



# CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2<sup>nd</sup> Street, Hood River, OR 97031 Phone: 541-387-5210

## STAFF REPORT QUASI-JUDICIAL SITE PLAN REVIEW

August 10, 2020

Application submitted: February 3, 2020  
Application deemed complete: June 3, 2020  
120-day deadline: October 1, 2020

To: Joren Bass, Urban Development & Partners  
Sherman Avenue Holdings, LLC  
From: Jennifer Kaden, Associate Planner  
RE: File No. 2020-02 – Site Plan Review Permit File No. 2020-02

### I. BACKGROUND INFORMATION:

- A. **REQUEST:** Construct a multi-family cohousing development including 25 dwelling units in 3 buildings, a parking lot, carport, two common buildings, pathways and walkways, street frontage improvements, and associated site improvements. (*See Attachment "A.1", Preliminary Site Plan.*)
- B. **APPLICANT:** Joren Bass, Urban Development & Partners
- C. **PROPERTY OWNER:** Sherman Avenue Holdings, LLC
- D. **PROPERTY LOCATION:** 1419 Sherman Avenue. Legal Description: 3N10E35AA Tax Lot 4900. (*See Attachment "B", Location Map.*)
- E. **ZONING AND LAND USE:** Urban High Density Residential Zone (R-3). There is an existing dwelling, garage, shed, and driveway on the site.
- F. **PROPERTY SIZE:** Approximately 2.36 acres.
- F. **SURROUNDING ZONING & LAND USES:**
  - North: R-1 & C-2 zones, residential & vacant
  - South: R-3 zone, residential
  - East: R-3 zone, residential and commercial building with offices and Hood River News
  - West: R-1 & OS/PF zones, single-family residential & school
- H. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:**
  - 1. 17.09.040 – Quasi-Judicial Actions
  - 2. 17.03.030 – Urban High Density Residential Zone (R-3) Zone
  - 3. 17.04 – Supplementary Provisions
  - 4. 17.16.040 – Site Plan Review Criteria
  - 5. 17.17 – Landscaping and Development Standards
  - 6. 17.20 - Transportation Circulation and Access Management
  - 7. 17.22 – Natural Resource Overlay

- I. **AGENCY COMMENTS.** Affected agencies were notified of this request. The following comments were submitted in response to the notice prior to the public hearing:
  1. City of Hood River Engineering Dept.: Comments attached (Attachment C)
  2. City of Hood River Building Dept.: Comments attached (Attachment D)
  3. Hood River Garbage: Comments attached (Attachment E)
  4. Oregon Department of Transportation: Comments attached (Attachment F)
  5. Oregon Department of State Lands: Comments attached (Attachment G)
  6. Hood River County School District: Comments attached (Attachment H)
  8. City of Hood River Fire Dept.: Comments attached (Attachment I)
  8. US Army Corps of Engineers: No comments.
  
- J. **NEIGHBORING PROPERTY OWNER COMMENTS:** Property owners within 250 feet of the subject parcel and persons who requested notification were notified of this request. The following comments were submitted prior to issuance of the staff report:
  1. Tarah Holden, comments attached (Attachment J.1)
  2. Elizabeth Kinney, comments attached (Attachment J.2)
  3. Donna McCoy, comments attached (Attachment J.3)
  4. Rebecca Montgomery, comments attached (Attachment J.4)
  5. Peter Zurcher, comments attached (Attachment J.5)
  6. Rebecca Rawson, comments attached (Attachment J.6)
  7. Lindsay & Tyler Miller, comments attached (Attachment J.7)
  8. Heather Hendrixson & Dan Bell, comments attached (Attachment J.8)
  9. John Boonstra, comments attached (Attachment J.9)
  10. Phil Nies, comments attached (Attachment J.10)
  11. John Bishop, comments attached (Attachment J.11)
  12. Jennifer Barwick, comments attached (Attachment J.12)
  13. Dan Bell, comments attached (Attachment J.13)
  14. George Borden, comments attached (Attachment J.14)
  15. Erik Mall, comments attached (Attachment J.15)
  16. Jennifer Barwick & Scott Bean, comments attached (Attachment J.16)
  17. Garth & Bronwen Hager, comments attached (Attachment J.17)
  18. Dan Bell et al, comments attached (Attachment J.18)
  19. Roy & Addie Schwartz, comments attached (Attachment J.19)
  20. Dan Bell et al, comments attached (Attachment J.20)
  21. Dan Bell, comments attached (Attachment J.21)
  22. Dan Bell, comments attached (Attachment J.22)
  23. Dan Bell, comments attached (Attachment J.23)
  24. Dan Bell, comments attached (Attachment J.24)
  25. Dan Bell, comments attached (Attachment J.25)
  26. Melissa Noblett, comments attached (Attachment J.26)
  27. Dan Bell, comments attached (Attachment J.27)
  28. Heather Staten, comments attached (Attachment J.28)
  29. Dan Bell, comments attached (Attachment J.29)
  30. Kathleen Johnson, comments attached (Attachment J.30)
  31. Chester Johnson, comments attached (Attachment J.31)
  32. George Borden, comments attached (Attachment J.32)
  33. Addie Schwartz, comments attached (Attachment J.33)
  34. Mark Zanmiller, comments attached (Attachment J.34)

**K. HISTORY:**

1. Pre-Application Conference held April 26, 2019
2. Site Plan Review application submitted February 3, 2020
3. Application deemed incomplete March 4, 2020
4. Additional application materials submitted May 1, 2020
5. Application deemed incomplete May 28, 2020
6. Additional application materials and information submitted June 3, 2020
7. Application deemed complete pursuant to ORS 227.178 June 3, 2020
8. Agency referrals mailed and e-mailed June 16, 2020
9. Notice of Public Hearing mailed July 27, 2020
10. Planning Commission hearing scheduled August 17, 2020

**L. ATTACHMENTS:**

- Attachment "A.1" – Preliminary Site Plan/Landscaping Plan (Sheet PR A1-2; 4/30/20)
- Attachment "A.2" – Applicant's Project Narrative (4/30/20) & letters (4/30/20 & 6/4/20)
- Attachment "A.3" – Preliminary Elevation Drawings (Sheets PR A1-3 – PR A1-7; 4/30/20)
- Attachment "A.4" - Preliminary Civil Plans (Sheets C1 – C9; 4/30/20)
- Attachment "A.5" – Applicant's Traffic Assessment Letter (4/23/20) & addendum (6/2/20)
- Attachment "A.6" – Applicants preliminary Stormwater Management Plan (excerpt; 2/10/20)
- Attachment "A.7" – Wetland Delineation Report (June 2019), cover letter (4/28/20), & addendum (6/3/20)
- Attachment "A.8" – Department of State Lands Wetland Concurrence Letter (9/11/19)
- Attachment "B" – Location Map
- Attachment "C" – City Engineering Dept. comments, July 22, 2020 & August 10, 2020
- Attachment "D" - City of Hood River Building Dept. comments, June 22, 2020
- Attachment "E" - Hood River Garbage comments, June 24, 2020
- Attachment "F" - Oregon Department of Transportation (ODOT) comments, July 1, 2020
- Attachment "G" - Oregon Department of State Lands comments, June 26, 2020
- Attachment "H" - Hood River Middle School comments, June 22, 2020
- Attachment "I" - City of Hood River Fire Dept. comments, August 10, 2020
- Attachment "J.1 – J.34" – Written comments submitted, January 28 – July 31, 2020

**II. FINDINGS OF FACT:**

**1. HRMC 17.03.030 – URBAN HIGH DENSITY RESIDENTIAL ZONE (R-3)**

**A. Permitted Uses:**

1. Detached single-family dwellings for residential use and accessory structures
2. Duplexes and triplexes for residential use
3. Multi-family dwellings for residential use, subject to HRMC 17.16
4. Manufactured homes for residential use
5. Mobile home parks subject to HRMC 17.12
6. Residential care facilities
7. Group residential, if fifteen (15) or more persons, subject to site plan review
8. Transportation facilities subject to HRMC 17.20.050(A)
9. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review

10. Accessory uses permitted when accessory to residential use:
  - a. Accessory dwelling units subject to HRMC 17.23
  - b. Bed and breakfast facilities subject to HRMC 17.04.110
  - c. Family day care subject to HRMC 17.04.100
  - d. Home Occupations to subject to HRMC 17.04.100
  - e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115
11. Townhouse projects for residential use including:
  - a. Three (3) or fewer townhouses subject to HRMC 17.19
  - b. Four (4) or more townhouses subject to HRMC 17.16 and HRMC 17.19.

**FINDINGS:** The subject parcel is current developed with a single-family dwelling, detached garage, shed, and driveway. The existing buildings are proposed to be demolished. **A condition of approval is recommended to alert the property owner to obtain a Demolition Permit prior to removing any existing buildings.**

The applicant proposes to develop a multi-family residential project that includes 25 dwelling units in 3 buildings, a parking lot, carport, two common buildings, pathways and walkways, street frontage improvements, and associated site improvements. Multi-family dwellings for residential use are a permitted use in the R-3 zone, subject to Site Plan Review in Hood River Municipal Code (HRMC) 17.16. HRMC 17.01.060 defines “multi-family dwelling” as a “building designed or used exclusively for the occupancy of four (4) or more families living independently of each other and having separate housekeeping facilities.” The term “housekeeping facilities” is not defined in the municipal code, however the definition of “dwelling unit” describes “independent living facilities” to include “permanent provisions for living, sleeping, eating, cooking, and sanitation.” Thus, staff interprets this to mean that, at a minimum, each dwelling unit shall include a sleeping area, a kitchen, and a bathroom. No floor plans were submitted, however the project narrative describes the project will include more than 4 dwelling units in Buildings 1, 2, and 3 that appear to be consistent with this definition. **A condition of approval is recommended to require that Buildings 1, 2, and 3 are designed and constructed in conformance with the requirement that each building include at least 4 dwelling units with separate housekeeping facilities.**

Accessory structures are a permitted use in the R-3 zone. The project includes three proposed accessory structures or buildings – a carport/garage and two common buildings. According to the project narrative (Attachment A.2), one common building is for indoor recreation and recycling, and the other is for common gathering and dining:

The two community structures contain shared resources that allow residents to “downsize” their private residences. Examples of the types of spaces include a central recycling area, bicycle storage, a workshop for crafts and gardening, guest suite, laundry room, and a shared kitchen and dining area for the community to come together for weekly shared meals. These amenities are accessory to the residential use and are not open to the general public.

Based on the project narrative, staff understands that the “Common House” on the Site Plan (Attachment A.1) will include a guest suite, a laundry room, and a common kitchen and dining facility. Both “community structures” are proposed for shared use by residents and guests of the development.

HRMC 17.01.060 defines “accessory use or accessory structure” as a “use or structure incidental and subordinate to the main use of the property and located on the same lot...” The term “subordinate” is not defined in the zoning code and the term “incidental” is not defined on its own. HRMC defines “incidental and essential” as a use which is subordinate and minor in significance and size to the primary use, and which has an integral relationship to the primary use.” HRMC 17.01.060 defines “structure” as “that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.”

With twenty-five dwelling units in 3 buildings, staff finds that the primary use of the property is multi-family residential. The other structures provide functions integral to the multi-family residential use, including garbage and recycling collection and parking. The Common House provides a shared-use facility for residents that is an amenity customary and subordinate to the primary residential use. It also includes a guest suite with all of the defining elements of a dwelling unit – provisions for living, sleeping, eating, cooking, and sanitation. As such, although accessory to the primary use, staff included the guest suite of the Common House in the total number of dwelling units for purposes of calculating density and parking. Staff finds that the proposed carport/garage, common house, and recreation building each qualify as accessory structures incidental and subordinate to the primary multi-family residential use.

The proposed multi-family residential development is a permitted use in the R-3 zone, subject to HRMC 17.16 (Site Plan Review) as addressed below.

As part of the Site Plan Review, the Building Official and Fire Chief provided comments (Attachments D and I). As part of the building code and permit review, the applicant will be required to demonstrate compliance with the requirements of the fire code and building code prior to issuance of building permits or prior to occupancy, as applicable.

- B. Conditional Uses:** In the R-3 zone the following uses are allowed subject to the provisions of Chapter 17.06:
1. Hospitals, sanitariums, rest homes, nursing or convalescent home
  2. Schools and child care centers
  3. Public parks, playgrounds, and related facilities
  4. Utility or pumping substations
  5. Religious institutions
  6. Planned unit developments
  7. Professional offices
  8. Hostels

**FINDINGS:** There is no existing Conditional Use on the site and none is proposed at this time.

- C. Site Development Requirements** Except for townhouse projects which are subject to HRMC 17.19, the minimum site development requirements are as follows:
1. The minimum lot or parcel size shall be 5,000 square feet.
  2. Minimum requirement for building sites: Per detached single dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
  3. A minimum frontage of fifty (50) feet on a dedicated public street.
  4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.

5. Lot Coverage: Subject to HRMC 17.04.120

**FINDINGS:** The subject parcel is approximately 2.36 acres in area. No division of land is proposed. The building site development standard in HRMC 17.03.030.C requires 5,000 square feet of property for the first dwelling unit plus an additional 1,500 square feet for each additional dwelling unit. According to the Hood River County Assessor's data, the subject property is approximately 2.36 acres in size. According to the applicant, the net area of the property (accounting for required right-of-way dedication) is approximately 101,183 square feet in area. As such, the site development standards permit up to 65 dwelling units can be constructed on the site. Twenty-five (25) multi-family units plus the guest suite of the Common House for a total of twenty-six (26) dwelling units are proposed, consistent with the standard.

The subject property includes 241 feet of frontage on Sherman Avenue and approximately 195.25 feet of frontage on an unimproved public right-of-way, both of which are public dedicated streets. The proposal is consistent with the minimum frontage standard. The subject property does not include frontage on a cul-de-sac, thus HRMC 17.03.030.C(4) is not applicable.

Compliance with maximum lot coverage standards is discussed below in HRMC 17.04.120.

**D. Setback Requirements:** The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a public dedicated street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the public dedicated streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
  - a. No structure shall be placed closer than five (5) feet from the side property line.
  - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
  - c. No structure shall be placed closer than five (5) feet from the rear property line.
  - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.
  - e. Structures greater than 28 feet in height shall be ten (10) feet from the rear property line.

**FINDINGS:** HRMC 17.03.030.D includes standards for setbacks, the lines "beyond which a structure may not be built." (HRMC 17.01.060). The foundation and exterior walls of the buildings are integral elements of the structures and therefore are subject to setback standards. The Site Plan (Attachment A.1) depicts the proximity of the proposed buildings in relation to property lines.

HRMC 17.03.023.D.1 requires a 10-foot setback from a public right-of-way. The northern property line, as adjusted by a required 10-foot property dedication pursuant to street standards described below in HRMC 17.16 and 17.20, is the right-of-way boundary for Sherman Avenue. As depicted on the Site Plan, approximately the southern half of the western property line is the right-of-way boundary for an unimproved public right-of-way (to be improved as Adams Creek Place). The Site Plan depicts the "common house" as the building or structure

closest to the northern property line (Sherman Avenue ROW) and set back approximately 18 feet from the public right-of-way consistent with this standard. The Site Plan depicts Building 1 and the carport as the structures located closest to the public right-of-way on the western boundary of the property. The Site Plan indicates that the western exterior wall of Building 1 is set back 10 feet from the western property line, however patios, stairs, and possibly eaves and retaining walls are located within the 10-foot setback. Pursuant to HMRC 17.04.060, retaining walls up to 4 feet in height are permitted within all setbacks. At-grade patios and walkways also are permitted within setbacks. Pursuant to Director's Interpretation 2019-19, at or below-grade steps are permitted in setbacks. Other than the stated exceptions, all other building elements, including eaves, must be located outside of the required 10-foot setback from a public right-of-way. More information is needed to determine conformance with the 10-foot setback from the western public right-of-way. **A condition of approval is included to require that Building 1 is designed and constructed to meet the 10-foot setback required from a public right-of-way.**

HRMC 17.03.030.D.2 requires garages that directly face an adjacent street are set back at least 20 feet from the right-of-way or, if they do not face the street, they must be set back at least 10 feet from a right-of-way. Staff interprets this provision to apply to carports, as well, because they can be easily converted to garages in the future. The Site Plan depicts the northern end of the proposed carport is closest to, but not facing the public right-of-way west of the subject property. The distance from the right-of-way to the carport is not labeled on the Site Plan, however it measures approximately 19 feet from the right-of-way, in compliance with the minimum required setback of 10 feet. **A condition of approval is included to require that the Carport is designed, sited and constructed such that it meets the 10-foot setback required from a public right-of-way.**

HRMC 17.03.030.D.3 includes standards for the side and rear setbacks. Except as provided under HRMC 17.03.030.D.3(d), structures must be set back at least 5 feet from the side property line(s) for structures up to 28 feet in height. As explained below, the proposed height of the carport appears to be less than 28 feet as measured from existing grade. As depicted on the Site Plan, the carport is the building located closest to a side property line (the western side property line) and appears to be located such that it meets the required 5-foot setback from the western side property line, however **a condition of approval is included to require that the Carport is designed, sited and constructed such that it meets the 5-foot setback required from a side property line.**

Except as provided under HRMC 17.03.030.D.3(d), structures must be set back at least 5 feet from a rear property line for structures up to 28 feet in height. As explained below, the proposed height of the carport appears to be less than 28 feet as measured from existing grade. As depicted on the Site Plan, the carport is the building located closest to the rear (southern) property line and appears to be located such that it meets the required 5-foot setback from the rear property line, however **a condition of approval is included to require that the Carport is designed, sited and constructed such that it meets the 5-foot setback required from a rear property line.**

Pursuant to HRMC 17.03.030.D.3(d), certain projections are permitted to encroach into a side or rear setback up to 3 inches for every required foot of setback. For a 5-foot side setback, a projection can encroach up to 15 inches into the setback. HRMC 17.01.060 defines "projections" as "architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues." The Site Plan appears to depict eaves on the proposed carport projecting

into the side and rear setbacks, however details were not provided. **A condition of approval is included to require that the carport is designed, sited, and constructed such that eaves project no more than 15 inches into a side or rear setback.**

All other proposed structures and buildings appear to be sited such that they are located well outside setbacks, however **a condition of approval is included to require that all buildings shall be designed, sited, and constructed in conformance with setback standards.**

**E. Maximum building height:** Thirty-five (35) feet for all uses except residential development; twenty-eight (28) feet for all residential development. Multi-family dwellings are permitted up to thirty-five (35) feet. All other residential development may be conditionally permitted up to thirty-five (35) feet subject to HRMC 17.06.

**FINDINGS:** The maximum allowed building height for multi-family dwellings is 35 feet as measured from existing grade. Pursuant to HRMC 17.01.060, building height is measured either from the highest existing grade adjacent to a building when the existing grade change is less than 10 feet, or at a point 10 feet above the lowest existing grade when the existing grade change is greater than 10 feet – whichever yields the greater building height. Staff evaluated the heights of the proposed multi-family dwellings as follows:

Building 1: According to the existing grade information provided on the elevation drawings (Sheet PR A1-4, Attachment A.3), the existing grade change for Building 1 is less than 10 feet (381' to 387.5'), thus building height will be measured from the existing grade highest a point within 5 feet (387.5'). Using the information provided by the applicant, the proposed height of Building 1 is 34.8 feet (roof ridge height of 422.3' – 387.5' = 34.8') in conformance with the standard, however **a condition of approval is included to require additional existing grade elevations at all building corners and as needed to verify the building height.**

Building 2: According to the existing grade information provided on the elevation drawings (Sheet PR A1-5, Attachment A.3), the existing grade change for Building 2 is more than 10 feet (374' to 388'), thus the building height will be measured from a point 10 feet above the lowest existing grade at the building corners (374' + 10' = 384'). Using the information provided by the applicant, the proposed height of Building 2 is 26.5 feet (roof ridge height of 410.5' – 384' = 26.5'), in conformance with the standard. **A condition of approval is included to require additional existing grade elevations at all building corners and as needed to verify the building height.**

Building 3: According to the existing grade information provided on the elevation drawings (Sheet PR A1-6, Attachment A.3), the existing grade change for Building 3 is more than 10 feet (367' to 380'), thus the building height will be measured from a point 10 feet above the lowest existing grade at the building corners (367' + 10' = 377'). Using the information provided by the applicant, the proposed height of Building 2 is approximately 33.3 feet (roof ridge height of 410.3' – 377' = 33.3'), in conformance with the standard. **A condition of approval is included to require additional existing grade elevations at all building corners and as needed to verify the building height.**

Carport: No existing grade information was provided for the Carport. The elevation drawings indicate the proposed building height is approximately 12 feet (Sheet PR A1-7, Attachment A.3). **A condition of approval is included to require additional existing grade elevations at all building corners and as needed to verify the building height.**



Recreation Building: According to the existing grade information provided on the elevation drawings (Sheet PR A1-7, Attachment A.3), the existing grade change for the Rec Building is less than 10 feet, (383' to 390'), thus building height will be measured from the existing grade highest a point within 5 feet (390'). Using the information provided by the applicant, the proposed height of the Rec Building is 12 feet (roof ridge height of 402' – 390' = 12') in conformance with the standard, however **a condition of approval is included to require additional existing grade elevations at all building corners and as needed to verify the building height.**

Common Building: According to the existing grade information provided on the elevation drawings (Sheet PR A1-3, Attachment A.3), the existing grade change for the Common House is less than 10 feet, (375' to 382'), thus building height will be measured from the existing grade highest a point within 5 feet (382'). Using the information provided by the applicant, the proposed height of the Common House is 12 feet (roof ridge height of 397.4' – 382' = 15.4') in conformance with the standard, however **a condition of approval is included to require additional existing grade elevations at all building corners and as needed to verify the building height.**

Building height will be verified for all buildings at the time of building permit.

**F. Parking Regulations:**

1. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
2. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
3. Required setback areas may be utilized for off-street parking for multi-family dwellings.
4. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
  - a. New construction
  - b. Change of use
  - c. New or expanded parking area
6. Bicycle parking as required by HRMC 17.20.040.

**FINDINGS:** Multi-family residential development is required to provide 1.5 off-street parking spaces per dwelling unit on or adjacent to the building site. Required setback areas may be utilized for off-street parking for multi-family dwellings. Pursuant to HMRC 17.01.060, Definitions, parking spaces must be at least nine (9) feet wide and eighteen (18) feet long.

The proposed development includes 25 multi-family dwelling units, and the equivalent of a dwelling unit in the Common House. For twenty-six (26) dwelling units, a minimum of 39 parking spaces is required. As depicted on the Site Plan (Attachment A.1), the applicant proposes to provide a total of 39 off-street parking spaces: 15 covered parking spaces; 16 tandem parking spaces (8 wide x 2 deep); 7 uncovered, non-tandem spaces; and 1 ADA space. Comments provided by the Building Department (Attachment D) indicate that more than one ADA parking space will be required pursuant to the building code. **A condition of approval is included to require that the project plans are revised to meet the parking standards, including ADA standards. The development shall be designed and constructed to include at least the minimum number of required parking spaces.**

Some of the comments received from neighbors include concerns about parking – both in terms of adequacy of the minimum number of spaces required and in terms of guest parking for gatherings or events. Staff has no authority to require additional on-site parking in excess of the number of spaces required by the zoning and building codes.

The City also does not regulate who parks on a public street. The City does enforce local, state, and federal parking standards and laws on public streets in the city limits. This includes issues such as blocking fire hydrants, double parking, parked against a yellow curb, blocking mailboxes, parked against the flow of traffic, and blocking driveways.

Eugene Street, Adams Place, Hazel Avenue, and Sherman Avenue are public streets. Hazel Avenue is unimproved and not designed for on-street parking. Sherman Avenue is a collector street with limited on-street parking as signed. Eugene Street is a public street designed for on-street parking on both sides of the street. The pavement width measures approximately 30 feet. The City's standards for local streets include a minimum paved width of 28 feet (HRMC 16.12.060(B.6) Figure 16.12-E (Local Streets Standard Diagram). As described and conditioned, Adams Creek Place will be improved to include 28 feet of pavement width and a 1.5' gravel shoulder on the west side (Attachment C). Parking will not be permitted on the east side of Adams Creek Place pursuant to comments provided by the Fire Department (Attachment I).

Comments received (Attachment J) include concerns regarding accommodations for guest and event parking. Off-street guest parking and special event parking are not required by the code for residential uses, under HRMC 17.03.

HRMC 17.03.030.F(5) requires that all parking areas and driveways are hard surfaced. The project narrative (Attachment A.2) indicates the parking areas will be hard-surfaced. The Site Plan indicated the hard-surfacing will include patterned concrete and asphalt. It appears that half of the tandem parking spaces are proposed to be gravel, which is not consistent with the hard-surfacing requirement. **A condition of approval is included to required that all parking areas and driveways (except as provided in the water line easement on the northern portion of the site) shall be hard surfaced prior to occupancy. Hard surfacing means asphalt, concrete or other similar surface that is accepted by the City Engineering Department. The applicant shall submit materials and method of construction to the Engineering Department as part of the construction documents and building permit submittal for approval prior to construction.**

Bicycle parking is addressed below in HRMC 17.20.040. As conditioned, the proposal is consistent with these requirements.

**G. Signs:** All signs shall be in conformance with the sign regulations in this title.

**FINDINGS:** No information was provided regarding signs. In order to ensure compliance with the city's sign regulations, **a condition of approval is included to require sign permits shall be obtained from the City of Hood River prior to installation of any new signs on the site.** As conditioned, the proposal is consistent with these requirements.

**H. Landscaping.** All landscaping shall be in conformance with the landscape standards in this title.

**FINDINGS:** HRMC 17.17 includes standards for landscaping. Landscaping is addressed below in HRMC 17.17.

## 2. CHAPTER 17.04 – SUPPLEMENTARY PROVISIONS

**17.04.020 Access.** Every lot or parcel shall have access on a street other than an alley, for at least twenty (20) feet of width.

**FINDING:** As described above, the subject property has frontage and access on two public rights-of-way, in excess of 20 feet of width on both, in conformance with this standard.

**17.04.040 General Exceptions to Building Height Limitations.** Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles, and similar objects not used for human occupancy are not subject to the building height limitations of this title.

**FINDING:** The project narrative (Attachment A.2) indicates that no vertical projections are proposed. **A condition of approval is included to alert the applicant that the building permit plans will be reviewed for conformance with this standard.**

### **17.04.050 Fences and Walls.**

- A. Fences and walls not more than six (6) feet in height are permitted within or on all property lines and on corner lots or parcels when vision clearance requirements are met.
- B. Height is measured from original ground elevation in accordance with the City Engineering Standards.
- C. A fence that is six (6) feet or less as measured from original ground elevation in accordance with City Engineering Standards, is not considered a structure for purposes of setbacks established in this title.
- D. All retaining walls are considered structures from purposes of setbacks, and may not be located within the front, side or rear setback for a building except as provided in this title.

**FINDINGS:** According to the project narrative (Attachment A.2), no fences are proposed, however a **condition of approval is included to ensure compliance with HRMC 17.04.050 for any fences or walls proposed in the future.**

### **17.04.060 Retaining Walls.**

- A. Retaining walls less than four (4) feet in height are permitted within or on all setback lines when the retaining wall retains earth on the parcel on which the retaining wall is built.
- B. 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.
- C. There shall be no more than 4' of exposed wall face on a retaining wall within a setback adjacent to a public right-of-way.
- D. One retaining wall of any height may be located within or on all property lines if the wall retains earth on the adjoining parcel and, if on a corner lot or parcel, when vision clearance requirements are met.
- E. Height is measured from original ground elevation in accordance with the City Engineering Standards.
- F. The limitations on location and height of retaining walls in this title do not apply to retaining walls located within the public right of way for the purpose of constructing or maintaining the public right of way.

**FINDINGS:** Details for proposed retaining walls were not submitted. The site is sloped and retaining walls are expected in the location of the detention ponds, and likely along some sections of walkways and the sidewalk along Sherman Avenue.

The Engineering Department provided comments (Attachment C) regarding retaining walls including:

For all retaining walls and/or driveway bridges in or supporting the right-of-way please provide the following:

- a. Provide plans, profiles, cross sections, grading plans, elevations and calculations for all retaining wall improvements that are located or support improvements within the Public Right of Way.
- b. Calculations must prove adequacy of the wall system's ability to support normal traffic loadings for the areas being served.
- c. Whenever possible, walls and footings should be located outside of ROW. However, foundations of retaining walls may be allowed to be located within the ROW by Design Exception on a case-by-case situation. When Retaining walls are located parallel and adjacent to ROW lines it is the general rule that the entire stemwall portion of the wall be located outside of the ROW.
- d. Wall calculations should, at a minimum, be suitable to support a traffic surcharge loading of 220 psf.
- e. All walls shall be standalone retaining walls, not restrained, top or bottom.
- f. Wall shall meet all local seismic loading conditions.
- g. Wall designs should be suitable for the geotechnical report associated with the building permit.
- h. Please indicate how new walls will be adequate for future additions of sidewalks or frontage improvement along Sherman Ave. by note and be sure to show future sidewalk loading in supporting calculations.
- i. Please indicate how drainage will be routed from behind all to walls to the north. Show clear wall drainage routes.
- j. Plans should clearly note how utilities will be routed under or through the new wall improvements – if applicable. Will they be sleeved or protected or what minimum clearance beneath the wall will be required.
- k. Please add base elevations for top and bottom of new walls on the profile or elevations with appropriate offsets and stationing along street frontage.
- l. Provide typical sections for driveway at walls. Show minimum setbacks or restrictions for utilities running parallel to southern wall.
- m. Show typical utility ditch compaction requirements for trenches within 5-ft from toe of retaining wall footings.
- n. Driveway Approach Bridges and their foundations shall be designed according to OSSC requirements, or when no other design guidelines apply use appropriate AASHTO design guidelines.
- o. All wall improvements located within or supporting the ROW must be stamped by a PE.

**A condition of approval is included to require that details of all proposed retaining walls are included in the construction drawings submitted for building permits, must meet City Engineering Standards, the standards in HRMC 17.04.060, and may require a building permit as determined**

**by the Building Official. Retaining walls located within a public right-of-way require a City permit and must be stamped by a PE.**

#### **17.04.120 Maximum Lot Coverage**

**FINDING:** Pursuant to HRMC 17.04.120.B.5, “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.” Thus, the standards in HRMC 17.04.120 are not applicable.

#### **17.04.130 General Requirements for Parking Lots**

A parking lot, whether an accessory or principal use, intended for the parking of four (4) or more automobiles or trucks shall comply with the following stipulations:

1. Areas used for standing or maneuvering of vehicles shall have hard surfaces maintained adequately for all-weather use and be so designed as to avoid flow of water across sidewalks.
2. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
3. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and provide the maximum safety of pedestrians and vehicular traffic on the site.
4. Service drives for parking lots shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection. Exceptions may be granted by the Building Official with the provision of safety devices.
5. Landscaping shall be in conformance with the landscape standards in this title. Duplexes are excluded from this requirement.

**FINDINGS:** The proposed development includes a shared parking lot with more than 4 parking spaces, thus is subject to the standards in HRMC 17.04.130. The parking area features 90-degree parking on either side of a 23-foot drive aisle for a majority of the 39 spaces.

HRMC 17.03.130(1) requires hard-surfacing of the parking area designed to avoid water flow across sidewalks. Hard-surfacing of the parking area is discussed above in HRMC 17.03.030.F, Parking Regulations, and **a condition of approval is included to required that all parking areas and driveways (except as provided in the water line easement on the northern portion of the site) shall be hard surfaced prior to occupancy. Hard surfacing means asphalt, concrete or other similar surface that is accepted by the City Engineering Department. The applicant shall submit materials and method of construction to the Engineering Department as part of the construction documents and building permit submittal for approval prior to construction.** Drainage of the parking area will be reviewed by the Engineering Department in conjunction with review of a final Stormwater Management Plan for the project.

HRMC 17.04.130(2) requires access aisles are designed with sufficient width for all vehicular turning and maneuvering. The aisle width for the proposed shared parking lot is noted as 23 feet on the Site Plan (Attachment A.1) which is generally sufficient for vehicular maneuvering.

HRMC 17.04.130(3) requires service drives are designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and provide the maximum safety of pedestrians and vehicular access on the site. The parking lot features one two-way drive aisle or service drive at

the north end of the parking lot. The applicant describes proposed design features to address traffic flow and safety for vehicles and pedestrians in the Project Narrative (Attachment A.2):

*The proposed development has one service drive connecting Adams Creek Place to vehicular parking areas. A bulb-out style curb at the terminus of Eugene Street establishes traffic flow and protects onstreet parking on the south side of the street. Pedestrians will not be required to walk across the service drive to access their residences as they are able to use the plaza and surrounding walkways. To maximize pedestrian safety, a raised walk along the north edge of the service drive provides convenient access to the public sidewalk on Adams Creek Place.*

Staff notes that pedestrian circulation within the parking area is provided only in the drive aisle. Given the low speed of vehicles in a parking area, this may be sufficient. The Site Plan depicts walkway connections between the residential buildings and Recreation Building that allow residents access to the parking area without crossing ingress/egress traffic on the driveway.

HRMC 17.04.130(4) requires provision adequate vision clearance for driveways serving parking lots. The Site Plan depicts a triangular area on the inside of the 90-degree turn into the lot, presumably for vision clearance purposes. Treatment of this area is unclear, thus **a condition of approval is included to require that the project is designed and constructed to provide a vision clearance area for the parking lot service drive consistent with the standards of HRMC 17.04.130(4).**

Landscaping for the parking lot is discussed in HRMC 17.17 below. As conditioned, the parking area standards are met.

### 3. CHAPTER 17.16 – SITE PLAN REVIEW

#### 17.16.010 Applicability.

- A. A site plan review permit shall be required for the following circumstances:
  - 1. New construction.
  - 2. Expansion, remodel, or exterior alteration of any building or other structure.
  - 3. Change of use.
  - 4. Multi-family and group residential.
  - 5. Removal or fill of over 5,000 cubic yards of land.
- B. Exemptions from site plan review are as follows;
  - 1. Any activity that does not require a building permit and is not considered by the Director to be a change in use.
  - 2. Any activity on the exterior of a building that does not exceed ten percent (10%) of the structure's total cost, fair market value, or \$75,000, whichever is less, as determined by the building official.
  - 3. Interior work which does not alter the exterior of the structure or effect parking standards by increasing floor area.
  - 4. Normal building maintenance including the repair or maintenance of structural members.
  - 5. All residential development, except multi-family and group residential, as provided above.

**FINDINGS:** Pursuant to HRMC 17.16.010.A.4, multi-family residential projects are subject to Site Plan Review.

**17.16.020 Application Procedure.** The Planning Director shall review all site plan review applications. However, if the Director determines that an application is unusually complicated or

contentious due to site constraints or due to the complexity of the project, the Director may request the Planning Commission to review the application.

The City shall process a site plan review application in accordance with the following procedures:

**A. Pre-Application Conference**

1. An applicant for a site plan review permit shall meet with the City staff at a required pre-application conference to assist in the permit processing.
2. An applicant may submit an application for a site plan review permit at any time after completion of a required pre-application conference. The applicant shall submit a complete application as specified in *Submittal Requirements* of this chapter, listed below.

**FINDINGS:** The property owner/applicant attended a pre-application conference on April 26, 2019, prior to submittal of the subject application.

**B. Application Review.**

1. Administrative Review
  - a. Upon receipt of a complete application, the Director may determine, based on the complexity of the proposal, that it is appropriate for City staff to review the application administratively and make a recommendation to the Director. The final decision on an application is made by the Director based on the following:
    - (1) The recommendation of the City staff,
    - (2) Consideration of any public comments received; and
    - (3) The decision criteria in this chapter.
      - (a) Administrative site plan review will require an additional noticing requirement. The Notice of Application shall be published in the local newspaper of record.
2. Quasi-Judicial Review
  - a. A site plan review application requiring Planning Commission review and decision shall be reviewed by City staff prior to the final decision by the Planning Commission in accordance with the following procedure:
  - b. The Director shall forward a completed application to City staff.
  - c. City staff shall consider the application and make recommendation to the Director.
  - d. The Director shall review the staff recommendation and determine the major issues and specific aspects of the project, which the Planning Commission should review.
  - e. The Planning Commission shall review the application in relationship to staff recommendations. The Planning Commission shall consider the application at a public meeting.
  - f. The Planning Commission will make the final decision based on the following:
    - (1) The recommendation of City staff;
    - (2) Consideration of any public comments received;
    - (3) The decision criteria in this chapter.

**FINDINGS:** The Planning Director determined that due to the scale of the proposed development relative to existing development on the subject site and the level of interest by nearby property owners, review by the Planning Commission is appropriate for the proposal. As such, the application has been processed in accordance with HRMC 17.09.040, Quasi-Judicial Actions.

**17.16.030 Submittal Requirements.**

HRMC 17.16.030 enumerates features and information required to be provided on a site plan. Additional application information is required pursuant to HRMC 17.09.040 and as described in the Site Plan Review application packet.

**FINDINGS:** The applicant submitted a Site Plan Review application on February 3, 2020, with additional information submitted on May 1 and June 3, 2020. Upon review of the application materials, additional information was requested by staff on March 4, 2020 and May 28, 2020.

There was considerable interest in the completeness review process on the part of a few neighboring property owners (see comments in Attachment J).

In response to staff's May 28<sup>th</sup> completeness letter, the applicant submitted additional application materials on June 3<sup>rd</sup>, 2020 and pursuant to ORS 227.178 (Oregon state law regarding land use applications), also provided written notice that some of the information requested by city staff would not be provided to deem the application complete. ORS 227.178 gives the applicant the exclusive right to decide that they want the application to be determined complete for the purposes of getting the review process moving forward. Once an applicant informs City staff that they are not submitting more information to determine the application complete, the completeness phase of the application process is terminated and the City is obligated to take final action on an application for a permit, including resolution of all appeals under ORS 227.180 (Review of action on permit application), within 120 days. As explained in a letter to the applicant dated June 11, 2020, the application was deemed complete pursuant to ORS 227.178 on June 3, 2020.

#### **17.16.050 Multi-Family and Group Residential Decision Criteria.**

A. **Natural Features:** Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development. The use of small streams in the landscaping design shall be encouraged rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety, or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses. The use should have minimal adverse impacts on the land and water quality. Possible impacts to consider may include pollution, soil contamination, siltation, and habitat degradation or loss.

**FINDINGS:** Significant natural features on the subject property include native trees measuring 6 or more inches in diameter, a stream (Adams Creek) and associated delineated wetlands and seeps, and steep slopes. The Project Narrative (Attachment A.2) describes how the project design is intended to protect natural features. Existing topography, the stream, and wetlands are depicted on an Existing Conditions sheet provided by the applicant (Sheet C6, Attachment A.4). The significant trees are depicted on the Existing Conditions sheet and identified by size and species on the Erosion Control & Demolition Plan (Sheet C7, Attachment A.4).

Trees/vegetation: The preliminary plans indicate proposed retention of 49 significant trees and removal of 15 significant trees (Sheet C7, Attachment A.4). This calculation does not include the likely removal of additional significant trees to accommodate a detention pond proposed on the northern portion of the site as acknowledged by the applicant in a completeness letter (6/4/20 letter, Attachment A.2). The trees proposed for removal are located in areas planned for



buildings, parking areas, or stormwater facilities, consistent with this standard. No specific information was provided by the applicant regarding the retention of “large woody plants” on the site. The Erosion Control plan indicates the proposed installation of silt fences during construction, however no details were provided regarding the construction methods proposed for the protection of significant trees to be retained. Many of the trees proposed to be retained are located in close proximity to planned buildings or other site improvements. As such, **a condition of approval is included to require that a tree protection plan is submitted to the Planning Director for review and approval prior to the issuance of a construction site permit, demolition permit, or building permit. Approved tree protection measures shall be installed prior to any grading or demolition work on the subject property.**

**The final stormwater, grading, and site plans shall demonstrate that significant trees and large woody plants will be preserved except where necessary for building placement, sun exposure, safety, or other valid purpose.**

Along Sherman Avenue, there are several existing significant trees, primarily east of the existing driveway, all of which are proposed to be retained, consistent with this standard. Along the western property line – the area separating the proposed and adjacent existing uses, there are only 4 significant trees, 3 of which will be removed to accommodate a required street frontage improvements. **A condition of approval is included to require retention of an existing vegetative buffers along Sherman Avenue and the western property line to the extent possible.**

There are some invasive plant species on the site including blackberry. Invasive plant species often outcompete native and ornamental species which can lead to soil erosion, loss of habitat and hazardous conditions. Invasive species typically do not satisfy the functional objectives as landscaping as detailed in this ordinance. Therefore, as addressed below in HRMC 17.17.030, **a condition of approval is included to require that the final landscaping plan shall ensure removal of invasive vegetation including blackberry.**

Steep slopes: The subject site features steep slopes ranging from approximately 20-75%, particularly on either side of Adams Creek. The buildings and most of the site improvements are generally proposed on areas of the site with more moderate slopes ranging from approximately 5-20%. The applicant states that “Structures have been sited to match existing grade to the extent feasible” (Attachment A.2). It is not clear how much grading of sloped areas will be proposed in a final Stormwater Management Plan, thus **a condition of approval is included to require that the final Stormwater Management Plan is designed to minimize grading on steep slopes to the extent practicable.**

Stream: Adams Creek and associated seeps are non-fish bearing. The Hood River zoning code does not require a buffer along non-fish bearing streams. The Site Plan (Attachment A.1) indicates and the applicant states in the Project Narrative (Attachment A.2) that with the exception of two footbridges, no grading or construction is proposed within Adams Creek or directly adjacent to it. No new culverts are proposed with this development. As such, and as described in more detail in HRMC 17.22 below, the proposal is consistent with this standard with respect to protection of the stream as a natural feature.

Wetlands: As discussed below in Chapter 17.22, the site features three delineated wetlands. As indicated on the Site Plan (Attachment A.1), preliminary Grading Plan (Sheet C8, Attachment A.4),

and Project Narrative (Attachment A.2), no disturbance to the wetlands is proposed, consistent with the natural features standard. Wetland standards are addressed below in HRMC 17.22.

As conditioned, the natural features standard is met.

- B. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

**FINDINGS:** The applicant submitted an Existing Conditions sheet depicting existing topography of the site (Sheet C6, Attachment A.4) and a preliminary grading plan (Sheet C8, Attachment A.4). The applicant acknowledges the preliminary grading plan does not fully account for proposed stormwater management facilities (6/4/20 letter, Attachment A.2). As such, the applicant has not demonstrated that the proposed preliminary grading plan will have no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system.

Adams Creek, which traverses the subject property from south to north, conveys stormwater and is an open channel element of the city's public storm drainage system. Sherman Avenue, a public right-of-way is located at the north end of and below (downstream of) the subject property. Neighboring properties include property located across Sherman Avenue.

The Engineering Department provided comments regarding the applicant's preliminary stormwater plan:

A stormwater management plan as described in the HRES will be required for this development. A final Stormwater Management Plan is required at Detailed Engineering Plan Review submittal.

- The Public Works & Engineering Department has concerns with the stormwater management concepts being proposed for the site. The stormwater narrative breaks down three proposed drainage basins; 1) east basin 2) parking lot and 3) Plaza.
- The east basin currently has no stormwater mitigation proposed. Any disturbance and/or proposed impervious surfacing (i.e. paths) will require stormwater mitigation.
- The Parking Lot basin is proposed to be mitigated via retention pond. The City has concerns with civil sheet C9 and the retention pond shown; from the southwest corner to the northeast corner of the pond there is an elevation difference of approximately 9 feet. With the topography in this area it does not seem likely the HRES will be met for an open pond. The City would be willing to discuss an underground detention system under the parking lot area to mitigate this basin.
- The Plaza basin consists of the northern portion of the western bank of the site and is proposed to be mitigated via vegetated swale. The City again has concerns with civil sheet C9 and the approximately 3' wide and 33' long swale placed on an approximately 50% grade. With the topography in this area it does not seem likely the HRES will be met for a swale on this slope.
- During a meeting held between the City Engineering Department and the applicants Design Engineer, the Design Engineer assured the City that the HRES can be met for the

site. Based upon this assurance, the City Engineer is willing to allow the project to move through the planning phase prior to full engineered design.

**A condition of approval is included to require the applicant to submit a detailed final grading plan for review and approval prior to issuance of a demolition permit, construction site permit, or building permit. The final grading plan is subject to City Engineering Standards and shall depict existing and proposed grades, and the locations and heights of all proposed retaining walls. All grading, contouring, on-site surface drainage, and construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. All grading activities and retaining wall construction shall be consistent with the recommendations of the Engineering Department including those specified in Attachment C, and the forthcoming Geotechnical Analysis. Graded areas shall be replanted as soon as possible after construction to prevent erosion.**

**A detailed construction erosion control plan and tree protection plan also shall be submitted for review and approval City Building and Engineering Departments prior to issuance of a demolition permit, construction site permit, or building permit. Prior to any development activity on the site, approved erosion control measures and tree protection fencing shall be installed.**

**A final stormwater management plan as described above and meeting the City Engineering Standards shall be submitted and approved prior to issuance of any demolition, construction site, or building permits.**

**In addition, given the steep slopes on the subject property, a Geotechnical analysis shall be conducted and a Geotechnical Report, prepared by a licensed professional shall be submitted prior to the issuance of any demolition, construction site, or building permits.**

As conditioned, the proposal is consistent with this criterion.

**C. Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention or treatment of stormwater may be required by ODOT.

**FINDINGS:** All public facilities must be developed consistently with the City's adopted capital facilities plans. There shall be adequate capacity of water, sanitary sewer, storm sewer, fire protection, streets and sidewalks at and serving the subject parcel. To determine adequacy, the level of these public facilities are evaluated based upon the proposed use. Consideration is given to whether there is adequate existing service and if the proposed use will burden the existing service to the extent it warrants an increase in capacity. Capacity refers to both the capability of the system to handle the proposed use and the level of service at which the facility currently operates and will operate after the proposed use is established. Conditions of approval requiring the applicant to increase the level of service or capacity may be imposed if necessary to demonstrate compliance with this criterion. Alternately, the City may require the applicant to contribute its

proportionate share to the improvement where permitted in accordance with HRMC 3.20 or may allow the applicant to defer improvements through the execution of an Improvements Agreement that commits the property owners or their successors to participate in the future improvement(s) in accordance with HRMC 15.16.

Other types of on-site and off-site public facilities shall be included if necessary to serve the proposed use. "Public facilities" are defined by HRMC 17.01.060 and include that which is necessary for the public, health, safety and welfare.

Public and private utilities and a public street currently serve the site. The adequacy of public facilities to serve the site is addressed below and the Engineering Department recommends conditions of approval to ensure adequate public facilities are provided to the proposed development (Attachment C). Recommended conditions of approval are included to ensure adequate public facilities are provided.

#### Utilities – Sewer, Water, Stormwater

The City Engineering Department submitted comments relating to public facilities (Attachment C). Excerpts of the comments include:

##### **Utilities:**

- A ten foot (10') public utility easement (PUE) is required along all frontage of public streets. Exceptions to this requirement must be coordinated with all appropriate utilities and documentation provided to the City. No above ground utility structures will be allowed within the City ROW.
- All new utilities required to serve the proposed development; henceforth referenced as tax lot 4900, shall be placed underground within the dedicated ROW. Any existing overhead utilities currently extending through the boundary of tax lot 4900 shall also be placed underground.
- For all existing overhead utilities running parallel to tax lot 4900, the City will allow the Applicant to defer undergrounding of these utilities until further development of other properties along Sherman Ave., Eugene St., and Hazel Ave. or whenever the City is prepared to install these improvements. In order for the City to defer these required improvements, the applicant must sign an Improvement Agreement.
- All City water, sanitary, and/or storm sewer pipes and appurtenances located outside of a dedicated public right of way must be located within a recorded easement on a form provided by the City. All easements must meet the requirements of the City Engineering Standards.

**Stormwater:** City stormwater infrastructure is available in Eugene St. (8 inch concrete) and Adams Creek (open channel).

- A 20-foot easement is required over the existing stormwater main extending through tax lot 4900 from Eugene St. to Adams Creek.
- If a connection is made to the existing stormwater line or the line is relocated, the line shall be upsized to 12-inch.

**Stormwater:** Catch basins must be located so that runoff does not flow across intersections and are at a maximum spacing of 300 feet between flow paths. Verify all inlets can adequately accept the 10-year storm event runoff, from their contributing area, without pooling. At a minimum, one catchbasin will be required at the intersection of Adams Creek Place and Hazel Ave and one catchbasin will be required at the intersection of Adams Creek Place and Eugene St.

**Sewer:** Public sanitary sewer is available and the connection should be made to the eight inch (8") concrete line in Sherman Ave. The developer shall field verify the potential connection configuration to ensure there is no conflict with existing pipes. A design exception to directly connect to City manhole N35AA09 may be granted, at the discretion of the City Engineer. This connection, if allowed, shall come into the manhole at a 45 degree angle from the property line (requiring two cleanouts). In general sewer lines should be designed at a depth that accommodates standard manholes, cones sections, and frames and covers with grade rings. This usually necessitates a minimum cover of around five feet (5').

- Per information provided by the applicant that this development is "Co-housing", the City has determined that the sewer system beyond the ROW will be private and must meet the requirements of the OPSC as administered by the County Building Department.

**Water:** City water is available and the connection should be made to the four inch (4") waterline in Eugene St. and looped to the six-inch (6") waterline in Sherman Ave. The developer shall field verify the potential connection configuration to ensure there is no conflict with existing pipes. The water line must be constructed to City Standards and be eight-inch (8") minimum. The water line shall be centered in a 20-foot easement. An all-weather access road shall be constructed within this 20-foot easement per HRES section 5.2 This access road shall connect to Adams Creek Place via ADA compliant driveway approach and the access road shall be hard surfaced for a minimum of 20 feet behind the back edge of driveway. The access road shall extend to the bluff (approximately 50' further than currently shown), as determined by the City Engineer.

- Per information provided by the applicant that this development is "Co-housing", the City has determined that individual units are not required to be served by a public system. Therefore, all private connections to the public water system will require a meter and backflow device. The water system beyond the meter and backflow device will be private and must meet the requirements of the Oregon Plumbing Specialty Code (OPSC) as administered by the County Building Department.
- If the City fire marshal requires fire hydrants within the private development, then the water system serving the hydrant shall be public and meet all City standards.

**Conditions of approval are included to satisfy the engineering comments related to utilities.**

#### Transportation Infrastructure

The subject property is currently served by Sherman Avenue which is designated as a Collector Street in the City's Transportation System Plan (TSP). The subject property also has frontage on an unnamed public right-of-way on a portion of the western property line. The unnamed public right-of-way is accessed via Eugene Street and Hazel Avenue, all three of which are designated as Local Streets in the TSP. None of the four rights-of-way are improved to current city standards and will require improvements to increase capacity to adequately serve the proposed use as described herein.

Pursuant to HRMC 17.20.030.C.6, vehicular access for the proposed development is required to be located on a street with the lower functional classification. As such, vehicular access for the proposed development will be provided on the local street right-of-way adjacent to a portion of the western property line (proposed to be named Adams Creek Place) and not permitted on Sherman Avenue.

The proposed residential development will generate traffic impacting Eugene Street, Sherman Avenue, and other streets and intersections in the vicinity as addressed in the applicant's Traffic Assessment Letter (Attachment A.5). The City Engineering Department provided comments regarding adequate transportation facilities as follows:

**General:** Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 16.12.050(A).

- The City's TSP identifies Sherman Ave. classified as a collector street. The required ROW for a collector street is 60 feet. The existing Sherman Ave. ROW varies along the frontage. Therefore, sufficient ROW must be dedicated to achieve 30 feet of ROW from the apparent centerline of ROW to the south.
- The City's TSP identifies Adams Creek Place classified as a local street. The required ROW for a local street is 50 feet. The existing Adams Creek Place ROW is 20 feet. Therefore, 30 feet of ROW dedication would be required to achieve full width. However, at the discretion of the City Engineer, only 20 feet of ROW dedication will be required.

**Transportation:** Previous traffic reports have indicated that the intersections of Cascade Ave. and Rand Rd., Cascade Ave. and 20<sup>th</sup> St., Oak St. and 2<sup>nd</sup> St., Belmont Ave. and 12<sup>th</sup> St., and Belmont Ave. and 13<sup>th</sup> St. have met warrants for a traffic signal. Therefore, this intersection will not provide adequate public facilities for the proposed development. To mitigate the lack of adequate public transportation facilities, the TAL prepared by the applicant's traffic engineer, as requested, provided the additional trip ends generated by the proposed development passing through the Cascade Ave. and Rand Rd., Cascade Ave. and 20<sup>th</sup> St., Oak St. and 2<sup>nd</sup> St., Belmont Ave. and 12<sup>th</sup> St., and Belmont Ave. and 13<sup>th</sup> St. intersections and ultimately pay a proportionate share for the future traffic signals and other improvements at those intersections due to the peak hour impact. The current fees at time of permit issuance shall apply.

- The proportionate share per trip generated through the Cascade Ave. and Rand Rd. intersection is \$566
- The proportionate share per trip generated through the Cascade Ave. and 20<sup>th</sup> St. intersection is \$495
- The proportionate share per trip generated through the Oak St. and 2<sup>nd</sup> St. intersection is \$694
- The proportionate share per trip generated through the Belmont Ave. and 12<sup>th</sup> St. intersection is \$27
- The proportionate share per trip generated through the Belmont Ave. and 13<sup>th</sup> St. intersection is \$1,286

**Frontage Improvements:** The City's TSP classifies Sherman Ave. as a collector street. The existing conditions are not compliant with the City Standards for collector streets. The Applicant shall be required to provide half street frontage improvements as outlined in the City's TSP, Figure 6D – Residential Collector. The improvements required by the applicant

shall include separated sidewalk, planting strip, new curb and gutter, and provide new catch basin(s) aligned with the new curb line as required. Applicant must remove existing pavement a minimum distance of two feet (2') away from new gutter edge and repave up to new gutter per City Standards. Street improvements shall be extended a minimum of 25 feet beyond the limits of the project when transitions to existing conditions are necessary.

- a. The City's TSP, Table 1, identifies a Priority Sidewalk Infill Corridor project, SW4, for sidewalks on Sherman Ave. The applicant will satisfy these requirements.
- b. The City's TSP, Table 5, identifies a Bicycle Improvement project, SLM6, for Shared Lane Markings on Sherman Ave. No parking will be allowed on Sherman Ave. therefore, bike lanes rather than shared lane markings shall be required per the City's TSP, Figure 6D – Residential Collector. The applicant shall provide bike lane striping.
- c. At the discretion of the City Engineer, a design exception to allow curb tight sidewalk may be granted. A design exception shall be requested, as per form described in comment 15.
- d. If adequate justification is provided that demonstrates sidewalk along the street is infeasible along the portion of frontage at the creek crossing, an alternate solution may be considered by the City Engineer. Adequate justification would include a cost estimate comparison between the required sidewalk improvement along Sherman Ave. and the cost estimate for the alternate solution. Alternate design solutions would require sufficient engineering design to prove feasibility to achieve necessary grade, width, side slopes, ADA compliance, etc. for evaluation of the design exception. This information must be provided to the Engineering Department prior to submittal of detailed engineering plan review.

Staff notes that, if approved as a Design Exception, the walkway proposed as an alternative to the required sidewalk improvement along Sherman Avenue must be located within a public access easement. The easement shall comply with City Engineering Standards.

**Frontage Improvements:** The City's TSP classifies Eugene St. as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is 50 feet. The Applicant shall be required to build five foot (5') sidewalk on the north side of Eugene St. The extent of these improvements shall extend from tax lot 4900 to 17<sup>th</sup> St. These improvements will require ADA curb ramps and ADA compliant driveway approaches for tax lots 7200, 7300, 7400, and 7500 to be completed by the applicant.

**Frontage Improvements:** The City's TSP classifies Hazel Ave. as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is 40 feet. The existing development configuration and information provided by the applicant does not require Hazel Ave. for access or circulation for the proposed development. However, if access to Hazel Ave. is required per the Hood River Fire Marshal for fire access or access to Hazel Ave. is otherwise required for the development based on design changes, then the applicant shall pave a 24 foot width travel lane with two foot (2') gravel shoulders on each side. The extent of these improvements shall extend from tax lot 4900 to 16<sup>th</sup> St, if required.

**Frontage Improvements:** The City classifies the ROW connecting the east ends of Eugene St. and Hazel Ave. as a local street (Adams Creek Place). The existing conditions are not compliant with the City Standards for local streets. The applicant shall be required to provide half street, plus ten feet (10'), frontage improvements as outlined in the City's TSP,

Figure 6E – Local Option A. The improvements required by the applicant shall include a five foot (5') separated sidewalk, five foot (5') planting strip, curb and gutter, new catch basin(s) aligned with the new curb line as required, pave a 28 foot travel lane, and provide a foot and a half (1.5') gravel shoulder on the west side of the ROW. These improvements will require a driveway approach for tax lot 7600 to be completed by the applicant. Street improvements shall be extended a minimum of 25 feet beyond the limits of the project when transitions to existing conditions are necessary.

**Frontage Improvements:** Provide ADA curb ramps as necessary. At a minimum all curb ramps will be required to meet current ADA standards at the intersections of Eugene St. and Adams Creek Place, 16<sup>th</sup> St. and 17<sup>th</sup> St. Provide one (1) end of sidewalk style curb ramp to the west at the north end of Adams Creek Place (the driveway and approach may be used as the ADA return to street ramp if compliant with ADA standards). Provide one (1) single directional ADA curb ramp to the west on the NE corner of Eugene St. and Adams Creek Place. Provide one (1) single directional ADA curb ramp to the east on the NW corner of Eugene St. and Adams Creek Place. Provide one (1) single directional ADA curb ramp to the west on the NE corner of Eugene St. and 16<sup>th</sup> St. Provide one (1) single directional ADA curb ramp to the east on the NW corner of Eugene St. and 16<sup>th</sup> St. Provide one (1) single directional ADA curb ramp to the south on the NE corner at the intersection Eugene St. and 17<sup>th</sup> St. A total of six (6) ADA curb ramps.

**Conditions of approval are included to satisfy the engineering comments related to transportation, streets, and sidewalks.**

#### Street Lighting

The Engineering Department comments (Attachment C) include a requirement to install a street light at the intersection of Eugene St. and Adams Creek Place in conformance with City of Hood River Engineering Standards and in coordination with the Public Works Department and Pacific Power. **A condition of approval is included to satisfy the engineering comments related to street lighting.**

#### Police and Fire

The City of Hood River Police and Fire Departments currently provide service the site. The Fire Chief provided comments regarding access to the site, automatic sprinklers, and other fire access items (Attachment I). Conditions of approval are included to require the developer to demonstrate compliance with the requirements of the City Fire Chief prior to occupancy. As conditioned, the proposal is consistent with this criterion.

**As conditioned the proposal is consistent with the public facilities criterion.**

**D. Traffic and Circulation:** The following traffic standards shall be applicable to all proposals:

1. Traffic Impact Analysis: The applicant will be required to provide a traffic impact analysis prepared by an Oregon licensed traffic engineer or a Transportation Assessment Letter pursuant to Section 17.20.060 unless waived by the City Engineer.

**FINDINGS:** As required in HRMC 17.20.060, the applicant submitted a Traffic Assessment Letter (Attachment A.5). The traffic analysis is addressed below in HRMC 17.20.060.



- E. Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

**FINDINGS:** The Project Narrative (Attachment A.2) states that “Proposed garbage collections area are covered and enclosed by a sight-obscuring fencing.” The Site Plan (Attachment A.1) depicts the location for the proposed garbage collection area within the proposed Recreation Building. The Elevation Drawings (Sheet PR A1-7, Attachment A.3) for the Recreation Building depict “sight obscuring access gates” to enclose the garbage and recycling collection area.

No other outdoor storage areas are proposed.

Hood River Garbage submitted comments (Attachment E) noting that the location will function for its needs and that it will need to be appropriately sized to serve the proposed number of dwelling units.

To ensure these requirements are met, **conditions of approval are included to require that all outdoor storage and garbage collection areas on the site shall be appropriately sized and screened through the use of vegetative materials or appropriate fencing and covered to prevent runoff into the sanitary sewer system. Prior to issuance of building permits, details of screening methods shall be submitted to the planning director. Any trash/recycling enclosure shall be designed in accordance with the specifications of the service provider (Hood River Garbage Service, Inc.).**

- F. Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and provide a sound buffer that meets the minimum requirements of the noise ordinance.

**FINDINGS:** No details about mechanical equipment were provided. The Project Narrative (Attachment A.1) states that small-scale mechanical equipment will be mounted on the ground and that no rooftop mechanical equipment is proposed. **As such a condition of approval is included to require that, prior to issuance of a building permit, building plans shall demonstrate that any new mechanical equipment located on the exterior of the building will be screened from view and meet the requirements of the city’s noise ordinance. The property owner shall demonstrate conformance with the screening requirement for mechanical equipment prior to occupancy.**

- G. Design:** Variety of detail, form, and siting should be used to provide visual interest. A single uninterrupted length of facade shall not exceed 100 feet. Buildings shall utilize at least three (3) of the following architectural elements to provide architectural variety:

1. Massing
2. Offsets
3. Materials
4. Windows
5. Canopies
6. Pitched or terraced roof forms
7. Other architectural elements

**FINDINGS:** A variety of detail, form and siting are required to ensure visual interest in proposed building design. Six buildings are proposed and the Project Narrative (Attachment A.2) describes that six of the seven listed architectural elements are proposed for the buildings: massing, offsets, materials, windows, canopies, and pitched roof forms.

The applicant submitted elevation drawings (Attachment A.3), a Site Plan (Attachment A.1), and a project narrative (Attachment A.2) to describe the design proposed for each of the buildings. The elevation drawings include information about proposed exterior materials and building dimensions. No two buildings are designed identically.

Buildings 1, 2 & 3: (Sheets PR A1-4, PR A1-5 & PR A1-6, Attachment A.3) The three multi-family residential buildings are similarly designed but differ in size. Building 1 is three stories in height and Buildings 2 and 3 are two stories in height, providing variation in roof height and massing. Each of the buildings feature offsets created by elevated open-air walkways and recessed balconies. A variety of exterior materials is proposed including fiber cement siding in horizontal and vertical cladding, concrete, patterned screening, and accent wood cladding. Multiple window sizes are proposed for the buildings. The residential buildings include roof eaves and it appears some small canopies are included on north and south elevations, although details are not provided. Buildings 2 and 3 have multiple pitched or 'folded' to provide variety in massing and roof forms. With interruptions of balconies and recessed staircases, no façade exceeds 100 feet of uninterrupted wall plane.

Recreation Building: (Sheet PR A1-7, Attachment A.3) The Recreation Building features a simple design that includes offsets due to its L-shaped footprint. The building features predominate use of horizontal clad fiber cement siding with accents of slatted screening. The east elevation features a large canopy. None of the facades exceeds 50 feet in length.

Common House: (Sheet PR A1-3, Attachment A.3) The Common House features a pitched roof, a variety of exterior materials (Hardie board & batten and shingle cladding), variety in window sizing, a large deck, and a deep covered entry (canopy) to provide visual interest. As illustrated on the elevation drawings, none of the façade lengths exceeds 75 feet.

Carport/Garage: (Sheet PR A1-7, Attachment A.3) The Carport/Garage features a shed roof and horizontal siding. It is not clear that this structure meets the standard restricting the length of an uninterrupted façade to no more than 100 feet. To ensure consistency with the uninterrupted façade length standard, **a condition of approval is included to verify, prior to building permit, that the building does not include an uninterrupted façade length exceeding 100 feet.**

As conditioned, the proposed design of each of the buildings appears to be consistent with this standard. To ensure consistency with this standard, **a condition of approval is included to require that each of the proposed buildings is designed and constructed with a variety of design elements in conformance with HRMC 17.16.050.G.**

**H. Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

**FINDINGS:** "Orientation towards the street" means that building entrances face the street. Usually, this is the street from which the property is accessed as opposed to a street on which the property simply has frontage.

The proposed site layout provides that entrances of the three multi-family buildings face a 'central greenway' on the interior of the site rather than toward adjacent streets. Similarly, the entrances for the proposed Recreation Building and Common House face the residential buildings, not adjacent streets. Given that the multi-family dwellings are private dwelling units, that the common buildings are for use by residents and not open to the public, none of the buildings face the parking area, and that the site is adjacent to lower-density residential development, staff finds that the proposed orientation of the buildings is acceptable. ***Staff recommends that the Planning Commission make a finding that the proposed building orientation is consistent with HRMC 17.16.050.H.***

- I. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

**FINDINGS:** Location of parking behind or beside a building allows orientation of the building toward the street and a more welcoming site for pedestrians. Where more than one building is proposed, parking shall be located in such a manner that most achieves the intent of this provision.

The subject property is oriented in a north-south direction. Because of the size and topography of the site, frontage on two public streets, and the proposal of multiple multi-family buildings, there is no clear "front" or "behind" of the proposed development. That said, the project design includes provision of a shared parking lot that is located south of all proposed multi-family buildings and not directly adjacent to a public right-of-way. The proposed site layout provides for pedestrian entrances that avoid conflict with the proposed parking area. As such, the proposal is consistent with this criterion.

**17.16.060 Effect of Approved Site Plan Review Permit.** No building or development of any sort shall occur to the approved site plan review permit except as follows:

1. Minor adjustments to an approved site plan review permit may be made after review and approval by the Director. Minor adjustments are those that entail minor changes in dimensions or siting of structures and location of public amenities, but do not entail changes to the intensity or character of the use.
2. Major adjustments to an approved site plan review permit require a new or amended application, as determined by the Director. Major adjustments are those that change the basic design, intensity, density, use, and the like.

**FINDINGS:** Any proposed adjustment to an approved Site Plan Review permit is subject to these provisions.

**17.16.070 Expiration and Extension**

- A. The site plan review permit is valid for a period of two (2) years from the written Notice of Decision, or the decision on an appeal, whichever is later.
- B. A single one (1) year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstance or conditions not known, or foreseeable, at the time of original application warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

**FINDINGS:** If the application is approved, a **condition of approval is included to state that this Site Plan Review is valid for two (2) years from the date of the written Notice of Decision, or the decision on an appeal, whichever is later. Any required construction site permit or building permit associated with the proposed multi-family development shall be obtained within that period. A single one (1) year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstance or conditions not known, or foreseeable, at the time of original application warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.**

**17.16.080 Appeal.** Final decisions on site plan review may be appealed in accordance with the provisions of *Appeal Procedures* (Chapter 17.09).

**FINDINGS:** The notice of decision associated with this application will detail the appeal process in conformance with HRMC 17.09.030(J).

#### **4. CHAPTER 17.17 – LANDSCAPING AND DEVELOPMENT STANDARDS**

##### **17.17.010 Scope**

- A. Landscaping standards apply to all new multifamily, commercial, industrial uses, change of use, parking lots of four (4) spaces or more, public facilities and conditional uses.
- B. For sites that do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

**FINDINGS:** The proposal is a multi-family residential use. As such, the landscaping requirements of this section apply to the proposal.

##### **17.17.020 Procedure**

- A. A preliminary or conceptual landscaping plan shall be submitted to the planning Director at the time of application. The Planning Director shall review all landscaping plans for compliance with the provisions of this ordinance and notify the property owner of deficiencies in a submitted plan.
- B. A building permit shall not be issued until a final landscaping plan has been approved by the Planning Director.
- C. The required landscaping shall be in place prior to issuance of a certificate of occupancy.
- D. A property owner shall be responsible for the establishment and maintenance of landscaping. All required landscaped areas shall be maintained according to the approved landscaping plan.

**FINDINGS:** The applicant submitted a preliminary landscaping plan (Attachment A.1). In order to ensure conformance with these requirements, **conditions of approval require a final landscaping plan be submitted to and approved by the Planning Director prior to the issuance of a construction site permit or building permit; all approved landscaping shall be installed or guaranteed prior to occupancy of the building; and the owner shall be responsible for the establishment and maintenance of all landscaping in accordance with the approved landscaping**

**plan. If plantings fail to survive, it is the responsibility of the property owner to replace them.**

As conditioned, the proposal complies with these standards.

**17.17.030 Contents of Landscaping Plan.** A landscaping plan submitted to the Planning Director as required by this ordinance shall identify the placement and type of plant materials to provide an effective means for evaluating whether the chosen plant materials will:

1. Survive in the climate and soils of the proposed site; and
2. Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening, and shade, within a reasonable time.

**FINDINGS:** The Site Plan/preliminary Landscaping Plan (Attachment A.1) depicts areas to be formally landscaped with ground cover, decorative landscaping, native vegetation, and screening vegetation; locations of proposed new trees; and areas to be left undisturbed with native vegetation. It includes some areas to be planted with 'native vegetation' but does not provide information about specific proposed plant or tree species. The Project Narrative (Attachment A.2) notes that "specific species will be selected to minimize upkeep, complement or supplement surrounding natural vegetation, and fit the climate." **A condition of approval is included to require that the Final Landscaping plan shall include plant species suitable for the subject property, taking into consideration climate, soils, and surrounding natural vegetation. In addition, the final landscaping plan shall include provisions for ensuring erosion control on sloped areas, screening of the development from adjacent properties, and shade within a reasonable time. As conditioned, the project meets this standard.**

**17.17.040 General Landscaping Standards.** The following landscaping standards shall apply:

1. The property owner shall be responsible for any future damage to a street, curb, or sidewalk caused by landscaping.
2. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.
3. Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.
4. Plants that minimize upkeep and maintenance shall be selected.
5. Plants shall complement or supplement surrounding natural vegetation and fit the climate.
6. Plants chosen shall be in scale with building development.
7. Minimum landscaping as a percent of gross site area shall be as follows:

<u>ZONE/USE</u>	<u>PERCENT</u>
Multi-family	20%

8. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting.
9. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
10. Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting.
11. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.

12. 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.
13. Trees shall not be planted closer than twenty-five (25) feet from the curb line of intersections of streets or alleys, and not closer than ten (10) feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
14. Street trees shall not be planted closer than twenty (20) feet to light standards. Except for public safety, no new light standard location should be positioned closer than ten (10) feet to any existing street tree, and preferably, such locations will be at least twenty (20) feet distant.
15. Trees shall not be planted closer than two and one-half (2½) feet from the face of the curb except at intersections, where it should be five (5) feet from the curb in a curb return area.
16. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
17. Trees shall not be planted within two (2) feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four (4) feet by four (4) feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.
18. Trees, as they grow, shall be pruned to their natural form to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above street roadway surfaces.
19. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.
20. Vision clearance hazards shall be avoided. Refer to Diagram "A" – Vision Clearance, Section 17.09.040.
21. City or State right-of-way(s) cannot be used to satisfy the required landscaping requirement.
22. Landscaping in the Central Business district and the Heights Business District can include street amenities such as park benches and planter boxes.

**FINDINGS:** HRMC 17.17.040(7) requires that a minimum of 20% of the gross site area is landscaped. Based on the survey provided by the applicant (Sheet C5, Attachment A.4), the gross site area is approximately 2.4 acres (≈104,544 square feet). Thus, a minimum of 20,909 square feet of the site is required to be landscaped. Staff estimates the Site Plan shows more than 60,000 square feet of area in formal landscaping or left in a natural condition. In previous decisions, the Planning Commission has agreed to include areas of undisturbed existing vegetation to be included in the required landscaped area. **A condition of approval is included to require that the Final Landscaping Plan, submitted for review and approval by the Planning Director prior to issuance of a construction site permit or building permit, includes a minimum of 20% of the gross site area for landscaping.**

HRMC 17.17.040(3) requires parking areas shall include landscaping planted in combination along the perimeter and in the interior of the lot designed to guide traffic movement and lessen the visual dominance of the lot. The Site Plan/preliminary Landscaping Plan (Attachment A.1) depicts proposed screening vegetation on the west and south sides of the parking area property lines adjoining adjacent properties. It also depicts three proposed trees will be planted interior to the lot in the area proposed for tandem parking. The Project Narrative (Attachment A.2) indicates the screening vegetation will be a "mix of ground cover, mulch, decorative trees, and tightly spaced evergreen shrubs." As proposed, the preliminary landscaping plan appears to meet the requirements for parking area landscaping. **A condition of approval is included to**

**require that the Final Landscaping Plan shall include landscaping planted in combination along the perimeter and in the interior of the lot designed to guide traffic movement and lessen the visual dominance of the lot. Trees that will provide shade shall be included in the perimeter and interior parking lot landscaping.**

Generally, the preliminary landscaping plan has been designed to meet the standards of HRMC 17.17.040 however, to ensure compliance, additional **conditions of approval area included to require the Final Landscaping Plan is designed and landscaping is installed to contribute to privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character. The Final Landscaping Plan shall include a mix of deciduous and evergreen trees and shrub meeting the following standards:**

- **Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting;**
- **Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting;**
- **Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting; and**
- **Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.**

**A watering system shall be installed to assure landscaping success.**

The preliminary Landscaping Plan/Site Plan (Attachment A.1) depicts the locations for proposed street trees along Adams Creek Place. No new street trees are depicted along Sherman Avenue. HRMC 17.17.040(19) provides that “existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.” The applicant is requesting a design exception for the required sidewalk along Sherman Avenue. As such, **a condition of approval is included to required that the final plans submitted for permits include a plan for street trees that meets the provisions of HRMC 17.17.040. Street tree species shall be selected from the City of Hood River Street Tree List and shall have a minimum caliper size at planting of 2 inches as measured 6-12 inches above the root ball.**

As conditioned, the proposal complies with this standard.

**17.17.050 City Entrances Landscaping and Development Standards.** The following standards will be required for new commercial, multi-family, industrial uses, including change of use, and parking lots of four (4) spaces or more on properties within the designated entrances to the City of Hood River.

**FINDINGS:** The subject site is not located within a designated city entrance, thus the standards in HMRC 17.17.050 are not applicable.

**17.17.060 Violation.** Failure to comply with the standards subsequent to issuance of the building permit for new construction shall constitute a violation of these regulations and be subject to the penalty and abatement proceedings in the *Severability – Penalties* chapter (Chapter 17.10).

**FINDINGS:** A condition of approval will alert the applicant that failure to comply with the standards subsequent to issuance of the building permit for new construction constitutes a violation of these regulations and be subject to the penalty and abatement proceedings in the *Severability – Penalties* chapter (Chapter 17.10).

## 5. CHAPTER 17.20 – TRANSPORTATION CIRCULATION & ACCESS MANAGEMENT

**17.20.010 Applicability.** This chapter implements the City’s adopted Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-12). The standards of this chapter are applicable to all proposed improvements to the public transportation system and to all development on the public transportation system.

**FINDINGS:** Impacts to the public transportation system are anticipated in association with the proposed development. As such the standards of this chapter are applicable.

**17.20.020 Definitions.** This section incorporated into Section 17.01.060 – Definitions.

**FINDINGS:** Interpretations of text in this section shall be consistent with the definitions in HRMC 17.01.060.

**17.20.030 Access Management Standards.** This section shall apply to all development on arterials and collectors within the City and UGA and to all properties that abut these roadways as part of site plan review process (Chapter 17.16). Within the Interchange Area Management Plan Overlay Zone’s “Access Management Blocks,” this section also applies to local streets and roads and abutting properties.

- A. **Site Plan Review Procedures.** All site plans are required to be submitted for review pursuant to the provisions of this title and shall show:
- a. Location of existing and proposed access point(s) on both sides of the road where applicable;
  - b. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
  - c. Number and direction of lanes to be constructed on the driveway plus striping plans;
  - d. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
  - e. Parking and internal circulation plans including walkways and bikeways; and
  - f. A detailed description of any requested variance and the reason the variance is requested.

**FINDINGS:** The site abuts an existing collector street, Sherman Avenue. The Site Plan (Attachment A.1), Grading Plan (Sheet C8, Attachment A.4), and the Traffic Assessment Letter (Attachment A.5) generally include the required information. An existing access driveway on Sherman Avenue is depicted on the Site Plan. The proposed access driveway is located off of ‘Adams Creek Place’ – a previously unnamed and unimproved local street public right-of-way. The proposed driveway access scales to 20 feet in width. The access point is located directly opposite of the east end of Eugene Street. No striping is shown or proposed, however the driveway is two-directional. The Site Plan depicts proposed walkways and the Grading Plan depicts proposed sidewalks and ADA ramp improvements. A list of Design Exceptions is



included on the Cover Sheet of the Civil Plans (Sheet C1, Attachment A.4) and the applicant states he will provide a detailed description and justification for those exceptions at the time of permit submittals.

- B. **Criteria.** All site plans shall comply with the following access criteria:
1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
  2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
  3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
  4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas; entrances to the development; and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
  5. The access shall be consistent with the access management standards adopted in the Transportation System Plan.
  6. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

**FINDINGS:** The public right-of-way adjacent to the western boundary of the subject property is proposed to be improved as a local street (Adams Creek Place) connecting the east ends of Eugene Street and Hazel Avenue. The alignment of Adams Creek Place is within an existing public right-of-way and additional right-of-way dedication is required to accommodate required frontage improvements. The Grading Plan (Sheet C8, Attachment A.4) indicates it is designed to generally follow the existing gently sloped topography, consistent with HRMC 17.20.030.B.1.

HRMC 17.20.030.B.2 requires compliance with driveway spacing, sight distance and other access considerations. Vehicular access will be provided by a new driveway accessing the improved Adams Creek Place right-of-way. Adams Creek Place is a local street with a minimum driveway spacing standard of 22 feet from other driveways or public streets (HRMC 13.28.040). Existing nearby driveways are not depicted on the Site Plan or Grading Plan. No other driveways exist or are proposed on the east side of Adams Creek Place. The driveway is located directly opposite of the east end of Eugene Street on the east side of Adams Creek Place. The applicant's traffic engineer (6/2/20 letter, Attachment A.5), contends the proposed driveway is not subject to driveway spacing standards for driveways on Eugene Street. The City Engineer determined that the location is allowed to satisfy driveway spacing standards in order to allow the driveway to function as a stop controlled T-intersection (Attachment C), however the applicant's TAL needs to be updated to reflect this condition accurately. **A condition of approval is included to require the applicant to submit an updated TAL that accurately reflects driveway spacing standards, sight distance, and intersection controls.**

The applicant's TIA also addresses sight distance and states that based on a design speed of 25 mph, a minimum sight distance of 280 feet should be provided on both Eugene Street and Adams Creek Place. The applicant's traffic engineer recommends removal of existing vegetation along the site's frontage on Adams Creek Place to achieve the required sight distance. **A condition of approval requires vegetation removal, new plantings, and landscaping maintenance to achieve the required sight distance standard.**

As conditioned, the proposal is consistent with HRMC 17.20.030.B.2.

HRMC 17.20.030.B.3 requires provision of a road system that adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection. Pursuant to this standard, Adams Creek Place will be improved as a local street to provide access to the development for residents, visitors, deliveries, emergency vehicles, and garbage collection. The proposed driveway will provide access to a shared parking lot for residents. It is not clear what provision is made for access by visitors other than on-street parking on adjacent or nearby public streets. The applicant proposes that delivery vehicles will use a 'plaza' area adjacent to parking spaces. Access for fire apparatus is provided on Adams Creek Place and a restriction on parking on the east side of the street will ensure adequate access for fire apparatus (Attachment I). As described above, Hood River Garbage provided comments indicating the plan provides adequate access for garbage collection (Attachment E).

As conditioned for fire access, the proposal is consistent with HRMC 17.20.030.B.3.

HRMC 17.20.030.B.4 requires provision of adequate internal pedestrian circulation, sidewalks on adjacent streets, and pedestrian linkages to the peripheral street system. The Site Plan depicts and internal system of pathways connecting the proposed residential buildings to the proposed common buildings and parking area, and to proposed sidewalks on Adams Creek Place and Sherman Avenue. Comments from the Engineering Department (Attachment C) include specifications for sidewalks required on Adams Creek Place, Eugene Street, and Sherman Avenue pursuant to this standard and to street standards in City's Transportation System Plan (TSP) and provide adequate public facilities. As noted on Sheet C1 of the civil drawings (Sheet C1, Attachment A.4), the applicant intends to request Design Exceptions for sidewalks on Sherman Avenue and Eugene Street. If approved, a public access easement will be required for the walkway proposed in lieu of a sidewalk on Sherman Avenue.

As proposed, walkways and sidewalks will provide pedestrian access to Sherman Avenue to the north and Adams Creek Place and Eugene Street out to 17<sup>th</sup> Street to the west. At the pre-application conference Staff recommended and requested a pedestrian connection to the south be provided at the southeast corner of the subject property to provide a pedestrian connection to Andy's Way, the public street network to the south, and the nearby middle school. This small connection is a significant opportunity to achieve a north-south pedestrian access in an area that does not currently meet the City's block length and perimeter standards in HRMC 16.12.020. A pedestrian connection in this location will promote efficient pedestrian circulation to key destinations to the south such as the middle school, aquatic center, and Jackson Park. **A condition of approval is included to require provision of a pedestrian connection to Andy's Way either from the shared parking lot to the southwest corner of the subject property or along the western edge of the property to the southwest corner of the subject property.** As conditioned, the proposal is consistent with HRMC 17.20.030.B.4.

Access Management Standards in the City's Transportation System Plan includes standards for roadway design, access spacing, and other techniques used to provide efficient, safe, and timely travel within the city to individual destinations. Conformance with the access management standards is addressed in more detail below. As conditioned throughout this report, the proposal is consistent with HRMC 17.20.030.B.5 and access management standards.

No access to the State Highway System is proposed. The Oregon Department of Transportation (ODOT) provided comments to indicate it had no concerns with the proposed project given the recommended vehicular access from Eugene Street and Adams Creek Place and limitation on vehicular access from Sherman Avenue in close proximity to a state highway (Attachment F).

As conditioned, the proposal is consistent with these criteria.

**C. Standards.**

1. **Access Spacing:** Driveway accesses shall be separated from other driveways and street intersections in accordance with the standards and procedures of Chapter 13.28.

**FINDINGS:** As addressed above, a new driveway accessing Adams Creek Place is proposed on the western side of the subject property. Adams Creek Place is a local street requiring a minimum of 22 feet separation between driveways and from the intersections of public streets. No other driveways are proposed on Adams Creek Place, thus the proposed driveway does not conflict with the spacing requirement for other driveways. The proposed driveway location is directly opposite of the east end of and in alignment Eugene Street, essentially forming a T-intersection with Eugene Street and Adams Creek Place. The City Engineer has determined that the driveway location is a permitted exception to driveway spacing standards with intersection controls (Attachment C).

2. **Joint and Cross Access:**

- a. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
- b. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
  - (1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
  - (2) A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; and
  - (4) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
- c. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- d. Pursuant to this section, property owners shall
  - (1) Record an easement allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - (2) Record an agreement that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - (3) Record a joint maintenance agreement defining maintenance responsibilities of property owners.
- e. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- (1) Joint access driveways and cross access easements are provided in accordance with this section.
- (2) The site plan incorporates a unified access and circulation system in accordance with this section.
- (3) The property owner enters into a written agreement with the city, which shall be recorded with respect to the subject property, agreeing that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway; and
- (4) The City Engineer may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**FINDINGS:** The subject property is not adjacent to commercial or office properties and joint access with adjacent properties is not required or recommended. Thus, these standards are not applicable.

3. **Driveway Design:** Driveways shall be designed pursuant to the requirements of Chapter 13.28.

**FINDINGS:** The proposal includes a single point of vehicular access for a shared parking area serving 26 dwelling units as well as deliveries and garbage collection. The proposed driveway will access Adams Creek Place, a local street. The subject property has approximately 195 feet of frontage on Adams Creek Place, thus pursuant to HRMC 13.28 a maximum driveway width of 36 feet with ramps may be allowed. The applicant proposes a driveway width of approximately 20 feet as depicted on the Site Plan. Comments from the Engineering Department (Attachment C) include the following driveway design requirements:

Access to the development, from Eugene St./Adams Creek Place, shall be via driveway approach. The proposed driveway approach shall be designed per the HRES and the design of the approach wings shall be detailed with grades and elevations. The approach shall meet ADA compliance. One (1) curb cut with a maximum driveway approach throat width of 29 feet will be allowed per HRMC 13.28.030 – Permit Issuance for Driveways. The width of the wings and transitions shall be adequate to meet all ADA requirements. Driveway approach to be completed at the time of building construction, as a condition of permit issuance.

**A condition of approval is included to require that the proposed vehicular driveway approach is designed to meet City Engineering Standards.**

4. **Requirements for Phased Development Plans:**
  - a. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one (1) building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are

responsible for compliance with the requirements of this ordinance and both may be cited for any violation.

- b. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

**FINDINGS:** A phased development plan is not proposed at this time. If the property is further developed in the future, the future development will be reviewed for compliance with this standard.

5. **Nonconforming Access Features:** Legal access connections in place as of November 2001 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards pursuant to the requirements of 13.28.

**FINDINGS:** There is an existing driveway access from Sherman Avenue serving the existing single-family dwelling. The existing driveway does not to current access standards requiring access from a lower classification street when a property has frontage on two or more streets (HRMC 17.20.030.C.6). As such, the applicant proposes to construct a new vehicular access point on Adams Creek Place, a local street. To bring the subject property into compliance with these standards, continued vehicular access from Sherman Avenue is prohibited. The applicant has proposed to keep the existing driveway to provide pedestrian access to Sherman Avenue, consistent with pedestrian circulation standards. Comments provided by ODOT (Attachment F) indicated concerns with additional vehicular access on Sherman Avenue. To ensure compliance with access standards, **a condition of approval is included to prohibit vehicular access on the existing driveway on Sherman Avenue; allow the driveway to be retained and maintained for pedestrian access; and require the property owner to install bollards or other vehicular barrier at the northern end of the existing driveway. The proposed vehicular barrier shall be submitted for review and approval by the City Engineer and Fire Chief.**

6. **Reverse Frontage:** Lots that front on more than one (1) street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

**FINDINGS:** The subject property has frontage on Sherman Avenue and on an unimproved local street right-of-way on the west side of the property. Sherman Avenue is designated a collector street in the City's TSP. Consistent with this standard, the applicant proposes to improve the local street public right-of-way on the western side of the property – to be called Adams Creek Place – and construct a new vehicular access driveway on Adams Creek Place. As described above and conditioned, motor vehicle access from Sherman Avenue, a collector street, will be prohibited.

**D. Access within Interchange Area Management Plan (IAMP) Overlay Zone.**

In addition to the standards and requirements of the Transportation Circulation and Access Management section of this ordinance (Section 16.12 and Section 17.20), parcels wholly or partially within an adopted IAMP Overlay Zone are subject to the Access Management Plan in the applicable IAMP (Exit 62 or Exit 63/64). The following applies to land use and development applications for parcels within an adopted IAMP Overlay Zone that are subject to Chapter 17.16 Site Plan Review or Title 16 Subdivisions and that are shown as part of an

“Access Management Block” subject to the recommendations of the Access Management Plan (see Figure 9, Access Management Blocks, in the Exit 62 IAMP and Figures 10 and 11, Access Management Blocks, in the Exit 63 and 64 IAMP).

**FINDINGS:** The subject property is not located within an Interchange Area Management Plan (IAMP) Overlay Zone. As such these requirements are not applicable.

**17.20.040 Bicycle Parking.** All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 17.20-40-A, and subsections A-H, below.

A. Minimum Required Bicycle Parking Spaces. Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 17.20.40-A. Where two options are provided (*e.g.*, 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking shall be used.

**Table 17.20.40-A Minimum Requirements for Bicycle Parking Spaces**

Use Categories	Specific Uses	Long-term Spaces (Covered or Enclosed)	Short-term Spaces (Near Building Entry)
<b>Residential Categories</b>			
Household Living	Multi-family	1 per 4 units	2, or 1 per 20 units

- B. Exemptions. Section 17.20.040 does not apply to single-family and two-family housing (attached, detached, or manufactured housing) or home occupations.
- C. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (*i.e.*, sheltered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Racks shall allow frames and wheels to be locked. Shared facilities will be allowed.
- D. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building, including beneath roof overhangs and awnings.
- F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.
- G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance areas (see Diagram “A” – 17.04.090).

**FINDINGS:** The applicant proposes a multi-family residential development with a total of 26 dwelling units as described in Chapter 17.03. As such, a minimum of 6.5 long-term bicycle parking spaces and 2 short-term bicycle spaces are required.

The Site Plan (Attachment A.1) indicates space will be available for approximately 25 bicycles inside the Recreation Building, meeting the requirement that long-term bicycle parking spaces are covered or enclosed. The Site Plan also indicates that two additional bicycle parking spaces will be located outside of and adjacent to the entries of each the Recreation Building and the Common House. Details for bicycle parking were not provided. As such, **a condition of approval is included to require that the final plans submitted for permits include provision for a minimum of 7 long-term bicycle parking spaces inside or covered and a minimum of 2 short-term bicycle parking spaces near the entry of a common building. Conformance with the bicycle parking standards shall be verified prior to occupancy.** As conditioned, the proposal is consistent with these requirements.

#### **17.20.050 Standards for Transportation Improvements**

- A. **Permitted Uses.** Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:
1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
  2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
  3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
  4. Landscaping as part of a transportation facility.
  5. Emergency measures necessary for the safety and protection of property
  6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
  7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

**FINDINGS:** The proposed use exceeds the scope of these permitted improvements. As such, the standards of HRMC 17.20 are applicable to the proposal.

#### **B. Uses Subject to Site Plan Review.**

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are
  - a. Not improvements designated in the Transportation System Plan; or
  - b. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.
2. An application for site plan review is subject to review under *Site Plan Review* (Chapter 17.16); however, the decision criteria do not apply. In order to be approved, the site plan permit shall comply with the Transportation System Plan and applicable standards of this title, and shall address the criteria below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
  - a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

- b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - d. Project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this ordinance.
3. Street and interchange improvements (defined as parking removal, access modifications in IAMP blocks, new lanes, new streets, signalization modifications). The site plan review shall include findings and solutions addressing safety, mobility, and the effect of traffic beyond the immediate vicinity, pedestrian system, bike system, parking and economic enterprise will be protected and/or enhanced by the proposed. "The following facility(ies) shall be considered in the study area for all traffic analysis unless modified by the City Engineer: All access points and intersections signalized and un-signalized adjacent to the proposed site, if the proposed site fronts an arterial collector street the analysis shall address all intersection and driveways along the site frontage and within the access facing distances extending out from the boundary from the site frontage roads through and adjacent to the site. All intersections that receive site generated trips that comprise at least 10% or more of the total intersection volume. All intersections needed for signal progression analysis. In addition to these requirements the City Engineer may determine any additional intersections or roadway links that may be adversely affected as the result of the proposed development.

**FINDINGS:** These standards apply to transportation improvements such as new roads that are not included in the City's Transportation Plan. The proposed improvements to Adams Creek Place are within an existing local street public right-of-way and no transportation improvements described in HRMC 17.20.050.B.2 are proposed, thus the standards in HRMC 17.20.050.B.2 are not applicable. Instead, the Site Plan Review criteria in HRMC 17.16 are applicable as described above.

#### **17.20.060 Traffic Impact Analysis**

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the city to adopt a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis (TIA) must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a TIA; and who is qualified to prepare the analysis.
- B. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the *Trip Generation* manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily and peak hour (weekday and/or weekend) vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate. A trip generation study may be used to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which a similar facility is available to count.



- C. Applicability and Consultation. A Traffic Impact Analysis shall be required to be submitted to the city with a land use application when (1) a change in zoning or plan amendment is proposed or (2) a proposed development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis, field measurements, crash history, Institute of Transportation Engineers *Trip Generation*; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
- a. The proposed action is estimated to generate 250 Average Daily Trips (ADT) or more, or 25 or more weekday AM or PM peak hour trips (or as required by the City Engineer);
  - b. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day
  - c. The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
  - d. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
  - e. A change in internal traffic patterns that may cause safety problems, such as back up onto public streets or traffic crashes in the approach area.

The applicant shall consult with the City Engineer or his/her designee at the time of a pre-application conference (see Section 17.09.120 Pre-Application Conferences) about whether a TIA is required and, if required, the details of what must be included in the TIA.

**FINDINGS:** The applicant submitted a Traffic Assessment Letter (Attachment A.5) that indicates the proposed development is expected to generate 174 new average daily trips, 11 new weekday AM peak hour trips, and 13 new weekday PM peak hour trips, which is below the threshold for requiring a Traffic Impact Analysis (TIA). The City calculates the guest suite in the Common House as an additional dwelling unit for traffic and parking purposes which will revise the trip generation but not above the threshold to require a TIA. A Traffic Impact Analysis was not required because no zone change is proposed; the project will generate fewer than 25 peak hour trips and fewer than 250 average daily trips; the development will not add more than 10 vehicles exceeding 20,000 pound gross vehicle weight per day; the driveway location is a permitted exception to access spacing standards; and the use is not expected to cause safety problems. At the pre-application conference held on April 26, 2019, the City Engineer did not require the applicant to provide a Traffic Impact Analysis. Instead, the applicant was required to provide a Transportation Assessment Letter (TAL) prepared by a professional engineer registered in Oregon and in conformance with HRMC 17.20.060.D.

Many of the comments submitted by nearby property owners included concerns about increased traffic that will be generated by the proposed development. As described in the applicant's TAL, total weekday vehicular trips are expected to increase by approximately 194 trips. Vehicular access for the proposed development will be via a single driveway that accesses Adams Creek Place at its intersection with Eugene Street. Both roads are public and are classified as local streets in the City's Transportation System Plan (TSP) with a speed limit of 25 mph. The TSP explains that local streets are designed to accommodate between 1,000 and 1,200 vehicles per day through residential areas. When a proposed development is expected to increase through-traffic on a residential local street by more than 200 vehicles per day, or 20 or more vehicles in the PM Peak Hour, the City may consider requiring traffic calming mitigation measures. Based on the TAL and the subsequent analysis of the City Engineer (Attachment C), traffic volume on the section of Eugene Street between the subject property and 17<sup>th</sup> Street will

increase from the current volume, however the proposed development is not forecasted to generate more than 200 vehicle trips per day on the adjacent residential local streets (that would trigger the requirement for traffic calming mitigation) and no safety hazards have been identified as a result of the development. As discussed in this report, with conditions of approval to ensure the sight distance standard is met for Adams Creek Place and the TAL is updated to reflect 26 dwelling units, the proposal meets the City's access management standards.

- D. Traffic Assessment Letter. If a TIA is not required as determined by Section 17.20.060.C, the applicant shall submit a Transportation Assessment Letter (TAL) to the City indicating that TIA requirements do not apply to the proposed action. This letter shall present the trip generation estimates and distribution assumptions for the proposed action and verify that driveways and roadways accessing the site meet the sight distance, spacing, and roadway design standards of the agency with jurisdiction of those roadways. Other information or analysis may be required as determined by the City Engineer. The TAL shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis.

The requirement for a TAL may be waived if the City Engineer determines that the proposed action will not have a significant impact on existing traffic conditions.

**FINDINGS:** The applicant submitted a Traffic Assessment Letter (TAL) prepared by Lancaster Engineering (April 23, 2020; Attachment A.5). The TAL indicates that a Traffic Impact Analysis (TIA) is not required based on the trip generation estimates developed using the *Trip Generation Manual*, 10<sup>th</sup> Edition, published by the Institute to Transportation Engineers. The applicant's TAL addresses existing conditions, trip generation and distribution, access spacing, and sight distance.

The applicant's TAL generally complies with the requirements of HRMC 17.20.060.D.

- E. Traffic Impact Analysis Requirements.
1. Preparation. A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis and will be paid for by the applicant.
  2. Transportation Planning Rule Compliance. See Chapter 17.08.050 Transportation Planning Rule Compliance.
  3. Pre-application Conference. The applicant will meet with the City Engineer prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected.
- F. Study Area. The following facilities shall be included in the study area for all Traffic Impact Analyses (unless modified by the City Engineer):
1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
  2. Roads through and adjacent to the site.
  3. All intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume.

4. All intersections needed for signal progression analysis.
  5. In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development.
  6. Those identified in the IAMP Overlay Zone (see Subsection I).
- G. When a Traffic Impact Analysis (TIA) is required, the TIA shall address the following minimum requirements:
1. The TIA was prepared by an Oregon Registered Professional Engineer; and
  2. If the proposed development shall cause one or more of the effects in Section 17.20.060(C), above, or other traffic hazard or negative impact to a transportation facility, the TIA shall include mitigation measures that are attributable and are proportional to those impacts, meet the City's adopted Level-of-Service standards, and are satisfactory to the City Engineer and ODOT, when applicable; and
  3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
    - a. Minimize the negative impacts on all applicable transportation facilities; and
    - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
    - c. Make the most efficient use of land and public facilities as practicable; and
    - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
    - e. Otherwise comply with applicable requirements of the Hood River Municipal Code.
  4. If the proposed development will increase through traffic volumes on a residential local street by 20 or more vehicles during the weekday p.m. peak hour or 200 or more vehicles per day, the impacts on neighborhood livability shall be assessed and mitigation for negative impacts shall be identified. A negative impact to neighborhood livability will occur where:
    - a. residential local street volumes increase above 1,200 average daily trips; or
    - b. the existing 85<sup>th</sup> percentile speed on residential local streets exceed 28 miles per hour.

**FINDING:** A Traffic Impact Analysis was not required, thus HRMC 17.20.060.E – G are not applicable.

- H. Conditions of Approval. The city may deny, approve, or approve a development proposal with appropriate conditions needed to meet transportation operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Factors that should be evaluated as part of land division and site development reviews, and which may result in conditions of approval, include:
1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.
  2. Access for new developments that have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.
  3. Right-of-way dedications for planned roadway improvements.
  4. Street improvements along site frontages that do not have improvements to current standards in place at the time of development.

5. Construction or proportionate contribution toward roadway improvements necessary to address site generated traffic impacts, i.e. construction or modification of turns lanes or traffic signals.

**FINDINGS:** HRMC 17.20.060.H authorizes conditions of approval needed to meet transportation operations and provide right-of-way improvements necessary to develop the future planned transportation system, including construction or proportionate contribution toward roadway improvements necessary to address site generated traffic impacts.

The proposed residential development will generate traffic impacting Eugene Street and other streets and intersections in the vicinity as addressed in the TAL.

The City Engineer reviewed the applicant's TAL and provided the following comments (Attachment C):

Previous traffic reports have indicated that the intersections of Cascade Ave. and Rand Rd., Cascade Ave. and 20<sup>th</sup> St., Oak St. and 2<sup>nd</sup> St., Belmont Ave. and 12<sup>th</sup> St., and Belmont Ave. and 13<sup>th</sup> St. have met warrants for a traffic signal. Therefore, this intersection will not provide adequate public facilities for the proposed development. To mitigate the lack of adequate public transportation facilities, the TAL prepared by the applicant's traffic engineer, as requested, provided the additional trip ends generated by the proposed development passing through the Cascade Ave. and Rand Rd., Cascade Ave. and 20<sup>th</sup> St., Oak St. and 2<sup>nd</sup> St., Belmont Ave. and 12<sup>th</sup> St., and Belmont Ave. and 13<sup>th</sup> St. intersections and ultimately pay a proportionate share for the future traffic signals and other improvements at those intersections due to the peak hour impact. The current fees at time of permit issuance shall apply.

The Common House for the Co-housing development will be evaluated as a dwelling unit, for a total proposed Multi-Family dwelling units of 26. Therefore, the net increase in Trip Generation should be evaluated as the net increase from one (1) Single Family dwelling unit to 26 Multi-Family dwelling units. Based on project information provided to date, the City Engineer estimates the Net New Site Trips to be 11 AM peak hour trips, 14 PM peak hour trips, and 181 Weekday trips. **The Trip Generation & Distribution shall be updated in the TAL to accurately reflect the proposed number of dwelling units as determined by the City Engineer.**

The proposed driveway access to the Adams Creek Co-Housing Development is located approximately opposite of Eugene St. Per the HRMC 13.28.040 – Driveways and Public Street Access Spacing Standards, Table 13.28, access spacing standards are not met. However, the HRMC allows for exceptions to be made by the City Engineer. The City Engineer has determined that an exception will be made to allow the driveway access directly opposite Eugene St. and perpendicular to Adams Creek Place. This will allow Eugene St., Adams Creek Place, and the proposed driveway to function as a T-intersection which is allowed by City code. **The intersection shall be stop controlled by requiring vehicular traffic exiting the proposed development and southbound vehicular traffic on Adams Creek Place to both be stop controlled via stop bar and stop sign meeting MUTCD standards.** The applicant shall not be required to complete a Traffic Impact Analysis (TIA) for the exception to the access spacing standards due to the low existing traffic levels on Eugene St., as determined by the City Engineer. **The Traffic Assessment Letter (TAL) shall be updated to**

**accurately reflect these conditions and requirements, including new site distance triangles, set forth by the City Engineer.**

Per the HRMC, when a lot has frontage onto two (2) or more streets, access shall be provided from the street with lowest classification; thus vehicular access will not be allowed from Sherman Avenue. The existing driveway approach from Sherman Ave. will be allowed to remain for pedestrian access only. **The TAL shall be updated to accurately reflect these conditions and requirements set forth by the City Engineer.**

As discussed in HRMC 17.16, **conditions of approval are included to require payment of proportionate share for improvements at 5 intersections that meet warrants for a traffic signal based on additional vehicular trips expected with this development. Conditions of approval also are included to require the applicant's Traffic Assessment Letter to be updated to more accurately reflect access spacing standards, trip generation & distribution, and the restriction of vehicular access on Sherman Avenue.** Other standards and conditions are discussed above in Chapter 17.16.040, Public Facilities to address sight distance and frontage improvements.

In addition, The City Engineer provided comments regarding adequate right-of-way widths adjacent to the subject property:

Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 16.12.050(A).

- The City's TSP identifies Sherman Ave. classified as a collector street. The required ROW for a collector street is 60 feet. The existing Sherman Ave. ROW varies along the frontage. Therefore, sufficient ROW must be dedicated to achieve 30 feet of ROW from the apparent centerline of ROW to the south.
- The City's TSP identifies Adams Creek Place classified as a local street. The required ROW for a local street is 50 feet. The existing Adams Creek Place ROW is 20 feet. Therefore, 30 feet of ROW dedication would be required to achieve full width. However, at the discretion of the City Engineer, only 20 feet of ROW dedication will be required.

**Conditions of approval are included to require 20 feet of right-of-way dedication on Adams Creek Place and right-of-way dedication on Sherman Avenue to achieve 30 feet of ROW from the apparent centerline of ROW to the south.**

As conditioned, the proposal is consistent with HRMC 17.20.060.

- I. Traffic analysis within an IAMP Overlay Zone. All development applications located within an IAMP Overlay Zone that are subject to the provisions of Chapter 17.16 (Site Plan Review) or Chapter 16.08 (Land Divisions) may be required to prepare a Traffic Impact Analysis. City of Hood River Transportation System Plan policies call for the City, in coordination with Hood River County and ODOT, to monitor and evaluate vehicle trip generation impacts at Hood River interchanges and on street systems in interchange areas from development. This requirement will not preclude Oregon Department of Transportation, City of Hood River, or Hood River County from requiring analysis of IAMP study intersections under other conditions. Development approved under this article shall be subject to the following additional requirements.

**FINDINGS:** The subject property is not located within an IAMP Overlay Zone, thus HRMC 17.20.060.I is not applicable.

## 6. CHAPTER 17.22 – NATURAL RESOURCE OVERLAY

### 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.

**FINDINGS:** The application complies with the intent of these requirements by locating development outside of wetlands identified on the subject property.

### 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.
- d. 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
- e. 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.

**FINDINGS:** The City provided notice of the application to the Oregon Department of State Lands (DSL) in accordance with HRMC 17.22.010.C. and will fulfill any additional notice requirements in association with the notice of decision. The wetlands identified on the subject property are subject to compliance with state and federal regulations for wetlands.

Oregon law (ORS 196.795-990) requires people who plan to remove or fill material in waters of the state to obtain a permit from the Department of State Lands (DSL). "Waters of the state" are defined as "natural waterways ...intermittent streams, constantly flowing streams...wetlands and other bodies of water in this state, navigable and nonnavigable..." As described in Attachment G, DSL reiterated the requirement for permits in the event of 50 cubic yards or more of removal, fill, or other ground alteration in wetlands and concurred that, based on the preliminary plans, no disturbance to wetlands is proposed. **A condition of approval requires if any site work within delineated wetlands is proposed is proposed, the property owner is responsible for contacting DSL and obtaining any applicable state or federal permits prior to commencing site work.**

**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.

**FINDINGS:** City's Local Wetland Inventory identifies Adams Creek traversing the subject property south to north. It does not identify wetlands or possible wetlands on the subject property. Because of the presence of surface water drainage (Adams Creek) and the proximity of the proposed development to Adams Creek, the city recommended the applicant contact DSL during the planning and design phase of the project. DSL recommended the applicant conduct a wetland investigation.

As described in Attachment A.7, Schott & Associates conducted a wetland investigation and wetland delineation on the subject property. The wetland delineation (June 2019) was submitted to DSL. The boundaries of these wetlands received concurrence from DSL in 2019 (WD2019-0419; Attachment A.8). The three wetlands identified and delineated on the site are depicted on the Site Plan and civil plans. The wetlands total approximately .04 acres and were claimed jurisdictional by DSL.

The applicant provided findings prepared by Schott & Associates (6/3/20 letter, Attachment A.7) that indicates the wetlands to not qualify as locally significant wetlands, based on functional and quality criteria contained in Oregon Administrative Rules 141-86-0300 through 0350 as adopted by the Department of State Lands (DSL).

**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.

**FINDINGS:** The Site Plan and civil plans identify the location of the wetlands on the subject property. As described above, the on-site wetlands have not been identified as locally significant, however the project narrative and correspondence from Schott & Associates state that no development or site disturbance is proposed within the wetlands. None of the ‘prohibited uses’ listed above are proposed within the delineated wetlands. As described above, some low intensity activities, such as removal of non-native vegetation and channel maintenance for flood prevention are permitted within wetlands, subject to any applicable state or federal permits.

E. **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.

**FINDINGS:** The subject application is being processed as a Quasi-Judicial Action in accordance with HRMC 17.09.040. Any appeal of this decision will be heard by the City Council.

F. **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.

**FINDINGS:** No variance from wetland standards is requested in association with this Site Plan Review application.

As conditioned, no further city wetland protections measures are required.

#### **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.

**FINDINGS:** City’s Local Wetland Inventory identifies Adams Creek traversing the subject property south to north. The City’s As described below, Adams Creek is not identified as a significant riparian corridor subject to buffer requirements.

Consistent with the purpose and intent of the City’s riparian corridor standards, the proposed development is located outside of Adams Creek and associated seeps.

- 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:

- a. 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.
- b. 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.
- c. Wells Island in its entirety.
- d. At any location specified in a conditional use permit as mitigation for permitted development in a significant riparian corridor.
- e. 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.
- f. 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.

**FINDINGS:** Adams Creek traverses the subject property south to north. The City has not identified Adams Creek as a significant riparian corridor. A wetland delineation conducted in association with the proposed development confirmed the creek is not a fish-bearing stream (Attachment A.7). The stream and associated seeps identified and mapped in the wetland delineation are, however, waters of the state and subject to state and federal regulations.

#### 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:
2. Removal of riparian vegetation in significant riparian corridors is prohibited, except for:
3. Exceptions: The following activities are not required to meet the standards of this section if applicable:

**FINDINGS:** As described above, Adams Creek is not a significant riparian corridor. No significant riparian corridor is present on the subject property, thus HRMC 17.22.020.D is not applicable.

- 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.

**FINDINGS:** The applicant does not request a variance to these requirements.

**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.

**FINDINGS:** The Oregon Department of State Lands submitted comments in response to the notification of the application (Attachment G). A State permit is required for 50 cubic yards or more of fill, removal or other ground alteration in wetlands, below ordinary high water of waterways, and within waters of the state.

The Site Plan depicts two proposed pedestrian water crossings: a ‘walkway bridge’ over a seep between Buildings 1 and 3 and a ‘pedestrian bridge’ over Adams Creek as part of the Sherman Avenue sidewalk design exception. The applicant states the bridges will not disturb waterways, however construction details for the bridges has not been provided. A Federal permit may be required by the US Army Corps of Engineers. As such, **a condition of approval is included to require the that the applicant/property owner shall obtain any required state or federal permits for proposed ground disturbance below the ordinary high water of waterways and within waters of the state.**

**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.

**FINDINGS:** If any violations of this ordinance occur, the applicant will be subject to the enforcement procedures detailed in the Hood River Municipal Code.

**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.

**FINDINGS:** In the event that the requirements of this section conflict with other ordinance requirements, the City will apply the requirements that best provide for the protection of the resource.

## **7. CHAPTER 17.09 – REVIEW PROCEDURES – selection sections to avoid duplication**

### **17.09.040 Quasi-Judicial Actions**

A. The Planning Commission, Landmarks Review Board, and Council, on appeal, have the authority to review and approve, approve with conditions, or deny applications processed as quasi-judicial actions.

**FINDING:** Pursuant to HRMC 17.09.030.B, the subject application was processed as a quasi-judicial action. The Planning Commission has the authority to review and approve, approve with conditions, or deny the proposal. Applicable review procedures and provisions in Chapter 17.09.040 are referenced throughout this staff report.

E. **Staff Report.** The Director shall prepare a written staff report for each quasi-judicial action that identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

**FINDING:** The findings and recommended conditions of approval were prepared pursuant to HRMC 17.09.040.E.

### **17.09.130 Neighborhood Meeting Requirement**

A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. If required by subsection (B), an applicant will be required to contact all adjacent property owners within 250 feet of the development proposal to arrange a neighborhood meeting before the application is deemed complete. If a neighborhood meeting is mandatory, written verification of the date, time, attendance, and outcome of the meeting is required for a complete application, as well as a copy of the written notice, official mailing list, and affidavit of mailing.

**FINDING:** Pursuant to HRMC 17.09.130.B, the City required the applicant to host a neighborhood meeting. The applicant hosted a neighborhood meeting on January 13, 2020. The applicant submitted the mailing list, copy of the mailing, affidavit of mailing, copy of meeting information, and a recap of the neighborhood meeting to verify the date, time, attendance, and outcome of the meeting with the application submittal consistent with HRMC 17.09.130.

Comments from several of the neighbors (Attachment J) included concerns about the timing of the neighborhood meeting and the applicant's response to concerns raised at the meeting. Staff strongly encouraged the applicant to communicate with surrounding property owners and mitigate neighbor concerns to the extent practicable. If there the applicant fails to meet any ....

HRMC 17.09.040.F.5 states that the applicant has the burden of proof to show why the application complies with the applicable criteria or can be made to comply through applicable conditions. The Planning Commission has the authority to review and approve, approve with conditions, or deny the proposal based upon applicable standards and criteria. This staff report includes recommended conditions of approval to ensure the application complies with applicable criteria and standards. If concerns raised by parties of interest include applicable standards or criteria not adequately addressed in this staff report, the Planning Commission has the authority to revise or add conditions of approval accordingly.

- B. Notwithstanding subsection (A), a neighborhood meeting is required for the following types of applications:
1. Subdivisions
  2. PUDs
  3. Other development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the Planning Director.

**FINDING:** As discussed previously, due to the neighborhood interest in the application, scope of the project, and increased traffic anticipated in association with the project, the City required the applicant to host a neighborhood meeting consistent with HRMC 17.09.130.B.

### III. **CONCLUSION:**

The subject property is a large site, approximately 2.4. acres, that is currently developed with a single-family dwelling. The applicant proposes to replace the existing dwelling with 26 dwelling units in 3 multi-family residential buildings, two common buildings, a shared parking lot with carport/garage structure, pathways and walkways, street frontage improvements, and associated site improvements. While the proposed development represents a significant change from existing conditions, the proposed use, multi-family residential, is a permitted use in the R-3 zone, the City's high-density residential zone. The proposal does not request the maximum number of units permitted, it exceeds the required minimum landscape area, and it includes upgrades to the existing network of neighborhood streets and pedestrian facilities.

The City's Housing Needs Analysis (2015) documents a lack of a sufficient number of multi-family housing units in the City of Hood River. Further, multi-family housing is considered "needed housing" under state law (ORS 197.303). Oregon Administrative Rules (660-008) require that a local government may adopt and apply only clear and objective standards, procedures, and conditions to regulate the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

The subject property includes several natural and topographic features including steep slopes, a stream that conveys public storm water, 3 delineated wetlands, and numerous large, mature native trees. The applicant has designed the project to fit the site and protect much of the natural features. Clustering the development to the north and west of the site avoids onsite wetlands, most steep slopes, and the mature vegetation present along the eastern portions of the site. The project plans submitted represent preliminary plans. Throughout this report, staff has identified plan elements which require revision or additional detail to meet city standards. The required revisions are enumerated in the proposed conditions of approval, which are necessary to ensure compliance with the HRMC as the project develops from Site Plan approval through final engineering and building review.

Several property owners in the vicinity of the subject property have raised concerns about the compatibility of the proposal – including increases in anticipated traffic, parking, and retention or protection of natural features. Staff has encouraged and continues to encourage the applicant to work with neighboring residents to address issues of compatibility and to ensure that vegetative buffers and other reasonable measures are considered in the project design to help integrate the development into the existing neighborhood.

Based on the findings included herein and the conditions of approval listed below to ensure

compliance with city standards, staff concludes that the proposed development meets the criteria for site plan approval of permitted uses in the High Density (R-3) zone.

**IV. RECOMMENDATION:** Based on the above findings of fact drafted in this report, staff recommends that the Planning Commission approve the Site Plan Review for proposed multi-family development with conditions of approval as recommended below.

**V. DRAFT CONDITIONS OF APPROVAL:** Based on the foregoing findings and except as conditioned below, this Site Plan Review to application to construct a multi-family cohousing development including 25 dwelling units in 3 buildings, a parking lot, carport, two common buildings, pathways and walkways, street frontage improvements, and associated site improvements is APPROVED in general conformance with the applicant's proposal, the preliminary site plan and related plans and all representations and statements made by the applicant or any of its authorized representatives. This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings:

Planning Department

1. The property owner shall obtain a Demolition Permit prior to removing any existing buildings or structures on the subject property.
2. Buildings 1, 2, and 3 shall be designed and constructed in conformance with the requirement that each building include at least 4 dwelling units with separate housekeeping facilities.
3. Building 1 shall be designed, sited, and constructed such that it meets the 10-foot setback required from a public right-of-way. No structures, buildings, or projections are permitted in the 10-foot setback from the Adams Creek Place or Sherman Avenue public right-of-way.
4. The Carport/Garage shall be designed, sited, and constructed such that it meets the 10-foot setback required from a public right-of-way.
5. The Carport shall be designed, sited, and constructed such that it meets the 5-foot setback required from the side and the rear property lines.
6. All buildings shall be designed, sited, and constructed in conformance with setback standards. Projections shall not exceed 15 inches in a side or rear setback.
7. Prior to issuance of building permits, existing grade elevations for all building corners and proposed roof peak elevations for all buildings shall be provided to evaluate and verify proposed building heights.
8. Prior to issuance of building permits, a revised site plan that demonstrate conformance with parking standards, including ADA standards, shall be submitted for review and approval by the Planning and Building Departments. The development shall be designed and constructed to include at least the minimum number of required parking spaces.

9. All parking areas and driveways (except as provided in the water line easement on the northern portion of the site) shall be hard surfaced prior to occupancy. Hard surfacing means asphalt, concrete or other similar surface that is accepted by the City Engineering Department. The applicant shall submit materials and method of construction to the Engineering Department as part of the construction documents and building permit submittal for approval prior to construction.
10. Plans submitted for building permits shall include all proposed rooftop vertical projections or mechanical equipment.
11. Any new fences all be included on a final Site Plan prior to issuance of building permits. All fences must be designed and constructed in conformance with HRMC 17.04.050.
12. The proposed location, height, and materials of all proposed retaining walls shall be included in the construction drawings submitted for building permits. Retaining walls must comply with the standards in HRMC 17.04.060.
13. The proposed development shall be designed and constructed to provide a vision clearance area for the parking lot service drive consistent with the standards of HRMC 17.04.130(4).
14. A tree protection plan shall be submitted to the Planning Director for review and approval prior to the issuance of a construction site permit, demolition permit, or building permit. Approved tree protection measures shall be installed prior to any grading or demolition work on the subject property.
15. The final stormwater, grading, and site plans shall demonstrate that significant trees and large woody plants will be preserved except where necessary for building placement, sun exposure, safety, or other valid purpose.
16. The final Site Plan, Landscaping Plan, and Grading Plan shall be designed and the development shall be constructed to retain existing vegetative buffers along Sherman Avenue and the western property line to the extent possible.
17. The final Landscaping Plan and Grading Plan shall be designed to include the removal of invasive species. Invasive species, such as blackberry, shall be removed from the subject property prior to occupancy.
18. To prevent erosion and preserve steep slopes on the subject property, the final Grading Plan and Stormwater Management Plan shall be designed to minimize grading on steep slopes to the extent practicable.
19. All outdoor storage and garbage collection areas on the site shall be screened through the use of vegetative materials or appropriate fencing and covered to prevent runoff into the sanitary sewer system. Prior to issuance of building permits, details of screening methods shall be submitted to the Planning Director for review and approval. Any trash/recycling enclosure shall be appropriately sized and designed in accordance with the specifications of the service provider (Hood River Garbage Service, Inc.).
20. Prior to issuance of a building permit, building plans shall demonstrate that any new mechanical equipment located on the exterior of the building will be screened from view and meet the



requirements of the city's noise ordinance. The property owner shall demonstrate conformance with the screening requirement for mechanical equipment prior to occupancy.

21. The construction plans for the proposed Carport/Garage shall not include an uninterrupted façade length greater than 100 feet pursuant to HRMC 17.16.050.G. All buildings shall be designed and constructed in conformance with the uninterrupted façade length standard. All the proposed buildings shall be designed and constructed with a variety of design elements in conformance with HRMC 17.16.050.G.
22. A final landscaping plan shall be submitted to and approved by the Planning Director prior to the issuance of a construction site permit or building permit. The final landscaping plan shall be designed to contribute to privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character, and include:
  - plant species suitable for the subject property, taking into consideration climate, soils, and surrounding natural vegetation;
  - provisions for ensuring erosion control on sloped areas, screening of the development from adjacent properties, and shade within a reasonable time;
  - landscaping of a minimum of 20% of the subject gross site area (approximately 20,909 square feet);
  - a mix of deciduous and evergreen trees and shrub meeting the following standards:
    - Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting;
    - Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting;
    - Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting
  - Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.
  - A watering system.
23. The Final Landscaping Plan shall include landscaping planted in combination along the perimeter and in the interior of the lot designed to guide traffic movement and lessen the visual dominance of the lot. Trees that will provide shade shall be included in the perimeter and interior parking lot landscaping.
24. All approved landscaping shall be installed or guaranteed prior to occupancy of the building; and the owner shall be responsible for the establishment and maintenance of all landscaping in accordance with the approved landscaping plan. If plantings fail to survive, it is the responsibility of the property owner to replace them.
25. A pedestrian connection to Andy's Way either from the shared parking lot to the southwest corner of the subject property or along the western edge of the property to the southwest corner of the subject property shall be constructed by the owner/developer prior to occupancy.
26. The final plans submitted for permits shall include provision for a minimum of 7 long-term bicycle parking spaces inside or covered and a minimum of 2 short-term bicycle parking spaces near the entry of a common building. Conformance with the bicycle parking standards shall be verified prior to occupancy.

Public Works and Engineering Department

27. Prior to application for a Construction Site/Right-of-Way permit for the subject development, the applicant shall request and attend a pre-submittal meeting with the Public Works & Engineering Department.
28. All final project plans shall be prepared following the drafting standards and all required elements outlined in the Hood River Engineering Standards (HRES).
29. Site Development Engineer's Cost Estimate shall be submitted prior to review of the engineering plans. A site review fee shall be paid in full prior to review. The fee is 2% of the approved Site Development Engineer's Cost Estimate and is separate from the Building Department Engineering Review Fee. After approval of the engineering site plans any significant changes in the scope of the project will require updates to the engineer's cost estimate. Changes that increase the work to be performed will require additional fees to be paid.
30. Hard copy civil plans and reports shall be wet stamped by an Oregon licensed Professional Engineer experienced and competent to practice in the specific disciplines of engineering (electronic copies shall have a digital seal and signature per OAR 820-025-0010).
31. The Public Works and Engineering Department will assess System Development Charges for water, stormwater, sanitary sewer, and transportation at time of permit issuance. Fees shall be paid at time of permit issuance, current fees at time of permit issuance shall apply.
32. Prior to issuance of a demolition permit, construction site permit, or building permit, a detailed final grading plan shall be submitted for review and approval. The final grading plan is subject to City Engineering Standards and shall depict existing and proposed grades, and the locations and heights of all proposed retaining walls.
33. All grading, contouring, on-site surface drainage, and construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system.
34. A detailed construction erosion control plan shall be submitted for review and approval City Building and Engineering Departments prior to issuance of a demolition permit, construction site permit, or building permit. Prior to any development activity on the site, approved erosion control measures and tree protection fencing shall be installed.
35. A Geotechnical analysis shall be conducted and a Geotechnical Report, prepared by a licensed professional shall be submitted prior to the issuance of any demolition, construction site, or building permits.
36. All grading activities and retaining wall construction shall be consistent with the recommendations of the Engineering Department including:
  - a. Provide plans, profiles, cross sections, grading plans, elevations and calculations for all retaining wall improvements that are located or support improvements within the Public Right of Way.
  - b. Calculations must prove adequacy of the wall system's ability to support normal traffic loadings for the areas being served.

- c. Whenever possible, walls and footings should be located outside of ROW. However, foundations of retaining walls may be allowed to be located within the ROW by Design Exception on a case-by-case situation. When Retaining walls are located parallel and adjacent to ROW lines it is the general rule that the entire stemwall portion of the wall be located outside of the ROW.
- d. Wall calculations should, at a minimum, be suitable to support a traffic surcharge loading of 220 psf.
- e. All walls shall be standalone retaining walls, not restrained, top or bottom.
- f. Wall shall meet all local seismic loading conditions.
- g. Wall designs should be suitable for the geotechnical report associated with the building permit.
- h. Please indicate how new walls will be adequate for future additions of sidewalks or frontage improvement along Sherman Ave. by note and be sure to show future sidewalk loading in supporting calculations.
- i. Please indicate how drainage will be routed from behind all to walls to the north. Show clear wall drainage routes.
- j. Plans should clearly note how utilities will be routed under or through the new wall improvements – if applicable. Will they be sleeved or protected or what minimum clearance beneath the wall will be required.
- k. Please add base elevations for top and bottom of new walls on the profile or elevations with appropriate offsets and stationing along street frontage.
- l. Provide typical sections for driveway at walls. Show minimum setbacks or restrictions for utilities running parallel to southern wall.
- m. Show typical utility ditch compaction requirements for trenches within 5-ft from toe of retaining wall footings.
- n. Driveway Approach Bridges and their foundations shall be designed according to OSSC requirements, or when no other design guidelines apply use appropriate AASHTO design guidelines.
- o. All wall improvements located within or supporting the ROW must be stamped by a PE.

37. A ten foot (10') public utility easement (PUE) is required along all frontage of public streets prior to issuance of a construction site permit or building permit. Exceptions to this requirement must be coordinated with all appropriate utilities and documentation provided to the City. No above ground utility structures will be allowed within the City ROW.

38. **Stormwater:** Prior to issuance of a construction site permit or building permit, the applicant shall submit a final stormwater management plan as described in the Hood River Engineer Standards for review and approval by the City Engineer. Water quality treatment applies to all pollution generating surfaces, existing and new. Water quality treatment is not required for infiltration systems receiving roof runoff from one single family home, but detention requirements must be met. Water quantity treatment requirements apply to all impervious surfaces, new and existing, including runoff from existing streets. Underground detention/infiltration systems with a connection to the conveyance system are allowed, but not preferred. Except for roof drains, no underground detention/infiltration system will be allowed without an overflow connection to the public conveyance system. The City encourages low impact development methods such as small swales/rain gardens for the treatment and small storm detention and porous pavements throughout the site to reduce stormwater management requirements. Include all required infiltration testing per Appendix G of the HRES. A final Stormwater Management Plan is required at Detailed Engineering Plan Review submittal.

- A 20-foot easement is required over the existing stormwater main extending through the subject property from Eugene St. to Adams Creek. The easement shall be provided prior to issuance of a construction site permit or building permit.
- If a connection is made to the existing stormwater line or the line is relocated, the line shall be upsized to 12-inch.
- Catch basins must be located so that runoff does not flow across intersections and are at a maximum spacing of 300 feet between flow paths. Verify all inlets can adequately accept the 10-year storm event runoff, from their contributing area, without pooling. At a minimum, one catch basin will be required at the intersection of Adams Creek Place and Hazel Ave and one catch basin will be required at the intersection of Adams Creek Place and Eugene St.

39. **Water:** City water is available and the connection should be made to the four inch (4") waterline in Eugene St. and looped to the six inch (6") waterline in Sherman Ave. The developer shall field verify the potential connection configuration to ensure there is no conflict with existing pipes. The water line must be constructed to City Standards and be eight-inch (8") minimum. The water line shall be centered in a 20 foot easement. An all-weather access road shall be constructed within this 20-foot easement per HRES section 5.2 This access road shall connect to Adams Creek Place via ADA compliant driveway approach and the access road shall be hard surfaced for a minimum of 20 feet behind the back edge of driveway. The access road shall extend to the bluff (approximately 50' further than currently shown), as determined by the City Engineer.

- Per information provided by the applicant that this development is "Co-housing", the City has determined that individual units are not required to be served by a public system. Therefore, all private connections to the public water system will require a meter and backflow device. The water system beyond the meter and backflow device will be private and must meet the requirements of the Oregon Plumbing Specialty Code (OPSC) as administered by the County Building Department.
- If the City fire marshal requires fire hydrants within the private development, then the water system serving the hydrant shall be public and meet all City standards.

40. **Sanitary Sewer:** Public sanitary sewer is available and the connection should be made to the eight inch (8") concrete line in Sherman Ave. The developer shall field verify the potential connection configuration to ensure there is no conflict with existing pipes. A design exception to directly connect to City manhole N35AA09 may be granted, at the discretion of the City Engineer. This connection, if allowed, shall come into the manhole at a 45 degree angle from the property line (requiring two cleanouts). In general sewer lines should be designed at a depth that accommodates standard manholes, cones sections, and frames and covers with grade rings. This usually necessitates a minimum cover of around five feet (5'). The sewer system beyond the ROW will be private and must meet the requirements of the OPSC as administered by the County Building Department.

41. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services, and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

- All new utilities required to serve the proposed development shall be placed underground within the dedicated ROW. Any existing overhead utilities currently extending through the boundary of the subject property shall also be placed underground.

- For all existing overhead utilities running parallel to the subject property, the City will allow the owner to defer undergrounding of these utilities until further development of other properties along Sherman Ave., Eugene St., and Hazel Ave. or whenever the City is prepared to install these improvements. In order for the City to defer these required improvements, the owner must sign an Improvement Agreement.
42. Sufficient right-of-way must be dedicated to the City to achieve 30 feet of ROW for Sherman Avenue from the apparent centerline of Sherman Avenue ROW to the south. Dedication shall be complete prior to issuance of a construction site permit or building permit.
  43. Twenty (20) feet of right-of-way shall be dedicated to the City for the construction of Adams Creek Place adjacent to the subject property. Dedication shall be complete prior to issuance of a construction site permit or building permit.
  44. All City water, sanitary, and/or storm sewer pipes and appurtenances located outside of a dedicated public right of way must be located within a recorded easement on a form provided by the City. All easements must meet the requirements of the City Engineering Standards.
  45. A representative of the design engineer, referred to as the Resident Engineer, shall be on site nearly every day throughout the construction of public/right of way (ROW) improvements in order to perform the duties of the Resident Engineer as described in the HRES. No exceptions will be made to this requirement, including allowing the Contractor to perform the RE's duties.
  46. Any required Improvement Agreements shall be completed per City standard form and recorded in the deed records of Hood River County before building permit authorization.
  47. Required Waivers of Remonstrance shall be completed per City standard form and recorded in the deed records of Hood River County before building permit authorization.
  48. Prior to issuance of permits, any proposed Design Exception shall be submitted to the City Engineer with a written request that clearly states the code section and adequate justification as to why the exception to the code should be approved. All approved design exceptions will be clearly listed on the cover sheet of the Final Approved Plans. It will be the property owner's responsibility to build the project consistent with the HRES unless specifically noted as a design exception on the cover sheet of the Final Approved Plans.
  49. The Traffic Analysis Letter shall be updated and revised to include:
    - accurately reflects driveway spacing standards and new site distance triangles for the reconfigured access driveway;
    - accurately reflect the restriction of vehicle access on Sherman Avenue and the use of the existing driveway for pedestrians only; and
    - include the guest suite in the Common House (for a total of 26 dwelling units proposed) in the vehicle trip generation and trip distribution calculations.
  50. Prior to issuance of building or construction site permits, the developer shall contribute a proportionate share of the costs of intersection improvements at the Cascade Ave. and Rand Rd., Cascade Ave. and 20<sup>th</sup> St., Oak St. and 2<sup>nd</sup> St., Belmont Ave. and 12<sup>th</sup> St., and Belmont Ave. and 13<sup>th</sup> St. intersections consistent with the requirements of Hood River Municipal Code Chapter 3.20. The

amount to be contributed by the developer is determined using the city's proportionate share studies and the findings of the applicant's traffic study as revised and approved by the City Engineer. The developer shall sign a written agreement to pay the proportionate contribution; the agreement shall be prepared by the City of Hood River and shall specify that full payment, partial payment or the posting of acceptable security must be made to the City of Hood River on or before the commencement of any work on and issuance of any permit for the subject property under the development proposal.

51. The Applicant shall be required to provide half street frontage improvements on Sherman Avenue as outlined in the City's TSP, Figure 6D – Residential Collector. The improvements required by the applicant shall include separated sidewalk, planting strip, new curb and gutter, and provide new catch basin(s) aligned with the new curb line as required. Applicant must remove existing pavement a minimum distance of two feet (2') away from new gutter edge and repave up to new gutter per City Standards. Street improvements shall be extended a minimum of 25 feet beyond the limits of the project when transitions to existing conditions are necessary.
  - a. The City's TSP, Table 1, identifies a Priority Sidewalk Infill Corridor project, SW4, for sidewalks on Sherman Ave. The applicant will satisfy these requirements.
  - b. The City's TSP, Table 5, identifies a Bicycle Improvement project, SLM6, for Shared Lane Markings on Sherman Ave. No parking will be allowed on Sherman Ave. therefore, bike lanes rather than shared lane markings shall be required per the City's TSP, Figure 6D – Residential Collector. The applicant shall provide bike lane striping.
  - c. At the discretion of the City Engineer, a design exception to allow curb tight sidewalk may be granted. A design exception shall be requested, as per form described in comment 15.
  - d. If adequate justification is provided that demonstrates sidewalk along the street is infeasible along the portion of frontage at the creek crossing, an alternate solution may be considered by the City Engineer. Adequate justification would include a cost estimate comparison between the required sidewalk improvement along Sherman Ave. and the cost estimate for the alternate solution. Alternate design solutions would require sufficient engineering design to prove feasibility to achieve necessary grade, width, side slopes, ADA compliance, etc. for evaluation of the design exception. This information must be provided to the Engineering Department prior to submittal of detailed engineering plan review.
52. The Applicant shall be required to build five-foot (5') sidewalk on the north side of Eugene St. The extent of these improvements shall extend from the subject property to 17<sup>th</sup> Street. These improvements will require ADA curb ramps and ADA compliant driveway approaches for 3N10E35AA tax lots 7200, 7300, 7400, and 7500 to be completed by the applicant. The applicant shall provide copies of the engineering plans with details for these driveway approaches to the owners of the affected properties for their information.
53. The owner shall construct half street, plus ten feet (10'), frontage improvements on Adams Creek Place as outlined in the City's TSP, Figure 6E – Local Option A. The improvements required by the applicant shall include a five foot (5') separated sidewalk, five foot (5') planting strip, curb and gutter, new catch basin(s) aligned with the new curb line as required, pave a 28 foot travel lane, and provide a foot and a half (1.5') gravel shoulder on the west side of the ROW. These improvements will require a driveway approach for 3N10E35AA tax lot 7600 to be completed by the applicant. Street improvements shall be extended a minimum of 25 feet beyond the limits of the project when transitions to existing conditions are necessary.

54. Access to the development, from Eugene St./Adams Creek Place, shall be via driveway approach. The proposed driveway approach shall be designed per the HRES and the design of the approach wings shall be detailed with grades and elevations. The approach shall meet ADA compliance. One (1) curb cut with a maximum driveway approach throat width of 29 feet will be allowed per HRMC 13.28.030 – Permit Issuance for Driveways. The width of the wings and transitions shall be adequate to meet all ADA requirements. Driveway approach to be completed at the time of building construction, as a condition of permit issuance.
55. The intersection of the driveway access with Adams Creek Place shall be stop controlled by requiring vehicular traffic exiting the proposed development and southbound vehicular traffic on Adams Creek Place to both be stop-controlled via stop bar and stop sign meeting MUTCD standards.
56. Vehicular access to the subject development shall be prohibited via Sherman Avenue. The existing driveway approach from Sherman Ave. is allowed to remain for pedestrian access only. Bollards or other vehicular obstructions shall be installed to restrict vehicular access from Sherman Avenue. The proposed vehicular barrier shall be submitted for review and approval by the City Engineer and Fire Chief. The existing approach shall meet ADA compliance, HRES, and HRMC requirements. If the existing driveway approach does not meet current standards the approach shall be required to be brought into compliance at the time of building construction, as a condition of permit issuance.
57. The owner shall be responsible for constructing new ADA curb ramps as follows: At a minimum all curb ramps will be required to meet current ADA standards at the intersections of Eugene St. and Adams Creek Place, Eugene and 16<sup>th</sup> St., and Eugene and 17<sup>th</sup> St. Provide one (1) end of sidewalk style curb ramp to the west at the north end of Adams Creek Place (the driveway and approach may be used as the ADA return to street ramp if compliant with ADA standards). Provide one (1) single directional ADA curb ramp to the west on the NE corner of Eugene St. and Adams Creek Place. Provide one (1) single directional ADA curb ramp to the east on the NW corner of Eugene St. and Adams Creek Place. Provide one (1) single directional ADA curb ramp to the west on the NE corner of Eugene St. and 16<sup>th</sup> St. Provide one (1) single directional ADA curb ramp to the east on the NW corner of Eugene St. and 16<sup>th</sup> St. Provide one (1) single directional ADA curb ramp to the south on the NE corner at the intersection Eugene St. and 17<sup>th</sup> St. A total of six (6) ADA curb ramps.
58. Street Trees shall be installed along the Adams Creek Place and Sherman Avenue frontages pursuant to the provisions of HRMC 17.17.040 at a spacing of no more than 30 feet on center. Street tree species shall be selected from the City of Hood River Street Tree List and shall have a minimum caliper size at planting of 2 inches as measured 6-12 inches above the root ball. On the Sherman Avenue frontage, existing mature trees may be approved by the City Engineer to meet this requirement if there will be no damage from the development which will kill or weaken the tree(s).
59. Vegetation along the frontage of Adams Creek Place shall achieve the required sight distance standard of 280 feet. Existing vegetation shall be removed as necessary to achieve the required sight distance standard and new vegetation shall be planted and maintained to meet the standard.
60. All utility street cuts must be repaved with a minimum of four inches (4”) or match existing asphalt depth, whichever is greater. Depending on the number of street cuts and the percentage of the existing street surface being disturbed, the City Engineer may require the applicant to grind and repave the entire frontage with a two-inch (2”) asphalt overlay.

61. The owner/developer shall install a street light at the intersection of Eugene St. and Adams Creek Place in conformance with City of Hood River Engineering Standards and in coordination with the Public Works Department and Pacific Power.
62. The Oregon Department of Environmental Quality requires a National Pollutant Discharge Elimination System (NPDES) 1200 – C permit for all projects that disturb one acre or more. Contact the Bend regional DEQ office at 541-388-6146 for permit application forms and more information.

Building Department

63. The applicant shall confirm with the Building Official whether building permits are required for any retaining wall and, if so, obtain such permits prior to construction of retaining walls.

Fire Department

64. The developer shall demonstrate compliance with the requirements of the City Fire Chief prior to occupancy.
65. The curb along the frontage of Adams Creek Place adjacent to Building 1 shall be painted to restrict parking as required by the Fire Chief.
66. The driveway entrance to the subject development shall comply with Fire access standards.

Oregon Department of State Lands

67. The property owner/developer is responsible for contacting the Oregon Department of State Lands to obtain any applicable state or federal permits prior to commencing site work. A state permit is required for 50 cubic yards or more of fill, removal, or other ground alteration in wetlands, below ordinary high water of waterways, and within waters of the state.

General

68. Sign permits shall be obtained from the City of Hood River prior to installation of any new signs on the site.
69. Plans for mail boxes shall be approved by the United States Postal Service.
70. The applicant/property owner is responsible for knowledge of existing easements and property lines. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.
71. Failure to comply with these conditions will nullify this permit.
72. This Site Plan Review permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later. A single one (1) year extension may be granted by the director prior to the expiration date if the owner can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.