TO: Hood River Development Code Update Project Management Team

FROM: Carrie Brennecke and Matt Hastie, MIG, Inc.

RE: Hood River Development Code Audit: Initial Code Update Recommendations (Task 3.1)

DATE: October 4, 2024

Introduction

The purpose of the Hood River Development Code Audit is to identify inconsistencies with State land use law and existing City Comprehensive Plan policies, resolve internal conflicts, and develop a framework to amend development code provisions that need improvement or clarification. A primary goal is to make the development code more workable, clear, and objective. While not focused exclusively on housing, it is anticipated that this audit will lead to amendments that help the City ensure consistency with several recent State strategies and requirements to increase housing availability and affordability.

This 'Initial Code Update Recommendations Report' summarizes the recommended updates to the development code to address the Code Audit findings. The recommendations build on work conducted in the Code Audit (Task 2)., that included a full code audit by MIG staff, and engagement with city staff decision makers, and other community members and identify the types of changes needed to specific code sections and the code in general.

These initial recommendations are a summary of the needed Development Code updates to address the findings of the Code Audit. This document describes sections of the code to be updated; whether the updates involve changes to existing language, addition of new language, or some combination of the two; and whether there are different options for making the change. When appliable, where different approaches could be undertaken to update the code, a recommendation of the preferred approach is provided by the Project Management Team (PMT).

The initial recommendations are not an inclusive list of all the potential amendments that are needed as part of the second phase of the project (Phase 2 -Code Update), but rather they provide a summary of the approach to the code update and direction for the potential amendments that are needed to address the code audit findings outlined in detail in Parts 1, 2 and 3 of the Final Code Audit Report (Task 2.6). More detailed recommendations were included in those earlier memos, and by City staff in the comments and supporting documents they provided.

The Hood River Development Code Update is funded in part by a grant from the Oregon Department of Land Conservation and Development (DLCD) as part of its Housing Planning Assistance Program.

Initial Development Code Update Recommendations

The table below provides recommended Development Code updates based on the results of the Code Audit in Task 2. This is an overview of the potential code amendments and options (when applicable) with a recommendation by the Project Management Team where multiple options have been identified. Specific (less discretionary) revisions and/or additions that are needed in the Code update also are provided, per Chapter and Section, in Parts 1 & 3 of the Final Code Audit Report (Task 2.6). The recommendations in this memo will inform the second Phase of the project – a Code Update.

The recommendations in this memo represent a substantial update to the City's Development Code intended to address specific issues that have been identified over the course of a number of years, as well as more recent state housing requirements, and overarching objectives for making the code easier to understand, navigate, and implement for a full range of users. Many aspects of the basic structure of the code are likely to remain in place, as will a variety of code requirements that currently work well. However, changes to the code will also include reorganization and/or replacement of some sections, creation of new sections, and a significant number of revisions to other existing/remaining sections. As a number of community members have noted, the Code has good bones but a major overhaul to it is warranted.

Note: "Clear and objective" is abbreviated in this document as "C&O."

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
CODE WIDE AMENDMENTS		
AFFORDABLE HOUSING	Develop an affordable housing regulations that addresses the state housing legislation and other mandates and city goals holistically. The regulations should contain the code revisions that are needed to implement state requirements and local policies and strategies.	
PLAIN LANGUAGE	To the greatest extent possible revise language used throughout the code to make it more user friendly and understandable to the general public.	
VISUAL/GRAPHIC IMPROVEMENTS	Use graphics, charts, tables, and other visuals to increase the usability and the code easier to understand.	
DEFINITION CONSOLIDATION, EXPANSION AND COMPLIANCE	Combine in one area of the code all definitions for Title 16 & 17 (including those embedded in the code sections) and definitions needed to implement the Oregon legislation and statutes and provide improve clarity and usability.	
PUBLIC IMPROVEMENT REQUIREMENTS	Establish and implement in the code a method to identify a consistent nexus/proportionality across developments, including predictable public improvement requirements and reasonable costs (e.g., right-of-way improvements).	
DISCRIMINATION	Examine updated and remaining code language to identify and address any potential remnants of systemic racism and discrimination and issues of constitutionality.	

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
CONSOLIDATING AND CLARIFYING STANDARDS FOR THE DEVELOPMENT OF HOUSING	OPTION 1: Address the standards for all housing (including Middle Housing development and Townhouses) in the base zones (17.03 Land Use Zones), in the specific standards (17.04 Supplementary Provisions), and the review and approval process (17.09 Review Procedures). Use the Oregon Model Code as guide for the definition of middle housing types and the development and design standards for the middle housing types. **OR** OPTION 2: Retain but update the name of the Chapter 17.25 from 'Middle Housing Development Standards' to 'Small Housing Type Development Standards Option' and have the standards for smaller housing types remain in a separate section. Add clarity to the code language that 17.25 are an optional set of standards to limit the appearance of conflict with the housing standards in the other code sections.	Option 2
ADDITIONAL CODE SECTIONS	Add sections for Wireless Communication Facilities, Outdoor Lighting Standards, Temporary Uses, Phasing, Shipping Containers, Vesting, Tree Removal and Mitigation, Components of a Complete Application, as well as Adjustments (to address requirements of SB 1537).	
CHAPTER 16 – SUBDIVISIONS		
16.04.020 GENERAL TERMS AND DEFINITIONS	OPTION 1: Duplicate the consolidated Development Code definitions for Title 16 & 17 in 16.04.020 **OR** Option 2: Consolidate the Definitions in Chapter 17.01.060 and reference that chapter in 16.04.020	Option 2
16.08 APPROVAL PROCESS	OPTION 1: Application Procedures, Process, Actions - For clarity to applicants and ease of implementation,	Option 1, while retaining the step by step process of land division (preliminary

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	revise the review process of Type I (Ministerial actions), Type II (Administrative actions, Type III (Quasi-judicial actions), and Type IV (Legislative actions). The application and approval process can be modified for Hood River from Oregon's Model Code. Also ensure the approval process in 16.08 and 17.09 are consistent. **OR** Option 2: If the application process remains similar to the existing code, ensure 16.08 and the approval process in the review procedures in 17.09 are consistent and compliant with state statutes.	to final plat) in the current code.
16.12 GENERAL DESIGN AND IMPROVEMENT STANDARDS	Consolidate standards for Parking, Access and Circulation in 17.20 Transportation and Circulation and Access Management or a new chapter of Title 17 and cross reference in 16.12. Consolidate standards for Street Trees, and Landscape Conservation (Significant Tree Preservation) in Chapter 17.17 and cross reference in 16.12. Ensure standards are C&O and mitigation for both land divisions (Title 16) and land development (Title 17). Identify a consistent nexus/proportionality methodology for right-of-way improvements across developments and include code standards for predictable public improvement requirements. Ensure the ROW improvement methodology and requirements are consistent in Chapters 16 and 17 and Chapter 15 (building).	
TITLE 17 – ZONING		
17.01.060 DEFINITIONS	Consolidate all definitions in 17.01.060 for Title 16 & 17 (including those embedded in the code sections), add	

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	and revise the definitions needed to implement the Oregon legislation and statues and add or revise other definitions identified in the Final Code Audit Report.	
17.03 LAND USE ZONES	Create a "Land Uses and Development Types Permitted" table that shows permitted land uses and building types for all zones in one location of the code to improve clarity and usability. Consolidate site design requirements and create a "Site Development Requirements Table" showing the site development standards for all zones to the extent that the table remains user friendly. Refer to other sections of tables for additional standards specific to certain types of development where needed.	Option 2
	Option 1: Consolidate all parking standards in a table in 17.20 Transportation Circulation and Access Management **OR** Option 2: Consolidate all parking standards into a separate new parking section. Revisions to the minimum parking requirements may be needed, it is expected parking standards will be revised to meet the requirements of the state statutes and to remove barriers to housing.	
	Add Duplex as an allowable use to R-1 zone (to be consistent with HB 2001).	Option 2

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	Option 1: Address the development standards for all housing types (including Middle Housing development) **OR**	
	Option 2: Change the name of the Chapter 17.25 from 'Middle Housing Development Standards' to 'Small Housing Type Development Standards Option' and have the standards for smaller housing types remain in a separate section. Expand the zones and types of mixed use developments allowed, and provide C&O standards for mixed use development in order to remove barriers to the housing type. Provide C&O design standards for each housing type (as applicable) consistent with State statutes using design standards in the Oregon Model Code (with graphics) as a guide.	
17.04 SUPPLEMENTARY PROVISIONS	Relocate lot coverage standards to the "Site Development Requirements Table" in 17.03.	Option 2
	Option 1: Relocate the General requirements for parking lots to 17.20 Transportation and Circulation and Access Management to combine parking lot standards in section of the Code and update to be C&O. **OR** Option 2: Place the parking lot standards in new separate Parking section and place the parking lot standards there. Ensure they are C&O.	
	Clarify the Home Occupation application process and applicable standards. Standards need to be C&O if the application is permitted through a	

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	Type I (Ministerial processes). Standards may be discretionary in a Type II (Administrative process). Currently most Home Occupations are processed as a Type II (Administrative process). Ensure the Home Occupation review process meets any applicable state statutes, including standards that must be applied to residential uses. Create separate subsection for Daycare regulations and ensure that the process and standards are consistent with state statutes.	
17.05 NON-CONFORMING USES AND STRUCTURES	Revise to ensure a C&O process and standards for residential replacements.	
17.06 CONDITIONAL USES	For consistency, if the application processes are revised in Chapter 17.09 they must also be revised in 17.06. Revisions to the requirement to obtain a CUP for some types of residential development may be required.	
17.09 REVIEW PROCEDURES	Option 1: Update the review processes to: ○ Type I (Ministerial actions) ○ Type II (Administrative actions) ○ Type III (Quasi-judicial actions) ○ Type IV (Legislative actions) The process can be modified for Hood River from Oregon's Model Code provisions. **OR** Option 2: Revise the code to ensure the Ministerial Actions are a C&O process and remove all discretion from the Ministerial process but retain the same process terminology (i.e. Ministerial, Administrative, Quasi-Judicial)	Option 1

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	Ensure all application processes are C&O when pertaining to housing (except for alternative approval paths such as for PUDs) Create a table that shows the review process for each type of application or type of development (by zone if applicable). Ensure the process and approval required per application type is clear and consistent throughout the Code and is compliant with the state statutes. Updates to the identified review process for some types of residential development in some zones may be required. Add submittal requirements for land use applications and add standardized materials.	
17.12 MANUFACTURED HOMES AND MOBILE HOME PARK PROVISIONS	Revise to comply with the state requirements from HB 4064 as follows. Ensure the Manufactured Dwelling and dwelling units in Manufactured Dwelling Parks are identified as different uses with different standards. Mobile homes and manufactured homes are regulated as manufactured dwellings by the ORS. Eliminate the mobile home definitions and replace all references in the code with manufactured dwelling (revised definition consistent with HB 4064). Section 17.12.010 applies individual lot placement standards to manufactured dwellings that do not apply to single detached dwellings – these standards are precluded by statute and are not C&O. Two standards need to be removed.	

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	Section 17.12.020 contains additional criteria to manufactured homes in the R-1 zone that that do not apply to single detached dwellings. All standards need not be removed. The definition of 'manufactured dwelling park' should be updated to include prefabricated structures/ dwellings, consistent with statute. Section 17.12.030 The approval process for mobile/manufactured dwelling parks is inconsistent in the Code. Specify the approval process and ensure consistency in the recommended land use procedures table in 17.09 and throughout the code. Relocate the parking requirement to the chapter in the code where parking is addressed. Revise the minimum parking requirements, distinguishing between manufactured dwellings on individual lots vs. those located in manufactured dwelling parks. The parking requirements must be consistent with the state statues.	
17.16 SITE PLAN REVIEW	Revise the "Applicability" of Site Development Review to be clear for each development type and consistently applied throughout the Code. Clarify the applicability of Site Plan review, particularly for townhouses cross-referenced in 17.19.020(E). Clarify the applicability of Site Plan review for SROs and 'group residential', and Manufactured Dwelling Parks. Remove 17.16.020 Application Procedure and replace with a table listing the development types showing whether Site Plan Review is required by administrative, quasi-judicial action, or if is exempt for specific development	

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	types; reference 17.09 Review Procedures and applicable decision criteria. Update the decision criteria related to the development of housing (particularly for multifamily housing) to ensure they are C&O. Consider using the Oregon Model Code as a basis for the standards.	
17.17 LANDSCAPING AND DEVELOPMENT STANDARDS	17.17.010. Scope. Revise to be labeled "Applicability" and revise to be C&O. 17.17.020 Procedure. Update to require compliance with 17.17 required with land use applications (when applicable). 17.17.030 Update the required contents of landscaping plan to be C&O. Use Oregon Model Code as a guide. 17.17.040 General landscaping standards. Revise to by C&O. Use the Oregon Model Code as a guide. Relocate Street Tree requirements from Title 16 Subdivisions, 16.12.050 to section 17.17 for all development and revise to be C&O. Relocate Landscape Conservation (Significant Tree Preservation) standards from Title 16 Subdivisions, 16.12.040 to section 17.17 for all development, cross reference, and revise to be C&O.	
17.18 VARIANCES	Revise to require variances to be processed and approved as Quasi-judicial actions subject to 17.09.040 (or Type III if updated) Incorporate housing land use adjustments required under Senate Bill 1537 in a separate section of the development code with separate criteria for their application. This issue will require more evaluation as part of the Phase 2 Code Update process.	

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	Evaluate and consider other 'adjustment' or alternative variance processes to incorporate into the Code.	
17.19 TOWNHOUSE PROJECTS	The standards for Townhouse development or projects are unclear, confusing and inconsistent in the Code. Option 1: Remove section 17.19 and address the townhouse development standards in the base zones in 17.03 (Land Use Zones), the specific design standards in 17.04 (Supplementary Provisions), the review and approval process in 17.09 (Review Procedures), and the land division provisions of Title 16. Use the Oregon Model Code as a guide and adjust for Hood River specific design objectives as needed. **OR** Option 2: In 17.19, revise the revise all standards to be C&O, clarify the application review processes to be non-discretionary (Type 1) for all size of townhouse development, and ensure the standards and review processes are consist with the other sections of the Code.	Option 1 The City could provide an alternative discretionary path for townhouse projects through Site Design Review if desired.
17.20 TRANSPORTATION CIRCULATION AND ACCESS MANAGEMENT	Consolidate standards for Access and Circulation in Chapter 17.20 and cross reference in 16.12, 17.06 and 17.16. Revise the applicability of 17.20 to be C&O and consistent with the requirements needed to implement Title 16, and Chapters 17.06 and 17.16. Revise the access management criteria in 17.20.030.B and standards in 17.20.030.C to be C&O as they impact the development of housing. 17.20.040 Bicycle parking – revise the residential use categories to be consistent with residential uses within the Code (as updated), and consider revisions to the standards for other uses.	

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	Consider adding minimum vehicle parking standards to 17.20 or in a new section of the Code to improve clarity and to ensure consistency. Currently vehicle parking is addressed throughout the code.	
17.23 ACCESSORY DWELLING UNITS	Add an exception to the 800 sf limit for ADU conversions (not applicable to expansion of buildings for ADUs and clarify that ADUs are processed as a Type I (Ministerial) application.	
17.25 MIDDLE HOUSING DEVELOPMENT STANDARDS	Option 1: Address the standards for all housing (including Middle Housing development and Townhouses) in the base zones (17.03 Land Use Zones), in the specific standards (17.04 Supplementary Provisions), and in the review and approval process (17.09 Review Procedures). Use the Oregon Model Code as guide for the definition of middle housing types and the development and design standards for the middle housing types. **OR** Option 2: Retain 17.25, but update the name of the Chapter 17.25 from 'Middle Housing Development Standards' to 'Small Housing Type Development Standards Option' and keep the standards for smaller housing types in a separate section. Add clarity to the code language that standards in 17.25 are an OPTIONAL set of standards for specific types of housing units to limit the appearance of conflict with the housing standards in the other code sections. If retained: • Add a purpose statement to this section stating that the purpose is to facilitate the development of smaller homes under 1,200 sf to address Hood River's housing goals and strategies.	Option 2 (as identified above)

CHAPTER & SECTION	POTENTIAL AMENDMENTS & OPTIONS	PMT RECOMMENDATION
	• Define the approval process/action for applications for the development of Middle Housing consistent with 17.09. • Relocate the definitions to 17.01.060. • Overall the standards appear to be C&O but several standards for middle housing types are greater than standards for single-family detached dwellings which could be a barrier to the development of housing and could use revision to eliminate the barrier.	

Next Steps

- Review recommendations with the City Council for their comments and general concurrence. Make refinements to the recommendations as needed.
- Continue to work with City of Hood River and DLDC staff to finalize a scope of work for the Phase 2 Code Update process; determine an appropriate cost-sharing arrangement for that work.
- Move forward with local and state contracting processes for Phase 2.
- Undertake the Phase 2 process, likely beginning in early 2025.