

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

CHAPTER 17.04 - SUPPLEMENTARY PROVISIONS

Legislative History: Ord. 1488 (1980); Ord. 1648 (1991); Ord. 1676 (1992); Ord. 1721 (1996); Ord. 1774 (1999); Ord. 1903 (2006); Ord. 1925 (2006); Ord. 1937 (2007); Ord. 1975 (2009); Ord. 2004 (2013); Ord 2026 (2016)

SECTIONS:

- 17.04.010 Maintenance of Minimum Ordinance Requirements
- 17.04.020 Access/Frontage
- 17.04.030 General Provisions Regarding Accessory Uses and Accessory Structures
- 17.04.040 General Exceptions to Building Height Limitations
- 17.04.050 Fences and Walls
- 17.04.060 Retaining Walls
- 17.04.070 General Exceptions to Lot Area Requirements for Lots of Record
- 17.04.080 Illegal Occupancy
- 17.04.090 Vision Clearance Area
- 17.04.100 Home Occupation
- 17.04.110 Bed and Breakfast
- 17.04.115 Hosted Homeshares and Vacation Home Rentals
- 17.04.120 Maximum Lot Coverage
- 17.04.130 General Requirements for Parking Lots
- 17.04.140 Exception to Permit Expiration
- 17.04.150 Land Division Density Calculations
- 17.04.160 Lot Size Flexibility
- 17.04.170 Affordable Housing Density Bonus
- 17.04.180 Cottage Court Housing
- 17.04.190 Cohousing Development

Commentary:

For sake of brevity, sections that are not proposed to change in any way are not included in this document. They are shown with asterisks (***) following the heading for the section.

17.04.010 Maintenance of Minimum Ordinance Requirements. ***

17.04.020 Access. ***

17.04.030 General Provisions Regarding Accessory Uses and Accessory Structures. ***

17.04.040 General Exceptions to Building Height Limitations. ***

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

17.04.050 Fences and Walls. ***

17.04.060 Retaining Walls. ***

17.04.070 General Exceptions to Lot Area Requirements for Lots of Record. Lots of record existing as of December 1999 that are less than the required lot area and or have less than the required frontage specified in this title may be utilized for an outright permitted use listed in the underlying zone provided all other requirements of the zone are met.

The Planning Director may waive lot frontage and lot area requirements on platted lots, platted prior to this provision, by not more than five percent (5%) of the requirements of this title. Parcels subject to this exception are subject to Title 16 requirements.

17.04.080 Illegal Occupancy. ***

17.04.090 Vision Clearance Area. ***

17.04.100 Home Occupation. ***

17.04.110 Bed and Breakfast Facilities. ***

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

17.04.115 Hosted Homeshares and Vacation Home Rentals. ***

17.04.120 Maximum Lot Coverage

A. Definitions:

1. **Lot Coverage:** The percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the footprints of accessory buildings (counting only buildings with footprints larger than one hundred fifty (150) square feet, or with two stories or more); and (3) parking pads and driveways¹; by (b) the gross area of the that lot.

2. **Main Building Footprint Coverage:** The percentage determined by dividing that area covered by a main building footprint by the gross area of the lot on which the main building is located. The main building footprint includes all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, bay-windows with floor area, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

B. **Coverage:** Maximum lot coverage applies to any residential dwelling lot in the “R” and “C-1” zones for all existing structures and new construction, except as provided below. Maximum lot coverage for residential dwellings is as shown in the table below.

1. When a detached garage is provided in the rear yard, the maximum lot coverage may be increased as shown in the table below.
2. When a porch is attached to the front elevation of the residential dwelling and has an area of at least sixty (60) square feet on the front of the building (exclusive of any wrap-around or side porch), the maximum coverage may be increased as shown in the table below.

Categories	R-1	R-2	R-3	C-1
Maximum Lot Coverage	40%	45%	55%	65%
Maximum Lot Coverage with front porch	43%	48%	58%	68%
Maximum Lot Coverage with rear garage	45%	50%	60%	70%

¹ For rear garages only, the square footage for parking pads and driveways that use grass-crete shall be reduced by seventy-five (75) percent (e.g., a 300 sq. ft. driveway surfaced in grass-crete is included as 75 sq. ft. for purposes of determining lot coverage). The square footage for parking pads and driveways that use paving stones and other permeable paving materials (other than grass-crete), shall be reduced by fifty (50) percent.

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

Categories	R-1	R-2	R-3	C-1
Maximum Lot Coverage with rear garage and front porch	48%	53%	63%	73%

Commentary:

Updates to maximum lot coverage may be needed for the R-3 zone due to the proposed smaller minimum lot size for detached homes.

3. Existing main and accessory structures that are not in conformance with these coverage requirements on September 1, 2006, are permitted to be rebuilt within the building footprint as it existed on September 1, 2006, if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure and if construction commences within two (2) years from the date of the calamity.

4. Multi-family dwellings are exempt from the lot coverage requirements.

5. Lots established through a Planned Unit Development process are exempt from the lot coverage requirements.

Commentary:

The above addition reflects current practice, but may be more appropriately captured in the PUD chapter.

17.04.130 General Requirements for Parking Lots ***

17.04.140 Exception to Permit Expiration ***

Commentary:

The section below provides a method to calculate minimum and maximum density. The goal is to create more certainty and predictability about the number of lots that can be created for a subdivision or partition without needing to layout the development in detail to see how many lots can fit after accounting for streets, stormwater, etc. The approach draws on development codes from Portland, Sandy, Clackamas County, and other jurisdictions.

Using a fixed set-aside for streets (shown below at 20%) removes a possible disincentive to building a connected local street network, which can consume more land for right-of way, because the number of lots permitted does not change, and

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

the lot size flexibility in HRMC 17.04.160 allows some or all of the increase in right of way to be mitigated by the flexibility for smaller lots.

The standards in 17.04.150 only apply to land divisions, except for townhouse projects (which have their own density standards). They regulate lots/parcels rather than dwelling units so that they don't interfere with existing standards allowing duplexes and townhomes.

Note that minimum density is calculated after excluding any constrained land, so a density transfer is possible, but not required.

The rounding provisions in (E) reflect the current standards for Planned Unit Developments, which specify rounding to the nearest whole number, but are not available for land divisions on sites under a half-acre in the R-1 zone. They do not allow a land division unless the density calculation allows at least 2 full lots or parcels.

17.04.150 Land Division Density Calculations. The number of lots or parcels that may be created by a land division in a Residential zone is based on the building site area and the minimum and maximum density specified for the zone.

A. Maximum number of lots or parcels. The maximum number of lots or parcels is determined by dividing the net site area (in acres) by the maximum density specified for the zone.

B. Minimum number of lots or parcels. The minimum number of lots or parcels is determined by dividing the net site area (in acres), less the area of any constrained land, by the minimum density specified for the zone.

C. Density bonuses. Where a land division is receiving a density bonus pursuant to HRMC 17.04.170, the maximum number of lots or parcels shall be the maximum calculated under (B), above, plus the density bonus specified in HRMC 17.04.170. Density bonuses do not alter the minimum number of lots or parcels.

D. Rounding. If the minimum or maximum number of lots or parcels calculated as described in (A)-(D), above, is a fraction, the number of lots shall be rounded as follows:

1. Fractional results less than two shall be rounded down to the nearest whole number (i.e. 1.75 rounds down to 1).
2. In the R-1 zone, for land divisions of building sites that are less than a half-acre, the resulting fraction shall be rounded down to the nearest whole number.
3. For all other land divisions in an R zone, the resulting fraction shall be rounded to the nearest whole number (i.e. a calculation ending in 0.49 or less shall round down to the next whole number and a calculation ending in 0.50 or more shall round up to the next whole number).

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

Commentary:

The standards below provide flexible ways to configure lots, so that conditions such as retained open space and above-average street or stormwater set-asides can be accommodated. They provide flexibility for cluster subdivisions, infill land divisions that preserve an existing home, and projects subject to density bonuses. The minimum and maximum densities are held constant; the standards just provide flexibility in how to achieve the permitted densities, which in turn supports efficient land use and affordable housing choices.

One policy choice is whether the cluster subdivision option should be available only for specific natural resources, or also if someone just wants to preserve a shared open space area. Requirements for common ownership for cluster subdivisions also need refinements to ensure they are structured correctly.

The percentages and other metrics below are a starting point for discussion. They are used in other cities, but can be tailored to Hood River as needed.

17.04.160 Lot Size Flexibility. The minimum lot size for residential land divisions may be adjusted as provided in this section. The lot size variation provided in this section does not alter the number of lots or parcels that may be created under HRMC 17.04.150 except when combined with density bonuses provided in HRMC 17.04.170. This section does not apply to Townhouse Projects. Lot width and depth for lots or parcels eligible for reduced lot sizes pursuant to this section may also be reduced to the same percentage of the standard specified in the applicable zoning district.

A. **General Reductions.** Except as allowed in subsections (B) through (F), below, the smallest lot or parcel size permitted for residential land divisions is 90% of the minimum lot or parcel size specified in the applicable zoning district. The minimum lot size for perimeter lots or parcels that abut a lower density residential zoning district may not be reduced except as allowed in subsections (B) through (F), below.

B. **Land divisions on building sites with existing dwelling unit(s).** If a building site contains one or more preexisting dwelling units, the minimum lot size for the lots that do not contain a preexisting dwelling unit may be reduced as follows to allow for larger lot(s) for the preexisting dwelling unit(s) while maintaining the overall density calculated under HRMC 17.04.150.

1. The smallest lot or parcel size permitted for lots or parcels that do not contain a preexisting dwelling unit is 80% of the minimum lot or parcel size specified in the applicable zoning district.

2. The minimum lot size for perimeter lots or parcels that abut a lower density residential zoning district may not be reduced.

C. **Cluster Subdivisions.** Additional lot size flexibility is permitted for cluster subdivisions that will preserve an on-site natural feature in a separate tract. Cluster subdivisions shall meet all of the following standards:

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

1. The constrained land or preserved natural feature must represent at least 10% of the building site area and must be preserved in a separate tract or tracts.
2. The tract or tracts containing constrained land or preserved natural features shall be managed in one or more of the following ways:
 - a. Common ownership by residents of the development, subject to restrictive covenants and easements reviewed by the City and recorded and filed when the plat is recorded; or
 - b. Third party (non-profit organization) whose primary purpose is to hold or manage the open space, subject to a reversionary clause in the event of dissolution of the non-profit organization; or
 - c. Dedicated to City of Hood River or the Hood River Valley Parks and Recreation District, if the City or District agrees to accept ownership and maintain the space.
3. The smallest lot size permitted for cluster subdivisions is 60% of the minimum lot or parcel size specified in the applicable zoning district. The minimum lot size for perimeter lots that abut a lower density zoning district may not be reduced.

Commentary:

Cluster subdivisions would be processed like standard subdivisions, but would be subject to the standards above, in addition to the typical subdivision standards.

- D. Cottage Court housing. Projects meeting the standards of HRMC 17.04.180 have no minimum lot size.
- E. Cohousing development. Projects meeting the standards of HRMC 17.04.190 have no minimum lot size.
- F. Projects eligible for density bonuses. Projects eligible for density bonuses under HRMC 17.04.170 are also eligible for reduced minimum lot sizes in order to enable the higher density permitted through the bonus. The smallest lot or parcel size permitted for land divisions that qualify for a density bonus under HRMC 17.04.170 is 60% of the minimum lot or parcel size specified in the applicable zoning district. The minimum lot size for perimeter lots or parcels that abut a lower density zoning district is 90% of the minimum lot or parcel size specified in the applicable zoning district.

Commentary:

The provisions below provide modified development standards intended to facilitate affordable housing development (including projects consisting of all affordable housing units as well as mixed income projects). They include a density bonus and reduced parking requirements. The maximum density bonus is recommended at 50% above the maximum for the zone, but this is a policy judgement. This section also includes the requirements that ensure that units

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

promised as affordable housing to get the special development standards are delivered and remain affordable.

The bonus percentages are shown as a range for discussion.

17.04.170 Affordable Housing Development. As an incentive to create affordable housing, certain development standards may be altered when a developer provides affordable housing units (as defined in HRMC 17.01.060) as part of a proposed development in conformance with the standards below.

A. Modified development standards.

1. The maximum density of the affordable housing development may be increased as follows. The number of additional units permitted is based on the zoning and the number of affordable housing units, as shown in the table below.

<u>Zone</u>	<u>Applicability</u>	<u>Density Bonus</u>
<u>R-1, R-2, R-2.5</u>	<u>Subdivisions (single family detached dwellings)</u>	<u>1 additional lot for each lot dedicated to an affordable housing unit, up to a maximum increase of [25-50%] more lots than permitted without the density bonus</u>
<u>R-3, C-1</u>	<u>Multifamily dwellings, Townhouse projects</u>	<u>1 additional unit for each affordable housing unit, up to a maximum increase of [25-50%] more units than permitted without the density bonus</u>

1.2. The minimum required parking for affordable housing units is one parking space per unit, except that a lower standard may be approved by the review body if the applicant can demonstrate that parking demand will be less than one space per affordable housing unit, based on data from comparable projects or demographic data.

Commentary:

Enforcement and monitoring are a consideration if the units are not funded with federal or state dollars that come with their own monitoring and compliance programs. Units with resale restrictions in the deed are self-enforcing, but ensuring compliance (income screening, rent and utility amounts, etc.) for rental units that don't have public subsidies would require City oversight. This could be done through an annual reporting requirement. The standards could include a minimum duration of affordability restrictions, or leave it to individual negotiations.

B. Affordable housing development requirements.

1. In association with the land use review process, and prior to the issuance of a building permit for any units in an affordable housing development, the owner shall enter into an affordable housing development agreement with the City. The development agreement shall set forth the commitments and obligations of the City and the owner, including, as necessary, conditions to ensure the completion

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

of affordable housing in the development and address enforcement and any reporting requirements.

2. The owner shall execute any and all documents deemed necessary by the City in a form to be established by the City Attorney, including, without limitation, restrictive covenants, deed restrictions, and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable housing units in accordance with this section.

Commentary:

The cottage court housing standards below are intended to enable small detached homes in clusters around a common green as an alternative to standard subdivisions. The standards below draw on three examples from the Pacific Northwest: Bend (OR), Redmond (WA), and Kirkland (WA). All three codes have many common elements. Key policy choices include the maximum square footage and the maximum height for the cottage units, and whether / how much of a density bonus is appropriate. These choices are discussed below.

17.04.180 Cottage Court Housing. The purpose of this section is to enable a housing type that responds to differing household sizes and ages (e.g., retirees, small families, single-person households), and offers opportunities for affordability; provide opportunities for small, single-family dwellings with usable open space in several residential zoning districts while ensuring compatibility with surrounding uses; and support growth management through efficient use of urban residential land.

- A. **Applicability.** These standards shall apply to all cottage court developments. Cottage Court developments are permitted where indicated in Chapter 17.03.
- B. **Cottage Court Development Size.** Cottage court developments shall contain a minimum of four and a maximum of 12 cottage dwelling units arranged in a cluster. A building site may contain more than one cottage court development.
- C. **Land Division Options and Procedures.** Cottage court developments may be created as a subdivision (pursuant to HRMC Title 16); as a condominium (pursuant to ORS Chapter 100 and HRMC 17.16); or as rental units or sold as undivided interest in development. (pursuant to HRMC 17.16)
- D. **Existing Uses.** On a site to be used for a Cottage Court development, existing detached single-family dwellings, which may become nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. The nonconforming dwelling units shall be included in the maximum permitted cottage density.
- E. **Lot Coverage and Floor Area.**

1. There is no maximum lot coverage for Cottage Court developments.
2. There is no minimum lot size for Cottage Court developments.

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

4.3. The maximum floor area per dwelling unit without an attached garage is 1,100 square feet. A dwelling unit with an attached garage shall have a maximum floor area of 1,500 square feet including the garage.

Commentary:

Bend's code sets limits at 1,100 sf without a garage, and 1,200 sf with an attached garage. The maximum size in Redmond's code is 1,500 square feet, including an attached garage (but not a detached garage, unheated storage space, and areas less than 6' high). Kirkland's code allows a maximum of 1,500 square feet, plus up to 250 additional square feet for an attached garage.

As noted previously, the code currently does not include a definition of floor area. It could be important for a unit that is tightly limited (e.g. how stairs are treated); however, creating such a broadly applicable definition is beyond the scope of this project.

F. Building Height.

1. Cottage dwelling units shall be no more than 18 feet in height, except that maximum building height may be increased to 25 feet in height provided that all parts of the roof above 18 feet have a minimum slope of 6:12.
2. Accessory structures, including detached garages (with or without an ADU), shall be no more than 18 feet in height.

A.G. Exterior Setbacks. All buildings within a Cottage Court development shall be set back 10 feet from the exterior boundary of the building site.

Commentary:

The City may want to consider a slightly larger setback if the project is abutting a lower density residential zone and is using the proposed density bonus below.

H. Interior Building Separation. There shall be a minimum separation of six feet between the eaves of the cottage dwelling units. On cottage sides with a main entrance, the minimum separation shall be 10 feet. Structures other than cottages shall meet minimum building code setback requirements.

I. Required Common Open Space. Common open space is intended to be an amenity shared by all residents of the cottage housing development. Each Cottage Court development shall provide a centrally located common open space area for the Cottage Court development meeting all of the following standards.

1. The common open space shall have cottages abutting at least two sides and at least 50 percent of the cottages shall abut a common open space.

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

2. The common open space shall contain a minimum of 400 square feet per cottage dwelling unit in the cluster.
 3. Each cottage shall be connected to the common open space by a walkway.
 4. Areas such as utility vaults, exterior setbacks and common parking areas and driveways are not counted in the common open space requirements.
 5. Common open space may contain an ASI or drainage swale area, provided the area is usable open space.
 6. Required common open space shall be provided at ground level in a contiguous commonly owned tract with an easement indicating that it benefits all lots in the Cottage Court development.
 7. Common open space shall have a minimum average width of 20 feet.
 8. The common open space areas shall be constructed and landscaped prior to filing a final plat or, in the case of a site plan, construction and landscaping will be tied to final occupancy of the first cottage.
 9. The common open space shall be recorded as a perpetual open space to benefit all residents of the cottage housing development prior to filing a final plat or prior to obtaining a building permit.
- J. Required Private Open Space.** Private open space adjacent to each cottage is intended for the exclusive use by the cottage resident. Cottage Court developments shall provide a total of 300 square feet of private, contiguous, usable open space adjacent to each cottage dwelling unit, for the exclusive use of the occupants of the individual dwelling unit. No dimension shall be less than 10 feet. Front porches are not included in the private open space calculation.
- K. Density.** In recognition of the small size of cottage dwelling units, a greater number of cottage dwelling units is permitted than the number of lots or parcels permitted for a standard subdivision. The total number cottage dwelling units shall be calculated pursuant to HRMC 17.04.150; with the following density bonuses:
1. 1.5 cottage dwelling units per lot or parcel permitted under HRMC 17.04.150 for cottages of 1,000 square feet or less in floor area
 - 1.25 cottage dwelling units per lot or parcel permitted under HRMC 17.04.150 for cottages 1,001 square feet to 1,200 square feet in floor area

Commentary:

A density bonus is recommended, because it provides an incentive to do this type of development rather than a standard subdivision, and because the units are small enough that the total floor area for the development would likely still be less than with a standard subdivision even with a density bonus. Bend does not offer a density bonus, but both Redmond and Kirkland offer bonuses. Kirkland allows 2 times the number of detached dwellings; Redmond offers 1.25 to 1.75 times the number of detached homes, depending on the size of the cottage dwelling units. This approach is recommended, since it has a more direct linkage to the smaller size

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

of the cottage units, and may encourage smaller units that would be more affordable.

B.L. Accessory Dwelling Units. Accessory dwelling units in Cottage Court developments are limited to units located above a garage. All standards of HRMC 17.23 apply, except that the number of dwelling units on the building site, including both ADUs and cottage dwelling units, shall be limited to two times the density calculated pursuant to HRMC 17.04.150.

Commentary:

The number of total units on-site, including ADUs, is limited to 2 times the standard number of lots that could be created through a land division, since ADUs are allowed with single family homes in standard subdivisions as well. This ensures fair treatment across housing types. However, this approach may imply that ADUs are counted towards density calculations, which they have not been to date. This could create confusion.

M. Development Standards.

1. At least 50 percent of the cottages shall be oriented around and have their main entrance facing the common open space.
2. Each cottage shall have a covered entry of at least 80 square feet with a minimum dimension of six feet on any side.
3. Walkways in compliance with HRMC 16.12.030(B) must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These walkways must be shown on the subdivision tentative plan or site plan and be part of the common areas/tracts.
4. Accessory structures for common usage are allowed in the common open space areas. Other accessory structures (except garages) are prohibited.

N. Parking. Parking for Cottage Court developments shall be located on the building site and identified on the tentative subdivision plan and/or site plan. On-site parking shall meet the following standards:

1. Parking may be located within a garage, carport or hard-surfaced parking area.
2. Parking may be located in common tracts if intended to be shared by the entire Cottage Court development in groups of not more than five adjoining spaces separated by at least four feet of landscaping. An enclosed garage or carport intended to be shared by the entire Cottage Court development shall not exceed 1,200 square feet in size.
3. Individual detached garages cannot exceed 450 square feet of floor area, excluding the area of Accessory Dwelling Units located above the garage pursuant to HRMC 17.04.180(L). Only one garage is allowed per cottage.

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

4. Parking shall not be located in the exterior setback and must be screened from public streets and adjacent residential uses by a 5-foot landscape buffer containing landscaping and/or architectural screening.
5. Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.
6. Off-street parking requirements shall be calculated based on the number of bedrooms per cottage dwelling unit:
 - a. One bedroom: Minimum one space.
 - b. Two bedrooms: Minimum 1.5 spaces.
 - c. Three or more bedrooms: Minimum two spaces.
7. All parking shall provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and parking areas.

Commentary:

Paragraph (7), above, would benefit from a diagram / illustration.

O. **Frontage Requirements.** Individual cottage lots created as part of a Cottage Court development subdivision are not required to have frontage on a public or private street. However, the building site shall have the minimum frontage on a public or private street required by the underlying zone.

P. **Public Utilities.** All lots shall be served by individual services from a private or public distribution main. Any deviations from City standards need to be approved by the City Engineer. All individual service lines that cross property shall be placed in an easement.

Q. **Covenants, Conditions and Restrictions.** Cottage Court developments that are developed as subdivisions or condominiums require a set of conditions, covenants and restrictions (CC&Rs) to address maintenance of common open space and other issues. Subsequent to final plat approval but prior to issuance of a building permit for any structure in a cottage court development CC&Rs shall be reviewed and, if approved by the City, recorded with Hood River County. The CC&Rs must include the following provisions:

1. Create a homeowner's association that will provide for maintenance of all common areas in the cottage housing development.
2. The total square foot area of a cottage dwelling unit shall not be increased for the life of the cottage dwelling unit or duration of City Cottage Court regulations.

Commentary:

The cohousing standards below are intended to provide flexibility for cohousing developments to arrange various types of units on a common lot, to include a common house and shared open space in lieu of private yards, and to cluster parking rather than provide individual driveways. The primary differences between

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

cohousing and a cluster subdivision from a regulatory perspective are the allowance for common buildings and the options for condominium or cooperative ownership (vs. fee simple land division). No development code examples specific to cohousing have been identified. The standards below are modified from the cottage court standards above.

The standards below are fairly flexible. The City should consider whether this is too much flexibility for a Type II review, and may want to limit this option to the Westside Overlay Zone, at least initially.

17.04.190. Cohousing Development. The purpose of this section is to enable housing that provides for cooperative living arrangements and shared facilities.

A. **Applicability.** These standards shall apply to cohousing developments that are created as condominiums (pursuant to ORS Chapter 100) or as multiple dwellings on a shared lot or parcel. Developments with cooperative living arrangements and shared facilities where dwelling units (detached single-family dwellings or duplexes) are on individual lots are processed as cluster subdivisions, subject to 17.04.160.C. Cohousing developments are permitted where indicated in Chapter 17.03.

A.B. **Housing Types.** Permitted residential uses within a cohousing development shall be those listed in the applicable zone; except that single family dwellings (one unit per building) and townhouses shall be permitted on a shared lot or as condominiums, rather than each unit being located on its own lot.

Commentary:

The intent of allowing “townhouses”, above, is to allow development that looks like a townhouse but does not have individual fee-simple ownership of the lots. The goal is to allow units attached with common or abutting walls up to the limits for townhouse buildings (e.g. 2 units per building in R-2 and R-2.5, 4 units per building in R-3). However, the definition of townhouse includes that it’s located on its own lot. Modifications to this section will be needed in order to work around the definitional issue. One option is to create a definition of “rowhouse” that is not specific to fee simple ownership.

C. **Existing Uses.** On a site to be used for a cohousing development, existing dwellings shall be permitted to remain, and shall be included in the maximum permitted density.

D. **Lot Coverage and Floor Area.**

1. There is no maximum lot coverage for cohousing developments.

2. There is no minimum lot size for cohousing developments.

E. **Exterior Setbacks.** All buildings within a cohousing development shall be set back 10 feet from the exterior boundary of the building site.

F. **Interior Building Separation.** There shall be a minimum separation of 10 feet between buildings within a cohousing development. Projections may not encroach more than two and a half feet into the required separation from each side. Accessory structures shall meet minimum building code setback requirements.

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

G. Required Common Open Space. Cohousing development shall provide a common open space meeting all of the following standards.

1. The common open space shall contain a minimum of 200 square feet per dwelling unit.
2. Each dwelling unit shall be connected to the common open space by a walkway.
3. Areas such as utility vaults, exterior setbacks and common parking areas and driveways are not counted in the common open space requirements.
4. Common open space may contain constrained lands provided that a walkway through or along the perimeter of the constrained land (consistent with all applicable regulations protecting the constrained land) is included.
5. The common open space shall be recorded as a perpetual open space to benefit all residents of the cohousing development prior to filing a final plat or prior to obtaining a building permit.

H. Density. Cohousing developments may include a mix of housing types, as provided in (B), above. The maximum total number of dwelling units (excluding ADUs) shall be calculated based on the minimum lot size or building site area for the use specified in the applicable zone, except that the minimum lot size for single family dwellings and duplexes shall be applied as a total building site area per dwelling unit. Common buildings that do not contain dwelling units and are for the joint use of the residents of the cohousing development (including buildings that contain communal kitchens, laundry areas, or other shared facilities) are not included in the density calculation.

I. Accessory Dwelling Units. Accessory dwelling units are permitted in cohousing developments. The standards of HRMC 17.23 apply, with the following exceptions:

1. HRMC 17.23.010.B does not apply. The number of ADUs shall be limited to one ADU per single family dwelling in the cohousing development. The ADU need not be attached to a single family dwelling.
- ~~2.~~HRMC 17.23.010.D, E, and L do not apply.

Commentary:

ADUs are recommended to be allowed in cohousing developments with the standards shown above, in order to facilitate a range of sizes and types of housing within a cohousing development. Several sections of the ADU standards are called out above as not applicable for ADUs within a cohousing development, because they assume fee-simple ownership of the lot where the ADU is located, which may not be the case for a cohousing development. If the cohousing is cooperatively owned, linking rules to the “owner” will not work the same way as for a standard single family home.

J. Parking. Parking for cohousing developments shall be located on the building site and identified on the tentative subdivision plan or site plan. On-site parking shall meet the following standards:

1. Parking may be located within an enclosed garage, carport or unenclosed parking space.

Westside Concept Plan Potential Code Amendments

All edits are preliminary and subject to change.

City to determine what standards apply in the Westside Area or city-wide.

2. Parking may be arranged in groups of not more than five adjoining spaces separated by at least four feet of landscaping. An enclosed garage or carport intended to be shared by multiple dwelling units shall not exceed 1,200 square feet in size.
3. Parking shall not be located in the exterior setback or in the front yard and must be screened from public streets and adjacent residential uses by a 5-foot landscape buffer containing landscaping and/or architectural screening.
4. Off-street parking requirements shall be calculated based on the number of bedrooms per dwelling unit:
 - a. One bedroom: Minimum one space.
 - b. Two bedrooms: Minimum 1.5 spaces.
 - c. Three or more bedrooms: Minimum two spaces.
5. All parking shall provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and parking areas.

K. Common Buildings.

1. Common buildings shall be limited to 4,000 square feet of floor area.
- 1-2. Common buildings that exceed 2,500 square feet of floor area shall be set back a minimum of 20 feet from an exterior lot line.

Commentary:

The purpose of the additional setback for larger common buildings, above, is to provide additional separation from the perimeter of the development for a building that's larger than a typical detached home, in order to make the development more compatible with any adjacent housing.

- ~~B-L.~~ **Frontage Requirements.** Individual units within a cohousing development are not required to have frontage on a public or private street. However, the building site shall have the minimum frontage on a public or private street required by the underlying zone.