

1                                   BEFORE THE LAND USE BOARD OF APPEALS  
2                                   OF THE STATE OF OREGON

3  
4                                   FRIENDS OF THE HOOD RIVER  
5                                   WATERFRONT, CORIE LAHR,  
6                                   and RICHARD DEREK BELL,  
7   *Petitioners,*

8  
9   vs.

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11                                   CITY OF HOOD RIVER,  
12   *Respondent,*

13  
14   and

15  
16                                   NBW HOOD RIVER, LLC,  
17   *Intervenor-Respondent.*

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19   LUBA No. 2013-064

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21   FINAL OPINION  
22   AND ORDER

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24                                   Appeal on remand from the Court of Appeals.

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26                                   Brent Foster, Hood River, represented petitioners.

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28                                   Daniel Kearns, Portland, represented respondent.

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30                                   Stephen L. Naito, Portland, represented intervenor-respondent.

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32                                   HOLSTUN, Board Member; BASSHAM, Board Member, participated in  
33 the decision.

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35                                   RYAN, Board Chair, did not participate in the decision.

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37   REMANDED                                   07/22/2014

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39                                   You are entitled to judicial review of this Order. Judicial review is

1 governed by the provisions of ORS 197.850.



1 the 100-year floodplain is a plausible reading of Policy 4, and  
2 LUBA erred when it ruled that, “[o]n remand, the city will need to  
3 have the applicant prepare that map [of the 100-year floodplain].”  
4 263 Or App at 93.

5 The city’s decision is remanded in accordance with our December 13,  
6 2013 decision; except, as explained above, the 100-year floodplain identified  
7 pursuant to Goal 7, Policy 4 need not be mapped.