Chapter 17.01
GENERAL PROVISIONS

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2.1.010 Purpose and Classification of Land Use Zones

This chapter establishes Land Use Zones, consistent with the City of Hood River Comprehensive Plan. Every unit of land (parcel, lot, tract, and right-of-way) within the City of Hood River is designated with a zone and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

A. Residential Districts (R-1, R-2, R-3). Residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. The Urban Low Density (R-1) district permits residential uses at densities between [#] and [#] dwelling units per [gross / net] acre. Permitted residential uses consist primarily of detached single-family housing [duplex housing subject to special use standards], and community service uses such as churches, schools, and parks.

2. The Residential [Medium / High] Density ([R-2 / R-3]) district permits residential uses at densities between [#] and [#] dwelling units per [gross / net] acre. Permitted residential uses consist of detached (e.g., single-family and duplex) housing and attached (e.g., townhouse and multifamily) housing. The R-2 / R-3] district also allows, subject to special use standards, parks, schools, places of worship, and certain community service uses.

B. Commercial and Mixed-Use Districts (C-1, C-2). Commercial zoning districts accommodate a mix of commercial services, retail, and civic uses, with *[existing residences permitted to continue, and]* new residential uses permitted in the upper stories of some buildings. Two commercial zoning districts, one for *[Downtown/Main Street]* and one for General Commercial areas, provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities. The two commercial districts allow many of the same uses, except that different development and design standards apply to specific types of development based on the

physical context *[, desired urban form,]* and pedestrian-orientation of each district *[or subarea].* See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

C. Industrial Districts ([LI / I]). Industrial zoning districts accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for *[Light Industry / Mixed-Employment]* and one for General Industry, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses. The General Industry district additionally provides suitable locations for intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

D. Public Facilities and Open Space Districts (OS). See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. The Public Facilities (PF) district provides a zoning option for public and semi-public uses, including, but not limited to, schools, government offices, fire stations, police stations, libraries, public works yards, reservoirs, and other public facilities [, consistent with adopted public facility master plans].

2. The Parks and Open Space (P-OS) district provides for the use, protection, preservation, conservation, and enhancement of parks, natural areas, and similar areas in a manner that meets community needs for a wide range of passive or active recreational uses (, consistent with adopted park or open space master plans).

2.1.020 Classification of Land Use Zones

This title establishes the following land use zones.

ZONES	MAP SYMBOL
Urban Low Density	R-1

ZONES	MAP SYMBOL
Urban Standard Density	R-2
Urban High Density	R-3
Office/Residential	C-1
General Commercial	C-2
Light Industrial	LI
Industrial	I
Open Space/Public Facility	OS
~~Environmental Hazard~~	~~EH~~
~~Columbia River Recreational/Commercial~~	~~RC~~

A. The boundaries of the zones established in this title are indicated on a map entitled the “City zoning map”.

B. The official City zoning map indicating the zone boundaries or amendments thereto shall be signed by the Mayor and City Recorder at the time of adoption. The official map shall be maintained on file by the City Recorder.

C. Amendments to the official City zoning map and ordinance shall be made by the City administration within thirty (30) days after the effective date of the amendment. Due to the wide distribution of copies of this title, amendments to the zoning map or text of this title may not always be reflected in every copy.

2.1.030 Determination of Zoning District Boundaries

Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, Planning Director shall determine the boundary, following the procedures of Section 1.5.020 Code Interpretations, as follows:

A. Right-of-way. Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, railroad, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting land use zones.

B. Parcel, lot, tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.

C. Jurisdiction boundary. Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.

D. Natural feature. Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature.

17.02.040 Zoning of annexed areas.

Any land annexed to the City shall be zoned a City zone and consistent with the Comprehensive Plan, which corresponds to the following County classification.

COUNTY DESIGNATION	CITY DESIGNATION
Medium Density Residential	Urban Low Density

COUNTY DESIGNATION	CITY DESIGNATION
(R-1 7000)	(R-1 7000)
Medium Density Residential (R-1 5000)	Urban Standard Density (R-2 5000)
Multi-Family Residential (R-2 5000)	Urban High Density (R-3 5000)
General Commercial (C-1)	General Commercial (C-2)
Light Industrial (M-2)	Light Industrial (L-I)
Industrial (M-1)	Industrial (I)

Residential density calculation procedure.

The number of dwelling units permitted on a parcel of land is calculated after the determination of the net site area and the acreage of any restricted development areas (as defined by Chapter 17.60). Limited density transfers are permitted from restricted development areas to unrestricted areas in accordance with the provisions of the Flood and Slope Hazard Area Overlay District, Chapter 17.60.

Calculation of Net Site Area (NSA): Net site area shall be calculated in acres based upon a survey of the property boundaries excluding areas dedicated for public use.

A. Minimum and Maximum Dwelling Units for Sites with No Restricted Areas. The allowable range of housing units on a piece of property is calculated by multiplying the net site area (NSA) in acres by the minimum and maximum number of dwelling units allowed in that zone.

For example: A site (NSA) containing ten acres in the Single Family Residential Zoning District requires a minimum of 30 units and allows a maximum of 58 units. (NSA x three units/acre = 30 units minimum.) (NSA x 5.8 units/acre = 58 units maximum.)

B. Minimum and Maximum Dwelling Units for Sites with Restricted Areas.

1. Unrestricted Site Area: To calculate unrestricted site area (USA): subtract all restricted development areas (RDA) as defined by Subsection 17.60.20.A. from the net site area (NSA), if applicable.

NSA - RDA = USA

2. Minimum Required Dwelling Units: The minimum number of dwelling units required for the site is calculated using the following formula:

USA (in acres) x Minimum Density (Units per Acre) of Zoning District = Minimum Number of Dwelling Units Required.

3. Maximum Allowed Dwelling Units: The maximum number of dwelling units allowed on a site is the lesser of the results of these two formulas:

a. NSA (in acres) x Maximum Density of Zoning District (units/acre)

b. USA (in acres) x Maximum Density of Zoning District (units/acre) x 1.5 (maximum allowable density transfer based on Chapter 17.60)

c. For example: suppose a site in a zone with a maximum density of eight units per acre has six acres of unrestricted site area (USA = six) and two acres of restricted development area (RDA = two), for a total net site area of eight acres (NSA = eight). Then NSA (eight) x eight units/acre = 64 and USA (six) x eight units/acre x 1.5 = 72, so the maximum permitted number of dwelling units is 64 (the lesser of the two results).

C. Lot Sizes: Lot sizes shall comply with any minimum lot size standards of the underlying

zoning district.

D. Rounding: A dwelling unit figure is rounded down to the nearest whole number for all total maximum or minimum figures less than four dwelling units. For dwelling unit figures greater than four dwellings units, a partial figure of one-half or greater is rounded up to the next whole number.

For example: A calculation of 3.7 units is rounded down to three units. A calculation of 4.2 units is rounded down to four units and a calculation of 4.5 units is rounded up to five units.

E. Duplexes: For the purpose of calculating maximum density, duplexes shall be counted the same as a single-family residence (i.e., duplexes shall count as one dwelling unit). Accessory dwelling units (ADUs) do not count towards maximum density.

Chapter 2.2 – Land Use Zones Regulations

2.2.010 Purpose

Chapter 2.2 Land Use Zones Regulations regulates allowed land uses and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Hood River Comprehensive Plan and the purposes of this Code, per Section 1.2.020.

2.2.020 Applicability

All real property in the City of Hood River is subject to Chapter 2.2 Land Use Zones Regulations. Certain types of land uses are also subject to Chapter 2.3 Special Use Standards. In addition, some properties are subject to both the general ("base zone") regulations of Chapter 2.2 and Chapter 2.4 Overlay Zones. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

2.2.030 Allowed Uses

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 2.2.030. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Industrial. Where Table 2.2.030 does not list a specific use, and Article 5 Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Section 1.5.020 Code Interpretations. Uses not listed in Table 2.2.030 and not found to be similar to an allowed use are prohibited.

B. Permitted Uses and Uses Permitted Subject to Special Use Standards. Uses listed as "Permitted (P)" are allowed provided they conform to Section 2.2.040 Lot and Development Standards. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to the Chapter 2.3 Special Use Standards and Section 2.2.040 Lot and Development Standards. Uses listed as "Not Allowed (N)" are prohibited. Uses not listed but similar to those allowed may be permitted pursuant to Section 1.5.010.

C. Conditional Uses. Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of Chapter 4.4 Conditional Use Permits.

D. Uses Regulated by Overlay Zones. In addition to the provisions of Chapter 2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.

E. Master Planned Developments. Uses that are not otherwise allowed by the underlying zone may be permitted through the procedure under Chapter 4.5 Master Planned Development.

F. Accessory Uses. Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Article 5 Definitions.

G. Mixed-Use. Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards and building code requirements are met.

H. Outdoor Uses and Unenclosed Activities. In addition to the provisions of Table 2.2.030, any

use, except for an allowed accessory use, that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under Chapter 4.4. [Examples of outdoor uses and unenclosed activities that may or may not be considered accessory uses, depending on their location and size relative to other uses on the same property, include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses.]

I. Temporary Uses. Temporary uses occur [only once in a calendar year and] for not longer than [(#) days], [consecutively / cumulatively,] in any calendar year. Uses may be permitted on a temporary basis, subject to review and approval under Chater 2.3.160 Temporary Uses.

J. Disclaimer. Property owners are responsible for verifying whether a specific use is allowed on a particular site. Submittal of a Zoning Checklist for review and approval by the Planning Director may be required in order to determine whether a use is allowed on a given site, and whether further land use review is required.

Table 2.2.030 – Uses Allowed by Zoning District									
Uses	***Residential Zones***			***Commercial and Mixed-use Zones***		***Industrial Zones***		***Open Space /PF Zones***	**Special Use Standards**
	R-1	***R-2***	***R-3***	***C-1***	**C-2**	***IL***	**I**	***OS/PF***	
A. Residential Uses[1]									
Single-Family Dwelling, Detached	P	P	P	P	N	N	N	N	
Duplexes	P	P	P	P	N	N	N	N	
Townhomes	N	S	S	S	N	N	N	N	Sec. 2.3.070

[1] KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

P* Subject to Site Plan Review

Table 2.2.030 – Uses Allowed by Zoning District

Uses	*Residential Zones*			*Commercial and Mixed-use Zones*		*Industrial Zones*		*Open Space /PF Zones*	Special Use Standards
	R-1	*R-2*	*R-3*	*C-1*	C-2	*IL*	I	*OS/PF*	
Multifamily Dwellings	N	N	S	S	S	N	N	N	Sec. 2.3.080
Residential with Commercial Uses on same lot	N	N	N	S	S	N	N	N	Sec. 2.3.090
Neighborhood Scale Housing Options	S	S	S	S	N	N	N	N	Sec 2.3.240
Group Residential	N	N	S	S	S	N	N	N	Sec. 2.3.210
Single Room Occupancy Dwellings	S	S	S	S	S	N	N	N	Sec. 2.3.210
[Cottage Clusters]	?	?	S	?	?	N	N		[Sec 2.3.190]

Table 2.2.030 – Uses Allowed by Zoning District

Uses	*Residential Zones*			*Commercial and Mixed-use Zones*		*Industrial Zones*		*Open Space /PF Zones*	Special Use Standards
	R-1	*R-2*	*R-3*	*C-1*	C-2	*IL*	I	*OS/PF*	
Manufactured Homes	S	S	S	S	N	N	N	N	Sec 2.3.130
Mobile Home and Manufactured Dwelling Park	S	S	S	N	N	N	N	N	Sec 2.3.140
Family Childcare Homes	S	S	S	S	S	N	N	N	Sec 2.3.100
Residential Care Home	S	S	S	S	S	N	N	N	Sec. 2.3.110
Residential Care Facility	N	N	S	S	S	N	N	N	Sec. 2.3.110
Home Occupations	S	S	S	S	S	N	N	N	Sec 2.3.120
Housed Homeshares and Vacation Rentals	S	S	S	S	S	N	N	N	Sec 2.3.220

Table 2.2.030 – Uses Allowed by Zoning District									
Uses	***Residential Zones***			***Commercial and Mixed-use Zones***		***Industrial Zones***		***Open Space /PF Zones***	**Special Use Standards**
	R-1	***R-2***	***R-3***	***C-1***	**C-2**	***IL***	**I**	***OS/PF***	
Accessory Dwelling Units	S	S	S	S	N	N	N	N	Sec. 2.3.170
Planned Unit Developments	CU	CU	CU	CU	CU	N	N	N	See 4.8
B. Public and Institutional Uses[2]									
Automobile Parking, Public Off-street Parking	N	N	N	P	P*	P*	P*	N	

[2] KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed. P* Requires Site Development Review

Table 2.2.030 – Uses Allowed by Zoning District

Uses	*Residential Zones*			*Commercial and Mixed-use Zones*		*Industrial Zones*		*Open Space /PF Zones*	Special Use Standards
	R-1	*R-2*	*R-3*	*C-1*	C-2	*IL*	I	*OS/PF*	
Childcare Center	N	N	S	S	S	S	S	N	Sec. 2.3.110
Hospitals, nursing or convalescent homes	N	N	CU	CU	CU	N	N	N	
Emergency Shelters	S	S	S	S	S	S	S	N	Sec. 2.3.200
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	CU	CU	CU	CU	CU	N	N	P*	
Religious Institutions and Houses of Worship	CU	CU	CU	CU	N	N	N	N	
Schools	CU	CU	CU	CU	CU	N	N	N	

Table 2.2.030 – Uses Allowed by Zoning District									
Uses	***Residential Zones***			***Commercial and Mixed-use Zones***		***Industrial Zones***		***Open Space /PF Zones***	**Special Use Standards**
	R-1	***R-2***	***R-3***	***C-1***	**C-2**	***IL***	**I**	***OS/PF***	
Transportation Facilities; includes construction, operation, and maintenance of facilities located within right-of-way controlled by a public agency, consistent with the Transportation System Plan.	P	P	P	P	P	P	P	P	
Public Facilities and Utility Structures	CU	CU	CU	CU	CU	CU	CU	P*	
C. Commercial Uses[3]									

[3] KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

P* Subject to Site Plan Review

Table 2.2.030 – Uses Allowed by Zoning District

Uses	*Residential Zones*			*Commercial and Mixed-use Zones*		*Industrial Zones*		*Open Space /PF Zones*	Special Use Standards
	R-1	*R-2*	*R-3*	*C-1*	C-2	*IL*	I	*OS/PF*	
Automobile Parking, Commercial Off-street Parking	N	N	N	P	P*	P*	P*	*N*	
Professional Offices/Office Uses	N	N	CU	P*	P*	N	N	N	
Bed and Breakfast Inns	N	N	S	S	S	N	N	N	Sec. 2.3.180
Commercial Uses	N	N	CU	N	P*	N	N	N	
Commercial Uses – on parcels greater than 1.5 acres	N	N	CU	N	CU	N	N	N	
Hostels	N	N	CU	N	P*	N	N	N	
Hotels, Motels, and Similar Overnight Accommodations									
Temporary Uses	S	S	S	S	S	S	S	S	Sec. 2.3.120

Table 2.2.030 – Uses Allowed by Zoning District									
Uses	***Residential Zones***			***Commercial and Mixed-use Zones***		***Industrial Zones***		***Open Space /PF Zones***	**Special Use Standards**
	R-1	***R-2***	***R-3***	***C-1***	**C-2**	***IL***	**I**	***OS/PF***	
Mobile Food Vendors	N	N							Sec. 2.3.250
Telecommunication Facilities	N	N	N	?	S	S	S	S	Sec. 2.3.230
D. Industrial Uses[4]									
Caretaker's Dwelling	N	N	N	N	N	P	P	N	

[4] KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

P* Subject to Site Plan Review

Table 2.2.030 – Uses Allowed by Zoning District

Uses	*Residential Zones*			*Commercial and Mixed-use Zones*		*Industrial Zones*		*Open Space /PF Zones*	Special Use Standards
	R-1	*R-2*	*R-3*	*C-1*	C-2	*IL*	I	*OS/PF*	
Industrial Uses incidental and essential to on-site commercial uses	N	N	N	N	P*	N	N	N	*Sec. 2.3.040*
Light Industrial Uses, including the following when accessory and essential to the permitted light industrial use: office uses, wholesale sales, marketing, training and outside storage	N	N	N	N	N	P*	N	N	
Industrial Office, up to 25,000 square feet of gross floor area	N	N	N	N	N	P*	N	*N*	
Industrial Office, greater than 25,000 square feet of gross floor area	N	N	N	N	N	CU	N	*N*	
Light Industrial and Industrial Office uses with accessory and incidental employee services, such as but not limited to food and beverage sales.(1)	N	N	N	N	N	CU	N	*N*	
Industrial Activities: manufacturing, processing, warehousing, and outside storage	N	N	N	N	N	N	P*	N	

Table 2.2.030 – Uses Allowed by Zoning District

Uses	*Residential Zones*			*Commercial and Mixed-use Zones*		*Industrial Zones*		*Open Space /PF Zones*	Special Use Standards
	R-1	***R-2***	***R-3***	***C-1***	**C-2**	***IL***	**I**	***OS/PF***	
Industrial Activities – on parcels greater than 1.5 acres	N	N	N	N	N	N	CU	N	
Sales and display of products as accessory and essential to permitted industrial use,(2)	N	N	N	N	N	P*	N	*N*	

(1) Such employee service uses are further limited by the following threshold criteria to ensure against public sales:

a. Location. Employee service areas shall be located within the building(s) of the permitted Light Industrial Use.

b. Visibility. An employee service area may be located on a street frontage with interior access and no direct exterior entrance.

c. Signage. No exterior signs promoting employee service and sales are allowed.

(2) The total area devoted to sale and display of such products shall not exceed 2,500 square feet or 25% of the gross floor area within the building, whichever is less, except for LI uses in the Central Business District where the sales and display of products can be greater than 2,500 square feet or 25% of the gross floor area as long as the use remains incidental to the onsite light industrial use.

2.2.040 Lot and Development Standards

A. Development Standards. Section 2.2.040 provides the general lot and development standards for each of the City's base Land Use Zones. The standards of Section 2.2.040 are organized into two tables: Table 2.2.040.D applies to Residential and Mixed-Use zones, and Table 2.2.040.E applies to non-residential zones.

B. Design Standards. City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3 Community Design Standards. Notwithstanding the provisions of Table 2.2.040 and Article 3 Community Design Standards, different standards may apply in specific locations, Planned Unit Developments, at street intersections, within overlay zones, adjacent to natural features, and other areas as may be regulated by this Code or be subject to state or federal requirements.

C. Disclaimer. Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. Submittal of a Zoning Checklist for review and approval by the Planning Director is required in order to determine whether use is allowed on a given site, and whether further land use review is required.

D. Lot and Development Standards for Residential Zones.

Table 2.2.040.X – Lot and Development Standards for Residential zones

(Except as modified under Chapter 2.3 Special Uses, Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Planned Unit Developments.)

		R-1	R-2	R-3
Site Development Requirements				
	1. Minimum lot size	7,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
	2. Minimum requirements for building sites:			
	a. Per dwelling unit	7,000 sq. ft.		
	b. Per detached single family dwelling unit or duplex		5,000 sq. ft.	5,000 sq. ft.
	3. Minimum frontage	30 ft.(1) or 50 ft.(2)	30 ft.(1) or 50 ft.(2)	30 ft.(1) or 50 ft.(2)
	4. Lot Coverage	Pursuant to 17.04.120		
Setback Requirements				
	1. Structure	10 feet(3)	10 feet(3)	10 feet(3)
	2. Garages	20 feet(3), 10 feet(4) or 5 feet(5)	20 feet(3), 10 feet(4) or 5 feet(5)	20 feet(3), 10 feet(4) or 5 feet(5)

	3. Side yard/rear yard	6 feet or 8 feet(6)	5 feet or 8 feet(6)	5 feet or 8 feet(6)
	4. Rear yard(7)	10 feet	10 feet	5 feet or 10 feet(8)
Maximum Building Height				
	1. Residential development	28 feet	28 feet	28 feet or 35 feet (9)
	2. Non-residential development	35 feet	35 feet	35 feet
Minimum Density				

(1) On a dedicated public dedicated cul-de-sac
(2) On a dedicated public street
(3) From the nearest public ROW line of a dedicated public street
(4) Garage not constructed to face an adjacent street, 10 feet from the nearest public ROW line of a dedicated public street
(5) Garage not constructed to face an adjacent alley, 10 feet from the nearest public ROW line of a dedicated public street
(6) Buildings 28 feet, and greater, in height
(7) Projections may not encroach more than 3 inches for each foot of require yard setback width
(8) Structure greater than 28 feet in height
(9) Multi-family dwellings

E. Lot and Development Standards for Non-Residential Zones.

Table 2.2.040.X – Lot and Development Standards for Non-Residential and Mixed-Use Zones

(Except as modified under Chapter 2.3 Special Uses, Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Planned Unit Developments.)

		C-1	C-2	LI	I	OS/PF
Site Development Requirements						
	Minimum lot area	5,000 sq. ft.	None	None	None	None
	Minimum requirements for building sites:					
	a. Per dwelling unit	5,000 sq. ft.				
	b. Each unit thereafter, an additional	1,500 sq. ft.				
	Minimum frontage	30 ft.(1) or 50 ft. (2)	30 ft.(1) or 50 ft. (2)	20 ft.(2)	20 ft.(2)	
	Lot Coverage	(5)				
Setback Requirements						

	Professional offices	(3)				
	Residential development	(3)				
	Mixed professional offices and residential development	(3)				
	1. Front	None		None	None	10 feet(6)
	2. Side yard/rear yard	3 ft.(4)		None	None	10 feet (7,8)
Maximum Building Height		35 feet		45 feet	45 feet	45 feet
	1. Residential development		35 feet			
	2. Commercial		45 feet			
	3. Mixed commercial and residential development		45 feet			
Minimum Density			11 units/ net acre			

(1) On a dedicated public cul-de-sac
(2) On a dedicated public street
(3) The standards outlined in the R-3 zone apply.

(4) Only required in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two (2) stories.
(5) Subject to lot coverage requirements of Sec. 2.2.080
(6) From the public right-of-way line of a dedicated public street
(7) For one– (1) and two– (2) story structures, and for structures more than two– (2) stories in height, the minimum yard is increased one (1) foot for each additional story.
(8) Projections may not encroach more than two (2) inches for each foot of required yard setback width.

2.2.050 Setback Yards Exceptions

A. Encroachments

1. Except as otherwise restricted by applicable building codes, building elements such as eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures, may extend into the required setback yards by no more than *[18-36]* inches, provided that a setback of not less than 36 inches is maintained, all applicable building codes are met, and the clear vision standards in Section 3.3.030 are met.

2. Porches, decks, patios, and similar features not exceeding 30 inches in height may encroach into setbacks, provided a minimum setback of not less than 36 inches is maintained and all applicable building codes are met.

3. Fences may be placed within setback yards, subject to the standards of Section 2.2.040 and 3.4.040.

B. Reverse Frontage Lots

Buildings on reverse-frontage lots (through lots) are required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements of Section 2.2.040 and the design standards (e.g., materials and landscape buffer requirements) of Section 3.4.040.

~~*[C. Flag Lots*~~

~~*The (City decision-making body) shall designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as either:*~~

~~*1. front yard parallel to the street providing automobile access; or*~~

~~*2. front yard parallel to the flagpole from which driveway access is received.*~~

~~*The City shall review proposals for flag lots pursuant to the standards in Section 4.3.050 and may impose reasonable conditions to ensure development is compatible with adjacent uses.]*~~

17.04.070 General exceptions to lot area requirements.

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 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.

2.2.060 Residential Density Standards

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new *[developments / subdivisions]* in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.040, except as provided below in subsections 1-3:

User's Guide: The following section is used in conjunction with Table 2.2.040. Your city should include minimum and maximum density standards in the table based on your comprehensive plan. Minimum density standards should apply to RM zones, at a minimum, and preferably in all residential and residential-commercial zones. Each city will need to determine how it calculates density. The following example is based on "gross density."

If the gross (total) site area is five acres, and the minimum allowable density is six dwelling units per acre, then the maximum is 30 units. The equivalent average lot size for single-family dwellings is determined by subtracting street right-of-way, water quality facilities and other non-buildable areas from the five-acre site, then dividing the remaining (net) area by the number of units. Assuming 25 percent of the total site area for streets, open space, and other non-buildable areas, "average lot size" is calculated as follows: (217,800 square feet x 0.75) / 30 units = 5,445 square feet. If the minimum density were four dwelling units per acre, the same five-acre site would yield a minimum of 20 units with an average lot size of 8,168 square feet.

This is only an example. The minimum density standard also applies to attached housing, including multiple family developments. Actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.2.030. The number of planned dwellings also varies depending on whether the comprehensive plan is based on net or gross density. Where a plan specifies four units per gross acre, the equivalent net density might be greater than five units per net acre.

A. Residential care homes and facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds *[15 percent]* are exempt from the minimum density standard.

B. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.

C. Partitions and construction of single-family homes on lots exceeding *[20,000-40,000 square feet]* shall be located and constructed so that future division of such lots can occur and planned public facilities can be extended based on the minimum lot size and other applicable City standards.

D. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.

~~*[**E.** Areas reserved for flag lot access (flag poles) [are / are not] counted for the purpose of calculating density.]*~~

2.2.070 Lot Coverage

User's Guide: The following supplements the lot coverage standards in Table 2.2.040. Subsection B is necessary if your city allows the lot coverage bonus in Table 2.2.040.

A. Lot Coverage Calculation. The maximum allowable lot coverage, as provided in Table 2.2.040.D, is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 36 inches or greater above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios that do not meet the minimum elevation of 36 inches above grade.

B. Lot Coverage Bonus. The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve increases to the lot coverage standards in Table 2.2.040.D, as follows:

1. Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure, either above or below leasable ground floor space (e.g., residential, commercial, or civic use), not to exceed a 20 percent increase in allowable coverage.

2. Lot coverage may increase by up to one-half a square foot for every one square foot of proposed parking area paving that uses a City-approved porous or permeable paving material (i.e., allowing stormwater infiltration).

3. Lot coverage may increase by up to one-half a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site.

4. In approving increases in lot coverage under subsections 1-3 of this section, the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities.

5. Notwithstanding the lot coverage increases authorized by this section, all other development standards of this chapter, and other applicable provisions of this Code, must be met.]

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 driveways; 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 development 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 covered porch is attached to the front elevation at grade level 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	R-4
Maximum Lot	40%	45%	55%	65%

Categories	R-1	R-2	R-3	R-4
Coverage				
Maximum Lot Coverage with front porch	43%	48%	58%	68%
Maximum Lot Coverage with detached rear garage	45%	50%	60%	70%
Maximum Lot Coverage with detached rear garage and front porch	48%	53%	63%	73%

3. Where a driveway or parking pad is constructed of permeable paving materials the calculated area shall be reduced by 50 percent (e.g. only 100-square feet of a 200-square-foot driveway constructed of permeable pavers is included in the lot coverage calculation) under the following circumstances:

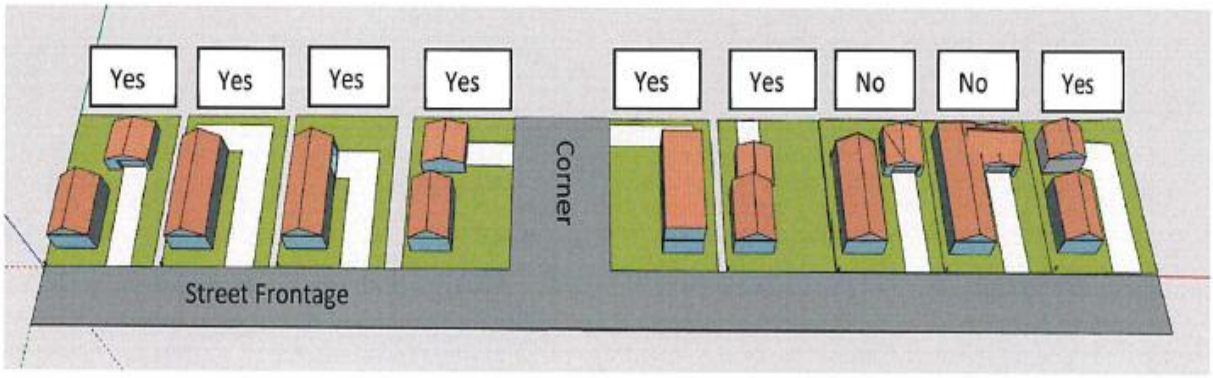
a. The permeable paving materials must be installed consistent with specifications of the manufacturer or the City Engineering Department for purposes of stormwater infiltration; and the driveway provides vehicular access to either:

1. A detached garage located in a rear yard (i.e. between the main structure and the rear property line); or

2. A garage that is attached to the rear of the main structure and the garage door

does not face an adjacent street excluding alleys.

See graphic below for eligibility



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 but shall comply with HRMC 17.16 Site Plan Review Criteria and HRMC 17.17 Landscaping and Development Standards.

5. Planned Developments (PUDs) are exempt from the lot coverage requirement but shall comply with HRMC 17.07, Planned Developments. (Ord. 2053 § 1, 2020)

2.2.080 Height Measurement, Exceptions, and Transition

A. Building Height Measurement. Building height shall comply with the method of measurement described in the definition of "Building height" in Article 5-Definitions.~~Building height is measured pursuant to the building code~~.

B. Exception from Maximum Building Height Standards. *[Except as required pursuant to FAA regulations,]* Chimneys, ~~bell towers, steeples~~, spires, towers, domes, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

C. Building Height Transition. To provide for compatible scale and height relationships between new multi-story buildings and existing single-story dwellings [in the R-1 and R-2 zones], new buildings and vertical additions to existing buildings shall maintain a building height transition to adjacent single-story building(s), as follows:

1. This standard applies to new and vertically expanded buildings and structures (in any zone) within [20-40] feet (as measured horizontally) of an existing single-story building with a height of [20] feet or less [in the RL zone]; and

2. The building height transition standard is met where the new or vertically expanded building or structure meets the following criteria:

a. The existing single-story dwelling is located within [20-40] feet of, and on the same side of the street as, the proposed structure.

b. The height of the proposed structure is not more than [120] percent of the height of the subject single-story dwelling.

c. Where the proposed structure is to be located between two existing single-story dwellings, the height of the proposed structure shall not exceed [120] percent of the average maximum height of both adjacent dwellings. For example, where the two adjacent dwellings have an average maximum height of 24 feet, the new or vertically expanded structure shall not exceed 28.8 feet in height.]

3. Exception: The building height transition standard does not apply when the approval

body finds that the subject single-story buildings located within [20-40] of the subject site are redevelopable. "Redevelopable," for the purposes of this section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from the [name] County Assessor's Office; or the front yard of the subject lot is large enough that it could be subdivided based on the minimum lot size standards of the applicable zone.]

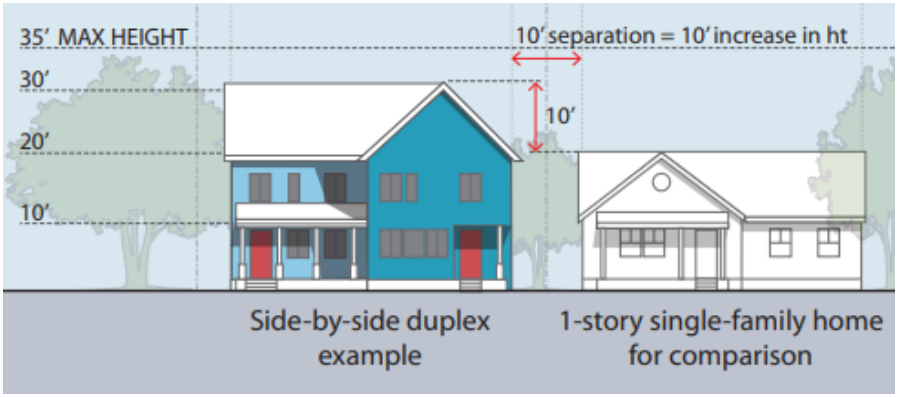
4. Building Height Transition.

To provide compatible building scale and privacy between developments, taller buildings shall "step-down" to create a building height transition to adjacent single-story building(s).

a. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown in Figure 19.30.030.E.

b. The building height transition standard is met when the height of the taller building ("x") does not exceed one foot of additional height for every one foot separating the two buildings ("y"), as shown in Figure 19.30.030.E.

Figure 19.30.030.E – Building Height Transition



Chapter 2.3 – Special Use Standards

Sections

2.3.010	**Purpose**
2.3.020	**Applicability**
2.3.030	**Review Process**
2.3.xxx	**Affordable Housing**
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2.3.220	**Hosted Homeshares and Vacation Homes Rentals**
2.3.230	**Wireless Communication Facilities**
2.3.240	**Neighborhood Scale Housing Options**
2.3.250	**Mobile Food Vendors**

2.3.010 Purpose

Special uses included in Chapter 2.3 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

2.3.020 Applicability

All uses designated as Special ("S") Uses in Table 2.2.020, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

2.3.030 Review Process

The City uses the procedures for Type I (Zoning Checklist and Type II Site Design Review, under Chapter 4.2, in reviewing proposed uses for compliance with the requirements of Chapter 2.3.

2.3.xxx Affordable Housing

Intent.

These regulations are intended to implement the provisions of Oregon Revised Statutes (ORS) 197A.445, 197A.460, and 197A.470 (5)-(6) related to siting of affordable housing.

Affordable Housing Allowed Outright

ORS 197A.445 (added through Senate Bill 8, 2021) requires local governments to allow affordable housing without requiring a zone change or conditional use permit if certain criteria and standards are met. ORS 197A.460 (added through House Bill 3395, 2021) also requires local governments to allow affordable housing for low- and moderate-income households on lands zoned to allow commercial uses. These requirements are implemented by this section.

A. Applicability.

1. At the applicant's request, a proposed affordable housing project that meets the applicability criteria in Subsection B. of this section shall be subject to the standards in Subsection C.

2. At the applicant's request, a proposed affordable housing that meets the applicability criteria in Subsection D. of this section shall be subject to the standards in Subsection E.

3. For a proposed affordable housing project that meets the criteria in both Subsections B. and D., the applicant may choose to follow either the standards in Subsections C. or E.

B. ORS 197A.445 Applicability Criteria. Affordable housing projects are allowed pursuant to ORS 197A.445 provided they meet the affordability criteria in Subsection 1., and meet either the ownership criteria in Subsection 2. or the zoning criteria in Subsection 3., or both. Affordable housing provided pursuant to ORS 197A.445 is only allowed on property zoned for industrial

uses if the criteria in Subsection 4. are met.

1. Affordability.

a. Units are made affordable pursuant to either Subsection i., ii., or iii.

1. Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as defined in ORS 456.270;

2. The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; or

3. A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income.

b. The affordability of the units, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.

2. Ownership. Except as specified under Subsection 4., below, the housing is owned by:

a. A public body, as defined in ORS 174.109;

b. A nonprofit corporation that is organized as a religious corporation;

c. A nonprofit corporation that is organized as a public benefit corporation whose primary purpose is the development of affordable housing;

d. A housing authority, as defined in ORS 456.005; or

e. A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803.

3. Zoning. The property is zoned: for commercial uses; to allow places of assembly for religious institutions; or as public lands.

a. Eligible commercial zoning districts are: Central Business District (C-1), General Commercial (C-2), Village Commercial (C-3).

b. Except as provided in Subsection 4 below, eligible industrial zoning districts are: Industrial Park (I-1), and Light Industrial (I-2).

4. Eligibility of Industrial Property. The standards in Subsection C. apply on property zoned

to allow industrial uses only if the property is:

a. Publicly owned;

b. Adjacent to lands zoned for residential uses or schools; and

c. Not specifically designated for heavy industrial uses (this excludes the General Industrial (I-3) zoning district).

C. ORS 197A.445 Standards. Affordable housing projects proposed to be developed pursuant to ORS 197A.445 are subject to the following standards.

1. Site Suitability. The site shall be suitable for development of affordable housing. Affordable housing shall not be located on lands where the City determines that one or more of the following apply:

a. The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

b. The property contains a slope of 25 percent or greater;

c. The property is within a 100-year floodplain;

d. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: natural disasters and hazards; or natural resources, including air, water, land or natural areas (but not including open spaces or historic resources); or

e. The property is zoned for industrial use and does not meet the criteria in Subsection 17.88.10.B.4 above.

2. Density and height in areas that are zoned for residential uses. Except as provided by Subsection c. below, the greater of density and height standards in Subsections a. or b. below, shall apply:

a. Any City density bonus for affordable housing; or

b. Without consideration of any local density bonus for affordable housing:

1. For property with existing maximum density of 16 or fewer units per net acre, based on the proposed housing type, 200 percent of the existing density and 12 additional feet; or

2. For property with existing maximum density of 17 or more units per net acre, and 45 or fewer units per acre, based on the proposed housing type, 150 percent of the existing density and 24 additional feet.

c. Exceptions to the density and height bonuses.

1. The density and height bonuses provided by this section do not apply to housing in areas that are not zoned for residential uses.

2. The City may reduce the density or height of the bonus as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal provided the City adopts findings supported by substantial evidence demonstrating the necessity of this reduction.

3. Density and height in nonresidential zones. The maximum density and height shall be based on the density and height standards applicable to the Medium Density Residential (R-2) zone, as provided in Chapter 17.38.

4. Standards and Procedure. Affordable housing projects allowed pursuant to this subsection B. are subject to the clear and objective development standards in the SDC applicable to the proposed housing type. A Type II Design Review approval is required.

D. ORS 197A.460 Applicability Criteria. Affordable housing projects are allowed pursuant to ORS 197A.460 provided they meet the affordability and structure type criteria in Subsection 1. and the zoning criteria in Subsection 2. below.

1. Affordability and Structure Type. Units are made affordable pursuant to either Subsection a. or b.

a. The residential structure is subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income as defined in ORS 456.270; or

b. Mixed use structures with ground floor commercial units and residential units, each

of which is subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making the properties affordable to moderate income households, as defined in ORS 456.270.

2. Zoning. The property is zoned to allow only commercial uses and not industrial uses. Eligible zoning districts are: C-1 and C-2.

E. ORS 197A.460 Standards. Affordable housing developed pursuant to ORS 197A.460 is subject to the following standards.

1. Site Suitability. Affordable housing developed under this subsection E. shall not be located on lands where the City determines that one or more of the following apply:

a. The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

b. The property contains a slope of 25 percent or greater;

c. The property is within a 100-year floodplain;

d. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: natural disasters and hazards; or natural resources, including air, water, land or natural areas (but not including open spaces);

e. The property is vacant (as defined in OAR 660-038-0060(2)) at the time of application submittal; or

f. The property was added to the urban growth boundary within the last 15 years prior to the application submittal.

2. Standards and Procedure.

a. Affordable housing projects allowed pursuant to this subsection E., including the residential component of an eligible mixed use structure, are subject to the clear and objective development standards in the applicable to the residential zone that is most comparable in density to the allowed commercial uses in the subject zone, as provided below:

1. In the C-1 and C-2 districts, the standards applicable to the High R-3 district shall

apply.

b. A Type II Design Review approval is required.

Affordable Housing Developed by Religious Corporation

ORS 197A.470(5-6) (added through House Bill 2008, 2021) and this section establishes standards to allow a nonprofit corporation organized as a religious corporation to develop affordable housing.

A. Applicability Criteria. Affordable housing projects allowed pursuant to this section must meet subsection 1. and 2. below:

1. Affordability. The housing is affordable to households with incomes equal to or less than 60 percent of the median family income for ~~Clackamas~~ Hood River County or for the state, whichever is greater, that is subject to an affordable housing covenant, as provided in ORS 456.270 to 456.295, that maintains the affordability for a period of not less than 60 years from the date of the certificate of occupancy.

2. Ownership. The property is owned by a nonprofit corporation organized as a religious corporation.

B. Standards.

1. Residential and nonresidential sites. The City shall only apply restrictions or conditions of approval to the development of affordable housing that are:

a. Clear and objective as described in ORS 197A.400; or

b. Discretionary standards related to health, safety, habitability or infrastructure. For the purposes of this standard, that means that affordable housing shall not be located on lands where the City determines that the development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete.

2. Nonresidential sites.

a. The City shall approve the development of affordable housing on property not

zoned for housing if:

1. The property is not zoned for industrial uses; and

2. The property is contiguous to property zoned to allow residential uses.

3. Affordable housing allowed under this subsection shall be subject only to the restrictions applicable to the contiguously zoned residential property as limited by Subsection B.2.a. and without requiring that the property be rezoned for residential uses. If there is more than one contiguous residential property, the zoning of the property with the greatest density applies.

Affordable Housing though Conversion of a Hotel/Motel

ORS 197.748 (added through House Bill 3261, 2021) and this section establish standards to allow a hotel/motel to be converted to affordable housing when if the statutory criteria identified in ORS 197.748 are met.

A. Density Calculations for a Planned Unit Development:

* All projects can get a 30% bonus density for affordable housing only.

SIZE	R-1	R-2	R-3
Infill PUDs	Total lot area divided by base zone. Infill projects are projects that do not require any roadways, public or private.		
2 acres or less	Subtract 40% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.
More than 2 acres	Subtract 50% from total area before	Subtract 40% from total area before	Subtract 30% from total area before

SIZE	R-1	R-2	R-3
	dividing for base density.	dividing for base density.	dividing for base density.

For density calculation purposes the final number shall be rounded down to the next whole number if the calculation is .49 and rounded up to the next whole number if the calculation is .50.

* Prior to a project being accepted for inclusion in the 30%, the applicant's justification to include a) how the units will not become second homes; b) how the units will be prevented from being resold at market value; c) how they will not be immediately "flipped" for a quick profit; d) what income range are the residents? shall be approved by the City and made part of the PUD approval.

2.3.040 Artisanal and Light Manufacturing Uses

A. Purpose. The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this section, artisanal uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.

B. Applicability. The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones. The standards are applied through Site Design Review or Conditional Use Permit review, as applicable.

C. Standards.

1. Where a manufacturing use is allowed in a commercial zone, it shall be permitted only in conjunction with a primary commercial use *[and shall not exceed the floor area of the primary commercial use].*

2. Where a manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building*[, unless unenclosed operations are authorized by a Conditional Use Permit].*

3. Where a manufacturing use is allowed in a commercial zone and the subject site is

located within *[100 feet]* of a residential zone, the City may limit the hours of operation of the commercial or industrial uses to between *[7:00 a.m. and 9:00 p.m.]* where it has identified concerns about noise, parking, or other impacts related to the use.

4. Where a commercial use is allowed in an industrial zone, it shall be permitted only in conjunction with the primary industrial use and shall not exceed the floor area of the primary industrial use.

D. Manufacturing. Manufacture or assembly of goods is a permitted use, provided such manufacturing or assembly is within or contiguous to a permitted commercial use. The retail sales and the commercial character shall be the prominent use. The goods manufactured and/or assembled shall be sold on a retail basis out of the commercial use which is the storefront for such sale. All uses shall meet the following standards:

1. Any use, or portion thereof, causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.

2. Any use, or portion thereof, causing vibration shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.

3. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.

4. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.

5. If the retail and industrial uses are housed in separate buildings on the site, the industrial building shall be equal to or less in size to the commercial building.

6. In the case of two or more separate buildings, the one closest to the public dedicated street must retain a retail storefront and a pedestrian-friendly character. New construction or major renovations shall achieve this standard through use of the following design elements:

a. Major renovations are considered any activity on the exterior of a building that exceeds ten percent (10%) of the structure's cost or fair market value or $75,000, whichever is more, as determined by the building official.

b. The building entrance shall be oriented toward the primary street, whenever physically possible.

c. Off-street parking or driveways shall not be placed between the building and the primary street, whenever physically possible.

d. The retail storefront shall utilize regularly spaced and similarly shaped windows with window hoods or trim.

e. The retail storefront shall have large display windows on the ground floor and shall be framed by bulkheads, piers, and a storefront cornice.

~~f.~~ For properties located within the Downtown Local Historic District, refer to the District's Design Guidelines.

~~2.3.050 Drive-Through Service~~

~~Drive-through service uses shall comply with the design standards of Section 3.2.060.~~

2.3.060 Duplex Dwellings

User's Guide: Most small cities allow both single-family and duplex dwellings in low-density (single-family) zones, though duplex design can be concern when new duplexes are constructed next to single-family homes in established neighborhoods. This section responds to those concerns by providing clear and objective standards for duplexes.

A. Purpose. The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the RL zone.

B. Applicability. The following standards apply where a duplex is proposed adjacent to a single-family dwelling where the duplex lot and single-family lot share a common property line. The standards are applied through a Type I *[Zoning Checklist]* review procedure, prior to submittal of building plans to the Building Official.

C. Standards. Where a duplex is proposed on an interior (non-corner) lot sharing a property boundary with a single-family dwelling lot, the duplex shall meet all of the following standards:

1. The duplex shall not exceed the height of the subject single-family dwelling by more than *[20 percent]* for that portion of the duplex placed within 20 feet of the single-family dwelling.

2. The duplex, if located on a corner lot and containing two garages, shall have each garage entrance orient to a different street or alley.

3. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a street is composed of not less than *[30 percent]* windows and door surface area.

~~4. The roof form on the duplex (e.g., gable, flat, or hipped) shall be similar to the roof form of adjacent single-family dwellings on the same block face.~~

~~*[5. The duplex shall meet the height transition requirements of Section 2.2.080.C, as applicable.*~~

2.3.070 Townhomes

A. Applicability. The following standards apply to new townhouses. The standards are applied through Zoning Checklist review, pursuant to Section 4.1.020, prior to issuance of building permits.

B. Standards. Where townhouses are proposed, the structure(s) shall meet all of the following standards:

~~Each building shall contain not more than *[four - six]* consecutively attached dwelling units and not exceed an overall length or width of *[100-120]* feet.~~

~~2. The primary entrance of each dwelling unit shall orient to a street or an interior courtyard that is not less than *[24]* feet in width.~~

~~3. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley.~~

Site Development Standards. The following site development standards apply to all townhouse projects.

1. Townhouse projects require a minimum lot or parcel size of 5,000 square feet.

2. Each townhouse building shall contain:

   a. No more than two (2) attached townhouses in the R-2 zone;

   b. No more than four (4) attached townhouses in the R-3 and C-1.

3. Maximum residential density is calculated as follows:

a. In the R-2 zone, a minimum of 5,000 square feet per townhouse building.

b. In the R-3 and C-1 Zones, a minimum of 5000 square feet for the first two (2) townhouses and a minimum 1500 square feet for each additional townhouse.

4. The minimum lot size permitted per townhouse:

a. In the R-2 zone, no townhouse lot may be less than 2,100 square feet.

b. In the R-3, C-1, and C-2 zones, there is no minimum townhouse lot size.

5. Minimum lot frontage: The minimum lot frontage standard of the applicable zoning district is not applicable for townhouse lots.

6. The development standards Chapter 2.2 and the building and site design standards of Article 3 shall be met.

7. The building shall meet the height transition requirements of Section 2.2.080.C, as applicable.

2.3.080 Multifamily Development

A. Purpose. The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Article 3.

B. Applicability. This applies to new multifamily developments.

C. Standards.

1. Multifamily dwellings in the C-2 zone are required to have a minimum density of 11 units/net acre.

2. Common Open Space and Landscaping. A minimum of *[15-20]* percent of the site area in the R districts and *[10]* percent of the site area in the CR district shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:

a. "Site area" for the purposes of this section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.

b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.

c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.

d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the *[City decision-making body]* may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.

3. Private Open Space. Private open space areas shall be required for dwelling units based on the following criteria:

a. A minimum of *[40]* percent of all ground-floor dwelling units shall have front or rear

patios or decks containing at least *[48]* square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).

b. A minimum of *[40]* percent of all upper-floor housing units shall have balconies or porches containing at least *[48]* square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.

4. Site and Design Standards, Access, Circulation, Landscaping, Parking, Public Facilities. The standards of Chapters 3.1 through 3.6 shall be met.

5. Trash Storage. Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback at least 10 feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

6. Private outdoor area – multi-family use:

a. Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than forty-eight (48) square feet.

b. Wherever possible, private outdoor open spaces should be oriented toward the sun.

c. Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

7. Shared outdoor recreation areas – multi-family use:

8. Each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:

a. Studio units up to and including two (2) bedroom units shall provide 200 square feet per unit.

b. Three or more bedroom units shall provide 300 square feet per unit.

9. Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety.

10. The required recreation space may be provided as follows:

a. All outdoor space;

1. Part outdoor space and part indoor space (e.g. an outdoor tennis court and indoor recreation room);

2. All public or common space; or

3. Part common space and part private (e.g. an outdoor tennis court, indoor recreation room, and balconies on each unit).

4. Where balconies are added to units, the balconies shall not be less than forty-eight (48) square feet.

2.3.090 Dwellings in Commercial and Office Zones

A. Purpose. This section provides standards for residential uses in the C-1 and C-2 zone.

B. Applicability. This section applies to dwellings in the C-1 and C-2 zones.

C. Standards. Residential uses in the C-1 and C-2 shall conform to all of the following standards:

1. New residential uses shall not be located in a ground building floor space *[fronting (list "main" commercial streets)]*.

2. New residential uses *[fronting (list "main" commercial streets)]* shall be permitted only above or below a ground floor space containing a permitted non-residential use.

3. *[Single-family dwellings lawfully existing as of [effective date] may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner's control, such single-family use may be rebuilt and reestablished pursuant to Section 2.2.030 and applicable building codes.]*

2.3.100 Family Childcare Homes

Family child care home uses are limited to on-site care for not more than 16 children, and shall conform to the state licensing requirements and standards under ORS 329A.250 and ORS 329A.440.

2.3.100 Childcare Facilities

Child care facilities, other than a family child care home, shall conform to the state licensing requirements and standards under ORS 329A.250, ORS 329A.280 and ORS 329A.440.

Child care centers in R-1 and R-2 zones are permitted provided that the center is co-located with a legally established institutional use, including a civic center, public recreational center, public park, place of worship, school, college or library or within a multifamily dwelling.

2.3.110 Residential Care Homes and Residential Care Facilities

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Residential Care Facilities are not the same as Acute Care Facilities, which are classified as Community Service uses, and they are not the same as Senior Housing Facilities that provide limited or no medical care, which are classified as Multifamily Housing.

A. Licensing and State Requirements. Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 through 197.670.

B. Residential Care Homes. Residential Care Homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.

C. Residential Care Facilities. Residential Care Facilities may provide residential care alone, or in conjunction with treatment or training, for between 6 and 15 individuals. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multiple family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.

D. The access and circulation standards of Chapter 3.3 shall be met.

E. Parking. The parking standards of Chapter 3.5 shall be met.

F. Landscaping. Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 3.4. The landscaping standards do not apply to building permits for individual Residential Care Homes.

G. Building Design Standards. Residential Care Facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant to Chapter 3.1; except where a state requirement conflicts with a City standard, the state requirement, not the City standard, shall apply. The building design standards do not apply to Residential Care Homes.

H. Review Procedure. Residential Care Homes are subject to review and approval through a Type I Zoning Checklist review procedure under Section 4.1.020 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Section 4.1.040

2.3.120 Home Occupations

A. Purpose. The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.

B. Applicability. This section applies to Home Occupation uses in the R-1, R-2, R-3 zones. A home-based business in a commercial or residential-commercial zone is considered a commercial use and is not subject to the standards of this section.

C. Home Occupation in Residential Zones. Home Occupations of less than *[500-1000]* square feet of lot area are permitted, provided the owner completes a *[Home Occupation Registration Form / Zoning Checklist] [and obtains a City of (name) Business License]*. Home Occupations greater than *[500-1000]* square feet of lot area are allowed, subject to approval of a Conditional Use Permit. For the purpose of this section, “lot area” includes building floor area, areas within accessory structures, and all other portions of a lot.

D. Home Occupation Standards. Home Occupations shall conform to all of the standards

below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.

1. Appearance of Residence.

a. The home occupation shall be restricted to lawfully built enclosed structures. ~~and be conducted in such a manner as not to give an outward appearance of a business.~~

b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).

d. No products or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage.

a. Outside storage visible from the public right-of-way or adjacent properties ~~that exceeds what is customary for a single-family residence in the vicinity~~ is prohibited.

b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable material) ~~beyond those normally incidental to residential use~~ is prohibited.

c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

3. Employees.

a. Other than ~~family members residing within~~residents of the dwelling located on the home occupation site, there shall be not more than *[one - three]* employee*[s]* at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.

b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work, pick up, or deliver at the home occupation site.

c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

4. Advertising and Signs. Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. ~~*[See also Municipal Code Section __ Signs.]*~~

5. Vehicles, Parking, and Traffic.

a. Not more than one commercially licensed vehicle associated with the home occupation is allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.

b. There shall be no commercial vehicle deliveries between 9:00 p.m. to 7:00 a.m.

~~b.~~c. Limit activities to the extent that traffic generated by the occupation shall not exceed 10 trips per day.

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 9:00 p.m.

7. Prohibited Home Occupation Uses.

a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line, is prohibited.

b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.

c. The following uses, and uses with similar impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, are prohibited:

1. Ambulance service

2. Animal hospital, veterinary services, kennels, or animal boarding

3. Auto and other vehicle repair, including auto painting

4. Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site

~~8. Enforcement. With cause, the City's *[designated Code Enforcement Officer / other law enforcement official]* may visit a home occupation site to inspect the site and enforce the provisions of this Code.~~

~~The following criteria apply to a home occupation, as defined in this code.~~

~~1. It shall not give the appearance of a business.~~

~~2. It shall not change the character of the dwelling.~~

~~3. There shall be no display, except by a non-illuminated sign no larger than one (1) square foot.~~

~~4. No more than one assistant shall be employed on the site.~~

~~5. There shall be no increase in noise outside the dwelling unit.~~

~~6. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit.~~

2.3.130 Placement of manufactured homes on individual lots.

Manufactured dwellings are permitted in zones where single-family dwellings are permitted, and with placement or design standards for manufactured homes to those contained in ORS 197.307(8) and that apply to stick-built, single-family dwellings in the same zone.

The following standards apply to manufactured homes on individual lots or parcels in all zones where manufactured homes are a permitted use:

A. The manufactured home shall be placed on an excavated and back filled foundation and enclosed at the perimeter such that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the twelve (12) inch limitation will not apply.

B. Bear certificates of compliance from the US Department of Housing and Urban Development and from the State of Oregon;

C. Have all wheels, axles, hitch mechanisms, and transient lights removed; and

D. Comply with every development standard to which a conventional single-family residential dwelling on the same parcel or lot would be subject.

~~17.12.010 Placement of manufactured homes on individual lots.~~

~~The following standards apply to manufactured homes on individual lots or parcels in all zones where manufactured homes are a permitted use.~~

~~1. The manufactured home shall be multi sectional and enclose a space of not less than 1,000 square feet.~~

~~2. The manufactured home shall be placed on an excavated and back filled foundation and enclosed at the perimeter such that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the twelve (12) inch limitation will not apply.~~

~~3. The manufactured home shall have a pitched roof with a slope of not less than a nominal three (3) feet in height for each twelve (12) feet in width.~~

~~4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on new residential dwellings within the community.~~

~~5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards that will reduce heat loss to levels equivalent to the heat loss performance standards required of single family dwellings constructed under the State Building Code.~~

~~17.12.020 Additional criteria for manufactured homes in the r-1 zone.~~

~~The following additional standards apply to manufactured homes on individual lots or parcels in the R-1 Zone.~~

~~A. All manufactured homes shall have a minimum eave extension of six (6) inches.~~

~~B. Manufactured homes shall utilize at least five (5) of the following design features to provide visual relief:~~

~~1. Dormers~~

~~2. Gables~~

~~3. Recessed entries~~

~~4. Covered porch entries~~

~~5. Cupolas~~

~~6. Bay or bow windows~~

~~7. Garage~~

~~8. Window shutters~~

~~9. Skylights~~

~~10. Attached deck~~

~~11. Off sets on building face or roof (min. sixteen inches)~~

~~12. Roof pitch of 5/12 feet or greater~~

~~13. Minimum eave extension of twelve (12) inches, including gutters.~~

2.3.140 Mobile Home and Manufactured Dwelling Parks

The following requirements apply to new, expanded, or altered mobile home and manufactured dwelling parks. Parks are allowed in the R 1, R 2, and R 3 zones.

A. Parks are not permitted in commercial or industrial zones.

B. Minimum lot size of one (1) acre with a maximum of two (2) acres.

C. No park shall be established or expanded without first receiving approval of the Planning Commission.

D. The Planning Commission shall grant or deny approval of a park based on the criteria delineated in this chapter and the procedural requirements of the Type III Review Procedures in Article 2.x.x~~Review Procedures (Chapter 17.09).~~

~~5. Notwithstanding, parks shall comply with the City of Hood River's Comprehensive Plan.~~

E. Permitted structures.

a. Manufactured Homes and Mobile Homes (as defined in Article 5-Definitions).

b. Prefabricated Structures (as defined in ORS 197A.015).

~~a.~~c. Accessory Structures. Structures customarily incidental to the primary use in

accordance with Chapter 2.xx.

17.12.040 Information required for preliminary site plan review.

The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Department on a form obtained from the Planning Director and shall be accompanied by a site plan showing the general layout of the entire mobile home park and drawn to a scale not smaller than one (1) inch representing fifty (50) feet. The drawing shall show the following information.

A. Name of the property owner, the applicant, and the person who prepared the plan.

B. Name of the mobile home park and address.

C. Scale and north point of the plan.

D. Vicinity map showing relationship of mobile home park to adjacent properties.

E. Boundaries and dimensions of the mobile home park.

F. Location and dimensions of each mobile home site, with each site designated by number, letter, or name.

G. Location and dimensions of each existing or proposed structure.

H. Location and width of park streets.

I. Location and width of walkways.

J. Location of each lighting fixture.

K. Location of recreational areas and buildings.

L. Location and type of landscaping plantings, fence, wall, or combination of any of these, or other screening materials.

M. Location of point where mobile home park water system connects with the public system.

N. Location of available fire and irrigation hydrants.

O. Location of public telephone service for the park.

P. Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.

17.12.050 Final site plan and submission requirements.

At the time of application for final approval to construct a new mobile home park, or expansion of an existing mobile home park, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies.

A. New structures.

B. Water supply and sewage disposal system.

C. Electrical systems.

D. Road, sidewalk, and patio construction.

E. Drainage system.

F. Recreational area improvements.

17.12.060 General standards for mobile home park development.

A. Access. A mobile home park shall be established on a site that has frontage on, or access, approved by the City Engineer, to a publicly owned and maintained street. If the street is not publicly maintained, a maintenance agreement approved by the City Engineer will be required.

B. Park Streets. Construct well drained and paved streets at least twenty (20) feet in width, unobstructed and open to traffic within the mobile home park. The park street width and alignment shall be designed such that it will accommodate the backing and placement of the homes, which may require a larger than twenty (20) foot street. If the owner or operator permits parking of motor vehicles on the park streets, the owner or operator shall construct the park streets at least thirty (30) feet in width.

C. Sidewalks. A paved public sidewalk of not less than four (4) feet in width shall be provided from each mobile home site to public and private streets, common open spaces, recreational areas, and community owned buildings and facilities.

D. Paving. Park streets shall be paved with an asphalt or concrete surfacing, according to the structural specifications established by the City Engineer.

E. Off street Parking. The standards of Chapters 3.5 shall be met.

~~F. 1. Two (2) hard surfaced, off street parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof in the mobile home park.~~

~~G. 2. Guest parking shall also be provided in every mobile home park, based on a ratio of one (1) parking space for each four (4) mobile home sites. Such parking shall be paved with an asphalt or concrete surface.~~

~~H.~~F. Fencing and Landscaping. A landscaping plan drawn to scale shall be submitted with the preliminary plan showing the following:

1. Every mobile home park shall provide a visual buffer of evergreen, or other screening/planting, along all boundaries of the mobile home park site abutting public roads or property lines except for points of ingress and egress, with the exception of dwellings fronting and accessing a public dedicated street. Plantings shall not be less than five (5) feet in height at the time of planting and shall be maintained in a healthy, living condition for the life of the mobile home park.

2. Landscaping shall be provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.

3. The landscaping plan shall show the location of all landscaped materials and include plant material, total number of individual plants being used, and proposed watering system. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.

~~I.~~G. Site Development Standards.

1. Acreage: There shall be a one (1) acre minimum and a two (2) acre maximum in the R 1, R 2, and R 3 zones.

2. Density:

a. R 1: Six (6) unit maximum per acre

b. R 2: Eight (8) unit maximum per acre

c. R 3: Ten (10) unit maximum per acre

3. Setbacks:

a. No mobile home shall be located closer than ten (10) feet from a public dedicated street. Garages facing a public dedicated street shall be twenty (20) feet from the property line.

b. No mobile home shall be located closer than ten (10) feet from an interior park property line.

4. Spacing:

a. Mobile homes shall meet all spacing criteria listed in Section 9.5 of the Oregon Manufactured Dwelling Code.

b. A mobile home shall be separated from an adjoining mobile home and its accessories by a minimum of ten (10) feet, end to end or side to side.

c. The distance between non-HUD approved mobile homes placed parallel to each other may be ten (10) feet on one side, but must be at least fourteen (14) feet on the other. When not placed parallel to each other, or when parallel if one (1) or more of the units is a tip out, non-HUD approved mobile homes may be ten (10) feet apart on both sides, but must be at least fourteen (14) feet apart for half (½) their length. .

d. Adjacent mobile homes in all parks must be placed at least fourteen (14) feet apart where a flammable or combustible fuel storage vessel is located on or between units.

5. Each mobile home shall have 120 square feet of one (1) or more wooden decks or slabs of patios of concrete, flagstone or equivalent material.

6. All mobile homes within the park shall be provided with skirting.

7. New parks shall be placed at least 500 feet from another park excluding parks established prior to the effective date of this ordinance.

8. Other Site Requirements.

a. Recreational area: Recreation areas for the residents shall be provided with a minimum of 100 square feet for each mobile home site; however, every mobile home

park shall have no less than a minimum of 5,000 square feet of common play area, which shall be maintained in a clean, usable, and safe condition.

b. Accessories: Accessory structures located on a mobile home site shall be limited to the normal accessories such as an awning, cabana, ramada, patio, carport, garage, or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.

c. Utilities: All utilities including sewer, water, power, cable, telephone, and others shall be placed underground. Utilities shall be designed by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.

d. Drainage: A drainage plan to facilitate storm water runoff shall be prepared by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.

e. Trash Areas: All mobile home parks shall have shared trash and rubbish facilities and these areas must also contain areas for recycling. These facilities shall be visually screened.

f. Lighting: Artificial lighting shall not glare, deflect, or reflect onto adjacent residential zones and residential uses in the park nor be unnecessarily bright.

g. Addressing: Address identification shall be standardized throughout the park. The park owners shall be required to provide the addresses and maintain them. The numbers must be four (4) inches in size and labeled in the vertical position (reading left to right).

~~J.~~ I. *State Requirements.* Rules and regulations governing mobile home facilities as contained in Oregon Revised Statute, Chapter 446, shall be applicable in the development and operation of a mobile home park, provided that the provision of this Ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules, or regulations.

2.3.160 Temporary Uses

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales,

retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

A. Seasonal and Special Events. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:

1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval).

2. The use occurs only once in a calendar year and for not longer than *[30-60]* consecutive days.

3. The use is permitted in the underlying land use zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).

4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.

5. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.

6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.

7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.

8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities.

9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the zone do not affect the adjoining use.

10. The use is adequately served by sewer or septic system and water, as applicable.

11. The applicant shall be responsible for maintaining all required licenses and permits.

B. Temporary Sales Office or Model Home. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria:

1. Temporary sales office. The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:

a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.

b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

c. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.

2. Model house. The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:

a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.

b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.

c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

C. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).

2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.

3. The lot development standards of Section 2.2.040 are met.

4. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.

5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.

6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.

7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities.

8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.

9. The use is adequately served by sewer or septic system and water, as applicable.

10. The structure complies with applicable building codes.

11. Except where specifically authorized by the Planning Commission, the length of time that the temporary structure may remain on a site shall not exceed *[#]* consecutive months or a total of *[#]* months in any one calendar year.

12. The applicant has obtained and will maintain all required licenses and permits.

13. Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, pursuant to Chapter 3.6 Public Facilities, as necessary.

2.3.170 Accessory Dwellings Units

Accessory dwellings, where allowed, are subject to review and approval through a Type I (Zoning Checklist) procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:

A. One Unit. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

Floor Area.

A. A detached Accessory Dwelling shall not exceed 800 square feet of floor area

B. An attached or interior Accessory Dwelling shall not exceed 800 square feet of floor area. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 800-900 square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity;

2. No off-street parking is required for an Accessory Dwelling;

3. Accessory dwellings are not included in density calculations.

4. An ADU may not be used as a transient rental, hosted homeshare, or vacation home rental.

2.3.180 Bed and Breakfast Inns

Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II

procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:

A. Accessory Use. The use must be accessory to a permitted residential use.

B. Maximum Size. A maximum of five (5) bedrooms for guests.

C. Length of Stay. The maximum length of stay is [28] days per guest; any stay longer is classified as a hotel or commercial lodging use.

D. Owner Occupancy. The bed and breakfast facility shall be owner or manager occupied.

E. Food Service. Food service shall be provided only to overnight guests of the business, except where a restaurant use is also an allowed use.

F. Signs. Signs shall be limited to one (1) non-illuminated sign not exceeding one and one-half (1½) square feet. No off-premises signs are permitted.

G. Parking. In addition to required off-street parking for the residential use, one (1) hard surfaced off-street parking space shall be provided for each bed and breakfast guestroom. Parking areas shall not be located in the front yard. Parking areas may be adjacent to the Bed and Breakfast establishment. Alternative parking plans that meet the requirements of this chapter may be approved by the Planning Director.

H. Additional Approvals. A bed and breakfast facility shall be subject to approval by the County Health Officer, the City Fire Marshal, and the City Building Official.

I. Hotel Tax. A bed and breakfast facility shall be subject to the Hotel Tax pursuant to Chapter 5.09 of the Hood River Municipal Code. Where a morning meal is provided as part of the guest room charges, the hotel tax will be imposed on eighty percent (80%) of the rent charged by the bed and breakfast operator.

J. A bed and breakfast facility shall be subject to the Hotel Tax pursuant to Chapter 5.09 of the Hood River Municipal Code. Where a morning meal is provided as part of the guest room charges, the hotel tax will be imposed on eighty percent (80%) of the rent charged by the bed and breakfast operator.

[2.3.190 Cottage Cluster Housing]

A. Permitted Uses and Approval Process

1. Permitted Use. Cottage cluster projects are permitted outright wherever they are allowed as provided in Chapter 2.2 .030 Allowed Uses. ~~Chapter 1, Section C (Applicability).~~

2. Approval Process. Cottage cluster projects are subject to Type I (Zoning Checklist) approval process in Chapter 2.5. Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to discretionary standards and criteria adopted in accordance with ORS 197.307(6), if such a process is available.

3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a cottage cluster development application.

B. Development Standards

1. Applicability.

a. Cottage clusters shall meet the standards in subsections (2) through (7) of this section (B).

b. The following standards are invalid and do not apply to cottage clusters allowed by this code, except as specified in this section (B):

1. Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (7) of this section (B).

2. Development standards of the applicable base zone related to lot dimensions, lot coverage, floor area ratio, landscape or open space area, or the siting or design of dwellings.

3. The jurisdiction's other development standards that apply only to cottage clusters and that conflict with provisions of this code.

2. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone.

3. Maximum Density. The jurisdiction's pre-existing density maximums do not apply.

4. Setbacks and Building Separation.

a. Setbacks. Cottage clusters shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except that minimum setbacks for dwellings in excess of the following are invalid:

1. Front setbacks: 10 feet

2. Side setbacks: 5 feet

3. Rear setbacks: 10 feet

b. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

5. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

6. Building Height. The maximum building height for all structures is 25 feet or two (2) stories, whichever is greater.

7. Off-Street Parking.

a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).

b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

1. The space must be abutting the subject site;

2. The space must be in a location where on-street parking is allowed by the jurisdiction;

3. The space must be a minimum of 22 feet long; and

4. The space must not obstruct a required sight distance area.

C. Design Standards

Cottage clusters shall meet the design standards in subsections (1) through (8) of this section (C). No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section (C).

1. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 26):

a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

1. Have a main entrance facing the common courtyard;

2. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

3. Be connected to the common courtyard by a pedestrian path.

c. Cottages within 20 feet of a street property line may have their entrances facing the street.

d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 26):

a. The common courtyard must be a single, contiguous piece.

b. Cottages must abut the common courtyard on at least two sides of the courtyard.

c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).

d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 26. Cottage Cluster Orientation and Common Courtyard Standards

3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).

b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

4. Pedestrian Access.

a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

1. The common courtyard;

2. Shared parking areas;

3. Community buildings; and

4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.

6. Parking Design (see Figure 27).

a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

1. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

2. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.

3. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

4. Clustered parking areas may be covered.

b. Parking location and access.

1. Off-street parking spaces and vehicle maneuvering areas shall not be located:

a. Within of 20 feet from any street property line, except alley property lines;

b. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

2. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public

streets.

d. Garages and carports.

1. Garages and carports (whether shared or individual) must not abut common courtyards.

2. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

3. Individual detached garages must not exceed 400 square feet in floor area.

4. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

a. The existing dwelling may be nonconforming with respect to the requirements of this code.

b. The existing dwelling may be expanded up to the maximum height in subsection (B)(4) or the maximum building footprint in Chapter 1, subsection (B)(1); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.

c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Figure 27. Cottage Cluster Parking Design Standards

2.3.200 Emergency Shelters

Emergency Shelters.

Emergency shelters are permitted in all zones though a Type I review per the process outlined in Article 4.4 if the statutory criteria identified in ORS 197.783 are met.

Emergency Shelters Converted from Hotels and Motels.

The conversion of a hotel or motel into an emergency shelter is permitted thought a Type I review per the process outlined in Article 4.4 if the statutory criteria identified in ORS 197.748 are met.

2.3.210 Congregate Living

Group Residential

The following standards apply to Group Residential as defined in Article 5 Definitions.

A. Site Development Standards. The following development standards apply to all group residential uses on each lot.

1. A group residential building on each lot shall contain:

    a. No more than 15 persons in the R-2, R-3 and C-1 zones.

    b. Greater than 15 persons if (or when?) the use is subject to Site Plan Review per the Type II procedures in Article 2.5 in the R-3 and C-1 zones.

Single Room Occupancy Dwellings

The following standards apply to Single Room Occupancy dwellings as defined in Article 5 Definitions and ORS 197A.430.

A. In addition to meeting requirements for type of residential structures, single-room

occupancy housing units must comply with the following:

1. Each unit must have at least 100 square feet of floor area.

2. A shared kitchen with facilities for cooking, refrigeration, and washing utensils must be provided. In addition, facilities for community garbage storage or disposal must be provided in each building.

B. Site Development Standards. The following development standards apply to all single room occupancy housing building.

1. Each single-room occupancy building on each lot shall contain:

a. At least four (4) units but no more than six (6) units in the R-1 and R-2 zones;

b. At least four (4) units and no-maximum number of units in the R-3 and C-1 zones.

2.3.220 Hosted homeshares and vacation home rentals.

Dwelling units may be used as hosted homeshares of vacation home rentals in the Urban Low Density Residential Zone (R-1), Urban Standard Density Residential Zone (R-2), Urban High Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2).

A. License Required.

1. Persons operating a hosted homeshare or vacation home rental shall obtain a short-term rental operating license pursuant to Chapter 5.10 of the Hood River Municipal Code.

B. Use Restrictions – All Zones.

2. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter. Rooms within a detached or attached accessory dwelling unit are subject to HRMC 17.23.

3. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.

4. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

C. Additional Use Restrictions – Residential Zones (R-1, R-2 and R-3).

1. A hosted homeshare or vacation home rental is only permitted when it is an accessory use to the existing and continued residential use of a dwelling as the primary residence of the property owner. Proof of primary residence shall be provided in accordance with Chapter 5.10 of the Hood River Municipal Code.

2. The accessory use of a primary residence as a hosted homeshare or vacation home rental is limited to a total of ninety (90) days per calendar year.

D. *Prior Existing (Nonconforming) Use.* For purposes of hosted homeshare and vacation home rentals, the nonconforming use provisions in HRMC Chapter 17.05 (Nonconforming Uses and Structures) shall apply except as specifically modified in this section.

1. Except as provided in subsection D6, any hosted homeshare or vacation home rental lawfully established and actually in existence prior to the effective date of this 2016 ordinance may continue as a legal nonconforming use subject to the following "amortization periods":

a. Until 5 years from the adoption date of this ordinance, at which time use of the property shall come into compliance with the parking requirements in 17.04.115(B)(3).

b. Until 7 years from the adoption date of this ordinance, at which time use of the property shall come into full compliance with the then-applicable provisions of this HRMC Title 17.

2. A hosted homeshare or vacation home rental in the R-1, R-2 and R-3 zones shall be deemed to be lawfully established and actually in existence if, at any time between January 1, 2013 and the effective date of this 2016 ordinance all of the following occurred:

a. The home was actually used as a hosted homeshare or vacation home rental as defined in HRMC 17.01.060;

b. The owner obtained from the City a Certificate of Authority to Collect Transient Room Tax; and

c. The owner actually paid a Hotel Tax to the City pursuant to HRMC Chapter 5.09.

3. The proponent of the nonconforming use status of a hosted homeshare or vacation home rental has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.

4. In addition to proving the elements of a nonconforming hosted homeshare or vacation home rental as described in subsection D2 of this section, to maintain that status, the owner shall apply for and obtain a Short Term Rental Operating License under HRMC Chapter 5.10 within 12 months of the effective date of Ordinance 2026, which is October 13, 2017, and maintain in good standing that License for the remaining duration of the amortization periods provided in this section. Failure to maintain the Short Term Rental Operating License in good standing for the remaining duration of the amortization periods shall result in the immediate termination of any nonconforming use status the home may otherwise have had by operation of law and without the need for any action by the City. The non-conforming use status provided for herein does not transfer with title to the property.

5. A valid non-conforming hosted homeshare or vacation home rental under this subsection D may be nonconforming with regard to subsection 17.04.115(B)(3), (C)(1) and (C)(2) requirements provided that the extent of the non-conformity with subsection C2 is limited to the maximum number of nights of transient rental which previously occurred in any one of the following calendar years: 2013, 2014, 2015 or 2016 to the effective date of this ordinance.

6. In the event that the amortization periods provided for herein are insufficient compensation for a property owner to recoup his or her reasonable investment in the property's actual use as a lawful transient rental (i.e., hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner may apply for and seek additional or other compensation from the City under ORS 195.310 to 195.314. Such a property owner

may also provide documentation of the owner's reasonable investments in the nonconforming use of the property exclusively for its use as a transient rental that exceed the value that can be recouped by continued transient rental use of the property for the amortization periods and which cannot be put to any other economically viable use of the property. If the property owner demonstrates with credible evidence a reduction in fair market value or that the owner's reasonable investment in the property as a lawful transient rental is not recouped by the amortization periods provided for herein, the city may provide additional compensation in a form and amount of its choosing. The property owner may appeal any such final determination pursuant to ORS 195.318.

2.3.230 Wireless Communication Facilities

19.245.010 Purpose.

It is the city's policy to protect the public interest by promoting telecommunications facilities in a way which:

A. Protects public health and safety.

B. Minimizes disruption of residential, natural, historical and environmentally sensitive areas.

C. Aesthetically complements the surrounding environment whenever possible.

D. Limits regulation of telecommunications providers and services, consistent with federal and state law.

E. Assures that all telecommunication providers' facilities or services within the city comply with the ordinances, rules and regulations of the city.

F. Assures that the city can continue to responsibly protect the public health, safety and welfare.

G. Enables the city to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

19.245.020 Definitions.

For the purpose of this chapter, the following terms and phrases shall have the following meaning.

A. “Amateur or ‘ham’ radio” means radio facilities operated for noncommercial purposes by individuals licensed by the Federal Communications Commission with an interest in construction and operation of radio equipment, usually as a hobby or vocation.

B. “Ancillary facilities” means structures and equipment required for the operation of telecommunications equipment, including, without limitation, antennas, repeaters, equipment housing structure, ventilation and other mechanical equipment.

C. “Antenna” means an electrical conductor or group of electrical conductors, commonly in the form of a metal rod, panel or dish, that transmit or receive radio waves, excluding amateur radio and television antennas, and is typically mounted on a tower, pole, mast or building.

D. “Applicant” means any person awaiting approval for a telecommunications facility and/or lease or other appropriate agreement.

E. “Building” means any structure capable of being used to support or shelter any use or occupancy.

F. “City” means the city of Fairview, Oregon.

G. “City property” means all real property owned or otherwise utilized by the city and all property held in a proprietary capacity by the city and shall include all public ways and public facilities as defined herein.

H. “Co-location” means the placement of two or more antennas and/or telecommunications systems, platforms or facilities owned by FCC license holders on structures such as a support structure, building, water tank or utility pole.

I. “Direct-to-home satellite service” means the distribution or broadcasting of programming or services by satellite directly to the subscriber’s premises without use of ground receiving or distribution equipment, except at the subscriber’s premises or in the uplink process to the satellite.

J. “Emergency” means a condition of imminent danger to the health, safety and welfare of

property or persons located within the city including, without limitation, possible damage to persons or property from human or naturally caused consequences.

K. “Overhead facilities” means utility poles, utility facilities and telecommunications facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

L. “Person” includes corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies and other entities or individuals authorized to do business in the state of Oregon.

M. “Planning commission” means the city of Fairview, Oregon, planning commission.

N. “Provider” shall have the same meaning as “telecommunications provider” as defined below.

O. “Public facilities” means all city owned properties including but not limited to buildings, water towers, poles, public streets, thoroughfares and utility easements and all other properties granted to the city, as those terms are defined herein, but only to the extent of the city’s right, title, interest or authority to grant a license or lease to occupy and use such streets and easements for telecommunications facilities.

P. “State” means the state of Oregon.

Q. “Telecommunications facilities” means commercial facilities designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices. For the purpose of this chapter, amateur radio transmission facilities and facilities used exclusively for the transmission or reception of television and radio signals are not telecommunications facilities.

R. “Telecommunications provider” means any person, association or organization which directly or indirectly owns, controls, operates or manages equipment inside the city used or to be used for the purpose of offering telecommunications service.

S. “Telecommunications services” means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

T. “Telecommunications support structure” means a structure, tower, pole or mast erected to support wireless communication antennas and connecting appurtenances. Support structure

types include, but are not limited to, monopoles, lattice towers, wood poles and guyed towers.

U. “Telecommunications system” shall have the same meaning as “telecommunications facilities” as defined above.

V. “Tower footprint” means the area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or over-hanging equipment, attachments or structural members, excluding ancillary facilities, guy wires and anchors.

W. “Tower height” means the vertical distance measured from the highest point on the transmission tower or other structure, including any antenna, to the original grade of the ground directly below this point.

X. “Tower pad” means the area that encompasses the tower footprint, ancillary facilities, fencing and screening.

Y. “Transmission tower” means the monopole or lattice framework designed to support transmitting and receiving antennas. For the purpose of this chapter, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not transmission towers. Transmission towers include:

1. “Guyed tower” means a tower which is supported by the use of cables which are permanently anchored.

2. “Lattice tower” means a tower characterized by an open framework of lateral cross members which stabilize the tower.

3. “Monopole” means a tower characterized by an open framework of lateral cross members which stabilize the tower.

Z. “Underground facilities” means utility and telecommunications facilities located underground, excluding the underground foundations or supports for overhead facilities.

AA. “Usable space” means the total distance between the top of a utility pole and the lowest possible attachment point that provides the minimum allowable vertical clearance as specified by applicable codes, rules, laws, policies, regulations and ordinances.

BB. “Utility easement” means any easement to the city or others, acquired, established,

dedicated or devoted wholly or partially to public utility purposes.

19.245.040 Applicability.

A. Pre-existing Towers and Antennas.

1. Any tower, antenna or telecommunications facility for which the required approval has been properly issued prior to the effective date of the ordinance codified in this chapter shall not be subject to the requirements of this chapter, other than those set forth by the federal government, state building codes, or other applicable laws. Any such towers antennas or facilities shall be referred to in this chapter as pre-existing towers or antennas.

2. Upon expiration of said pre-existing approval, any tower, antenna or telecommunications facility shall become subject to the provisions herein.

B. Exemptions. For the purpose of this chapter, the following are exempt:

1. Cable television service.

2. Open video system service.

3. Direct-to-home satellite service.

4. Over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto.

5. Send and receive citizen band radio antennas or antennas operated by federally licensed amateur (“ham”) radio operators.

6. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 DFR Part 18.

7. Military and government radar antennas and associated communications towers used for navigational purposes as regulated by the Federal Communications Commission in 47 DFR Parts 95 and 97.

8. Military and federal, state and local government communications facilities used for public safety and emergency preparedness purposes.

9. Normal, routine and emergency maintenance and repair of existing telecommunications facilities which do not increase the height, size, bulk or footprint of such facilities and which otherwise comply with city, state and federal law and regulations.

19.245.050 Application procedure.

A. Telecommunications Facility Application. Any person wishing to obtain approval for a telecommunications facility shall complete an application form provided by the city which shall contain the following information:

1. The name, address and telephone number of the applicant.

2. The name, address and telephone number of the contractor.

3. The name, address and telephone number of the electrical contractor.

4. The type of facility, height and any other pertinent information.

5. The location of the proposed telecommunications facility by street address and legal description.

B. Telecommunications Facility Proposal. A telecommunications facility proposal is required to accompany the telecommunications facility application and shall include the following information:

1. A description of the proposed facility to include the type, proposed height, and square footage of ground facilities.

2. The location of all overhead and underground public utility, telecommunications, cable, water, sewer drainage and other facilities in the vicinity of the proposed facility.

3. The location(s), if any, for interconnection with other telecommunications facilities.

4. The specific trees, structures, improvements, facilities and obstructions, if any, that applicant requests to temporarily or permanently remove or relocate.

5. A preliminary construction schedule and completion date.

6. A preliminary traffic control plan, if applicable.

7. Information to establish that the applicant has obtained all other governmental approvals and licenses to construct and operate the facilities and to offer or provide the telecommunications services.

8. A certification from a registered professional engineer that the drawings, plans and specifications submitted with the application that comply with applicable technical codes, rules and regulations.

9. A report indicating the anticipated capacity of the telecommunications support structure, including the number and types of antennas which can be accommodated.

10. A visual study containing, at a minimum, a vicinity map depicting where, within the city of Fairview, any portion of the proposed tower which could be visible and a graphic simulation showing the appearance of the proposed tower and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the planning director and applicant. This study shall be required for transmission towers only.

11. A landscape plan drawn to scale showing proposed landscaping, including type, spacing, size and irrigation methods. This plan shall not be required for co-location on existing buildings or where there is no opportunity to provide additional landscaping.

12. Evidence demonstrating co-location is impractical on existing structures, existing transmission towers and existing tower facility sites for reasons of safety, available space, or failing to meet service coverage area needs. This evidence shall not be required for co-location proposals.

13. Such other and further information as may be required by the Planning Director.

19.245.060 Design criteria.

A. All telecommunications facilities shall meet the following design criteria:

1. Site Size. Property upon which a new or co-located telecommunications facility is to be located shall be of a size, shape and location sufficient to provide:

a. Setback from any property line to the tower footprint which is at least two-thirds the tower height. This standard shall not apply to co-located facilities.

b. Protection to adjoining property from the potential impact of tower failure and ice falling from the tower. A licensed structural engineer's analysis shall be submitted to demonstrate that such failure and ice fall will be accommodated on the site.

c. Separation from Pre-Existing Towers. Tower separation shall be measured by following a straight line from the base of the proposed new tower to the base of any pre-existing tower. Minimum separation distances (listed in linear feet) shall be as follows:

	Guyed	**Monopole >80′**	**Monopole <80′**
Guyed	5,000	1,500	750
Monopole >80′	1,500	1,500	750
Monopole <80′	750	750	750

d. Each telecommunications facility shall include one adjacent parking space.

2. Co-location.

a. Applicants shall exhaust all co-location options prior to being granted a license by the city by:

1. Identifying all existing towers and other structures of sufficient height within the city to support co-location.

2. Provide evidence that property owners declined to offer their property for lease.

b. New towers shall be constructed to accommodate future co-location, based on expected demand for transmission towers in the service area. Towers shall be designed to accommodate a minimum expansion of three two-way antennas for every 40 vertical

feet of tower.

c. Antennas or attachments may be placed on existing structures such as athletic field light poles, utility poles or towers and tall buildings; provided, that the addition of the antenna equipment will not cause undue interference with the normal operation of utilities or existing transmission facilities and the tower or attachment either complies with the height limit of the underlying zoning district or is no more than 10 feet taller than the existing structure in a residential neighborhood or is no more than 20 feet taller than the existing structure in an agricultural or commercial zoning district. The color and design of such antennas, attachments and any ancillary facilities shall be compatible with the existing structure.

d. Applicants shall provide a report indicating the anticipated capacity of the telecommunications support structure, including the number and types of antennas which can be accommodated.

3. Height.

a. The height of a telecommunication facility shall include the support structure and any attached antennas proposed at the time of application.

b. Antennas attached to any building or facility shall not exceed the maximum height limitation set forth in subsection (A)(2) of this section.

c. Maximum allowable heights are as follows:

1. OS/PF - Open Space/Public Facility: 45 linear feet

2. RC – Columbia River recreational/commercial: 45 feet

3. C-1 – Office/residential: 45 linear feet.

4. C-2 –General commercial: 45 linear feet.

5. LI-Light Industrial: 55 linear feet.

6. I –Industrial: 55 linear feet.

4. Visual Impact. An applicant shall demonstrate that the tower or other facility will have the least visual impact on the environment by addressing the following:

a. The height and mass of the transmission tower shall not exceed that which is essential for its intended use and public safety as demonstrated in a report prepared by a licensed structural engineer.

b. All towers shall be painted in order to best camouflage the tower with regard to compatibility with surrounding objects and colors and as approved by the city. Unless towers are otherwise disguised or co-located, towers shall be camouflaged as trees whenever structurally possible.

c. Equipment shelters, buildings and cabinets housing radio electronics equipment shall be concealed, camouflaged or placed underground.

d. Telecommunication facility antennas shall be made to blend with the predominant background or architectural features to the greatest extent possible as seen from abutting uses, roadways or other public ways or thoroughfares and shall match the color of the facility to which they are attached whenever possible.

e. Antennas shall be designed to minimize their appearance to surrounding development.

f. A visual study containing, at a minimum, a vicinity map depicting where, within the city of Fairview, any portion of the proposed tower could be visible, and a graphic simulation showing the appearance of the proposed tower and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the planning director and applicant. This study shall not be required for co-location on preexisting transmission towers, but shall be required for co-location on other structures.

5. Fencing and Landscaping.

a. Telecommunications facilities shall be enclosed by a six-foot tall wall or fence which is compatible with surrounding walls or fencing.

b. Landscaping shall be placed outside of fences and shall consist of fast growing vegetation with a minimum planted height of six feet placed densely to form a solid hedge and shall be compatible with surrounding landscaping.

c. When antennas, attachments or ancillary facilities are to be located on existing

buildings or structures and are secure from public access, landscaping and fencing requirements may be waived.

d. A landscape plan drawn to scale showing proposed landscaping, including type, spacing, size and irrigation methods, shall be provided. This plan shall not be required for co-location on existing buildings or where there is no opportunity to provide additional landscaping.

6. Signage.

a. All telecommunications support structures shall be identified with a non-illuminated sign not to exceed two square feet. The sign shall list the telecommunication provider's name and emergency telephone number(s) and shall be posted in a place visible to the general public. The sign shall be constructed of weather resistant material and lettering shall contrast with the sign's background.

b. Lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall not be placed on or affixed to any part of a telecommunications facility or portion thereof other than as required by federal, state or county regulation(s) and subsection (A)(6)(a) of this section.

7. Lighting. Telecommunications facilities shall not be illuminated except as required by the Federal Aviation Administration and/or the Oregon State Aeronautics Division. High intensity white lights shall not be located on transmission towers.

8. Noise Reduction. Noise generating equipment shall be sound-buffered by means of baffling, barriers or other suitable means to reduce the sound level measured at the property line to 30 dBA above the level of ambient background noise when adjacent to residential uses and 45 dBA above the level of ambient background noise in other areas.

9. Anti-Climbing Devices. All telecommunications transmission towers and required fencing shall be equipped with appropriate anti-climbing devices.

10. Attachment to Trees Prohibited. It is prohibited to attach any telecommunications facility or portion thereof to any tree.

B. Setbacks.

1. Ancillary facilities and telecommunications support structures which are attached to

existing buildings or other permanent structures shall comply with the setback requirements for the underlying zoning district.

2. Telecommunications support structures and transmission towers shall be set back from any property line by a minimum distance equal to or greater than 1.5 times the height of the transmission tower.

3. Setbacks for telecommunications support structures and transmission towers shall be measured from the ground level base of the structure.

4. The setback in any zoning district may be reduced if the applicant can demonstrate that:

a. Reduction in the setback increases the screening opportunities between the facility and abutting uses.

b. The reduction in setback is the minimum required to achieve the increased screening of the facility for abutting uses.

c. The reduction in setback shall be wide enough to accommodate required landscaping and fencing.

d. The reduction in setback will not cause a greater visual, aesthetic or safety impact to abutting uses.

19.245.070 Uses.

A. Open Space/Public Facility.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

B. C-1 – Office/Residential.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

6. Community service/parks are conditionally permitted.

C. C-2 – General Commercial.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

6. Community service/parks are conditionally permitted.

D. F. LI – Light Industrial.

1. Maximum height for telecommunications transmission towers shall be 55 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are conditionally permitted.

4. Monopoles are permitted.

5. Antennas are permitted.

6. Community service/parks are conditionally permitted.

E. I – Industrial.

1. Maximum height for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

6. Community service/parks are conditionally permitted.

F. CR – Columbia River recreational/commercial.

1. Maximum height for telecommunications transmission towers shall be 45 linear feet.

2. Minimum setback for telecommunications support structures and transmission towers shall be 1.5 times the height of the support structure or transmission tower.

3. Guyed towers are not permitted.

4. Monopoles are conditionally permitted.

5. Antennas are permitted.

G. Prohibited Use.

1. Telecommunications facilities including telecommunications support structures, transmission towers, ancillary facilities and antennas shall not be permitted in the following zoning districts:

a. R-1 – Urban low density residential.

b. R-2– Urban standard density residential

c. R-3 – Urban high density residential.

d. C-1

2. Lattice towers are not permitted.

2.3.240 Neighborhood Scale Housing Options

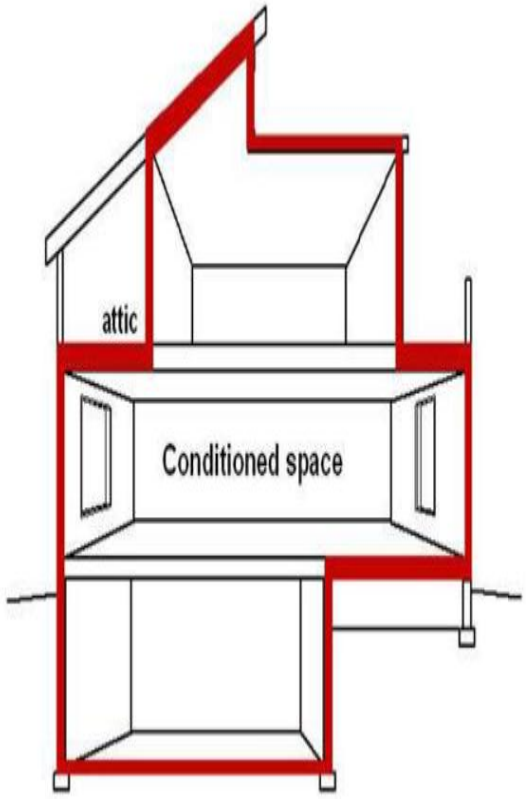
17.25.010 Definitions.

The following words and phrases shall have the meanings given them in this section and chapter:

Building Height. Building height shall be measured from average finished grade to the ridge or upper limits of the roof structure as shown in the approved building and site development drawings using measurement calculations and methodology described in HRMC 17.25.070(J).

"Building site" means one or more lots or parcels grouped together to form a tract of land to be used for building one or more structures. It may also be known as the development site. The building or development site shall be measured to the exterior property lines which bound the total tract, exclusive of any public dedicated street or right-of-way.

"Cottage configuration (~~middle housing cottage)"~~ means a single detached dwelling unit on a building site. Depending on the resulting land division, cottages may not be required to be located on the same lot or parcel.



"Floor area" means the calculated area of all floors of the occupiable space measured from the exterior walls of the structure. Occupiable space includes any conditioned space intended for human activities, including (but not limited to) all habitable spaces, toilets, halls, laundry areas, closets, and other storage and utility areas. Exterior stairs, porches, decks, and patios that are exposed to exterior elements and not conditioned are excluded from floor area calculations. A basement or attic space that is occupiable, regardless of finish, with a ceiling height of more than six feet, eight inches shall be calculated into floor area.

"Four dwelling unit configurations ~~(middle housing quadplex)"~~ means a grouping of four dwelling units configured in an attached arrangement on a building site. Depending on the resulting land division, the units are not required to be located on the same lot or parcel.

"Landscape area" means the naturally preserved or planted and permeable surface area that remains after the surface area of buildings, structures, parking areas, driveways, walkways, and decorative pavement is subtracted. The landscape area is calculated from within property lines and shall be planted to comply with the regulations listed under HRMC 17.25.070(H).

~~"Middle housing" means duplexes, triplexes, quadplexes, and cottages that comply with the~~

~~standards of this chapter as described below. Similar housing configurations that do not comply with the regulations of this chapter shall not be considered middle housing types and not subject to these regulations.~~

"Mulch and nonliving ground cover" means nonliving plant materials that are applied to paths, plant beds, the base of trees, and shrubs. Mulches include organic materials such as wood chips and shredded bark, and inert organic materials such as decomposed granite, crushed rock, river rock, and cobble.

"Three dwelling unit configurations ~~(middle housing triplex)"~~ means a grouping of three dwelling units configured in an attached or detached arrangement. Depending on the resulting land division, the units are not required to be located on the same lot or parcel.

"Two dwelling unit configuration ~~(middle housing duplex~~)" means a grouping of two dwelling units on a building site configured in an attached or detached arrangement. Depending on the resulting land division, the units are not required to be located on the same lot or parcel.

"Xeriscape" means a waterwise landscaping method that utilizes individual site conditions to maximize efficient water usage. The principles of xeriscape are:

1. Minimize cool season turf grasses.
2. Reduce turf areas with mulched planting beds.
3. Amend soil with organic matter.
4. Zone or group plants by water, soil, and sun needs.
5. Zone irrigation by plant water needs.
6. Maintain landscape to reduce water usage by weeds and promote healthy plant growth.

"Zeroscape" means a site design approach that consists of natural or manmade materials such as rock that are not landscaped with turf grasses, shrubs, perennials, annuals, trees or living ground covers. Zeroscapes, mulch, and nonliving ground cover that are not planted do not qualify as landscape coverage. (Ord. 2061 §2 (Exh. A), 2021)

17.25.020 Purpose.

A. These standards are intended to: support the City's housing goal of more efficient use of urban residential land; support development of diverse housing types in accordance with the Comprehensive Plan Housing Needs Analysis; increase the variety of housing types available for households; provide opportunities for small dwelling units within existing neighborhoods; increase opportunities for home ownership; and provide opportunities for creative and high-quality infill development that is compatible with existing neighborhoods.

B. Standards within this code are intended to cover the zoning development standards for middle housing under one unified chapter. Code graphics are included to supplement and provide clarity to written standards. (Ord. 2061 §2 (Exh. A), 2021)

17.25.030 Applicability.

A. Where middle housing developments are allowed, they shall be permitted by right subject to the standards listed below. Developments that do not meet site, layout, or size restrictions shall be subject to applicable use and zone regulations and review procedures of HRMC Titles 16 and 17.

B. Developers may choose to have application requests for the development of middle housing developments processed as administrative actions subject to the procedures found in HRMC Chapter 17.09. (Ord. 2061 §2 (Exh. A), 2021)

17.25.040 Relationship to other regulations.

A. *Conflicts.* In the event of a conflict between this chapter and other zoning or land division standards, the standards of this code shall control. The standards listed below are the applicable development and design standards for middle housing. The base zone development standards for lot size, height, setbacks, yards, lot coverage, parking, and design standards in HRMC Title 17 are not applicable to middle housing subject to these standards.

B. *Other Applicable Standards.* Developments and buildings designed and constructed under this code shall comply with restrictions established on Goal Protected Lands including environmental hazard, wildland, riparian, wetland and floodplain regulations, Hood River

Engineering Standards (HRES) and Oregon Building Codes. This code is not written nor intended to grant goal or design exceptions or waiver from local, county, state or federal regulations. Where goal protected regulations apply, development shall follow the regulations and notification processes that apply to ensure regulatory compliance. (Ord. 2061 §2 (Exh. A), 2021)

17.25.050 Exceptions and variances.

A. Requests for variances from the requirements of this chapter are subject to the approval criteria under HRMC Chapter 17.18. Exceptions to public works standards shall be processed according to HRMC, engineering standards, and City engineering. (Ord. 2061 §2 (Exh. A), 2021)

17.25.060 Land division options and procedures.

A. Middle housing developments may be created as a subdivision or partition; as a condominium (pursuant to ORS Chapter 100 and HRMC Chapter 17.16); or as rental units or sold as undivided interest in development.

B. A subdivision, partition, or replat shall be reviewed and approved concurrently with the development of middle housing to create the easements, lots, and tracts that will comprise the site development. Applicants shall submit engineering and subdivision plans as part of the application. The subdivision or partition may be reviewed as an expedited land division. As an alternative, an applicant may request that its land division and site development plans be reviewed in accordance with standards in HRMC Title 16 and processed in accordance with HRMC Chapter 17.09.

C. Middle housing developments meeting the standards of this chapter are exempt from individual lot size, frontage width requirements, and dimensional standards as outlined in HRMC Chapter 17.03, but shall comply with building site standards listed within this chapter.

D. Access and utility easements shall be provided to ensure utility and access rights for all units of land within the development (all that do not have frontage on a public street), and to provide vehicle, utility, and pedestrian circulation through the site.

E. *Covenants, Conditions and Restrictions.* Where common utilities, tracts, and facilities are included in a development, middle housing and cottage developments shall require a set of conditions, covenants, and restrictions (CC&Rs) to address maintenance of common open

space and other issues. Prior to final plat approval and issuance of a site development or building permit for any structure 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. The creation of a homeowner's association or other maintenance agreement that will provide for maintenance of all common areas in the housing development.

2. The total square foot area of each middle dwelling unit may not be increased for the life of the dwelling unit or duration of middle housing regulations if it cannot demonstrate compliance with the existing standards or site development approvals. (Ord. 2061 §2 (Exh. A), 2021)

17.25.070 Development standards.

A. Required Site Area per Dwelling Unit by Zone.

Zone	R-1	R-2	R-3	C-1
Maximum Unit/Area Ratio				
Dwellings 800 square feet or less	1 dwelling per 2,300 feet of building site area	1 dwelling per 1,250 square feet of building site area	1 dwelling per 1,250 square feet of building site area	1 dwelling per 1,250 square feet of building site area
Dwellings 800 square feet or more	1 dwelling per 2,500 feet of building site area	1 dwelling per 1,500 square feet of building site area	1 dwelling per 1,500 square feet of building site area	1 dwelling per 1,500 square feet of building site area
Minimum Lot or Parcel Size* Site	4,600 SF Site N/A on individual lots	2,500 SF Site N/A on individual lots	2,500 SF Site N/A on individual lots	2,500 SF Site N/A on individual lots

Zone	R-1	R-2	R-3	C-1
Minimum Units per Development	2	2	2	2
Max Units per Development	6	8	12	12
Max Units per Building	2	4	4	4
Max Units Allowed for Existing Building Conversion	4	4	4	4

B. Building Types Allowable Under the Middle Housing Code.

1. Two dwelling unit configurations (attached and detached configurations).

2. Three dwelling unit configurations (attached and detached configurations).

3. Four dwelling unit configurations (attached configurations).

4. Cottage cluster configuration (detached configuration).

5. Single-family conversion.

C. *Setback/Site Perimeter Buffer Yard.* Unless otherwise noted* setbacks/site perimeter buffer yard areas shall be measured from the exterior perimeter of the building site. Setback/site perimeter buffer yard areas shall be landscaped in accordance with subsection (G) of this section; no structures shall be permitted in the yard areas unless allowed under subsection (M) of this section, Permitted Obstructions.

Required Site Perimeter Yards Buffer	**Min. Distance**	**Notes**
Public Street Buffer Yard	10 feet	Shall be measured from the right-of-way unless a public sidewalk easement is required to accommodate frontage improvements. In that case the 10-foot buffer yard shall be provided from the outer edge of the sidewalk from the street.
Rear Yard Buffer Yard	10 feet	The rear yard is the yard on the opposite of the street frontage. On corner lots the rear yard may be opposite either street frontage.
Rear Yard Buffer Yard*	5/0	*A project that takes access from a single driveway approach on the side of the corner lot may reduce its buffer to 5 feet. If the driveway is a shared access with adjacent property it may reduce its buffer to 0. (See Figure 2 below)
Interior Side Buffer Yard**	5 feet	**6 feet in R-1
Alley Buffer Yard	5 feet	
Garage Buffer Yard from a Public or Private Street	20 feet	Garages shall maintain a 20-foot setback from a public or private street.
Garage Buffer Yard from an Alley	5 feet	Garages shall maintain a 5-foot alley setback.

D. Frontage and Utilities.

1. *Public Street Dedications.* Middle housing development shall comply with City standards for frontage improvements, dedications, and the undergrounding of utilities.

2. *Street Connectivity and Formation of Blocks Required.* To promote efficient vehicular and

pedestrian circulation throughout the City, middle housing land divisions and site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

a. Block Length and Perimeter. The maximum block length and perimeter shall not exceed 600 feet length and 1,600 feet perimeter.

b. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pedestrian or bike pathway at least five feet in width located in a dedicated right-of-way or within a public access easement.

3. *Street Frontage Improvements.* Shall be designed and established as part of the plat and building site development approval. Unless waived by the City Engineer, public sidewalks and street trees shall be installed to meet Hood River's street and engineering standards. Where insufficient right-of-way exists, sidewalk and landscape improvements may be installed in public easements to satisfy frontage improvement requirements.

4. *Frontage Requirements.* Individual lots created as part of a middle development subdivision are not required to have frontage on a public or private street. However, the development site shall have frontage or lawful access from a public or private street.

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

E. Parking.

1. Each dwelling unit shall be provided with at least one parking space on the building site which may be located within the required front yard setback and buffer yard area. Parking for middle housing developments shall be located on the building site, on individual lots, or in shared common areas, and identified on the tentative subdivision plan and/or site plan. Parking spaces shall be nine feet by 18 feet minimum dimensions.

2. Parking spaces may be located within a garage attached or detached to the unit. Shared garages may be allowed but may not contain more than four parking spaces, may not be attached to an individual detached dwelling unit, and shall not exceed 18 feet total height as measured in subsection (J) of this section.

3. One bicycle storage space shall be provided and shown on the site plan for each unit.

F. Access, Circulation, Driveways, and Approaches.

4. *Driveway Approach.* Driveway approaches must comply with the following:

a. The total width of a middle housing driveway approach may not exceed 14 feet per frontage as measured at the property line, unless required for public or emergency access (Figure 1).

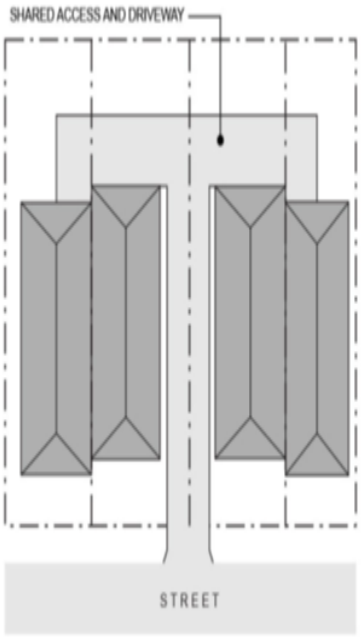


Figure 1

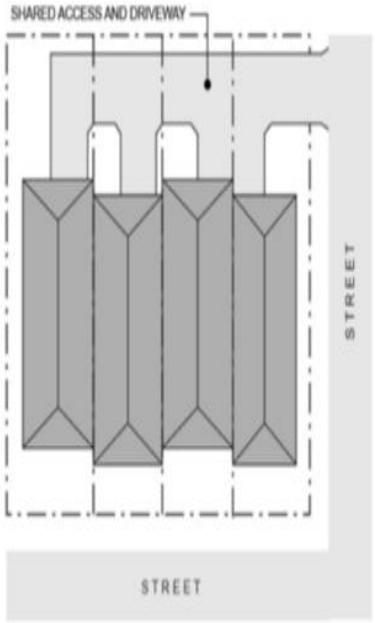


Figure 2

b. Driveway approaches must meet the Hood River driveway spacing standards.

c. Lots or parcels must access the street with the lowest classification.

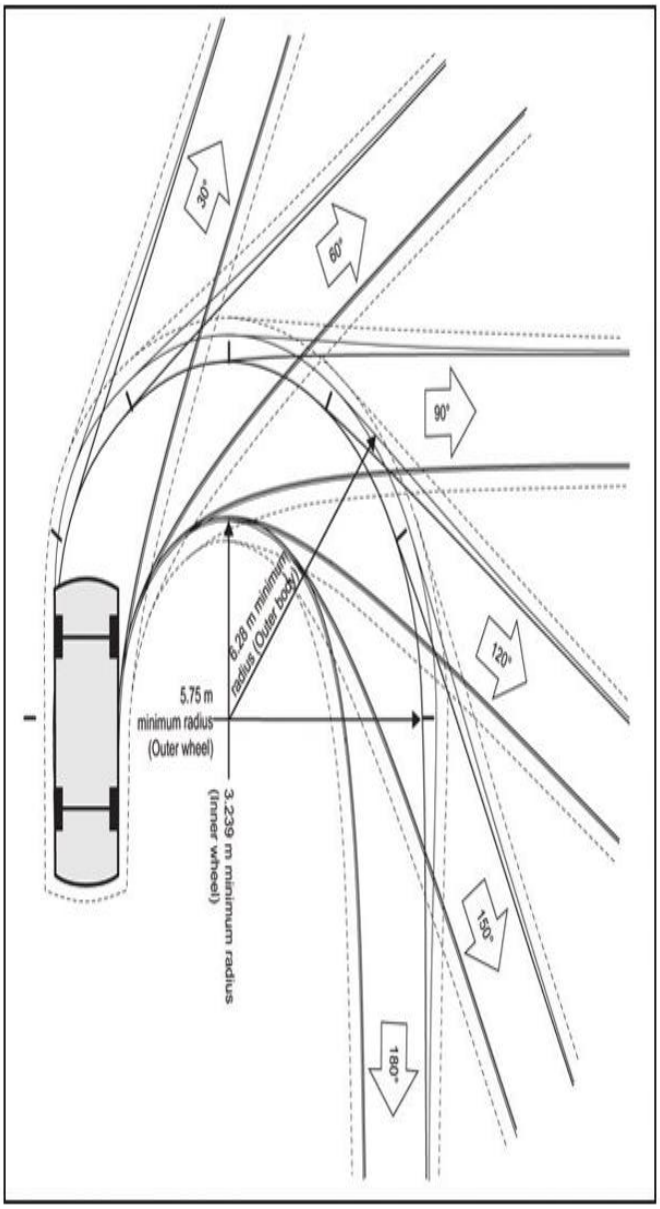
d. When a middle housing project abuts an alley, access must be taken from the alley. When alley access is required a second point of access may be allowed from an adjacent street frontage.

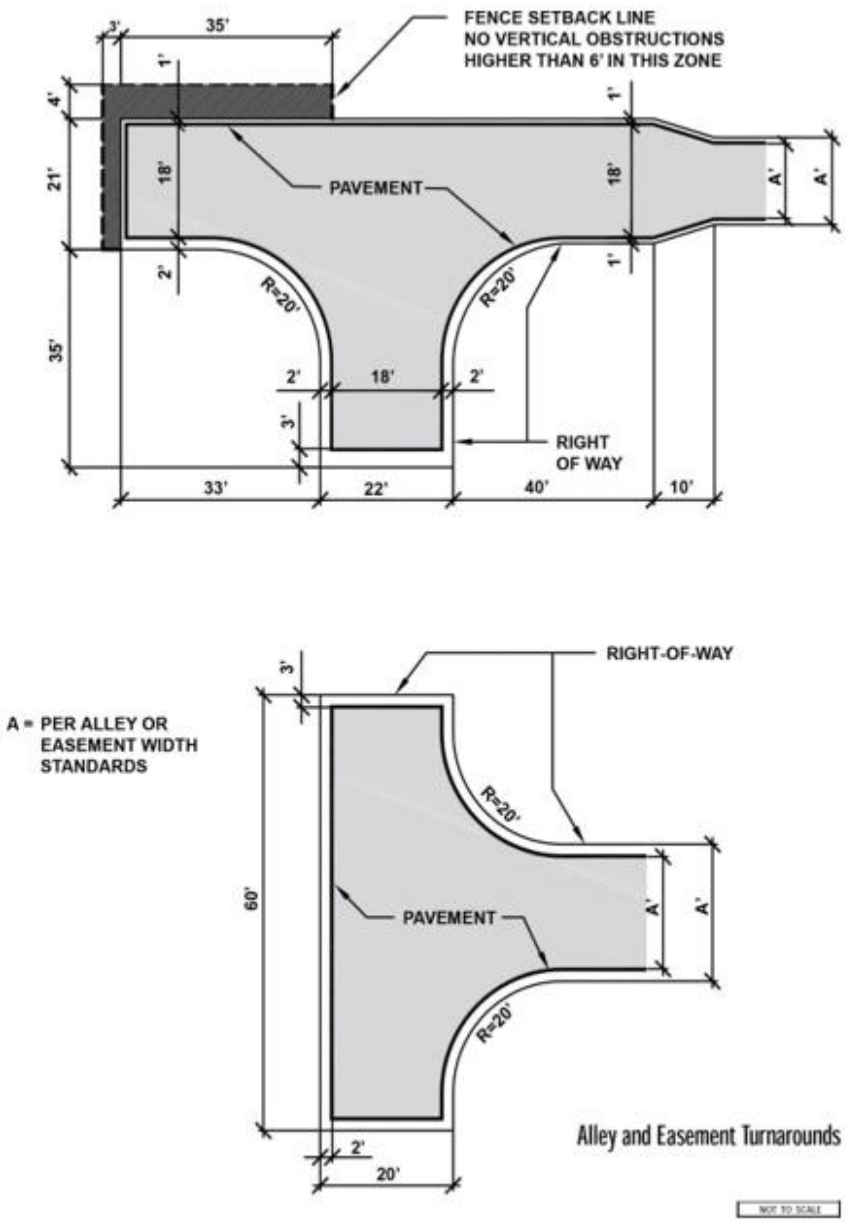
e. Only one single driveway approach per building site frontage is allowed.

f. A middle housing project that includes a corner lot shall take access from an alley or single driveway approach on the side of the corner lot (Figure 2). When alley access is required, a second point of access may be allowed from an adjacent street frontage.

g. Minimum driveway turning of radius 10 feet inside radius 18 feet outside radius shall be required for parking areas and garages.

h.


30°
60°
90°
120°
150°
180°
6.28 m minimum radius (Outer body)
5.75 m minimum radius (Outer wheel)
3.239 m minimum radius (Inner wheel)



G. Storm Water, Low-Impact Development, Landscaping, and Tree Preservation.

1. Storm Water and Low-Impact Development.

a. It is recommended, but not required, that developments include open space and landscaped features as a component of the project's storm water low-impact development techniques including natural filtration and on-site infiltration of storm water.

b. Low-impact development techniques for storm water management are encouraged wherever possible. Low-impact development techniques may include the use of porous solid surfaces in parking areas and walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and rain barrels.

c. Impervious surfaces should be located to maximize the infiltration of storm water runoff. Developers are encouraged to group dwellings and locate parking areas to preserve contiguous, permanently undeveloped, open space and native vegetation.

d. When vegetated, low-impact storm water features may be permitted as required landscape area.

2. Landscape. Middle housing development site shall meet the following landscape standards:

Zone	**R-1**	**R-2**	**R-3**	**C-1**
Percent Landscape Area	40%	35%	30%	30%

a. All middle housing project sites shall provide a minimum amount of landscape area and coverage as outlined below.

b. All middle housing project sites shall provide a minimum amount of landscape plantings as outlined below.

Required Site Perimeter Buffer Yard	**Distance**	**Planting Requirements**
Public Street Buffer Yard	10 feet	1, 2-inch caliper# single stem street tree and 5 shrubs for every 30 feet of frontage. Required street tree frontage plants may be counted to satisfy this provision.
Notes		* If no sidewalk and tree parkway are developed in the right-of-way the required trees may be

Required Site Perimeter Buffer Yard	**Distance**	**Planting Requirements**
		planted in the front street buffer yard within a public easement.
Rear Buffer Yard* (where rear access is used and buffer eliminated no planting shall be required)	10 feet	*1, 2-inch caliper# tree and 5, 5-gallon shrubs for every 30 feet.
Interior Side Buffer Yard**	5 feet **6 feet R-1	1, 2-inch caliper# tree and 5, 5-gallon shrubs for every 50 feet.
Alley Buffer Yard	5 feet	None
Notes		*Landscape buffer may be located adjacent to the alley right-of-way or as a minimum 5-foot yard between alley loaded parking and the site.
		#Caliper shall be measured at 12 inches above the root ball.
Tree Preservation		Existing trees preserved as part of the development will be credited inch for inch toward the perimeter (not street frontage) tree planting requirement.

3. Internal Pedestrian Circulation.

a. Development shall include pedestrian walkways for internal circulation on site. The minimum width for pedestrian paths shall be four feet. Paths must provide a connection between each unit to adjoining rights-of-way. These walkways must be shown on the

subdivision plan or site plan and be part of the common areas/tracts. Public sidewalks and internal pedestrian walkways may be counted toward landscape requirements.

H. Dwelling Unit Size Restrictions (Method of Measurements).

1. *Maximum Floor Area.* The maximum floor area per dwelling unit is 1,200 square feet. An additional area not to exceed 300 square feet shall be allowed to accommodate an attached garage.

2. The size of a dwelling may not be increased beyond the maximum floor area unless the building site plan and subdivision plat can be amended and meet all applicable landscape and building site standards. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

I. Building Orientation and Separation.

1. *Interior Building Separation.* A middle housing development may include attached, as well as detached, units. With the exception of attached units, there shall be a minimum separation of six feet between the exterior walls of the dwelling units. All units including accessory buildings (e.g., carport, garage, shed, common house, multipurpose room) shall comply with building and fire code requirements for separation from residential structures.

2. The front of a dwelling is the facade with the main entry door and front porch. This front facade shall be oriented toward a public street. If a unit is not adjacent to a public street, it shall be oriented toward an open space or an internal pedestrian circulation path.

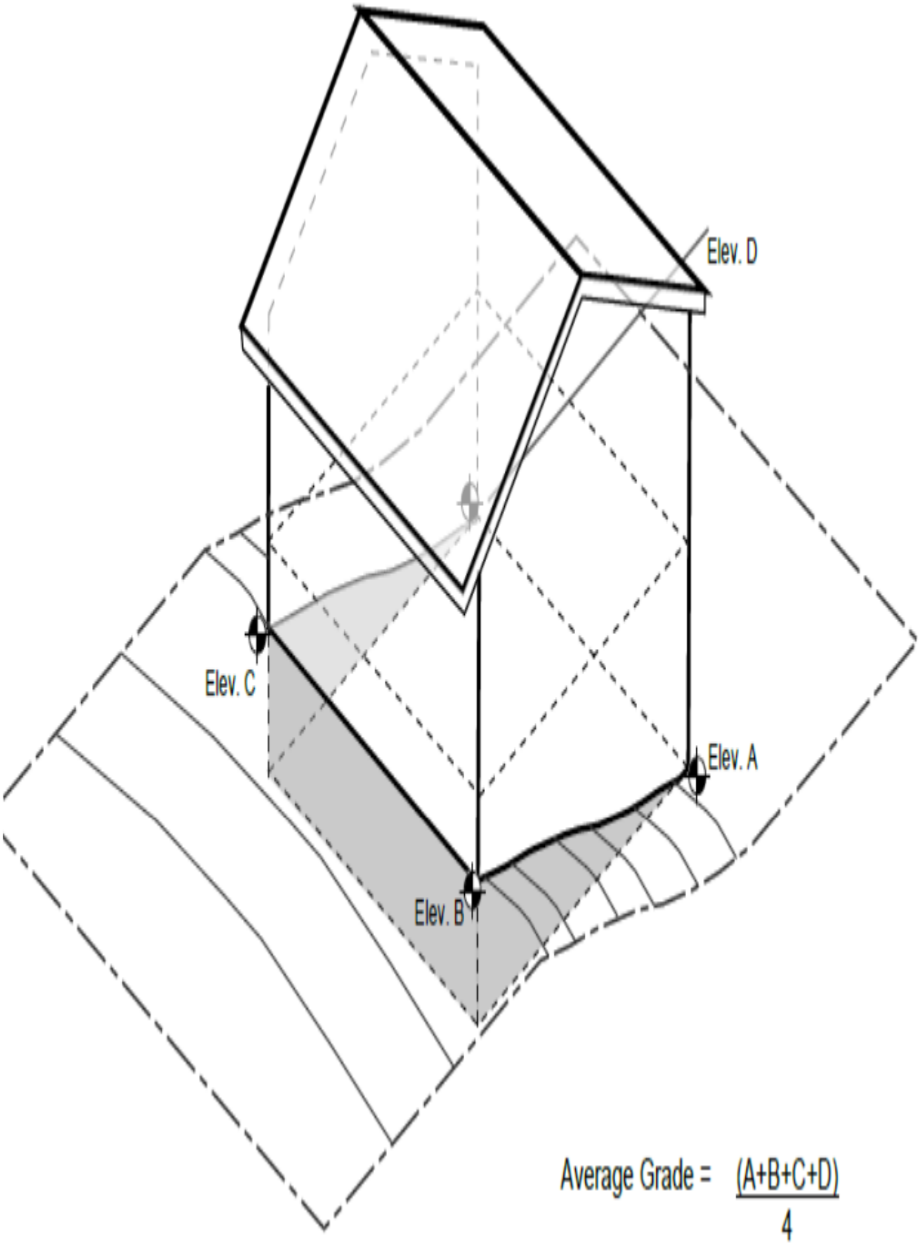
J. Height (Method of Measurements) and Limit and Slope Impacts.

1. *Height.* Building height of all dwellings shall comply with following restrictions and limits:

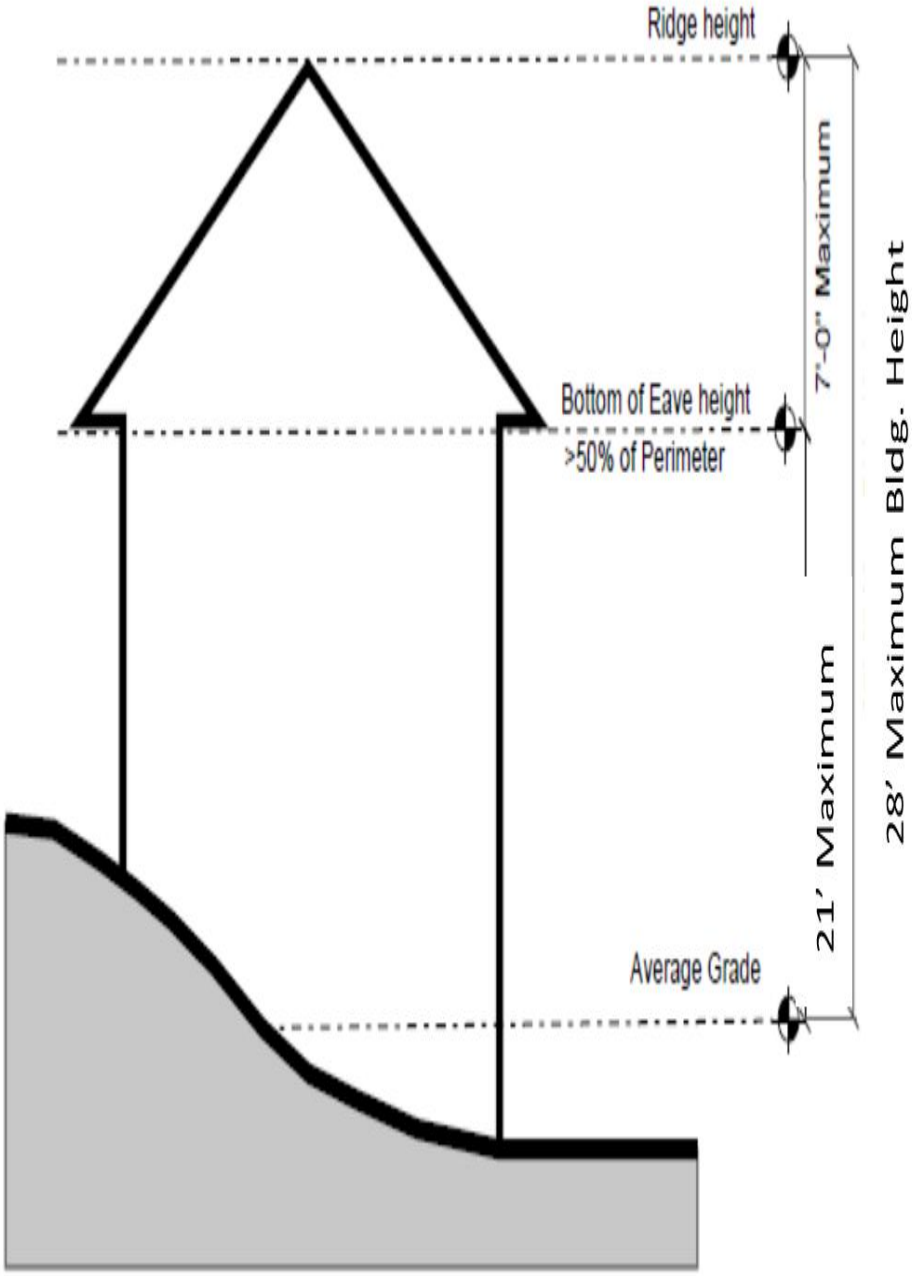
a. ~~*Building Height*~~*Pitched roofs*. Dwelling units with a pitched roof shall be no more than 28 feet in height as measured from the average grade of the building perimeter as shown below.

b. ~~*Building Height*~~*Shed roofs*. Dwelling units with a shed roof shall be no more than 25 feet in height as measured from the average grade of the building perimeter as shown below.

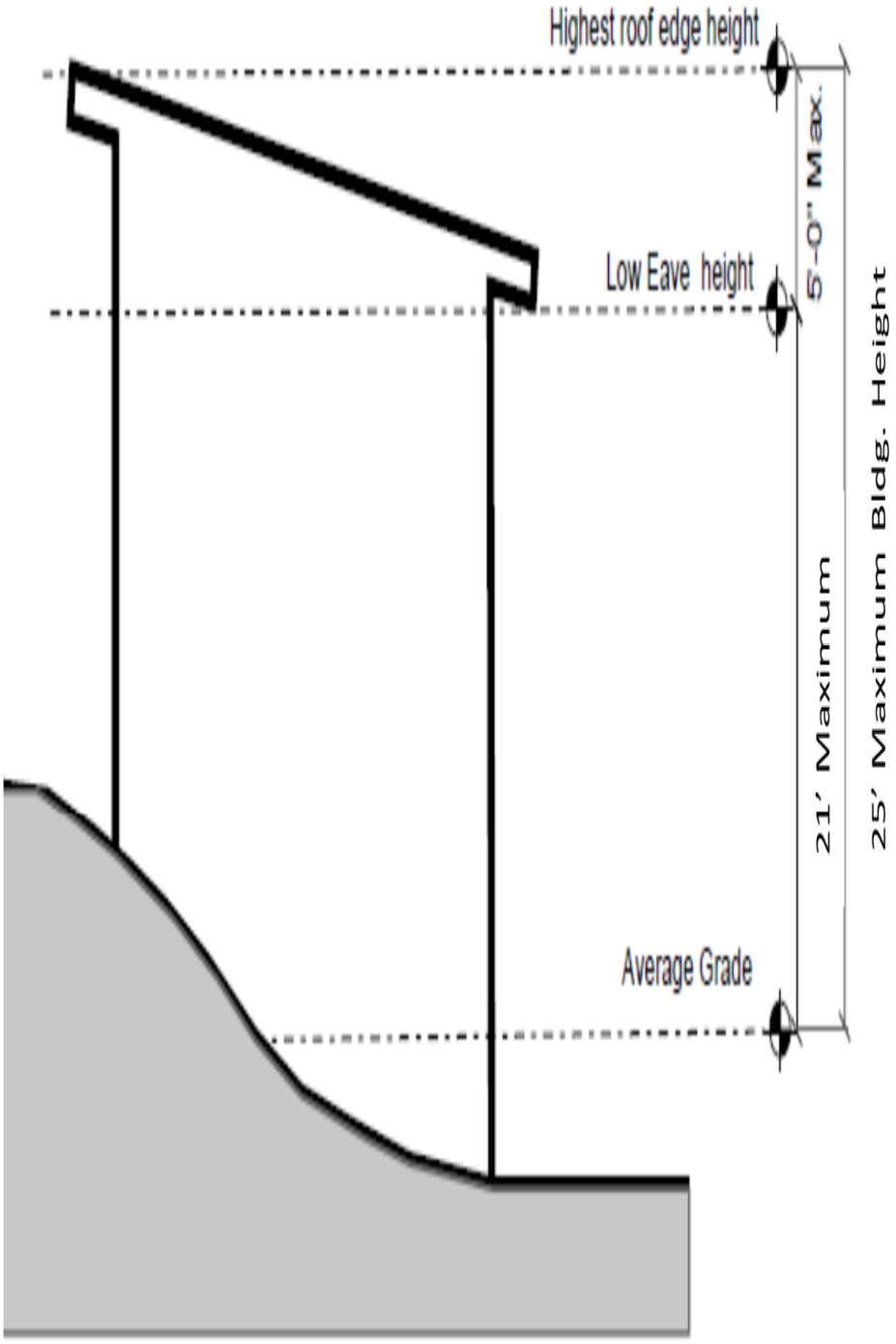
c. ~~*Building Height*~~*Flat roofs*. Dwelling units with a flat roof shall be no more than 21 feet in height as measured from the average grade of the building perimeter as shown below.



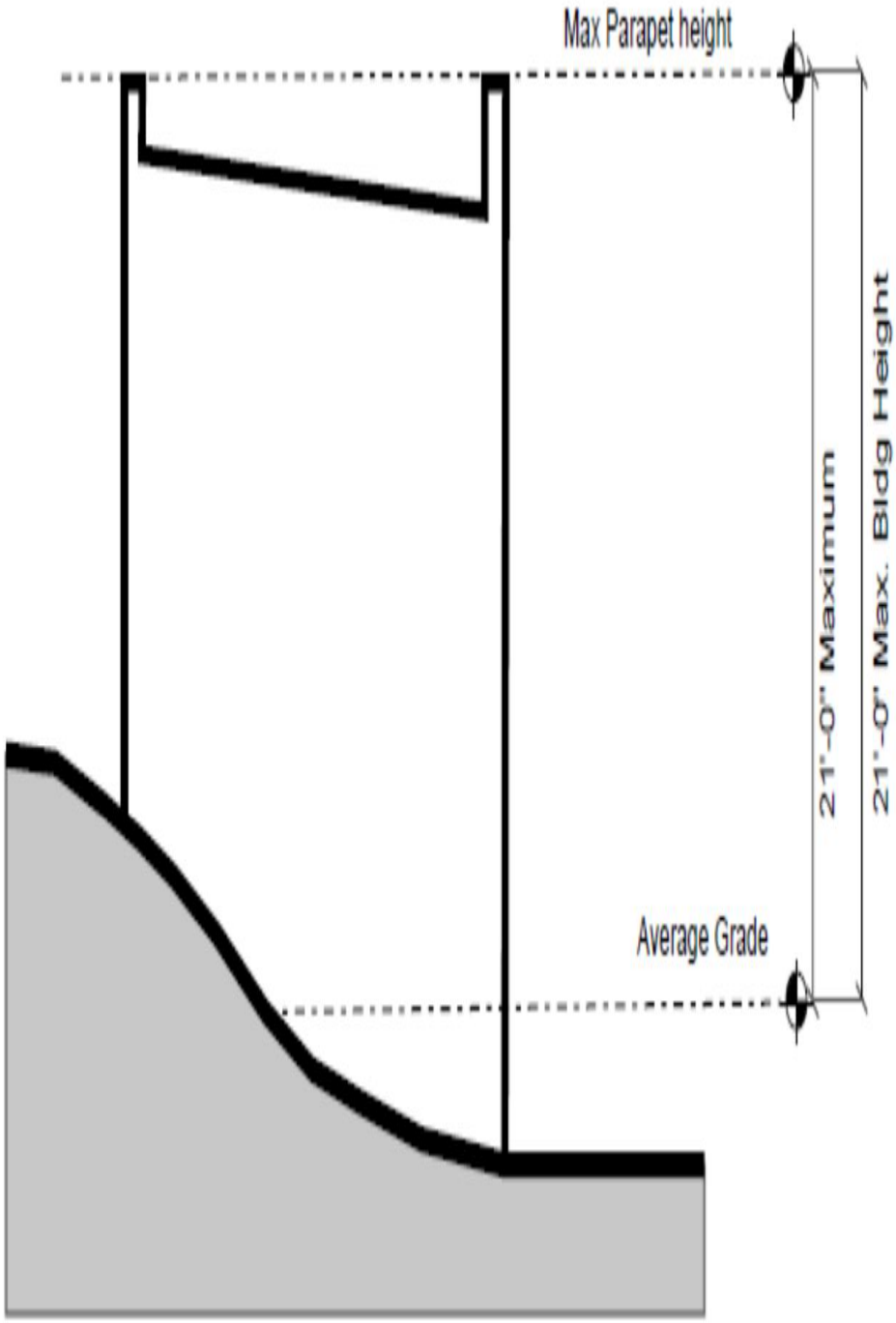
Average Grade Calculation Method – Building Perimeter



Building Height Calculation – Pitched Roof



Building Height Calculation – Shed Roof



Building Height Calculation – Flat Roof

K. Required Architecture.

1. Units shall avoid blank walls by including at least one of the following:

a. Changes in exterior siding material.

b. Bay windows with a minimum depth of two feet and minimum width of five feet.

c. Eaves of 15 inches or greater.

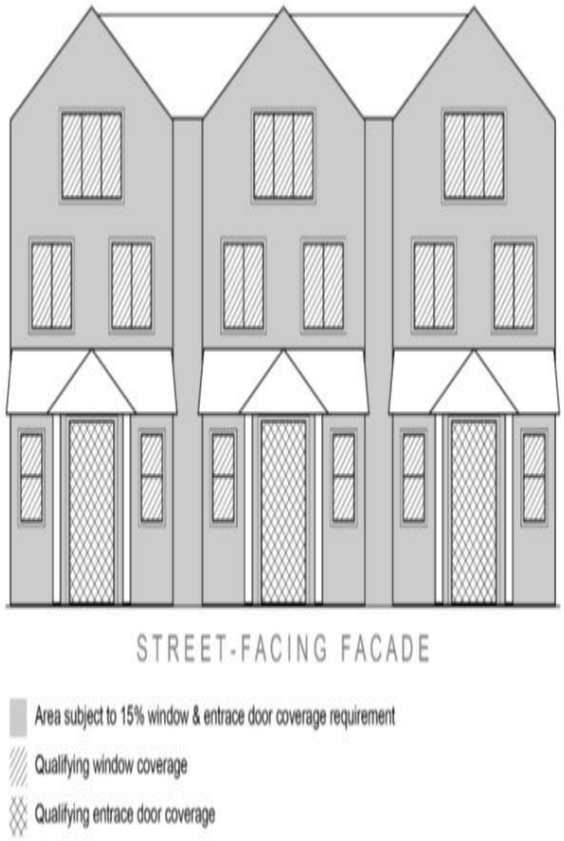


Figure 3

2. Windows and doors shall account for at least 15 percent of the facade area for facades oriented toward a public street or common open space. Facades separated from the street property line by a separate dwelling are exempt from meeting this standard (Figure 3).

3. Wall elevations that exceed 20 feet in height at any point shall include a wall or plane break of at least two feet in depth and six feet in width for every 20 feet of elevation length.

4. *Front Porches.* Each dwelling unit shall have a porch and if adjacent to a public street shall have a porch facing the public street. The porch is intended to function as an outdoor room that extends the living space of the units into the semipublic area between the unit

and the open space or right-of-way. Front porches shall include the following:

a. a. The minimum porch depth shall be five feet.

b. b. The front door of the dwelling must open onto the porch.

L. *Permitted Obstructions.* The following may be permitted in setback yard buffer areas:

1. Air conditioning equipment under four feet in height.

2. Driveway approaches 14 feet in width and under shall be permitted to cross perpendicular to the front yard setback.

3. Eaves, chimneys, and gutters may project into buffer yards and building separation areas by 15 inches.

4. Fences four feet and under in height as measured from grade.

5. Flagpoles and lights under 15 feet.

6. Public access facilities and easements.

7. Public and private utilities.

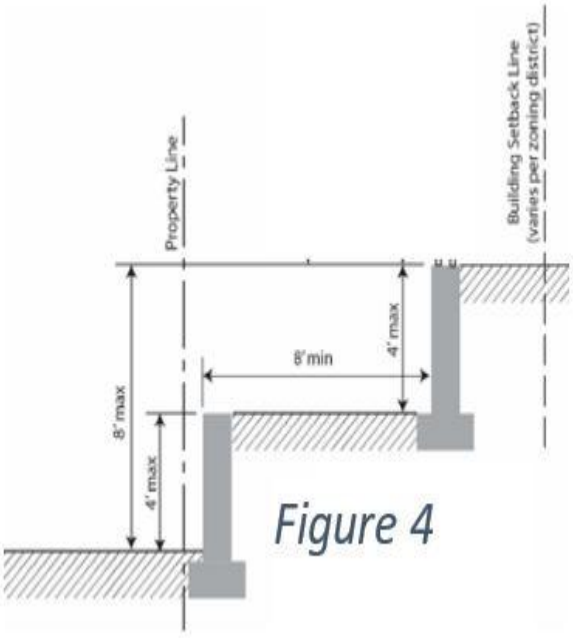


Figure 4

8. Retaining walls less than four feet in height. If more than one retaining wall is located

within the setback, the distance between each wall must be equal to the height of both walls, and the area between the walls must be landscaped (Figure 4).

9. Sidewalks four feet or less in width. The encroachment limit shall be 15 inches into a side buffer yard.

10. Trash enclosures (rear yard only).

11. Parking spaces in the front yard per subsection (E)(1) of this section.

M. Fences.

1. Fences shall be shown on middle housing site plans. Fence height is limited to four feet along interior areas adjacent to open space, in front and side yard setbacks abutting a public street, and between units. Perimeter fences that are outside the interior side and rear site perimeter buffer yards of the development and not adjacent to a street frontage may be up to six feet high, except as restricted by HRMC Chapter 17.04, Clear Vision at Intersection.

2. Chain-link fences are prohibited.

N. Accessory Buildings, Common Buildings, Existing Nonconforming Structures and Accessory Dwelling Units.

1. *Accessory and Common Buildings.* An accessory community building for the use of the housing development residents may be permitted as part of a middle housing development. Accessory or common buildings shall not be attached to dwellings, shall comply with building code separations, and shall not interfere with required landscaping amounts.

2. *Existing Dwelling Units.* An existing single-family residential structure built prior to the effective date of this code, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain as part of a middle house development. Existing nonconforming dwelling units shall be included in the maximum permitted unit density and parking standards. Existing access points for existing dwellings shall be allowed to remain when included as part of a middle housing development.

3. *Existing Dwelling Units.* An existing single-family residential structure built prior to the effective date of this code, which may be nonconforming with respect to the standards of

this chapter, may be converted to permit the allowed density or four units, whichever is less, so long as the dwelling can comply with building, fire code, and parking requirements. An existing structure may not be converted or altered in a way that increases nonconformity with this chapter. Existing driveways and parking may remain.

4. *Accessory Dwelling Units.* New accessory dwelling units (ADUs) are not permitted in middle housing developments, except that an existing ADU that is accessory to an existing nonconforming single-family structure may be counted as a unit if the property is developed subject to the provisions of this chapter.

5. Middle housing dwellings developed under the provisions of this chapter which are located in the C-1 zone shall not be licensed as short-term rentals, unless the dwelling complies with all licensing provisions and is the owner's primary residence. (Ord. 2061 §2 (Exh. A), 2021)

2.3.250 Mobile Food Vendors

A. *Intent.* The purpose of these regulations is to permit food and beverage carts on a year-round basis where eating and drinking establishments are permitted outright.

B. *Applicability.* The provisions of this section apply to food and beverage carts used in the preparation and/or sales of food and beverage items to the general public. Drive-through uses are not permitted as food carts under this section. Carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food (but not a food truck or RV). Food and beverage carts used at temporary duration events of three days or less are not subject to the motorized vehicle restrictions but are subject to the requirements of Section 17.74.60 for a temporary use.

C. *Permit Required.*

1. Food and Beverage Carts are required to obtain a land use approval and a City of Sandy Business License prior to operating.

2. The initial permit review for a Food Cart Location shall follow a Type II review procedure per the requirements of Chapter 17.18.

D. *Submission Requirements for Food Cart Location.* An application for a permit to allow operation of one or more food carts on private property shall be on forms provided by the City and include materials listed as follows:

1. A completed General Land Use Application and application fee.

2. List and mailing labels for property owners within 300 feet of the subject property.

3. Site plan drawn to scale including:

   a. Site dimensions.

   b. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.

   c. Number and location of food carts on the site.

   d. Individual square footage of all food carts.

   e. Accessible pedestrian route clearances.

   f. Size, location, and clearances of customer seating areas.

   g. Vehicular circulation and access points.

   h. Parking, maneuvering and loading areas.

   i. Location and design elevation of all structures.

   j. Location and specification of landscaped areas.

   k. Location and specifications of food cart pads.

   l. Location and design of fences and walls.

   m. Number and location of trash and recycling areas.

   n. Location and type of auxiliary storage.

4. Proximity to bathroom and written permission, if applicable.

5. Disposal plan for wastewater and gray water.

6. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.

7. Any additional information that may be required by the Director to properly evaluate the proposed site plan.

8. The Director may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

E. *Submission Requirements for Individual Food Cart*. An application for a permit to allow operation of a food cart on private property shall be on forms provided by the City and include materials listed as follows:

1. A completed Food Cart Permit Application and application fee.

2. City of Sandy Business License and fee.

3. Pictures or architectural elevations of the proposed food cart.

4. Written verification that the food cart has been inspected and meets applicable County Health regulations, and OLCC regulations, as necessary.

5. Written verification that the food cart has been inspected and approved by the Fire Marshal.

F. *Standards for Food and Beverage Carts.* An application for a food and beverage cart shall be reviewed for compliance with the following standards:

Location and Design.

1. Drive-through uses are not permitted in food carts.

2. Carts shall not exceed 20 feet in length, not including the trailer hitch, or be greater than 200 square feet.

3. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.

4. Carts shall be located at least three feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.

5. Carts shall be located at least five feet away from other carts.

6. Carts shall not be located within 25 feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way.

7. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access and shall be stabilized as approved by the Fire Marshal.

8. Customer service windows shall be located at least five feet from an active drive aisle used by cars.

9. Carts shall not occupy pedestrian walkways or required landscape areas.

10. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements per Chapter 17.98. Blocking automobile access to parking spaces shall be considered occupying the spaces.

11. Each food cart shall provide a minimum of one paved off-street parking space for employee use or provide proof of written permission from an adjacent business or property owner within one-quarter mile of the subject site allowing the food cart operator to share parking facilities, unless exempt in accordance with Section 17.98.20 (A)(1).

12. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken. Day-glo and highly reflective colors are prohibited.

13. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven feet between the ground and the awning.

14. Awnings shall not have tears, mold, or broken or non-functioning supports and shall be securely anchored.

15. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or landscaping, or containing them within a small storage shed.

16. All seating areas shall be located on the subject property at least ten feet from a

food cart and seating areas shall be separated from parking areas by an approved fence or barrier.

17. Signage shall comply with Chapter 15.32, Sign Code regulations. Each cart is permitted one A-frame sign.

18. Auxiliary storage shall be provided on site when there are four or more food carts. The structure for auxiliary storage shall meet Chapter 17.90, Design Standards.

Fire Safety.

19. Carts shall meet Fire Code requirements regarding distances from other structures or combustible materials.

20. Any cooking equipment producing smoke or grease-laden vapors shall be equipped with an approved fire-extinguishing system and an exhaust system that complies with all equipment and performance standards found in NFPA or as otherwise approved by the Fire Marshal.

21. Appropriate fire extinguishers are required as approved by the Fire Marshal.

22. Propane tanks shall be stored and handled properly and be located at least ten feet from combustible vegetation and trash receptacles and 20 feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling. LP-Gas systems on carts shall be certified for compliance with NFPA 58 by an approved company with expertise in installation, inspection, and maintenance of LP-Gas systems.

23. Carts shall not have any internal floor space available to customers.

Health and Sanitation.

24. Trash and recycling~~e~~ receptacles shall be provided on site, and must be emptied and maintained. Trash and recycl~~e~~ing receptacles shall be provided at a rate of one receptacle for every food cart. Where the food cart operator proposes to provide a common seating area a minimum of one trash receptacle and one recycl~~e~~ing receptacle shall be provided in the common seating area.

25. Restrooms with handwashing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk

(such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

26. Sites containing more than one food cart shall provide a restroom facility on-site.

27. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods and meet the requirements of Title 13 of the Sandy Municipal Code.

28. Food carts that are fully contained, i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the Director has approved site plans that show safe access and location of the aforementioned provisions. Such provisions may be subject to all applicable building permits and System Development Charge requirements.

G. *Conditions of Land Use Decision.* In addition to naming the property owner as permittee and other information deemed appropriate, the land use decision shall contain the following minimum conditions.

1. Land Use Decision requirements for individual food cart:

a. An approved City of Sandy Business License.

b. The permit issued shall be personal to the permittee only and is not transferable in any manner. The permittee will be responsible for compliance with all conditions of approval.

c. The permit is specifically limited to the area approved or as modified by the Director.

2. Requirements for properties containing one or more food carts:

a. The property containing one or more food carts and all things placed thereon shall at all times be maintained in a safe, clean, and orderly condition. Only those things authorized by the land use decision and shown on the site plan may be stored on the subject property.

3. Additional licensing requirements: All mobile food carts shall be appropriately licensed and approved for operation in ~~Clackamas~~ Hood River County as a Class I—IV mobile food cart. Additionally, each food cart may be inspected by the Fire Marshal as warranted by the Fire Marshal. All food carts are subject to all applicable City, county, and state regulations. The property owner shall ensure that each food cart located on the subject site complies with these regulations.

H. Denial, Revocation or Suspension of Permit.

1. A food cart permit shall be subject to revocation by the Director if the application is found to include false information or if the conditions of approval have not been complied with or are not being maintained.

2. Food carts that have not been in use for over 30 days are determined defunct and shall be removed from the private property which they are located.

3. Food carts that have not been in use for over 60 days are determined abandoned and shall be removed in accordance with nuisance regulations as described in Title 8 of the Sandy Municipal Code.

4. Reapplication for a food cart, which has been denied or revoked, cannot be made within one year from the date of the Director's action, except that the Director may schedule a hearing before the City Council if there is new evidence or a change in circumstances.

Chapter 2.4 – Overlay Zones and Specific Area Plans

2.4.010 Purpose

[Draft overall purpose and intent for overlay zones.]

2.4.020 Applicability

[Reserved for applicability of overlay zones; relationship between base zones and overlays, etc.]

Overlay Zones

2.4.030 Environmental Hazards overlay zone

The Environmental Hazard Zone is an overlay zone that designates areas that may be hazardous to develop.

A. Permitted Uses.

1. Those which are allowed in the underlying zone designation provided the proposed development has been reviewed and stamped by a competent registered professional engineer or architect. All requirements and standards for the underlying zone designation shall be met. In addition, lands that are determined to be unsuitable to develop may be used for computation of density allowances.

2. Areas designated as flood hazard areas by the Federal Emergency Management Agency (FEMA) may be developed only in accord with the U.S. Department of Housing and Urban Development standards for flood hazard areas.

2.4.040 Natural Resources overlay zone

17.22.010 Requirements for wetlands.

A. *Purpose and Intent.* The purpose of this section is to protect and restore wetlands and the multiple social and environmental functions and benefits these areas provide individual property owners, the community, and the watershed. This requirement is based on the "safe harbor" approach as defined in Oregon Administrative Rules 660-23-0100(4)(b). Specifically, the purpose and intended is to;

1. Protect habitat for fish and other aquatic life,

2. Protect habitat for wildlife,

3. Protect water quality for human uses and aquatic life,

4. Control erosion and limit sedimentation,

5. Reduce the effects of flooding,

6. Provide a stream "right of way" to accommodate lateral migration of the channel and protect the stream and adjacent properties,

7. Provide opportunities for recreation and education,

8. Protect open space, and

9. Minimize the economic impact to affected property owners.

The intent of this section is to meet these goals by modifying the location, but not the intensity of development, where possible. The requirements for wetlands restricts filling, grading, excavation and vegetation removal in significant wetlands for their protection and limits new structures in significant wetlands in Hood River. This section provides procedures for correcting map errors and for granting a variance for parcels that have no buildable site through application of this section.

B. *Definitions.* The following words and phrases, unless the context otherwise requires, shall have the meanings given them in this section.

1. FUNCTIONS AND VALUES. Functions means the environmental roles served by wetlands and buffer areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat and flood storage. Values means the qualities ascribed to a wetland such as educational and recreational opportunities, open space, and visual aesthetic qualities.

2. RESTORATION means to rehabilitate a previously drained or degraded wetland area by providing wetland hydrology, removing fill material, restoring native vegetation or other means of reestablishing wetland features.

3. WETLAND means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

4. WETLAND DELINEATION means a determination of wetland presence by a qualified professional that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods.

C. Requirements for All Wetlands.

1. *Compliance with State and Federal Regulations.* All activities wholly or partially within wetlands are subject to Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

2. *Division of State Lands Notification Required.*

a. The City shall provide notice to the Division of State Lands, the applicant and the owner of record, within five (5) working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Local Wetlands Inventory or within twenty-five (25) feet of such areas:

1. Subdivisions;

2. Building permits for new structures;

3. Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;

4. Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and

5. Planned unit development approvals.

b. This section does not apply if a permit from the Division of State Lands has been issued for the proposed activity.

c. City approval of any activity described in this section shall include one of the following notice statements:

1. Issuance of a permit under ORS 196.600 to 196.905 by the Division of State Lands required for the project before any physical alteration takes place within the wetlands;

2. Notice from the Division of State Lands that no permit is required; or

3. Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.

4. If the division of State Lands fails to respond to any notice provided under this section within thirty (30) days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits

5. The City may issue local approval for parcels identified as or including wetlands on the Local Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Division of State Lands with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.

D. *Procedures for Identifying Significant Wetlands.* The regulations of this section apply to wetlands identified and mapped as significant in the Hood River Local Wetlands Inventory located in the City and the Urban Growth Area. Significance determinations are based on criteria contained in Oregon Administrative Rules 141-86-0300 through 0350 as adopted by the

Division of State Lands (DSL). This section applies to wetlands inside the Hood River city limits and to wetlands outside the city limits and inside the urban growth boundary upon annexation of such land.

Wetlands identified in the Hood River Local Wetlands Inventory are shown on maps that may not have site-specific accuracy.

1. The Division of State Lands is the final arbiter of wetland presence and boundaries.

2. Precise wetland boundaries may vary from those shown on the Hood River Local Wetland Inventory map. For any proposed development impacting a significant wetland or within twenty-five (25) feet of a significant wetland, the applicant shall conduct a wetland delineation and submit it to the Division of State Lands for review and approval. The more precise boundary obtained through a DSL-approved wetland delineation shall be used for review and development, and can be identified, mapped, and used for review and development without a change in the Hood River Local Wetland Inventory mapping.

3. Property owners who believe wetlands have been incorrectly mapped on their properties can request corrections to the map by submitting written verification from the Division of State Lands that confirms that there are no wetlands on the property or contains the correct location of the wetlands.

E. Land Use and Permit Requirements for Significant Wetlands.

1. *Permitted Uses.* The following uses are permitted within significant wetlands. Applicable state and/or federal permits shall be obtained.

a. Passive recreation and land management activities that require no structures, such as bird watching, canoeing, nature walks, land survey, wetland delineation or wetland monitoring.

b. Fishing or hunting consistent with state, local and federal law.

c. Educational uses or research.

d. Construction of permeable trails, boardwalks and viewing platforms, information kiosks, and trail signs.

e. Wetland and waterway restoration.

f. Removal of non-native vegetation.

g. Removal of trees that are a hazard to life or structures.

h. Mowing grass to comply with local or state fire prevention requirements.

i. Planting or replanting with native plant species.

j. Channel maintenance to maintain storm water conveyance and flood control capacity, as required by local policies, state and federal regulations, or intergovernmental agreements.

k. Emergency repairs by the City or other public agencies to protect life and property.

l. Compensatory mitigation required by state or federal permit. Removal of fill material or any refuse that is in violation of local, state or federal regulations.

m. Maintenance of existing structures within the existing footprint of the structure.

n. Construction of discharge outlets for treated stormwater or wastewater.

2. *Prohibited Uses.* Within locally significant wetlands the following practices are prohibited unless specifically authorized by a variance:

a. New development or expansion of existing development.

b. Placement of fill material, grading, or excavation.

c. Road construction.

d. Construction of stormwater or wastewater management or treatment facilities.

e. Construction of new septic drainfields.

f. Channelizing or straightening natural drainageways.

g. Storage or use of hazardous or toxic materials.

h. Clearing of trees and brush with motorized equipment including, but not limited to, chain saws and bulldozers.

F. *Procedure.* Any decision by the City on a land use application concerning the wetland

protection requirements herein may be appealed to the Planning Commission and City Council pursuant to Title 17.

G. *Variances.*

1. In cases where a property owner believes the application of this ordinance imposes a hardship or renders an existing lot or parcel unbuildable, a property owner may request a variance. Granting of a variance requires findings that satisfy all of the following criteria:

a. The proposed development requires deviation from the Riparian Corridor requirements; and

b. The application of the requirements of this ordinance without a variance would prevent any reasonable economic use of the property.

c. The variance requested is the minimum variance which would alleviate the hardship.

2. Applications for variances shall be processed as an Administrative Action under section 17.09.030.

3. A variance granted under this section is for a variance from strict application of the provisions of this section only.

17.22.020 Requirements for riparian corridors.

A. *Purpose and Intent.* The purpose of this section is to protect and restore water bodies and their associated riparian areas, in order to protect and restore the multiple social and environmental functions and benefits these areas provide individual property owners, communities, and the watershed. The requirements for riparian corridors is based on the "safe harbor" approach as defined in Oregon Administrative Rules 660-23-0090(5) and (8). Specifically, this section is intended to;

1. Protect habitat for fish and other aquatic life,

2. Protect habitat for wildlife,

3. Protect water quality for human uses and aquatic life,

4. Protect associated wetlands,

5. Control erosion and limit sedimentation,

6. Promote recharge of shallow aquifers,

7. Provide a stream “right of way” to accommodate lateral migration of the channel and protect the stream and adjacent properties,

8. Reduce the effects of flooding,

9. Protect open space;

10. Reserve space for storm water management facilities, other utilities, and linear parks, and

11. Minimize the economic impact to affected property owners.

The intent is to meet these goals by modifying the location, but not the intensity of development, where possible. The requirements excludes new structures from buffer areas established around rivers, streams and other water bodies in Hood River and also prohibits vegetation removal or other alteration in these buffers and establishes a preference for native vegetation in the buffers. For cases where buffer establishment creates a hardship for individual property owners, this section provides a procedure to apply for a variance. In limited circumstances, changes to the buffer width shall be allowed provided the changes are offset by appropriate restoration or mitigation, as stipulated in this section.

The Columbia River Infill Area that is addressed under the ESEE analysis and is shown on the Columbia River Infill Waterfront map is exempt from the Riparian Corridors section of this chapter.

B. *Definitions.* The following words and phrases, unless the context otherwise requires, shall have the meanings given them in this section:

BANKFULL STAGE means the elevation at which water overflows the natural banks of streams or other waters and begins to inundate upland areas. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from upland vegetation (e.g. oak, Douglas fir) to bare soil or substrate, a change in vegetation from upland (e.g. oak, fir) to aquatic (e.g. willows, rushes), a textural change of depositional sediment or changes in the character of the soil (e.g. from upland soils to sand, sand and cobble, cobble and gravel), absence of fine debris (needles, leaves, cones, seeds), the presence of water-borne litter or

debris, water-stained leaves, or water lines on tree trunks. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

FISH HABITAT OR FISH BEARING means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

IMPERVIOUS SURFACE means any material which reduces and prevents absorption of storm water into previously undeveloped land.

INTERMITTENT STREAM means any stream that flows during a portion of every year and which provides spawning, rearing or food-producing areas for food and game fish (OAR 141-085-0010)

LAWN means grass or similar materials maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

MAINTENANCE means periodic repair or upkeep of a structure in order to maintain its original function. Maintenance does not include any modification that changes the character or scope, or increases the adverse impact to the riparian corridor. Maintenance does not include reconstruction.

MITIGATION means taking one (1) or more of the following actions listed in order of priority:

1. Avoiding the impact altogether by not taking a certain development action or parts of that action;

2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures;

5. Compensating for the impact by replacing or providing comparable substitute resources or environments.

NATIVE VEGETATION means plant species indigenous to Hood River. A list of native plant

species is in the Appendix.

NET LOSS means a permanent loss of riparian corridor area or function resulting from a development action despite mitigation measures having been taken.

NON-CONFORMING means a structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion, re-construction, or substantial improvement may be regulated

RIPARIAN AREA means the area adjacent to a river, stream, lake, or pond consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

RIPARIAN CORRIDOR means the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian corridor boundary.

STREAM means a channel that carries flowing surface water and was created naturally by geological and hydrological processes, including channels that would be natural but for human-caused disturbances (e.g., channelized, rerouted or culverted streams, or impounded waters), including perennial streams and intermittent streams with defined channels, and excluding irrigation and drainage channels that are human-created.

STREAM OR POND EDGE means bankfull stage elevation.

STRUCTURE: A building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, which are not customarily regulated through zoning ordinances.

TOP OF BANK means the break in slope between the bank and the surrounding terrain (Division of State Lands Water definitions). Where top of bank is not clear defer to bankfull stage.

WATER AREA means the area between the banks of a lake, pond, river, or perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

WETLAND means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

C. Procedures for Identifying Significant Riparian Corridors. The inventory of riparian corridors contained in the Comprehensive Plan includes maps of riparian corridors and specifies which water areas are fish-bearing.

Inventory information on fish presence and use of waters may become outdated over time or new information may become available. In all cases the most current available information on fish presence and use from the Oregon Department of Fish and Wildlife shall be used to identify riparian corridors subject to the requirements of this section. Based on the classification contained in this inventory, the following significant riparian corridors shall be established:

1. Along all fish-bearing rivers, streams and other waters with an average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be seventy-five (75) feet from the top of bank; i.e. Columbia River and Hood River.

2. Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank; i.e. Indian Creek and Phelps Creek.

3. Wells Island in its entirety.

4. At any location specified in a conditional use permit as mitigation for permitted development in a significant riparian corridor.

5. For the safe harbor area only the measurement of distance to the riparian corridor boundary along the Columbia River shall be from the full pool elevation of seventy-seven (77) feet. For all other waters the measurement of distance to the riparian corridor boundary shall be from the stream or pond edge, except that Wells Island is included in its entirety within the riparian corridor boundary. The measurement in all cases shall be a horizontal distance.

6. Significant riparian corridors identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy. Property owners who believe the maps are in error or that their properties lie outside the depicted significant riparian corridor can request a site review by City planning staff. City staff can correct the map or request that the property owner submit a survey, performed by a qualified surveyor (Public Land Surveyor), showing the correct significant riparian corridor boundaries. The survey must

show the stream or pond edge and the applicable significant riparian corridor boundaries on a scaled parcel base map.

D. Land Use Requirements.

1. The permanent alteration of significant riparian corridors by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided they are designed to avoid and minimize intrusion into the riparian corridor, no other options or locations are feasible, and any applicable state and/or federal permits are obtained:

a. Streets, roads and bridges, excluding parking or storage areas.

b. Construction of permeable trails, boardwalks and viewing platforms, information kiosks and trail signs.

c. Drainage facilities, utilities, and irrigation pumps.

d. Stormwater treatment facilities when they are located in severely degraded parts of significant riparian corridors and designed so as to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation and that is located within previously farmed or cleared area).

e. Water-related and water-dependent uses (for example boat launch, fishing dock).

f. Replacement of existing structures with structures in the same location that do no disturb additional riparian corridor surface area.

g. Structures or other non-conforming alterations existing fully or partially within significant riparian corridors may be expanded provided the expansion does not occur within the significant riparian corridor.

h. Existing garden, lawn and non-native plantings within significant riparian corridors may be maintained, but not expanded within the significant riparian corridor. Development activities on the property shall not justify replacement of the riparian area with lawn.

i. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by

the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the significant riparian corridor shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.

2. Removal of riparian vegetation in significant riparian corridors is prohibited, except for:

a. Removal of non-native vegetation and subsequent replacement with native plant species. The City of Hood River shall maintain a list of native and non-native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.

b. Removal of vegetation necessary for the development of approved water-related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.

c. Removal of poisonous or noxious vegetation.

d. Trees in danger of falling and thereby posing a hazard to life or property may be removed. If no hazard will be created, property owners are encouraged to leave trees, once felled, in place in the riparian corridor.

e. Incidental removal of vegetation associated with recreational, educational, scientific research and land survey activities.

3. Exceptions: The following activities are not required to meet the standards of this section if applicable:

a. Normal and accepted farming and ranching practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the protected riparian corridor since prior to the date of adoption of this ordinance.

b. Commercial forest practices regulated by the Oregon Forest Practices Act.

E. *Variances.* In cases where a property owner believes the application of this section imposes a hardship or renders an existing lot or parcel unbuildable, a property owner may request a variance. Granting of a variance requires findings that satisfy all three (3) of the following

criteria:

1. The proposed development requires deviation from the Riparian Corridor requirements; and

2. Strict adherence to the requirements of this section and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and

3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

F. *Compliance with State and Federal Requirements.* All activities wholly or partially within riparian corridors are subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

17.22.030 Columbia river infill waterfront area.

A. *Purpose.* The Columbia River Infill waterfront Area and portions, identified on the Columbia River Infill Waterfront map, within the City of Hood River are valuable economic, recreational, scenic and natural resources for the community. The Columbia River Waterfront Infill Area is intended to conserve and enhance the natural resource values of areas along the Columbia River and a portion of the Hood River within the city by:

1. Conserving and restoring habitat for wildlife, fish and other aquatic life;

2. Protecting and enhancing water quality for human use and aquatic life;

3. Controlling erosion;

4. Improving coordination between the city and agencies regarding development activities near waterways;

5. Promoting development that is compatible with the purpose of the Columbia River Infill waterfront Area;

6. Promoting the preservation and restoration of native riparian vegetation;

7. Conserving and protecting property values; and

8. Encouraging development, preservation and enhancement of reasonable public access to major waterways for recreational use and visual enjoyment.

9. Protecting the Columbia River and its users from stromwater contaminants that pose a threat to the health and safety of the users.

B. *Applicability.* Provisions of this section apply to all property within the boundaries of the Columbia River Infill waterfront Area within the City of Hood River, as identified on the Columbia River Infill Waterfront Map. Many parcels within the Columbia River Infill waterfront Area are affected by more than one sub-zone. Where this is the case, applicable development standards for each sub-zone shall apply within that sub-zone's boundaries. Standards of this section shall apply in addition to applicable standards of the underlying zone. Where there are conflicts between sub-zone standards, the more restrictive standard shall apply.

C. *Permitted Uses.* The following uses are permitted outright in the Columbia River Infill waterfront Area:

1. Resource enhancement and restoration activities.

2. Land divisions, subject to requirements in Title 16.

3. Removal of non-native or invasive vegetative species.

4. Maintenance of existing roads.

5. Temporary emergency procedures necessary for the protection of property.

6. Actions taken by the City to correct or abate a nuisance.

7. Approved storm water discharge.

8. Existing lawn within the riparian area may be maintained, but not expanded into the resource area.

9. Existing utility lines.

10. Existing legal non-conforming structures. Replacement of non-conforming structures

shall comply with this title.

D. *Ministerial and Administrative Review Approval.* The following uses are permitted in the Columbia River Infill Waterfront Area, subject to Ministerial or Administrative Review approval as may be applicable under the circumstances, including compliance with other natural resource agencies:

1. Repair, maintenance and replacement of existing utility lines.

2. Fencing.

3. Removal of a hazardous tree.

4. Maintenance of streambank stabilization and flood control structures.

5. ESEE Analysis Findings and Conclusion – The ESEE Analysis Findings and Conclusions identified in the Hood River Waterfront Goal 5 ESEE Analysis provide site specific exceptions to protection measures based on conflicting uses and mitigating consequences of implementation. The sites are specific to the Hood River Waterfront Goal 5 ESEE Inventory and Map.

E. Conditional Uses shall be pursuant to the zoning designation of the subject parcel.

F. *Prohibited Uses.*

1. New development on significant natural resource sites and property, except as permitted in the Hood River Waterfront Goal 5.

2. Removal of native vegetation from resource areas identified in the Hood River Waterfront Goal 5 ESEE.

17.22.040 Violations.

Any activities within a significant wetland, riparian corridor, and Columbia River Waterfront not authorized under this ordinance are a violation. Violators shall be subject to the enforcement procedures pursuant to this title. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

17.22.050 Conflicts.

To best protect important functions and values of wetland, riparian corridor, and Columbia River Waterfront in the event that the requirements of this section conflict with other ordinance requirements, the City shall apply the requirements that best provide for the protection of the resource.

APPENDIX NATIVE PLANT LIST

Portland Plant List (City of Portland 1998) added by reference.

http://www.portlandonline.com/planning/?&c=decfb&a=fjadj

2.4.060 Waterfront overlay zone

The purpose of the Waterfront Overlay Zone is to: implement a design concept for the west side of the Nichols Basin in order to create an active recreational area with recreational facilities and some limited commercial development within the Light Industrial (LI) zone; establish urban design standards for new industrial and commercial development within the Overlay Zone consistent with the character of the Port and the City of Hood River to ensure an attractive and pedestrian friendly street character; and improve local access and visibility to and along the waterfront by protecting public access to the Waterfront Trail.

A. *Boundary.* The following land is included within the Waterfront Overlay Zone:

1. All land north of Portway Avenue including The Hook and 3N10E25 Tax Lots 112, 113, 114, 122 and a portion of 100;

2. Portway Avenue and all lots/parcels adjacent to the southern boundary of the Portway Avenue right-of-way that are located east of North 8th St. including 3N10E25 Tax Lots 124, 125, 126 and 127;

3. All lots/parcels adjacent to the western boundary of the North 2nd Street right-of-way that are located south of Portway Avenue and north of Riverside Drive including 3N10E25 Tax Lot 127 (Parcel 2 of CS No. 2012-031); the eastern 363.98 feet of Tax Lot 128 (Lot 5 of the Waterfront Business Park Subdivision, CS No. 2009-055), the eastern 165 feet of Tax Lot 108 (CS No. 2009-012); and Tax Lot 132;

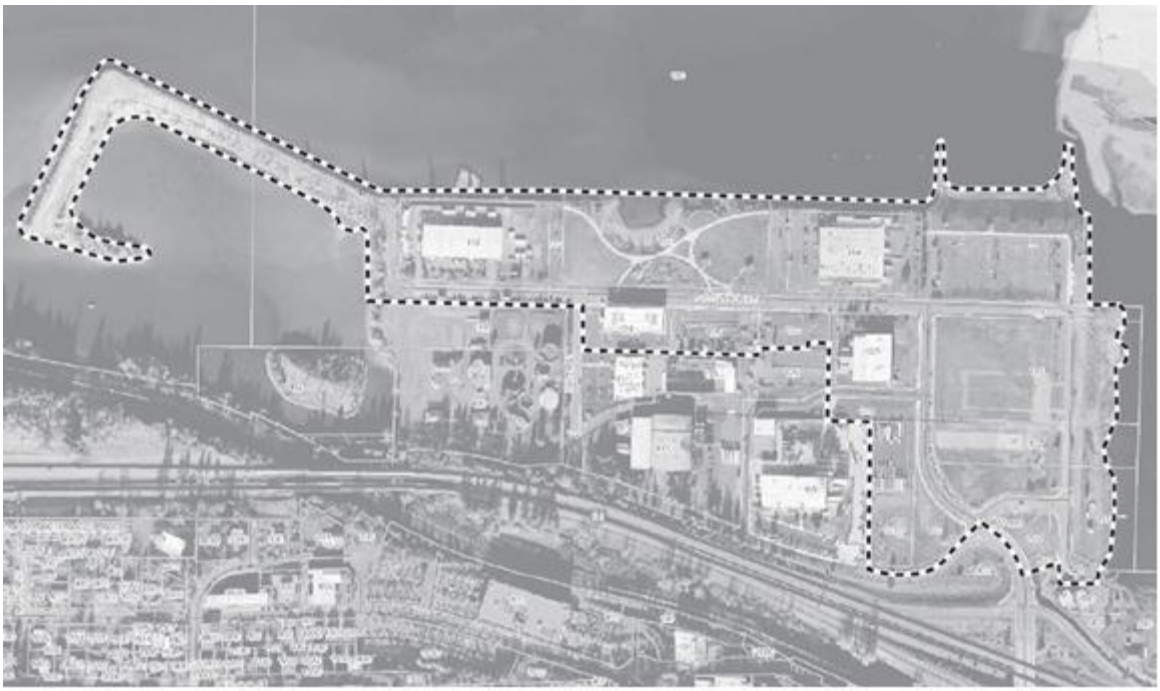
4. 3N10E25 Tax Lot 120 (CS No. 2009-012) located north of Riverside Drive and west of North 2nd Street;

5. 3N10E25DB Tax Lots 500, 600, 700, 800 and 900 located south of Riverside Drive and east of North 2nd Street (CS Nos. 97068 and 2014-007);

6. All lots/parcels between North 2nd Street and the Nichols Boat Basin including 3N10E25 Tax Lots 102, 109, 115 and 133.

The boundary of the Waterfront Overlay Zone is shown on the City of Hood River Zoning Map and also is depicted in Figure 17.03.130-1, below.

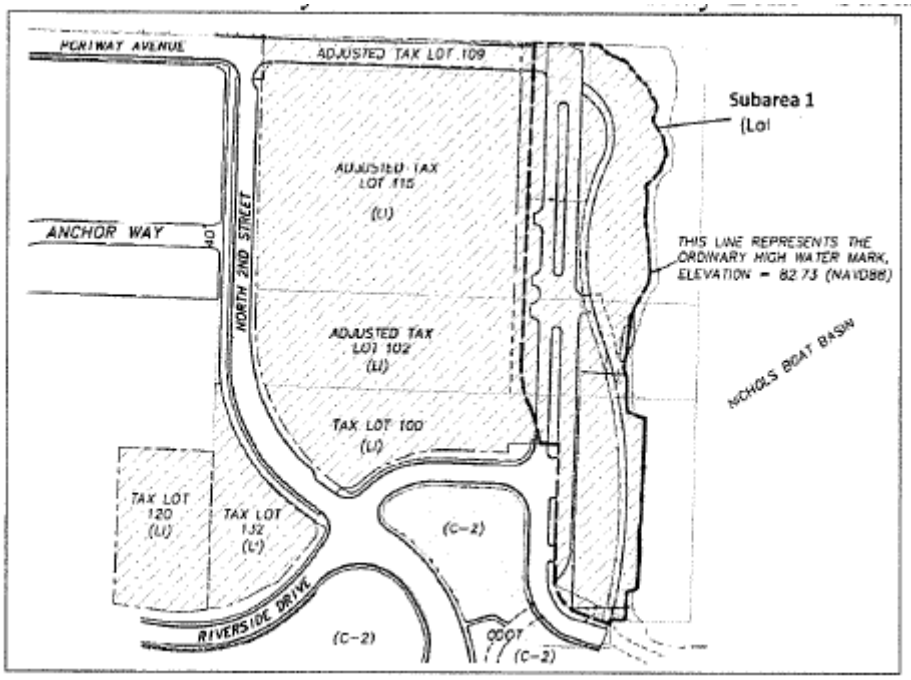
Figure 17.03.130-1. Boundary of the Waterfront Overlay Zone



B. *Subareas.* The following subareas are established within the Waterfront Overlay Zone:

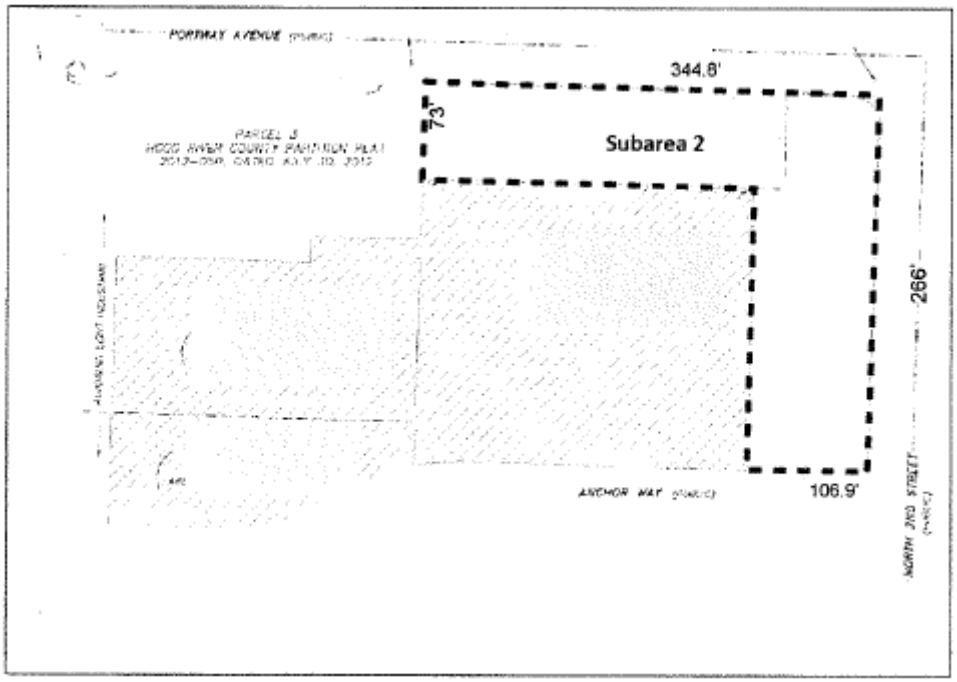
1. *Subarea 1.* The boundary of Subarea 1 is depicted in Figure 17.03.130-2.

Figure 17.03.130-2. Boundary of the Waterfront Overlay Zone – Subarea 1



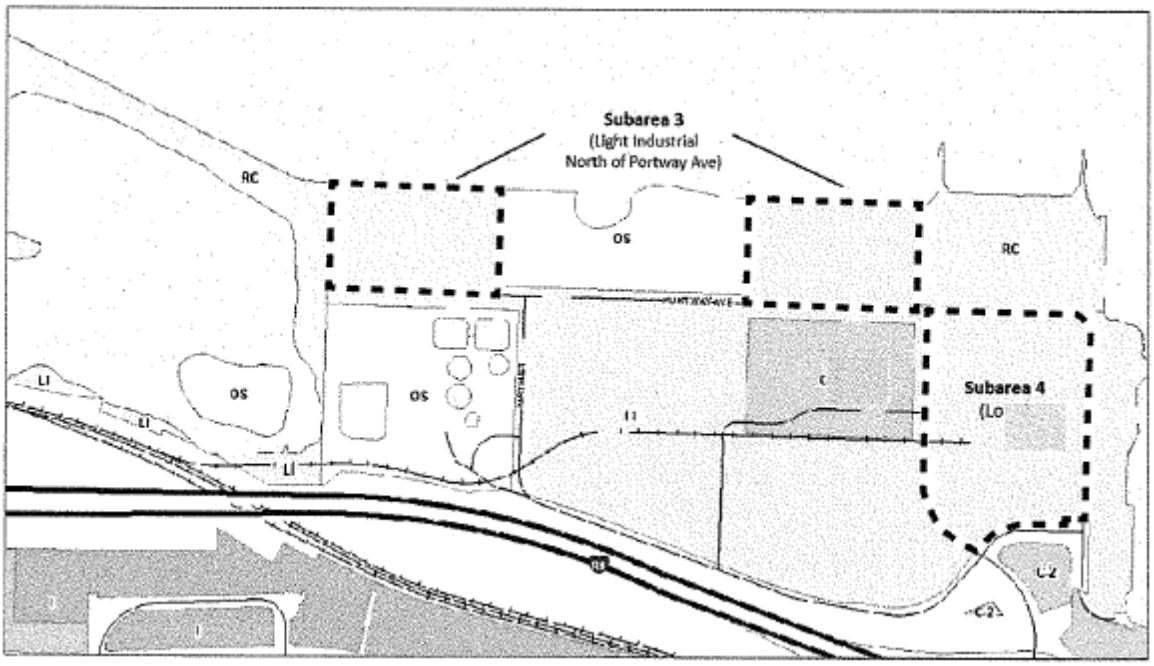
2. *Subarea 2.* The boundary of Subarea 2 is depicted in Figure 17.03.130-3.

Figure 17.03.130-3. Boundary of the Waterfront Overlay Zone – Subarea 2



3. *Subarea 3 and Subarea 4.* The boundaries of Subarea 3 (Industrial land north of Portway Avenue) and Subarea 4 are depicted in Figure 17.03.130-4.

Figure 17.03.130-4. Boundary of the Waterfront Overlay Zone – Subarea 3 and Subarea 4



C. *Applicability.* The provisions of this section shall apply to any land use application pursuant to Section 17.09 that is for a parcel within the Waterfront Overlay Zone, as defined by Section 17.03.130.A. Any conflict between the standards of the Waterfront Overlay Zone and those contained within other chapters of the Zoning Ordinance shall be resolved in favor of this chapter.

D. *Uses.* Except as modified below, uses allowed in the underlying zoning districts are allowed within the Waterfront Overlay Zone subject to applicable provisions in the Zoning Ordinance and in Title 16, Subdivision Ordinance.

1. Waterfront Overlay Zone.

a. Commercial drive-through uses and facilities are not allowed within the Waterfront Overlay Zone.

b. ~~D.~~ Special Restrictions on development in the C-2 Zone within the Waterfront Area. The Waterfront Area, as defined in Section 17.01.060, includes certain development restrictions that apply in addition to and supersede the regulations that apply in the C-2 Zone generally. Uses generally allowed outright, subject to site plan review and conditionally in the Waterfront Area are those set forth in Subsections A, B and C,

respectively, except that all of the following additional restrictions apply to development within the Waterfront Area, none of which are eligible for a variance under HRMC Chapter 17.18:

1. Residential development are prohibited unless combined with commercial uses in the same structure, i.e., must be mixed use; all such development that includes a residential component ~~requires a conditional use permit.~~

2. There is no minimum required residential density in the C-2 Zone within the Waterfront Area.

3. No more than 50% of the gross floor area of any building may be devoted to residential development, and the building primary use shall be commercial, not residential.

4. No residential development is allowed on the ground floor, and no more than 50% of the ground floor may be used for parking.

5. For any residential uses approved in the C-2 Zone within the Waterfront Area, a deed restriction, in a form acceptable to the city attorney, shall be recorded with title to the residential property that precludes any residential owner, lessee or guest from objecting to normal and customary commercial, recreational or light industrial uses (including operation of the city's wastewater treatment plant) and any impacts there from, such as noise, dust, glare, odors, hours of operation, truck traffic, parking and the like.

c. 6. ~~The City may impose reasonable conditions on the approval of any residential development in the C-2 Zone within the Waterfront Area to ensure compliance with these special restrictions.~~

2. Subarea 1 Uses.

a. Additional Permitted Uses. Within the area identified as Subarea 1 on Figure 17.03.130-2, the following additional uses are allowed:

1. Launch sites for non-motorized water sports.

2. Transient vending carts subject to the size limitations in 17.03.130.D.2.d, below.

3. Open space.

4. Non-motorized water sport schools and rentals, excluding any permanent structures, provided that temporary structures are subject to the size limitations in 17.03.130.D.2.d, below.

b. Additional Permitted Uses subject to Site Plan Review. Within the area identified as Subarea 1 on Figure 17.03.130-2, the following additional uses are allowed subject to Site Plan Review:

1. Commercial retail uses, including the provision of goods and/or services for sale to the public, which are not accessory and essential to a permitted light industrial use provided (a) the size limitation in 17.03.130.D.2.d, below, is met; and (b) over-night lodging facilities are prohibited.

2. Parks and playgrounds.

3. Public Facilities limited to restrooms, lockers, showers, storage and related facilities owned and utilized by a non-profit or public entity to facilitate public recreational use of non-motorized watercraft. All other Public Facilities require conditional use approval in accordance with Section 17.03.060(C).

c. Restriction on Light Industrial Uses. Within the area identified as Subarea 1 on Figure 17.03.130-2, commercial and industrial uses permitted or conditionally allowed by the underlying Light Industrial zone are subject to the size limitation in 17.03.130.D.2.d, below.

d. Size limitation for commercial and light industrial uses. The total commercial and industrial floor area, including but not limited to buildings, private patios and decks, within Subarea 1 shall not exceed 7,000 square feet. The exterior dimensions of transient vending carts and other temporary structures shall be included in this calculation.

3. Subarea 2 Uses.

a. Additional Permitted Uses subject to Site Plan Review. Within the area identified as Subarea 2 on Figure 17.03.130-3, the following additional uses are allowed subject to Site Plan Review:

1. Commercial retail uses, including the provision of goods and/or services for sale

to the public, which are not accessory and essential to a permitted light industrial use provided: (a) commercial retail uses which are not accessory and essential to a permitted light industrial use shall not exceed 1,500 square feet or 10% of the gross floor area within the building, whichever is less; and (b) in no case shall the total commercial retail square footage in the building (accessory to industrial and non-accessory) exceed 2,500 square feet or 25% of the gross floor area within the building, whichever is less.

2. Professional Office uses which are not accessory and essential to a permitted light industrial use provided: (a) they do not exceed 25% of the gross floor area within the building; and (b) that those Professional Office uses which provide personal services, including but not limited to hair, tanning or personal care salons, massage therapy, medical, dental or chiropractic offices, shall be classified as Commercial Retail Uses subject to 17.03.130.D.3.a.i for the purposes of this section.

E. *Development and Design Standards for Commercial and Industrial Development.* In addition to the standards of the base zone and the Site Plan Review criteria, the design standards of this section shall apply to all industrial and commercial development within the Waterfront Overlay Zone. Buildings and developments in existence on January 22, 2015, are not subject to these standards and shall not be made non-conforming by their adoption provided that any remodel, addition or new construction, which requires Site Plan Review, complies with the applicable standards.

1. *Façade Variation.* All buildings shall incorporate design features. Design features include offsets, balconies, projections, window reveals, or other similar elements to preclude large expanses of uninterrupted building surfaces in areas which are visible to the public. Design features shall occur at a minimum of every thirty (30) feet for all building facades within thirty (30) feet of the street, plaza, or other public open space within the Waterfront Overlay Zone; and a minimum of every fifty (50) feet for other facades which are visible to the public from a street, plaza, or other public open space within the Waterfront Overlay Zone.

The facade shall contain at least two (2) of the following features:

a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six (6) feet;

b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet;

c. Offsets or breaks in roof elevation of two (2) feet or greater in height; and/or

d. Natural wood, weathering steel trim/accents with a minimum dimension of four (4) feet by six (6) feet.

e. Other similar façade variations approved by the review authority (planning staff or planning commission).

2. In order to avoid façade variations that are out of scale with the building, on buildings that are less than 3,000 square feet, the minimum dimensions (e.g., depth and width) of the features described in a – d, above, may be reduced by up to 50%.

3. *Required Windows.*

a. Any facade which is within thirty (30) feet of the street, plaza, or other public open space within the Waterfront Overlay Zone shall contain at least the minimum percentage of windows specified in Table 17.03.130-1, below. For buildings in which all facades are within thirty (30) feet of the street, plaza, or other publicly accessible open space, the percentage of windows required by Table 17.03.130-1 may be reduced by 50% on two of the four sides.

Table 17.03.130-1. Required Windows for Certain Facades

Location	Ground Floor Wall	Total Wall Area
Buildings in Subarea 1	50% of the length	40% of the total wall area
Buildings in Subarea 2	40% of the length	30% of the total wall area
All other buildings	20% of the length	15% of the total wall area

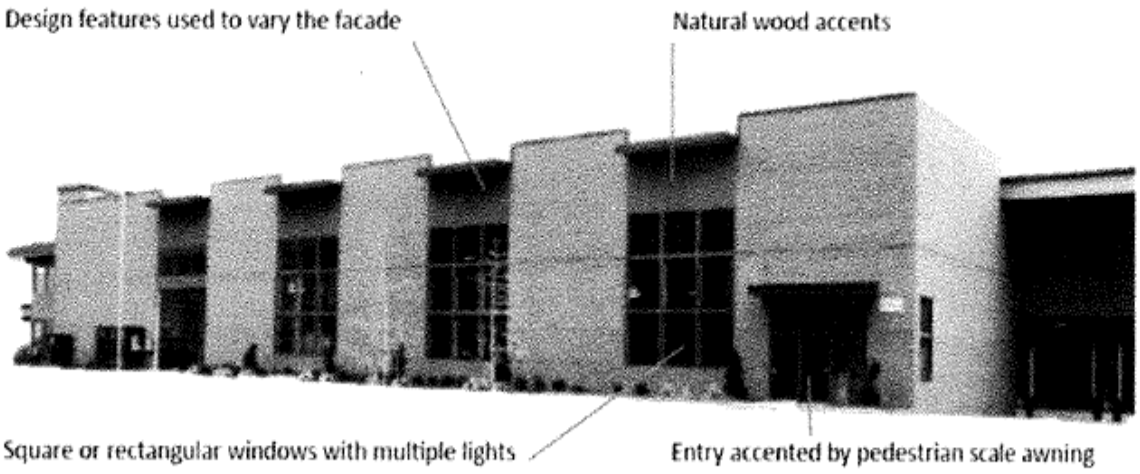
b. For all other facades which are visible to the public from a street, plaza, or other publicly accessible open space at least 15% of the façade shall contain windows.

c. Windows must allow views into ground floor working areas or lobbies, pedestrian entrances, or display areas.

d. Windows should be square or rectangular with multiple lights. Windows with applied muntins which have no profile, or smoked glass or mirrored glass are prohibited.

4. *Building Entries.* The primary entrance shall be highlighted with architectural features (e.g. windows, recesses, canopies, etc.) and shall have an awning or other protection from natural elements.

Figure 17.03.130-5. Design Standards for Industrial and Commercial Development



5. *Exterior Building Materials.* Buildings shall be constructed using high quality and long-lasting exterior building materials. A "primary material" is the predominant building material(s) that covers a minimum of sixty (60) percent of the building's exterior walls. An "accent material" is not the predominant building material. Any one accent material shall not cover more than forty (40) percent of the building's exterior walls. Permitted materials are as follows:

a. Brick, natural stone (e.g. basalt), split – and ground-faced concrete masonry units, tilt-up concrete (concrete form liner w/color-integral or stain) or a combination of these materials may be used as primary or accent materials.

b. Glass (other than smoked glass or mirrored glass) may be used as primary or accent material.

c. Wood may be used for soffits, overhangs, entrance canopies and as an accent material.

d. Metal (e.g., weather steel) may be used for roofs and as an accent material.

e. Other similar materials that are approved by the review authority (planning staff or planning commission) may be used as primary or accent materials.

6. *Building Placement and Orientation.* Except as provided in this section, buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

a. All buildings in Subarea 2 shall have a primary entrance oriented to a street. For purposes of this subsection, "Oriented to a street" means that the building entrance faces the street. Buildings shall have an entrance for pedestrians directly from the street to the building interior. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Other buildings within the Waterfront Overlay should meet this standard to the extent practicable.

b. Publicly accessible sidewalks shall be provided adjacent to public or private street along the entire street frontage.

c. A building shall be setback not more than twenty (20) feet from a public sidewalk. This standard is met when a minimum of fifty percent (50%) of the front (street-facing) building elevation is placed no more than twenty (20) feet back from the sidewalk of a public or private street, whichever is applicable. The setback may be increased to allow for usable public space(s) with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park).

d. Parking is prohibited between the front elevation of the building and the street.

7. *Parking Regulations for Commercial and Recreational Uses in the Light Industrial Zone.* The following parking standards apply to commercial and recreational uses. All other uses are subject to the standards of the base zone.

a. Commercial/Retail Uses: One (1) space for each 300 square feet of gross floor area.

b. Drinking and eating establishments: One (1) space for each 200 square feet of gross floor area, including any outside seating areas.

c. Open space, trails, parks and similar uses: No minimum number of parking spaces is required.

d. Bicycle parking as required by 17.20.040.

F. *Development and Design Standards for Subarea 1.* In addition to the standards in 17.03.130(E), the following standards apply to Subarea 1 as identified on Figure 17.03.130-2. Any conflict between the standards of the 17.03.130(E) and those contained within this subsection shall be resolved in favor of this subsection.

1. Total Square Footage: The total building floor area within Subarea 1 shall not exceed 16,000 square feet.

2. *Building Placement.* In order to maintain views from North First Street to the water, the following standards apply:

a. Commercial and industrial buildings and off-street parking are prohibited in the northernmost 250 feet of Subarea 1 east of North First Street as measured from the northern boundary of Subarea 1 and as shown on Figure 17.03.130-6.

b. Within the remainder of Subarea 1, buildings shall occupy no more than 50% of the street frontage of North First Street and Riverside Drive.

3. *Maximum Building Height.* Twenty-four (24) feet as measured from the highest elevation of North First Street adjacent to the building.

4. *Public Access.* Public access to the waterfront and recreational areas from streets, pedestrian and bike paths, and public dedicated rights of way must be provided. Each public access shall be a minimum of fifty (50) feet wide. The distance between each access shall not exceed 360 feet and shall be designed to encourage public access to the waterfront and Waterfront Trail.

5. *Esplanade.* A publicly accessible esplanade with a minimum width of 10 feet shall be provided adjacent to the top of the upper bank as shown on Figure 17.03.130-6. No

buildings are permitted between the esplanade and the top of the upper bank.

6. *Open Space.* All undeveloped areas shall be improved with landscaping, open space amenities (including hardscape), or retained with native vegetation.

7. *Minimum and Maximum Setbacks.* No minimum setback is required. The maximum setback shall be ten (10) feet. This standard is met when a minimum of fifty percent (50%) of the front building elevation is placed no more than ten (10) feet back from the sidewalk of a public or private street, whichever is applicable. The setback may be increased to allow for usable public space(s) with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area, or town square with seating).

8. *Parking Regulations.*

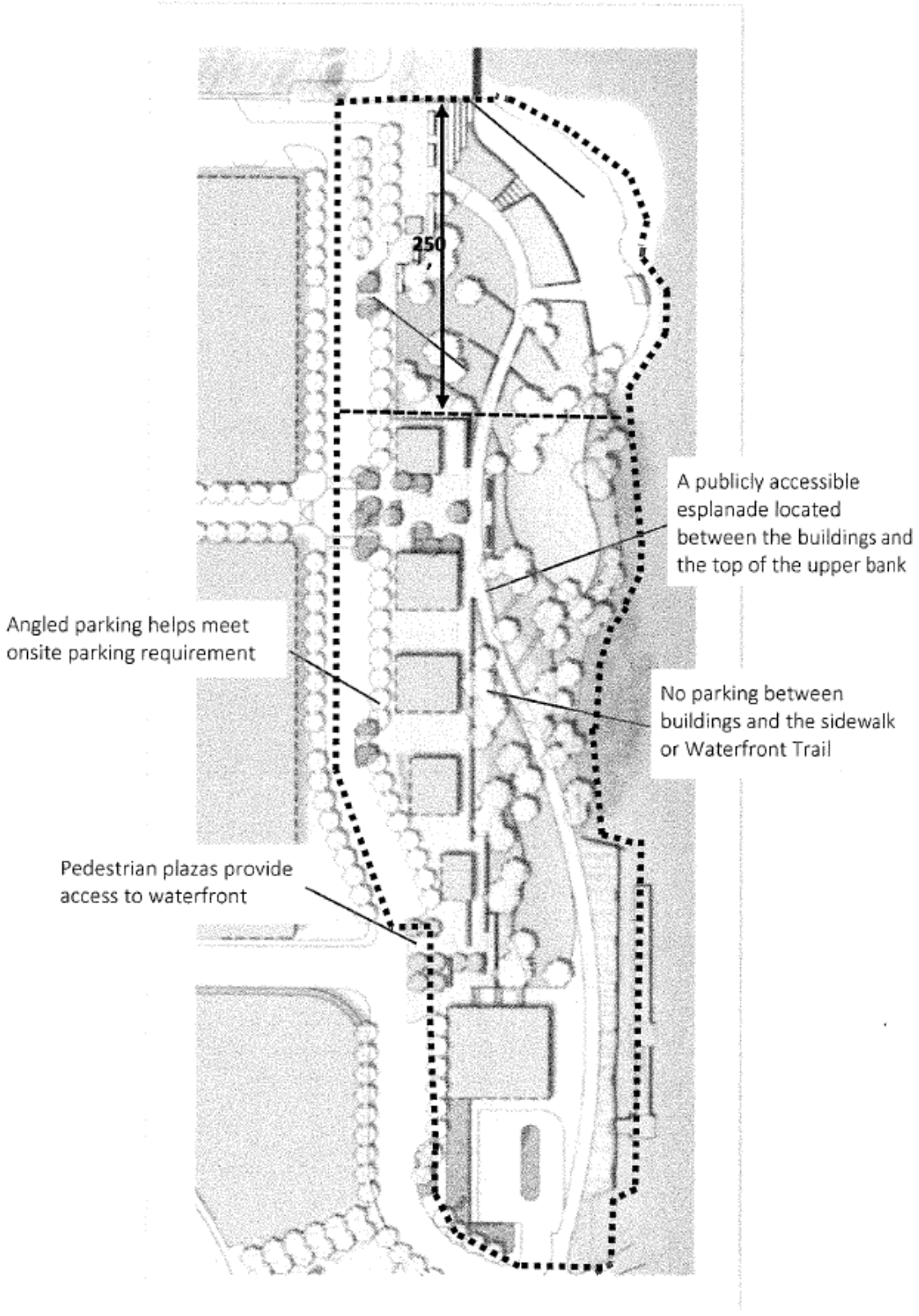
a. Required parking may be provided on adjoining parcels provided if it is within 1,000 feet of the proposed use.

b. Credit for On-Street Parking: On-street parking spaces may be counted toward required parking where angled on-street parking is constructed as a part of the development.

c. No parking or vehicular circulation is permitted between a building and the sidewalk or the building and the Waterfront Trail.

d. Off-street parking areas in Subarea 1 shall be surfaced with pavers or other comparable decorative and permeable materials.

Figure 17.03.130-6. Subarea 1 Development Standards



G. *Development Standards for Subarea 3 and Subarea 4.* In addition to the standards in

17.03.130(E), the following standards apply to Subarea 3 and Subarea 4 as identified on Figure 17.03.130-4.

1. *Maximum Building Height on Subarea 3.* The maximum building height within the area designated as Subarea 3 on Figure 17.03.130-4 is twenty-eight (28) feet.

2. *ESEE Setback Standards on Subarea 3.* Within the 75' ESEE setback from the top of bank, the following standards apply:

a. Outdoor storage of industrial materials and shipping containers and the parking of commercial trucks and heavy equipment is prohibited.

b. Fences shall not exceed three (3) feet in height.

c. The Waterfront Trail shall be landscaped with a variety of trees, shrubbery and groundcover at least twenty (20) feet landward of the edge of the trail.

3. *Maximum Building Footprint on Subarea 3 and Subarea 4.* The maximum building footprint within the areas designated as Subarea 3 and Subarea 4 on Figure 17.03.130-4 is 25,000 square feet.

H. *Street Trees, Landscaping and Fencing.* In addition to the standards of Chapter 17.17, the following street tree and landscaping standards shall apply to development within the Waterfront Overlay Zone.

1. One street tree chosen from the City's street tree list shall be placed along the perimeter of the site or parcel fronting the street for each thirty (30) feet of frontage for that portion of the development facing the street.

2. Parking areas shall be shaded on the interior and exterior by deciduous trees and buffered from adjacent uses. A ratio of one (1) tree for each seven (7) parking spaces shall be required to create a canopy and windbreak effect. The tree species shall be selected from a street tree list provided by the City. Landscaped areas shall be fairly evenly distributed throughout the parking area and parking perimeter at the required ratio, but can be grouped around the perimeter to reduce the total area of the parking lot. The number of street trees and parking area trees shall be calculated separately.

3. Landscaping and open areas shall:

a. Emphasize the use of native trees, shrubs, or other plants adapted for survival or growth in this area. Shrubs and/or living groundcover shall be planted to assure fifty percent (50%) coverage within one (1) year and ninety percent (90%) coverage within five (5) years.

b. Provide for the planting of trees as windbreaks.

c. Include street trees and parking area trees that are in scale with the development.

d. The tree species selected shall be selected from a street tree list provided by the City, or as otherwise approved by the City.

4. Chain link fences shall include a top rail for security and maintenance and shall have a black, dark brown, or dark green powder coating and shall have a minimum of three (3) feet of landscaped screening along street frontages. Concertina wire, razor wire, barbed wire and similar materials are prohibited.

I. *Exterior Lighting.* Lighting facilities throughout the development should improve night-time public safety and security, promote energy efficiency, and avoid detrimental impacts to the environment or to public use and enjoyment of public and private property. The following standards apply:

1. Light fixtures shall be full-cutoff. When installed, a full-cutoff fixture gives no emission of light above a horizontal plane.

2. Pole-mounted lighting shall not exceed a height of 20 feet.

3. Façade lighting shall be limited to illumination from building-mounted fixtures. Up-lighting is not permitted. When installed, up-lighting emits light above a horizontal plane.

4. Pedestrian scale lighting is required for the public walkways, plazas, and courtyards. Pedestrian-scaled lighting includes “classic street lights” which are specified in the City of Hood River Transportation System Plan, bollard lights and similarly scaled fixtures.

5. Street lights shall be provided on all public streets and private streets with public access. “Classic street lights” as specified in the City of Hood River Transportation System Plan are required unless an alternative is approved by the City Engineer. Spacing of lighting shall be consistent with City of Hood River Engineering Standards unless an alternative is approved by the City Engineer.

J. Screening and Storage.

1. All exterior storage, recycling, garbage cans, and garbage collection areas shall be screened from view from the Waterfront Trail, public plazas and open space, streets, sidewalks, and any adjacent properties. Trash and recycling receptacles for pedestrian use are exempt.

2. All truck loading areas shall be screened from view from the Waterfront Trail, streets, and sidewalks to the extent feasible.

3. Roof-mounted mechanical (e.g., HVAC) equipment shall be screened from view as follows:

a. Rooftop mechanical equipment screens shall be required at a height that is as high as the rooftop equipment being screened.

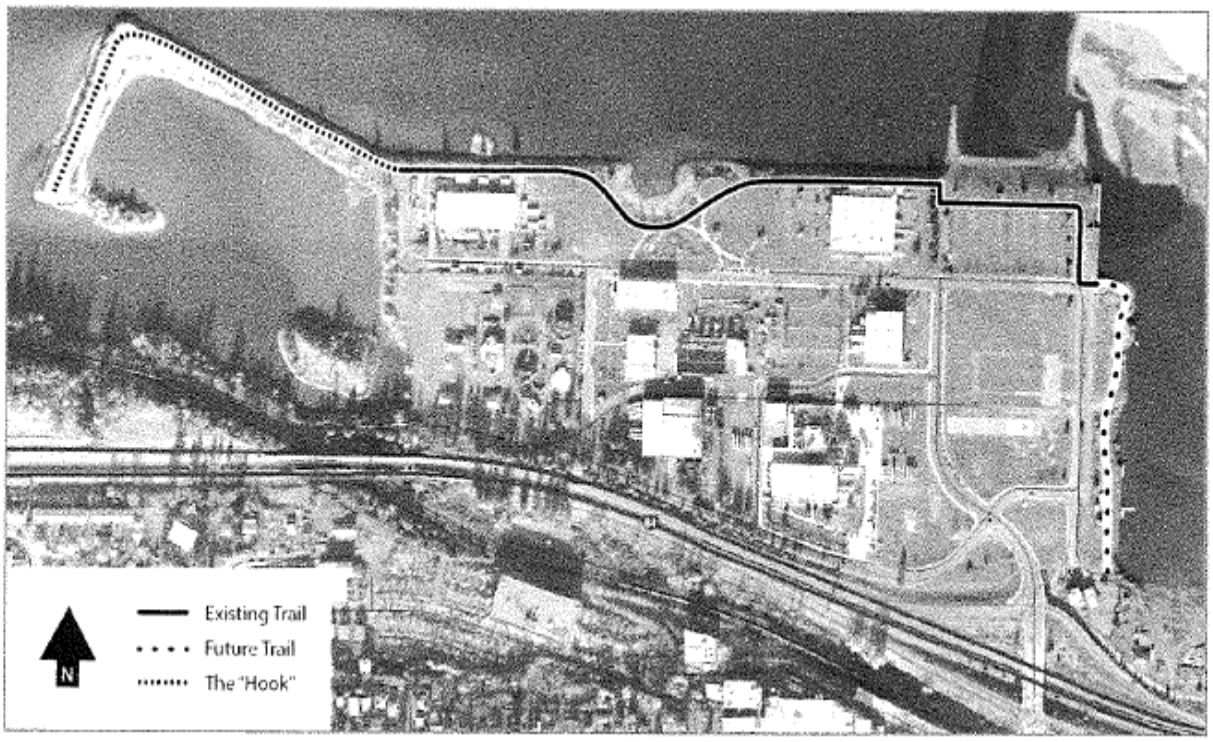
b. Screening shall be provided in a manner that is architecturally integral to the overall appearance of the building.

c. Required rooftop screening of mechanical equipment (not including silos or other storage facilities) up to six (6) feet in height shall not be included in the calculation of building height provided it is the minimum size necessary to screen the equipment and does not exceed the height of the equipment by more than one (1) foot. Equipment over six (6) in height shall be screened; however, the additional height over six (6) feet shall be included in the calculation of building height.

d. Solar panels are exempt from the screening requirements, above.

K. *Design Standards for Waterfront Trail Improvements.* The following standards apply to the Waterfront Trail as shown on Figure 17.03.130-7.

Figure 17.03.130-7. Existing and Future Waterfront Trail



1. Public access shall be provided paralleling the waterfront and around the waterfront area via the Waterfront Trail as shown on Figure 17.03.130-7 and as provided in this section.

2. The Waterfront Trail shall be open to the public in accordance with rules and regulations established by the City and the Port.

3. Where a subject parcel includes a portion of a Waterfront Trail, as shown on Figure 17.03.130-7, the layout, location, and construction of the Waterfront Trail shall be reviewed for approval as part of the site plan review.

4. The Waterfront Trail shall be constructed to the following standards:

a. The Waterfront Trail shall be a minimum of (10) feet wide except along the area identified as the “Hook” on Figure 17.03.130-7 and in other locations where natural resource impacts preclude development of the full width. In no case shall the width be reduced below eight (8) feet.

b. The Waterfront Trail shall be constructed of an all-weather material (e.g., asphalt or concrete, preferably concrete).

c. Pedestrian scale (e.g., bollard lights) night lighting shall be provided along the Waterfront Trail.

d. The Waterfront Trail shall be Americans with Disabilities (ADA) accessible.

e. Seating shall be provided at periodic intervals.

f. Except for the area identified as the "Hook" on Figure 17.03.130-7, the Waterfront Trail shall be landscaped. This should include a variety of trees, shrubbery, and groundcover at least eight (8) feet wide on the landward side where possible.

5. The Waterfront Trail shall be located substantially as shown on Figure 17.03.130-7, although the exact location of the Waterfront Trail may vary from Figure 17.03.130-7. Safety considerations for Waterfront Trail users shall be a principal consideration in the siting and configuration of the Waterfront Trail.

6. The Waterfront Trail may be public or private. If the proposed portion of the Waterfront Trail is private, a recorded easement in a form approved by the City must be provided, and the Waterfront Trail must be open to the public and shall not be restricted to public access except as allowed by City and Port rules and regulations pursuant.

L. *Signs.* All signs shall be in conformance with the sign regulations of Title 18.

M. *Adjustments to the Standards.* The review authority may grant a variance to the standards in subsections 17.03.130.E through 17.03.130.K if the following approval criteria are met. For each standard for which an adjustment to the standards is sought, the applicant shall demonstrate that at least one of the following circumstances is met:

1. The physical characteristics of the site or existing structures (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard infeasible; or

2. The alternative design better complies with the purpose and intent of the Overlay Zone to establish urban design standards for new industrial and commercial development consistent with the character of the Port and the City of Hood River; to ensure an attractive and pedestrian friendly street character; and to improve local access and visibility to and along the waterfront by protecting public access to the Waterfront Trail.

The variance shall be processed in accordance with the procedures, but not the approval criteria, in Chapter 17.18.

2.4.050 Interchange Area Management Plan (IAMP) overlay zone

The purpose of the IAMP Overlay Zone is the long-range preservation of operational efficiency and safety of the highway interchanges within the City of Hood River, which provides access from and to Interstate 84 for residents and businesses throughout the city. The interchanges are a vital transportation link for regional travel and freight movement and provide connectivity between the east and west side of the community and to employment and recreational opportunities at the waterfront. Preserving capacity and ensuring the safety of these interchanges and the local transportation systems in their vicinity is essential to visitors, residences, and existing businesses as well as to the continued economic vitality along the Columbia River and to community growth and development in the vicinity of the interchanges.

A. *Boundary.* The boundary of the IAMP Overlay Zone is shown on the City of Hood River Zoning Map and also is depicted in the respective IAMP documents. The zone's boundary generally corresponds with a 1/2 – mile buffer area around the interstate highway interchanges. The Overlay Zone is applied to two boundary areas – one centered at Exit 62 and the other encompassing both Exit 63 and Exit 64.

B. *Applicability.* The provisions of this section shall apply to any Administrative, Quasi-judicial, or Legislative land use application pursuant to Section 17.09 that is for a parcel wholly or partially within the IAMP Overlay Zone, as defined by Section 17.03.120.A. Any conflict between the standards of the IAMP Overlay Zone and those contained within other chapters of the Zoning Ordinance shall be resolved in favor of this chapter and the applicable requirements in Chapter 17.20, Transportation Circulation and Access Management.

C. *Permitted Land Uses.* Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Zoning Ordinance and in Title 16, Subdivision Ordinance.

D. *Comprehensive Plan and Zoning Map and Text Amendments.* This Section applies to all Comprehensive Plan Map and Zoning Map amendments to parcels wholly or partially within the IAMP Overlay Zone and code amendments that affect development within the IAMP Overlay Zone.

In addition to meeting the requirements of Section 17.08.020, applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall meet the requirements of the Transportation Planning Rule, Oregon Administrative Rule (OAR) 660-012-0060, including making a determination whether or not the proposed change will significantly affect an existing or planned transportation facility.

E. *IAMP Review and Update.* The IAMP document must be reviewed and possibly updated in association with a proposed change to the Hood River Comprehensive Plan, Plan Map, or implementing zoning ordinances that will have a "significant affect" on one or more I-84 Interchanges pursuant to OAR 660-12-0060.

1. An IAMP update is required when the findings and conclusions from an IAMP review demonstrate the need for an update to the plan in order to mitigate identified impacts to interchange facilities. The agency or person(s) proposing the change shall be responsible for reviewing and initiating an update to the applicable IAMP(s), consistent with the procedures outlined in the IAMP.

2. An updated IAMP that results from a City-initiated review process pursuant to Section 17.03.120(E), shall be legislatively adopted, requiring a City Council public hearing, as an amendment to the City of Hood River Transportation System Plan and also will be adopted by the Oregon Transportation Commission as an update to the Oregon Highway Plan.

Specific Area Plans

2.4.060 Columbia River recreational/commercial zone (RC).

The purpose of this zone is to provide an area within the City to promote recreational Columbia River waterfront uses and limited accessory commercial activities. The zone is intended to increase and protect public access, including visual access, to the Columbia River waterfront and related recreational opportunities and to contribute to an aesthetically pleasing urban environment. The uses permitted in this zone are intended to be consistent with visual and pedestrian access. As used in this section, the Spit and Hook refer to the areas shown on Attachment "A.".

A. Permitted Uses.

1. Wildlife viewing areas

2. Public bike and jogging paths

3. Launch sites for non-motorized water sports

4. Swimming beaches

5. Fishing sites

6. Boardwalks

7. Transient vending carts

8. Recreational and cultural events

9. Open space

10. Restrooms

11. Maintenance of existing roads and parking areas

12. Non-motorized water sport schools and rentals, excluding any permanent structures

13. Boat docks, excluding marinas

B. Permitted Uses Subject to Site Plan Review.

1. Recreational areas (other than those permitted in subsection (A))

2. Commercial uses (other than those permitted in subsection (A)) that support the uses permitted in this section and that provide goods and/or services to the public related to tourism or recreation, but excluding over-night lodging facilities

3. Parks and playgrounds

4. Roads and parking areas, if newly constructed, substantially reconstructed or relocated

C. Site Development Requirements.

1. All applicable provisions of the Hood River Municipal Code.

2. Avoid traffic congestion

3. Protect pedestrian and vehicular safety

4. Adequate public services, including public parking and open space, must be provided consistent with the purposes of this zone so that recreational uses are encouraged and maximized

5. Lighting must be directed away from adjoining properties.

D. Lot Coverage and Maximum Building Height.

1. Except as provided in subsection (2), there are no lot coverage requirements and the maximum building height is twenty-eight (28) feet.

2. Commercial uses subject to site plan review (subsection (B)(3)) are subject to the following:

Lot Coverage: Based on the gross area of the site, but excluding that portion of the site located between the river setback and the water	**Building Height**
Thirty percent (30%) maximum, excluding parking	19' – 28' maximum
Thirty five percent (35%) maximum, excluding parking	0' – 18' maximum

E. *Public Access.* Public access to the waterfront and recreational areas from streets, pedestrian and bike paths, and public dedicated rights of way must be provided. Each public access shall be a minimum of fifty (50) feet wide. The distance between each access shall not exceed 500 feet and shall be designed to encourage public access to the waterfront.

F. *Setback Requirements.*

1. Front: Not required.

2. Side Yard Setback: Ten (10) feet.

3. River: Except for structures and parking lots associated with those uses permitted in subsection (A) above, no structure or parking lot shall be placed within seventy-five (75)

feet from the Columbia River top of bank, as defined in this Title, except on the Spit and Hook. The distance from structures and parking lots shall be an average of at least 100 feet from the top of bank, except on the Spit and Hook. Noncommercial accessory structures related to recreational uses may be allowed within the public access in subsection (E) above and setback area created by this subsection (benches, landscaping, bleachers, picnic areas, temporary concessions, restrooms, etc.).

G. Parking Regulations.

1. Commercial/Retail and Tourist Related Uses: One (1) space for each 300 square feet of gross floor area.

2. Drinking and eating establishments: One (1) space for each 200 square feet of gross floor area, including any outside seating areas, up to 5000 square feet, and one (1) space for each 300 square feet of gross building area in excess of 5000 square feet.

3. Bicycle parking as required by 17.20.040.

H. *Signs.* All signs shall be in conformance with the sign regulations in this title.

I. *Landscaping.* Except with respect to the Spit and Hook and permitted uses in subsection (A), the Landscaping and Development Standards (chapter 17.17) and the following criteria apply in this zone. As used in this subsection, the term “site” means the area shown on a site plan that depicts the location of impact on a parcel of land that also contains all of the information required by Titles 16 and 17.

1. The minimum landscaping as a percentage of gross site area is 30% of the site, based on the gross area of the site, but excluding that portion of the site located between the river setback and the water. The minimum landscaping requirement may be reduced or waived when all of the following are present:

a. The site conditions do not support the extent of landscaping required. Site conditions may include soils, rocks, wind exposure, limited site availability, and other similar conditions.

b. It is impractical to provide and maintain the extent of landscaping required.

2. Landscaping shall be consistent with the intent and purpose of this zone and contribute to an aesthetically pleasing environment.

3. Landscaping shall reduce the visual impacts of buildings and paved areas.

4. Parking areas shall be shaded by trees with adequate screening and buffering from adjacent uses. Trees shall be planted at a minimum of one (1) tree not less than six (6) feet in height each twenty (20) lineal feet (or an equivalent thereof) along the perimeter of the parking area.

5. Trees shall be used as wind breaks when appropriate.

J. Parking Areas and Roads.

1. Parking areas for four or more automobiles or trucks shall meet the standards of this section and are not required to comply with section 17.04.060 or Chapter 17.17, or unless the parking area was in use prior to March 1, 2007. All new parking areas shall contain parking spaces no smaller than 20′ X 10′ and shall be graveled or covered with surface material allowed for roads in this zone. Existing unimproved parking areas may remain unimproved unless improvement is required as a condition of approval of subsequent development.

2. Roads may be paved or unpaved. Unpaved roads must be covered with gravel or other surface material applied uniformly so that the surface is stabilized and dust emission and erosion is reduced. Surface material must be ½″ to 1″ in diameter. Surface material and size other than as specified in this subsection may be used if approved by the City Engineer.

3. Non-toxic and/or organic stabilizers may be used to suppress dust on roads and parking areas, provided the stabilizer meets all specifications, criteria, and tests required by federal, state and local law, rule or regulation, and is not prohibited for use by any applicable law, rule or regulation. Written approval of the City Engineer is required prior to applying a stabilizer. The owner of the property to which the stabilizer is being applied shall compile and maintain records showing the brand name of the stabilizer used, the amount applied, the extent of coverage, and the date(s) of application. The property owner shall keep the records and make them readily available to the City Engineer upon request.