

City of Hood River
Planning Commission
Public Hearing
Monday, April 16, 2012

City Council Chambers
211 Second Street
Hood River, OR 97031
5:30p.m.

PRESENT: Chair Laurie Stephens; Commissioners Casey Weeks, Steve Winkle, Nikki Hollatz, Jennifer Gulizia

ABSENT: Commissioners Nathan DeVol, Bill Irving

STAFF: Planning Director Cindy Walbridge, City Attorney Dan Kearns, Senior Planner Kevin Liburdy, City Manager Bob Francis

MINUTES

I. CALL TO ORDER: Laurie Stephens, Chair at 5:38p.m.

II. ACTION ON MINUTES: None

III. PLANNING DIRECTOR'S UPDATE: None

IV. CITIZEN COMMENTS: None

V. PUBLIC HEARING:

Chair Stephens called the hearing to order at 5:38p.m. Stephens explained that this is a continuation hearing on File No. 2011-30 from March 19th and the opening of the conditional use hearing for the same application. The applicant is Mark VanderZanden of Surround Architecture and the proposal is for a 45,000 sq ft, four stories, 88 room hotel, 20,000 sq ft., office lot, parking lot and a cable park within the Nichols Boat Basin. The property is located at the southern end of the Nichols Boat Works and is zoned General Commercial, C-2. The applicable Hood River Municipal Coding criteria are 17,09.040, 17.03.050 General Commercial C-2, 17.04 supplementary provisions, 17.16.040 Site Plan Review Criteria, 17.17 landscaping and development standards, 17.20 transportation, circulation and access management and 17. 22,030 Columbia River Infill Waterfront Area, 17.22.010 defining for wetlands and 17.06 conditional uses. A quorum of the Planning Commission is present. Stephens asked members to disclose significant ex-parte contact since previous meeting regarding application or appeal. There is a written request to discuss Gulizia's contact. Winkle, Weeks, Stephens, Hollatz – no contact.

Gulizia - Had a brief conversation with Bob Naito in late October or early November 2010 about a cable park and subsequently two other conversations. Since being on the Planning Commission she has no contact. She is in the hotel industry but has no financial interest. She can render an impartial decision.

Stephens asked if anyone has any questions Jennifer regarding this issue.

Brent Foster, Mosier – Asked for clarification if the cable park idea was Gulizia’s idea or if Naito had already been planning a cable park. Foster feels she is going to be making a decision on a project that was originally her idea. Questioned whether this might be a business venture for her and whether there is anything that would make her feel weird or queasy about saying this project does not meet city law. Feels no commissioner should sit and judge on a project that was initially their idea. Worried about perception and whether it appears to be fair with Hollatz sitting on this decision. Requests that Jennifer no longer be involved with deciding on the application.

Gulizia – Reconfirms her ability to rule impartially.

Dan Kearns – The commissioner says she has no financial interest in the project. All commissioners must be able to make an unbiased decision based on the record that comes in and the applicable approval standards. Commissioner Gulizia says she can. Appearance of fairness is specifically not part of Oregon law.

Liz Hallock, 0605 SW Gaines, #1417, Portland – She stated that it is not just a financial interest that would make one impartial. The standard is actual bias. Asks Gulizia if she has personal bias. For the record reads the Oregon law from 1000 Friends of Oregon suit that says that it’s not just a financial interest but a personal bias.

Gulizia – Reiterates she has no personal bias.

Chair Stephens asked for the staff report.

Staff report, Cindy Walbridge – When the applicant said they wanted to put a hotel and a retail building and part of the boat basin I went to the zoning map. It shows general commercial and shows the water not having a zone on it. We do have the Interchange Access Management Plan and also the Natural Resources overlays. The code of the zoning ordinance where I saw the site plan review and then we undated the commercial zone and I saw it was a conditional use on anything 1.5 acres or more. You can’t use the conditional use code without zoning.

In 1983 after Senate Bill 100 was passed the city had an acknowledged comprehensive plan which has a map that was adopted and the map has the zoning and we did zone water at that point. I do not have criteria to apply to the water.

As part of the Interchange Access Management Plan (IAMP) she sent a notice to ODOT. ODOT responded today. The condition that ODOT is requesting is that a signal does not have to be installed at the present time; however, the proportionate share will be due upon prior issuance of any building permits. The city and ODOT will monitor the queuing issue for six months, to include three summer months. If queuing issues arise before the installation of a signal the city will apply to remove the parking lot on the west side of 2nd Street between Cascade and Oak as an interim measure. It will be decided who will pay for it. The letter is attached to material given to the commissioners. ODOT concurs with the conditions.

The ESEE analysis, Chapter 17-22 Natural Resources – the City of Hood River 2003-2005 did an ESEE Goal 5 Natural Resources, Economic, Social, Environmental and Energy analysis to determine what the natural resources are and determine whether you’re going to allow uses outright or allow for conditions or

not allow them at all. Before adoption the Port of Hood River came to the city and said we do not want to do Safe Harbor on all their reaches of the Columbia River on the waterfront, and all the reaches of the Hood River waterfront.

The question has been asked why the city is allowing a zero setback on reach 5 and 6. In 2005 the City Council went through each reach and they decided that the boat basin, COR5, would have no restrictions, no setbacks. At that time Reach 5 was removed from ESEE. Reach 5 is the southern end of the boat basin. Reach 6 on the west side has no restrictions or setbacks. There will have to be storm water runoff plan prior to any development there. Unsure whether the 75 ft setback from the Hood River is met by the hotel siting and it needs to be. There is the question of what Reaches are the most important to protect concerning fish habitat. Reach 5 and 6 were removed from that protected status by the City Council in 2005.

There is a lot of question about how much can a site plan be changed before we have to send somebody back to a new site plan? They always change. Things get altered. Moving the hotel is significant. The pylons have been moved to the water because of the ESEE analysis and the 75 foot corridor. The process will go through the Corps of Engineers and the Division of State Lands and we will not issue any building permits or a construction site permit until we see the permits from the Corps and DSL

Reminds commissioners that this is a zoning ordinance, land use code and land use permit.

There has been concern about the storm water run-off. Met with Gary Lindemyer concerning any possible contamination of the river and how it's being treated before it gets to the river. We never ask for a complete set of engineer plans for a land use decision. You look at the criteria, what's necessary, you make a condition and you require a full set of engineered plans as part of the building permit. So the criteria and the conditions are going to be part of the land use permit.

Map shows possible wetland and that triggers, according to city code 17-22, is a requirement of the applicant of a wetland delineation study and submit it to the Division of State Lands. DSL determines the accuracy and completion of the study and then it will issue a permit then the city will determine any conditions into the building permit application.

Weeks – Not clear what they are being asked to approve concerning the cable park. Haven't seen anything about the cable park.

Walbridge – You have the site plans and the pictures. The pylons have been removed from the land based on they are not allowed the light industrial zone and the natural resources zone. You're being asked to look at the impact on the upland, traffic and circulation, pedestrian access, infrastructure. How many people are coming to the cable park, where are they are going to park, how are they going to circulate, what are they going to do.

Kearns: A fundamental question raised by the opponents is whether you have land use regulatory authority over uses in the water. The land based portions of the application are all subject to site plan review and conditional use review. Recommends that the commissioners take an initial vote about whether they have regulatory authority over the water based aspects of this site. There is ambiguity in the code. The opponents point out that chapter 17.16 says a site plan review permit shall be required for the following circumstances - new construction. Things in the water are new construction. In looking over Title 17 is there anything in there that indicates that the city council when it adopted or amended the code under took the regulation of uses in the water. State law allows cities to take that authority. In Hood River

the introductory chapters of Title 17 defines a lot as a specific tract of land within a platted sub division. Zone means one of the classifications of permitted uses into which the land area of the city is divided. The map shows water is not subject to city zoning. Water dependent uses are subject to permitting and regulatory authority of other agencies, state and federal agencies. The city land use regulation is Goal 5. Goal 5 ends at the waterline. The Goal 5 issue is the spit, the landward side of the spit, it's a riparian habitat. Feels that the water uses are not subject to the city's land use regulations but agrees it is an ambiguous part of the code.

Hollatz – Asks about the portion of the commercial building below the high water mark.

Kearns - Does it go below the ordinary high water mark? It does intrude in the flowage easement so if you want to build in that flowage easement you need to get permission from the Real Estate Division of the Army Corps of Engineers.

Weeks – Everything in the water is dependent on the land usage. Feels he is being asked to approve part of it but can't touch the rest. Feels it's all part of the same permit.

Kearns – There are land based aspects which are pretty closely connected to what will be going on in the water, park, including emergency access. Doesn't feel the commissioners have the authority over water uses. A conditional use permit process is a way to customize conditions of approval. It's generally not viewed as a mechanism to deny the use.

Gulizia – Are the pylons removable? Will they be stored on land?

Kearns – If the pylons are fixed structures embedded in the bottom of the water it is a federal review process.

Bob Naito – They will be permanently in the water.

Stephens – Is it possible to approve the site plan and the conditional use permit but to specifically state that this does not imply approval for the cable park?

Kearns – You could do that. Your decision can be appealed to the City Council and they would probably want to know your view of whether you think you have regulatory authority to review water uses.

Winkle – Wouldn't we be approving in some aspects water use with approval of parking, emergency access provisions? But if the cable park became a bigger deal it would have to come back for maybe increased parking.

Kearns – I think that would be lawful. You approve the land based impacts.

Walbridge – That's what I reviewed when I reviewed the Event Site and Waterfront Park.

Winkle – We're looking at the land impact based on what's going on in the water and we're not going to review per se the cable park itself. We are reviewing the land impact that involves x number of people on the water.

Walbridge – Yes.

Stephens – Questions whether the commissioners want to vote on whether they have regulatory authority over the water.

Brent Foster, Mosier – The issue of whether the commissioners can regulate the water use is not in their comments.

Kearns – Feels that record was open and that comments were invited.

Foster – Passes out hand out concerning Chapter 17.22.020. Requirements for Riparian Corridors. He said to follow the plain language of Chapter 17 which says the commissioners have some authority over the water.

Linda Maddox 3018 Dana Lane, Hood River – Feels this is the core question of the issue and asks that the commissioners not to make a premature vote at this time.

Stephens – Calls for a ten minute recess to discuss the legal issues and procedure. 6:40 pm

Stephens – Reconvenes at 6:55pm. We will take public testimony whether the city has regulatory control over uses on water but testimony needs to be constricted to criteria.

Liz Hallock 0650 SW Gaines, #1417, Portland, OR – Passes out handout referring to code section 17.22..040 talking about violations about the infill waterfront area, definition of riparian corridor, and the water area. The city does have authority to regulate water areas. Goal 5 talks about the set back and structures associated with specific uses non-motorized water sports schools; the city had anticipated this kind of usage. Feels the city has regulatory authority over the water.

Richard Bell, 703 Pine St, Hood River, OR(co-chair of Friends of Hood River Waterfront) – Goal 6 of the City Comprehensive Plan, Guideline 3 – maintain the quality of air, land, water resources of the planning area. Definition of planning area – the air, land and water sources of Hood River and its urban growth area. Feels the commissioners should have authority over the water.

Linda Maddox 3018 Dana Lane, Hood River, OR – Feels the water is relevant to the uses that the developer is building the buildings for. The Comprehensive Plan states that the city should seek opportunities to retain the banks of the Columbia River and the Hood River as public or private open space throughout its entire length within the planning area. Planning area is defined land to water. Feels the conditional use process asks the commissioners to be consistent with the Comprehensive Plan.

Kearns – The Planning Commission is addressing the question of whether the city has the authority to regulate purely water based uses. We are looking for arguments concerning what in the code provides a basis for that regulatory authority for the city. If the Planning Commission decides it has the authority to subject the water based uses to site planning conditional use permit then testimony will be taken.

Brent Foster, Mosier – Chapter 17 talks about water. The ESEE says the Columbia River Infill Waterfront area is everything north of I-84. Any activity in any riparian corridor not authorized under this section is a violation. The map shows exemption areas, originally Reach 5 was exempted. Don't give up your authority to make sure the basic site provisions are met.

Ann Frodel, 1009 Columbia, Hood River – asked: If you don't feel like you have jurisdiction over the water, what kind of controls would the city be able to put on the cable park as far as operating hours or lights?

Brian Wheeler, 3226 Dee Hwy, Hood River – Regarding the hook which has a similar shape. What was the process it had to go through for windsurf use and how does it relate to this usage?

Kearns – The arguments you heard are all related to Goal 5. Riparian Corridors within the city which in the City Council's view were easily subjected to protective regulations under Section 17.22.020 definition of the riparian corridor. The Columbia River Infill Area which is addressed under the ESEE analysis is exempt from the riparian corridor section of the chapter. Examples given of riparian corridors are Indian Creek and Phelps Creek. For Safe Harbor area only the measurement of distance to the riparian corridor boundary along the Columbia River shall be from the full pool elevation 77 feet. 17.22.030 applies to ESEE reaches; conditional use shall be pursuant to the zoning designation of the subject parcel. The code defines zone as the land portion. The Safe Harbor provision does not apply to the Columbia River Waterfront.

Stephens – Next step would be to vote on whether the city has regulatory authority over uses on the water.

Kearns – It's not black and white. You have to look at Goal 5, you have to look at the zoning map and look the text and context of the zoning title. The vote will determine the scope of the testimony you allow tonight.

Weeks – It's all related so we could regulate lights as components of development. The conditional use permit should apply to the entire application.

Winkle – Sees water use as a separate issue.

Gulizia – We should base our decision on the criteria, looking at the land.

Hollatz – Thinks cable park should be subjected to conditional use criteria. Title 17 should cover all development.

Weeks – Park development involves structures and that's what we do, look at design and structure

Stephens – I see two interpretations. If it isn't zoned we don't have regulatory authority, if it's in the city limits than we should be able to have some say over what goes on in the water.

Weeks – If it's a permanent structure attached to this site plan, which is primarily on land, if we have no design criteria on this and the Corps and the Port say okay, then we don't have any say over any design issues if we take ourselves out of it at this point.

Stephens – Difficult decision, uncomfortable with leaving the cable park without comment but feels that the limits of water control are defined by zoning. Doesn't feel we can regulate the water. It is restricted to the process that Cindy has followed. If it isn't zoned then we don't have regulatory authority over it.

Weeks – How can I approve the use if we can't approve a permanent structure that is connected to the project?

Stephens - I think the guidance was that we're looking at traffic, parking, wetlands, all the other issues that have come up. We are in charge of the impact on the land.

Weeks – The land to the west of the boat basin is a concern. If we can't regulate this whole application including the water use then that could have an adverse effect on that adjacent property.

Stephens – That's a separate issue.

Weeks – But not if the cable park is not part of our conversation.

Walbridge – A majority of the cable park and water is on Port property called inundated lands. If they don't want the interference they won't sign the lease to the developer.

Gulizia - Does the Port have any design standards?

Kearns – To the extent they do they can change them on their whim.

Gulizia – Could the Planning Commission approve the project except the cable park but adopt conditions of approval for the Port to impose on applicant regarding site plan?

Kearns – Doesn't think it would be legal but if you want to do it we could see if an appeal would occur. It would go through the City Council.

Walbridge – Can they come to an approval on everything and then send recommendation for the cable park to the Port concerning impacts on the land i.e. lights, hours of operation?

Kearns – The city couldn't enforce them on the applicant.

Gulizia – Question about the pylons. The use of the water affects the land use, everything hinges on what is on the water.

Winkle – What if the project is built without cable park and then the owner comes back a year later with a proposal for the park.

Kearns – The city would have to decide if land use approval was required.

Weeks – Motion for the cable park to be considered as part of the conditional use permit and site plan review.

Hollatz – 2nd the motion.

Vote is 3 to 2 to consider water use and to accept testimony on the cable park. (Stephens and Winkle – no. Weeks, Hollatz, Gulizia- yes)

Walbridge- I don't have findings prepared for this on the CUP criteria but you can take the testimony on the impacts and how it relates to the conditional use and we can use those as the findings.

Stephens – Opens public testimony with guidelines for testimony, 3 minute limit, use the podium, give name and address. Reads the legal script for public testimony.

Kearns – All testimony, both spoken and written, given before is all part of the record.

Will Naito, 2625 NE 7th Ave, Portland, OR – A cable park is an overhead circuit which tows riders around a body of water in laps. This eliminates the need for riders to be towed behind a motorized boat. Cable park runs on an electric motor with about 50 kwh which translates to an energy cost of about \$10-20 a day. Less environmental impact from cable park users. Park operates like a ski area where people come in and buy a pass and ride for a set amount of time. Majority of people only stay for two hours. The towers are 35 ft above the water and are lattice work and double galvanized steel construction. The pylons rest on a steel platform; they are tied down with concrete anchors on the substrate. There are two sections of the park, beginners and experienced. There are 2 sections of floating walkways are for people who fall off the cables to be able to get out of the water and walk back to the starting area. On the north side of the park there is a buoy line. The line extends from the northernmost point and runs parallel to the running cable of 85 feet from overhead cable. The buoy line is a safety measure and will be retracted when the cable park is closed. The operating hours would be about from mid-morning to dusk. There are no lights. The operating season is middle of April to the middle of October. The anchors are poured concrete. The walkways are 6 ft wide, low to water so that people can easily get out of water. In our most recent site plan we said we wouldn't put any walkways above ordinary high water except for periods. Talked with Chief Wells and Fire Marshall, all agree that it is premature to figure out who will do what before the regulatory process is over. We did agree that injured people will be transported back to starting dock where EMS personnel will be waiting. It's about 200 ft between road and dock. An alternative access would be at Slack Water Beach. Deputy Anderson said response time could be up to an hour. Fatality rate is low.

Walbridge – Are you okay if we say we would limit the hours from morning to dusk and that the tallest pylon would be 35 feet?

Naito – Comfortable with operating hours. There is not final design for the cable park. Typically pylons are 35 feet above the ordinary water level but I can say that there will be below 45 feet as conditioned by the C2 zone.

Walbridge – You said that pylons are not driven into the sub strait, they rest on...

Naito – The pylons rest on a metal plate, there are no pilings. The anchoring is provided by guy lines. The buoys will be removed when the park is closed. The park does not have to be winterized. The equipment stays in the water.

Walbridge – Has a letter from the Fire Marshal talking about the conversation that they had. I can put the letter into the conditions.

Bob Naito – They sent a letter to the Port of Hood River with proposed conditions to a lease of the water that they own in front of the cable park. One of those conditions was that if the cable park ceased to operate we would be responsible for removing everything; all equipment, docks. Proposed an annual lease rate that the Division of State Lands charges for marinas etc. Concerns about the cable park on Lot 1, the Port is looking now at how to master plan Lot 1, we sent them all the designs of the cable park. The water level is below the top of the bank around the basin so when the pylon comes up out of the ground and above the water level it's going to be below the view of most people at the grade because there's about 20 feet from the water level to the top of the bank.

Gulizia – Question about birds.

Will Naito – They haven't talked to Nature Conservancy about nesting of birds but open to discussion. The cable park motor operates at 55db which is 5db lower than normal conversation.

Bob Naito – Did a sound study. The sound of the freeway will drown out the sound of the cable park.

Will Naito – The motor sits in the tower in the SE corner of the cable park.

Weeks – Where is the buoy line?

Will Naito – (draws on map). During operating hours the public will not be able to enter the basin from the west shore line. The buoy line is south of the Slack Water Beach access by 40 to 50 feet.

Gulizia – Are the water features permanent?

Will Naito – They will be permanent in the sense that they will also be a set of features in the water; new features will be introduced each season. The features are plastic and anchored to the sub strait like the pylons. They range in size from 12 ft by 6 ft to 60 ft by 1 ft wide.

Gulizia – Are these features what you see out by the spit....

Will Naito – They are similar to what it out in the channel right now with the exception our features will be all plastic.

Gulizia – Outside of operating hours are those features there and are there any safety risks for the public?

Will Naito – I don't see any safety risks for the public, hopes that common sense will prevail with water users. I've spoken to potential insurers; no red flags. It might be similar to the property owner of a skate park. The property owner is indemnified from liability.

Gulizia - Would your lease with the Port will full time or just certain hours?

Will Naito – I think the lease from the Port will be year round, 24/7 standard lease. As a condition of the lease operating hours on the cable park would be set.

Gulizia – Lighting?

Will Naito – No lighting at the cable park, there may some outdoor lighting under the eaves on the building. No spot lights on water.

Hollatz – Will you address the 75 foot setback from Hood River and how it impacts the current configuration of the site?

Mark VanderZanden – A surveyor is delineating the line right now. It could affect the setback of the hotel by 7 and 12 feet. We would shift the plans and lose a little bit of parking, between 5 and 10 parking spaces.

Stephens – How much surplus parking do you have?

Walbridge – The parking requirement is one space per employee. I used industry standards based on restaurant, pro shop, hotel and cable park. We concluded that 176 parking spaces would be enough to meet the needs. With all leases there would be 234 spaces.

Stephens – What about the trail?

Bob Naito - We're okay with Heather's proposal to do a non-PAW PAW on grade but subject to the fact that whatever we do there needs approval from the US Corps of Engineers who regulate everything above ordinary high water. As long as the official city PAW is the sidewalk I think we're okay with providing some kind of non-lit, non ADA decomposed granite walkway. One problem with crossing

Hattenhauer's property line is that the banks float off and if you want to push the non-PAW PAW over to the north of Hattenhauer's property we will need fill. The fill will need the Corps permission. One of the things we put in the application to build in the flowage easement is that there would be no fill. Site is steep and will not be ADA accessible. Feels this design is better than their last proposal (condos). The language in the staff report is fine with us.

Stephens – Are you working with the Port on connecting with the Port's path on the west end of the property?

Bob Naito – We have had no discussions with the Port about how they will connect. We are building the PAW regardless of what the Port does with their path.

Stephens – Time for public comments from supporters of the applicant.

Brian Wheeler, 3266 Dee Highway, Hood River – Feels the cable park would be good for Hood River. Cable parks are eco-friendly.

Stephens – Reminds people to restrict comments to things they may not have heard previously.

Joshua Samiro, 100 Hwy 35, Hood River – There is strong community support for the cable park.

Stephens – Testimony from opponents.

Scott Franke, 212 Front St, Hood River – I'm appearing on behalf of the Hood River Valley Residents Committee. Opposed to the cable park, we do support the PAW. He feels that the mechanized nature of the proposal does not seem appropriate to a public waterway. There is an overarching set of laws, constitutional and statutory, the Public Trust Doctrine. There's a 2012 law school treatise (hand out) about closing public waterways for private use. Night herons are roosting in one of the areas planned for the cable park. Under the Columbia River Infill provisions, we have some duties to protect wildlife habitat. HRVR are also concerned about salmon. If you go through with it perhaps you should limit the amount of months that the cable park is allowed, maybe June through August and consider public access.

Brent Foster, Mosier – (Power point presentation, hard copies to commissioners) The cable park dedicates essential part of the Hood River Waterfront to probably less than 5% of the population. This project is in the center of the waterfront, center of the economic base, it what makes this town different. Feels the commissioners should reject the application: 1. Application does not meet planning code because it doesn't meet 75 foot setback from Hood River. 2. Current plan has the pylons on shore, they're not allowed on shore. 3. Applicant didn't submit a conditional use permit. Not the city's fault, applicant is a sophisticated developer who knew the guidelines. We don't need to rush. The natural features criteria is an important part of the site plan criteria, we must minimize environmental harm. How much information do the commissioners have on pollution, habitat loss, soil contamination? Concern for salmon habitat. Request to keep the record open so more documents can be submitted. There's no storm water pollution evaluation. There's no grading plan. Traffic analysis was submitted tonight. ESEE is law. Send the proposal back, it needs to be flushed out and then brought back.

Walbridge – Traffic impact analysis was submitted with the application.

Brent – Was referring to the ODOT memo.

Liz Hallock 0650 SW Gaines, #1417, Portland, OR – Water law is a complicated law. Want to know if there is an existing example of a cable park in a public waterway? Permanent structures in a public waterway is problematic, a lot of controversy and litigation. Refers to Lake Oswego litigation and 1860 case in Chicago saying water in Lake Michigan can not be for the use of one person. The cable park will interfere with navigation and accessibility. The water is held in trust for everybody.

Leighton Hazelhurst, 5 E. Sherman, Hood River – He is concerned about restriction of public use of Columbia River's water. Applicant's survey says that in one week in August there were 187 users in the boat basin. The cable park would keep all other recreational users from exercising their use of public easement. It's a public easement and you can't restrict usage. Recommends denying the cable park.

John Price, 2105 Procter Rd, Mosier, OR - I'm an avian biologist and I'm the president of Friends of the Hood River Waterfront. I conducted five total surveys and found there to be significant bird diversity and activity. I recorded 28 total species ranging from waterfowl to raptors. I believe this application will cause a significant reduction of the value of the existing avian habitat. However additional studies would be encouraged. Price passed out his data.

Stuart Johnson 210 N. Cedar, Bingen,, WA – Participated in the Xmas Bird Count for ten years. The herons roost on both sides of the river depending on the river. He is concerned about the cables and birds.

Ann Frodel 1009 Columbia, Hood River – Referring to the ODOT letter, we assured the business owners that they would have an opportunity, if we were going to eliminate any downtown parking, to have input on that proposal.

Richard Bell 703 Pine St. Hood River, OR – Wonders if any member of the Planning Commission have had contact with the Mayor or City Council since the last meeting.

Kearns – This is public testimony time, not a place for asking questions.

Bell – This project serves a limited population. The waterfront area is a unique area for recreation.

Chris Boyle, 301 N. 15th St. Hood River – Supports the cable park. It will improve the area. Cable park is accessible for all incomes. The park has low environmental impact.

Linda Maddox, 3018 Dana Lane, Hood River – Thanks for looking at the water use. She is concerned about too much development for this site. The neighboring properties to the east and west are zoned C2 or RC/Open Space, so it's a transitional area. The proposal is not reasonably compatible with neighboring properties because of its uses and size. The Army Corps has still not approved the placement of the commercial building within the flowage easement. 40% of parking is on land owned by public agencies.

What happens is those agencies decide they need this land? Is a cable park compatible with existing uses? She is concerned about traffic bottlenecks. The comprehensive plan has not been addressed. At this point the project should be denied without prejudice.

Stephens – Does the applicant want to address any of the comments? Staff ?
So are we closing public testimony?

Kearns – We have a request to leave the record open. The applicant has a right to submit a written rebuttal seven days after the record closes. State law requires you to leave it open at least seven days for written testimony. Because of the request to leave the record open you can't make a decision tonight.

Stephens - Written testimony is closed at 5pm on Monday, April 23rd.

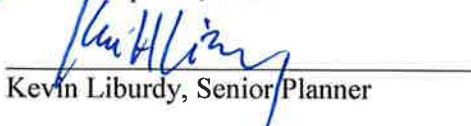
Kearns – Applicant gets final rebuttal seven days after the record closes.

Stephens – Next meeting is May 7th at the regularly scheduled time. Written testimony by 5pm Monday, April 23rd then the applicant has seven days until April 30th for written rebuttal. Meeting adjourned at 9:22pm.

ATTEST:


Laurie Stephens, Chair

6/20/12
Date


Kevin Liburdy, Senior Planner

6/20/12
Date (Approved)