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July 16, 2018

TO: City of Hood River Planning Commission

RE: File No. 2018-07: Westside Area Concept Plan Report, Zoning, and Comprehensive Plan Amendments

Making the "Green Blobs" real

I was a member of the Westside Area Concept Plan (WACP) Project Advisory Committee, a group of interested citizens and stakeholders which was formed to give community feedback to the consultants who prepared the WACP final report. There was strong support in this group and from the general public for a meaningful parks and trails component to the Westside planning process.

The final WACP document contains a number of very general suggestions for a network of three 2-3 acre Westside public parks linked by walking and biking trails. The possible park sites are designated by loosely defined "green blobs."

To get a sense of what they looked like on the ground, I prepared the attached walking maps of the suggested general park sites from the County GIS maps available online. I've included them in case any of you might wish to make the tour yourselves to see what the lands and network could look like. Parts of the linking trail ideas have already been initiated by Parks & Rec, and have also been marked. (As you can see from the GIS maps, there are also many casual user trails in the open undeveloped shoe-shaped area owned by the School District.)

If implemented, the general parks and trails network envisioned in the WACP would indeed be a wonderful addition to the city's Westside, and to the city as a whole. However, the devil is in that word "implemented." How do we actually make it happen?

It is to be hoped that the Planning Commission will consider recommending to the Council ordinances that put genuine teeth into these and other tools to bank land for our future city parks and trails, before it's too late and Hood River loses the connections to the natural world that make it so special.

There are tools that already exist in our state statutes, state land use goals, and city comprehensive plan that could be helpful if the city truly wants to create needed new parks and trails as the populations grows. The following ideas may provide avenues to investigate:

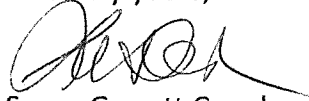
1. The state land use goals already require in mandatory terms that if the city chooses to adopt the parks master plan now being done by Hood River Valley Parks and Recreation District (Parks & Rec), it must include the specific "location and boundaries" of new parks, appropriately zoned. It is not enough to show very general green blobs like those in the WACP, or to cite general aspirations. There is no legal deference given to the city if it tries to interpret this requirement to the contrary, since this is connected to a state goal. It must be done. See Oregon Administrative Rule 660-034-0040 (Planning for Local Parks), which is attached. Since the city needs to be very specific to meet this requirement, it would be wise to initiate contacts with property owners sooner rather than later.

2. Under current "takings" laws passed by Oregon voters, if privately-owned land is rezoned for park use it is assumed that private owners will be appropriately compensated for loss of economic value. However, should the city wish to be assertive on this issue in any negotiations, there is an exception to this requirement for land use regulations enacted in the interests of "public health and safety." See ORS 195.305(3)(b), which is attached. It is not difficult these days to document for a record that off-road bike trails for vulnerable children riding to school and parks for public recreation and sports activities are very much in the interests of public health and safety. Many experts will testify to this, and few members of the public would disagree.

3. Hood River's Comprehensive Plan already requires in mandatory terms that as new lands are annexed into the city, "some land will be designated Open Space/Public Land for the development of new parks . . ." Please see page 20 of the Comprehensive Plan, which is attached. The city could choose to enforce this provision more comprehensively and assertively than it has so far done.

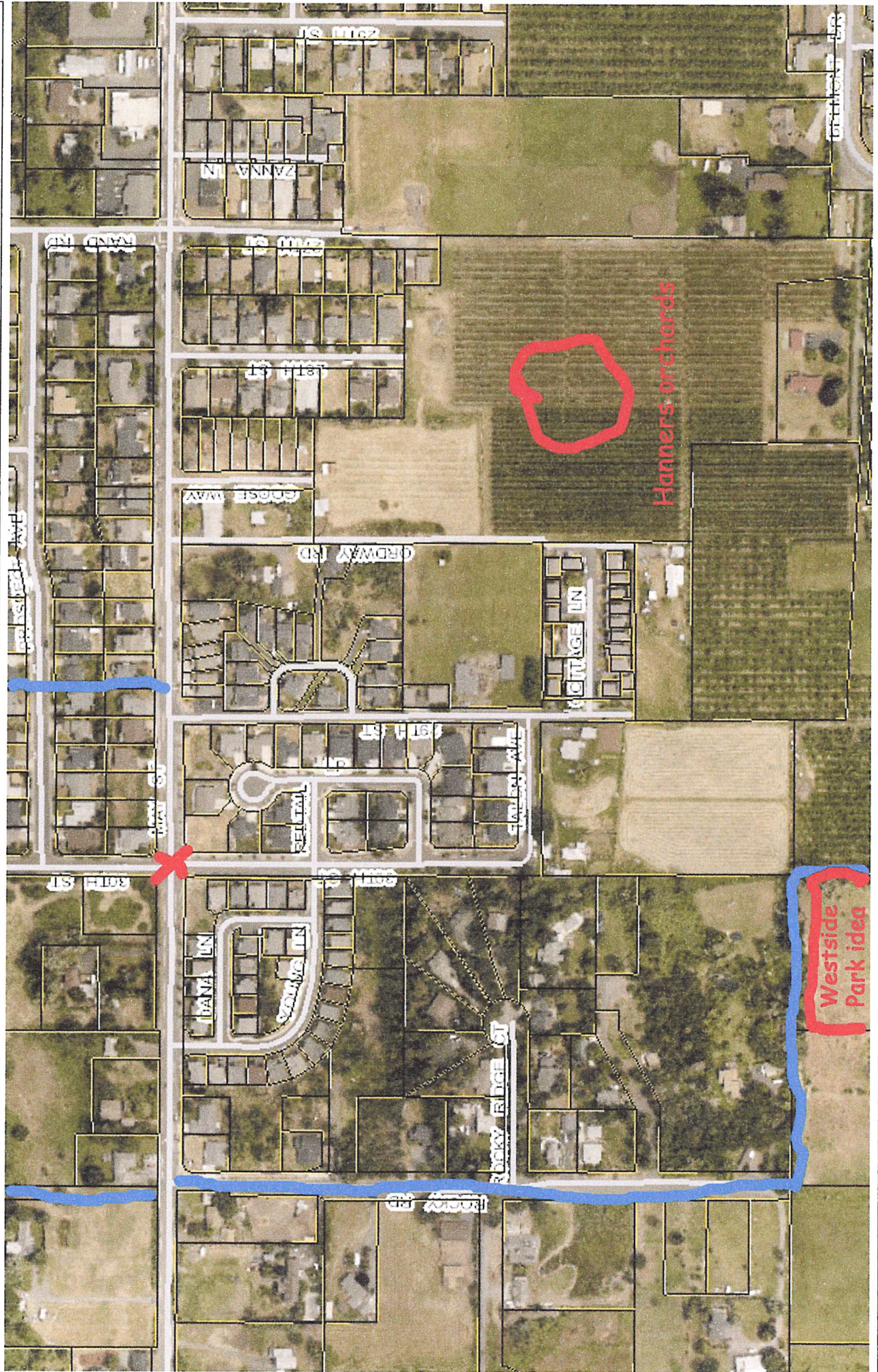
Of course, the very best option would be for city representatives to make additional effort to approach land owners pre-emptively. A Council or PC committee could work cooperatively with them to discuss land-banking acreages for future parks and trails, even before SDC money is available to compensate them. Parks & Rec is now strategizing to possibly re-form itself to raise the needed funds to pay for lands as the city population booms. There is no reason that this effort shouldn't be made before too much is built out and annexed to make meaningful acquisitions impossible. It will, however, require strong urging from the PC to encourage the council to add this to its very burdened agenda.

Sincerely yours,



Susan Garrett Crowley

CC: File





(g) Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging;

(h) Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education;

(i) Visitor lodging and retreat facilities in state parks: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

(A) Meeting halls not exceeding 2000 square feet of floor area;

(B) Dining halls (not restaurants).

**Statutory/Other Authority:** ORS 195.120 & 197.040

**Statutes/Other Implemented:** ORS 195.120 - 195.125

**History:**

LCDD 3-2006, f. & cert. ef. 4-14-06

LCDD 3-1998, f. & cert. ef. 7-15-98

#### 660-034-0040

##### Planning for Local Parks

(1) Local park providers may prepare local park master plans, and local governments may amend acknowledged comprehensive plans and zoning ordinances pursuant to the requirements and procedures of ORS 197.610 to 197.625 in order to implement such local park plans. Local governments are not required to adopt a local park master plan in order to approve a land use decision allowing parks or park uses on agricultural lands under provisions of ORS 215.213 or 215.283 or on forestlands under provisions of OAR 660-006-0025(4), as further addressed in sections (3) and (4) of this rule. If a local government decides to adopt a local park plan as part of the local comprehensive plan, the adoption shall include:

(a) A plan map designation, as necessary, to indicate the location and boundaries of the local park; and

(b) Appropriate zoning categories and map designations (a "local park" zone or overlay zone is recommended), including objective land use and siting review criteria, in order to authorize the existing and planned park uses described in local park master plan.

(2) Unless the context requires otherwise, this rule does not require changes to:

(a) Local park plans that were adopted as part of an acknowledged local land use plan prior to July 15, 1998; or

(b) Lawful uses in existence within local parks on July 15, 1998.

(3) All uses allowed under Statewide Planning Goal 3 are allowed on agricultural land within a local park and all uses allowed under Statewide Planning Goal 4 are allowed on forest land within a local park, in accordance with applicable laws, statewide goals, and rules.

(4) Although some of the uses listed in OAR 660-034-0035(2)(a) to (g) are not allowed on agricultural or forest land without an exception to Goal 3 or Goal 4, a local government is not required to take an exception to Goals 3 or 4 to allow such uses on land within a local park provided such uses, alone or in combination, meet all other statewide goals and are described and authorized in a local park master plan that:

(a) Is adopted as part of the local comprehensive plan in conformance with Section (1) of this rule and consistent with all statewide goals;

(b) Is prepared and adopted applying criteria comparable to those required for uses in state parks under OAR chapter 736, division 18; and

(c) Includes findings demonstrating compliance with ORS 215.296 for all uses and activities proposed on or adjacent to land zoned for farm or forest use.

**Statutory/Other Authority:** ORS 195.120 & 197.040

**Statutes/Other Implemented:** ORS 195.120 - 195.125

**History:**

LCDD 3-2006, f. & cert. ef. 4-14-06

LCDD 3-2004, f. & cert. ef. 5-7-04

## 2017 ORS 195.305<sup>1</sup>

### Compensation for restriction of use of real property due to land use regulation

**(1)** If a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in ORS [195.310 \(Claim for compensation\)](#) to [195.314 \(Notice of claim\)](#).

**(2)** Just compensation under ORS [195.310 \(Claim for compensation\)](#) to [195.314 \(Notice of claim\)](#) shall be based on the reduction in the fair market value of the property resulting from the land use regulation.

**(3)** Subsection (1) of this section shall not apply to land use regulations that were enacted prior to the claimant's acquisition date or to land use regulations:

**(a)** That restrict or prohibit activities commonly and historically recognized as public nuisances under common law;

**(b)** That restrict or prohibit activities for the protection of public health and safety;

**(c)** To the extent the land use regulations are required to comply with federal law;

**(d)** That restrict or prohibit the use of a property for the purpose of selling pornography or performing nude dancing;

**(e)** That plan and rezone land to an industrial zoning classification for inclusion within an urban growth boundary; or

drainage.

6. As parcels of land are annexed from the UGA into the City, some land will be designated Open Space/Public Land for the development of new parks and public facilities, including access ways, to serve the recreational needs of the community.
7. Because the growth of the windsurfing industry and other-recreational activities comprise a significant portion of Hood River's recreational and tourist industry, the establishment of recreational facilities may be allowed in appropriate locations in the City."

#### IMPLEMENTATION STRATEGIES:

1. Park sites will be developed with the lowest possible maintenance costs while still maintaining quality (i.e. use of native species rather than ornamental species, etc.).
2. In accordance with budget allowances, recommendations of the existing park needs outlined in the Background Report shall be established.
3. The City will reward neighborhood involvement in parks development and maintenance by providing signs, plaques, or other appropriate means of appreciation.
4. City sidewalks will continue to be upgraded (i.e. ramps at corners, legal catch basins, etc.) to enhance pedestrian traffic.
5. Open space buffers and recreational areas such as neighborhood parks in subdivisions, large apartment complexes, and large commercial developments will be encouraged.
6. The City will continue to review all tax foreclosure lands for use as potential park sites.
7. The City and County Public Works Departments will continue to work together and with citizens and park committees to provide assistance for development of recreation programs and facilities.
8. The best possible walkway and bikeway through the planning area will be developed to connect with the Columbia Gorge Trail.
9. The City will dedicate a certain portion of the monies collected through the transient room tax to be used for tourist promotion, as specified in Ordinance 1500.

