uses. Since the limited commercial facilities to be permitted under this order either currently exist or have existed on the site for a number of years, our decision will not impose any additional economic or social hardship to neighboring forest owners.

Evaluation

It is apparent that the applicant owns much of the nearby forestland upon which silva cultural management techniques are utilized. The existence of extensive residential development on other property in the area attests to the compatibility of such neighboring uses with the historical commercial use of the subject site and significantly reduces the potential impact upon silva cultural management techniques which might otherwise stem from commercial development. To the extent that commercial forest uses occur in the area, the lands upon which such operations are undertaken are effectively buffered by distance, intervening residential uses or the applicant's own forestlands. Further, the Forest Service has indicated that the type of development proposed would complement existing recreational uses on nearby National Forest lands. As for the logging slash on applicant's property which has concerned the Forest Service in the past, the applicant has removed an estimated 365 slash piles in the last year, thus substantially improving his fire protection capabilities.

Based upon these facts and reasons, we conclude that the limited type and level of commercial development permitted by our decision will not result in economic or social hardship to any forest owner utilizing appropriate forest management techniques.

e. Inconsistent or conflicting land management policies would result.

Addressing the land management policies on adjacent lands and the remainder of applicant's property, we note the relevancy of our previous findings regarding the significant degree of non-forest residential development within the immediate area, the historical use of this property for the very uses proposed, and the applicant's own experience and current efforts regarding operation of the existing commercial uses on the site while maintaining the remainder of his property for forest production. Further, any future use of this very small 2.86-acre parcel for commercial activity shall be limited to the existing restaurant and the eight small cabins.

Adjacent public lands support a variety of recreational facilities and uses, including a number of campgrounds and ski areas as identified in our initial findings regarding alternative sites. According to Mr. Mueller of the Forest Service, the Service prefers the commercial recreational ventures of the type proposed be established on private lands rather than National Forest lands. In addition, Mr. Mueller indicates that the Forest Service does not object to the applicants' establishment of recreational uses which blend with the forest environment and support the variety of recreational uses maintained on National Forest lands. In his letter to the county, Mr. Mueller goes on to state that the applicants' proposal could very well complement the nearest developed recreational facility, the Cooper Spur Ski Area, and vice versa.

Evaluation

From the facts noted above, it is apparent that our decision will not conflict with land management policies on surrounding National Forest lands or the recreational use of a significant portion of the private holdings in the area. Further, the limited type and level of commercial uses to be permitted on this small site is consistent with past use of the parcel and will not conflict with the applicant's forest production activities on the 98% of his property. To the extent other landowners in the area undertake commercial forest activity, our findings and reasons set forth in subparts 1-4 regarding compatibility demonstrate that all potential adverse impacts which might stem from the proposed use are either nonexistent or successfully mitigated and, hence, would not conflict with their land management policies. The fact that the applicant utilizes the vast bulk of his property for such uses provides further evidence of the compatibility of commercial uses on the site with surrounding or adjacent forest management practices.

f. Set a precedent for additional non-forest uses and support facilities and services.

As a condition of approval, our order expressly limits any commercial use of the site to the existing restaurant and eight small cabins. Since this restriction will run with the land in the event the applicants' sell the property, any future use of the site will be similarly limited. Further, this established limit on the type and level of commercial uses, coupled with the very small size of the parcel to be designated Commercial, imposes a corresponding limit on the nature and capacity of public facilities and services which will be provided to the site.

Evaluation

Given the size of the parcel designated and zoned Commercial and the restricted uses and facilities which will be on the site under our Order, we conclude that our decision to designate and zone this site as proposed will not serve as a precedent for additional nonforest uses and support facilities and services.

g. The administration of the Oregon Forest Practices Act becomes more difficult.

The Oregon Forest Practices Act permits or requires a broad range of forest management techniques on forestlands. In our consideration of the effect of our decision upon the administration of this Act, we note the range of mitigation requirements we have imposed as conditions of approval as evidence of the compatibility of the proposed use with forest

management practices in the area. Specifically, the buffer requirements set forth in Article 50 and the notice of such activities on nearby lands to be attached to the applicants' deed will minimize or eliminate the need to restrict nearby forest practices. Further, the availability of adequate fire protection has been demonstrated. The type and level of commercial uses to be permitted are restricted and limited to the 2.86 acre site minus applicable setbacks. As additional evidence of the compatibility of the proposed commercial uses with forest practice activities, we note our previous discussion of the applicant's own history of continued and successful operation of both commercial facilities and the forest production activities on the single 157 acre tract of which the subject site is a part.

Finally, we recognize that this criterion speaks to the need to prevent the administration of the Act from becoming more difficult upon the establishment of nonforest uses. In this particular instance, both the subject site and adjacent lands currently support commercial or residential structures and uses. The eight small cabins permitted under our order constitute the only additional nonforest uses authorized by our decision. Given the limited nature of these uses and the extent to which surrounding lands are already utilized for such purposes, it appears that forest management practices undertaken within the area will be subject to little, if any, additional limitations as a result of our decision.

6. 1000 Friends of Oregon Objection - Mr. Paul Gerhardt, Jr. of 1000 Friends of Oregon has expressly addressed the Goal 2 requirement of compatibility in a letter to the Board of Commissioners dated June 8, 1981. With respect to this criterion, Mr. Gerhardt objects to the proposed plan and zone change on the basis that the subject parcel, if zoned Commercial, could support an “intensification and change in use” such as a “large overnight lodge, campground, store and tavern”. Mr. Gerhardt relies upon this potential future intensification beyond the type and level of uses proposed by the applicants and the incompatibility of such uses with adjacent forest uses as the basis for his objection as to this particular Goal 2 requirement.

In our consideration of Mr. Gerhardt's testimony, we recognized his concern and have expressly limited any future commercial use of the subject parcel to the existing restaurant and eight small cabins now sought by the applicants. Further, the size of these cabins is also expressly limited by our order. Consequently, Mr. Gerhardt's objection with respect to the potential for a future intensification and change in commercial use of the site is moot.



Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

July 7, 1983

Mike Nagler, Director
Planning and Community Development
Room 101, County Courthouse
Hood River, OR 97031

Dear Mike:

I have received the four packets of information on natural area zones, the Dillard property, historic structures, and the historic preservation ordinance.

The two proposed natural area zones look good. They clearly represent the Goal 5 Rule's (3A) and (3C) program options with respect to the Parkdale Lava beds. As you know, the County's draft ESEE analysis and other information available to me leads me to believe that alternative 1 representing the (3A) option is the appropriate choice for this particular area and more specifically, is necessary for compliance with Goal 5. Either zone looks fine for the remaining natural areas.

Regarding the Dillard property, the Commission's October 15, 1981 report on the County found that the rezoning of specific parcels after plan submittal is a quasi-judicial action not properly subject to the Commission's review in an acknowledgment request. Because of the small (2.86 acres) size of the parcel and existing restaurant thereon, this area may be considered to be committed to nonforest use. The decision as to the most appropriate nonresource planning and zoning for the area is a local matter. The requirements of LUBA case 81-093 regarding "alternatives" and "compatibility" are based on the County's taking of a "needs" as opposed to a "committed" exception for the area. There is adequate information available in the material submitted to me to show commitment for the area. Therefore, the County needs to do no more work on this matter. If you would like me to address the County's "needs" findings, I can do that as well, although the result is the same.

The information on historic structures and the historic preservation ordinance look fine--good work!

Sincerely,

Katherine Handweg

Katherine Handweg
Plan Reviewer

cc: Brent Lake

KH:af
4659B/3B