

CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2nd Street, Hood River, OR 97031 Phone: 541-387-5210

MEMORANDUM

To: City of Hood River Planning Commission
From: Jennifer Kaden, Associate Planner
Date: July 9, 2020
RE: Appeal of File No. 2020-07; Irving THmP

An appeal of a Planning Director's Decision to approve a Townhouse Minor Partition for property located at 3N10E36BA, Tax Lot 300 on Sherman Avenue was filed by the applicant on June 29, 2020. A copy of the Decision (File No. 2020-07) and the Appeal application are provided for your reference.

The subject property is zoned Office/Residential (C-1) Zone with Environmental Hazard Overlay Zone (EH).

Appeal procedures:

Pursuant to HRMC 17.09.070.G, appeals of administrative actions are heard de novo before the Planning Commission.

Appeal issues:

The following is a summary of the issues that Planning Commission will need to resolve based on the administrative decision of the Planning Director and the grounds of appeal raised by the appellant.

The appellant asks the Planning Commission to consider the application of one development standard on the proposed townhouse development and partition: the "projection" provision included in the setback standards.

ISSUE: Projections –

A: Generally, can a projection include conditioned space according to the Code?

and

B: Specifically, is the proposed cantilevered kitchen a projection permitted to encroach into a side setback according to the Code?

The Planning Commission will need to establish whether the architectural features that include conditioned space qualify as projections as defined by the Code generally and whether the proposed cantilevered kitchen qualifies as a projection as defined by the Code specifically. If the answer is 'yes,' to both, the applicant is entitled to construct the feature, subject to the dimensional limitations of the projection provision (3 inches for every foot of required setback), lot coverage standards, and compliance with applicable building code standards. If the answer is 'no,' to the second question, the feature is not permitted to encroach into a setback.

From the Hood River Municipal Code:

HRMC 17.03.040.E Setback Requirements.

1. Professional offices: The standards outlined in the R-3 zone apply.
2. Residential development or a combination of professional offices and residential development: The standards outlined in the R-3 zone apply.

HRMC 17.03.030.D R-3 Zone Setback Requirements

1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a dedicated public 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 dedicated public 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.

HRMC 17.01.060 Definitions:

PROJECTION means

1. The distance by which a sign extends over public property or beyond the building line; or
2. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues, which shall not encroach more than three (3) inches for each foot of required setback.

SETBACK means a line established by ordinance beyond which a structure may not be built. A legal setback line may be a property, vision, or vehicle clearance line.

(emphasis added)

A. Projections & conditioned space generally:

Summary of Appellant's statement:

The appellant argues that the Director's Decision in appropriately establishes that projections cannot contain conditioned space. The appellant argues that provisions in other chapters of Title 17 should be used to determine the extent of the types of architectural features permitted as projections. Further, the appellant argues that architectural features including conditioned space previously have been permitted in setbacks on other structures in the city which constitutes a precedent by which the subject proposal should be evaluated.

Director's response:

The Director's Decision establishes that the side setback is a line "beyond which a structure may not be built" except as provided for projections, as defined in the code. Staff used the term "conditioned space" as a way to draw a distinction between the expressly permitted features in the definition of 'projection' and other architectural features. The Director's Decision acknowledged that the term 'architectural feature' is a broad term used differently in different chapters of Title 17.

For purposes of setbacks, however, architectural features permitted to project into a setback are narrowed by the definition of ‘projection’ which “limits the type and refines the characteristics of architectural features that are allowed to project.” Provisions in chapters of the code addressing the C-1 zone (and R-3 zone by reference), townhouse projects, and minor partitions are applicable to the subject development. The Director’s Decision does not draw on references to architectural features or elements from other chapters of the code such as Planned Developments as a way to re-define ‘projection’ used for purposes of setback standards for this townhouse project. Additionally, the Director does not agree that an architectural feature encouraged for the purpose of design interest is expressly permitted in a setback.

The Director’s Decision does not conclude that “projections cannot contain conditioned space” in absolute terms. Instead, the Director’s Decision established that the definition of ‘projection’ can include architectural features not expressly listed in the definition – by virtue of the term “such as” in the definition – if the features hold characteristics similar to those explicitly listed in the definition. As defined, projections are characterized by and limited to appurtenances to the exterior of the structure that add little if any volume of the interior occupiable space or floor area of the building. An enclosed flue being a limited exception. Neither eave, cornice, canopy, gutters, or chimneys extend the exterior wall of structure nor expand the interior or occupiable space. The Director’s Decision uses the concepts of building volume and occupiable space to draw distinctions between the broad concept of architectural features and the narrower set of architectural features that qualify as projections. Another distinction is to consider the exterior wall plane or building volume.

With respect to the appellants’ argument that features including conditioned space have been permitted in setbacks in the past, staff finds no evidence of a formal interpretation of the projection standard in past land use actions in a manner that the appellant suggests. As such, any past allowance for similar projections in setbacks – in error or unintentional – are not binding on this land use action. The review and subsequent appeal of the decision represents a very intentional and deliberate finding regarding the matter. Without a formal interpretation otherwise, the Director relied on the code as written to determine whether architectural features that include conditioned space can be permitted as projections.

B. Cantilevered Kitchen Feature

Summary of Appellant’s Statement:

The appellant argues that the proposed cantilevered kitchen feature or bump-out is a projection permitted to encroach into a setback because of historical precedent for similar features located in setbacks on other buildings and because it includes only windows, mechanical equipment, and cabinetry and does not contain “usable floor area.” The appellant also argues that the proposed bump-outs provide architectural interest to the proposed townhouse building.

Director’s Response:

The Director’s response to the historical precedent aspect of the argument is addressed above. The Director agrees that the proposed bump-outs provide architectural interest to the design of the building. The relevant question, however, is whether the feature is permitted to encroach into the side setback as a projection.

As explained above, architectural features permitted to project into a setback pursuant to projection

standards in HRMC 17.03.030.D.3(d) are narrowed by the definition of 'projection' in HRMC 17.01.060.

The appellant argues that the proposed kitchen bump-out does not include 'usable floor area' and, thus, is an architectural feature that is permitted to encroach into a setback as a projection. As described above, the Director's Decision does not establish that 'usable floor area' – however that might be defined – is an absolute term used to determine whether or not an architectural feature is a projection. Instead, the Director's Decision relies on characteristics of architectural features similar to those explicitly listed in the definition as a way to draw a distinction between the types of features permitted to encroach into a setback and those that are not. As expressly defined, projections are characterized by and limited to appurtenances to the exterior of the structure that add little if any volume or floor area to the building. Conversely, the proposed kitchen bump-outs extend the exterior wall plane and volume of the building or building mass closer to the side property lines.

The only feature expressly included in the definition of 'projection' that arguably extends the building mass closer to a side property line is a 'flue' – which may or may not be enclosed. A flue is generally limited in scope to a narrow vertical feature. A cantilevered kitchen or other feature that includes conditioned space or usable space (e.g. usable for cabinetry or storage) can vary significantly in size. While there is a dimensional limit to the depth of projections (3 inches for every foot of required setback), the code provides no other dimensional limits for projections. If allowed, there is no identified limit to the height, width or volume of this type of architectural feature that could be permitted to encroach into a setback and, thus, extend the building closer to a side property line.

Reason for Appeal File 2020-07

The decision establishes a “new” code concept which is establishing that projections cannot contain conditioned space. This concept is not consistent with current code and is introducing a new requirement which is not code based or consistent with historical interpretation as well as previous decision approved by the commission. If the city is looking to establish or clarify code areas that is a worthy goal but must be done through a legislative process.

Setbacks – The code allows for projections in a setback (max 3 inches for every foot of setback). As defined in HRMC 17.01.060, it has not been our practice to include livable area such as the kitchen bump-out on the 4th floor as an allowed “projection.”

I’ll outline a few code areas for us to consider / review.

17.01.060 PROJECTION means 1. The distance by which a sign extends over public property or beyond the building line; or 2. **Architectural features** such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues, which **shall not encroach more than three (3) inches for each foot of required setback.**

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

17.16.040 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

17.07.090.4.c Further illustrative examples of desirable architectural features from our PUD Codeset. See the following Diagram “C” for **examples of architectural features**. (1) Dormers (2) Gables (3) Recessed entries (4) Covered porch entries (5) Cupolas or towers (6) Pillars or posts (7) Eaves (min. 18-inch projection) (8) Off-sets in building face or roof (minimum 16 inches) (9) Window trim (minimum 4-inches wide) (10) **Bay windows** (11) Balconies (12) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features) (13) **Decorative cornices and roof lines** (e.g., for flat roofs) (14) **Façade articulation (siding materials should only be changed along horizontal lines)** (15) High quality exterior siding material. High quality means that there should be a single, clearly dominant material for all exterior walls. Brick, stucco, and stone front facades shall return at least eighteen (18) inches around sidewalls. Lap siding and shingles shall be exposed a maximum of five (5) inches. Heavier materials shall appear only below lighter appearing materials. (16) An alternative feature providing visual relief, similar to options (1)-(15) above.

To start, I’ll outline a few conclusions which can be drawn from the code:

- It is clear from the various code elements that architectural features are allowed and even encouraged as design elements. Façade articulation and offsets break up large

uninterrupted faces and help minimize bulk. (17.07.090.4.c)

- Architectural features are allowed projections in the setback (17.01.060)
- Bay windows are an example of architectural features (17.07.090.4.c).
- One can imply from the code (17.04.120.A.2) that there are at least 2 types of bay windows: those with floor area and those without floor area. I've included some generally photos of bay windows as example. You'll see a bay window with floor area and a bay window without floor area. It is quite common to use the area under the window for cabinet storage. You'll also see an example of a bay window with a custom bench (which while offering seating this could easily be removed and clearly shows flooring in that space).

Within the city, there is significant historical precedent for using projections for form as well as function. There are examples from the modern era of development (subject to our current codeset) with mechanical chases, fireplaces, windows, and bump-outs as projections in the setback including a number of which have been vetted by the planning commission. In less than 20 mins of driving in two neighborhoods, I found more than 20 examples. I'll follow on this with photos.

Examples of bump-outs with windows in projected area:

317 Sherman Ave
1 – 9 E State
11 Sherman
1803 Wasco
27, 31 Sherman Ave.
308 Cameo
1819 4th St.

Examples of mechanical equipment in bump-out in projected area:

407 Sieverkrop (fireplace)
407 Cameo (fireplace)
406 Cameo (fireplace)
310 Cameo (fireplace)
1827 4th (fireplace)
508 Betty Lou (fireplace)
510 Betty Lou (fireplace)
208 Hazel (mechanical chase)

Specifically, this design complies to the code and historical precedent for the following reasons:

- The building plans have been architecturally designed specifically for the challenging site topography. Various design elements were included for aesthetic as well as functional reasons. These design elements included offsets, massing, bump-out, porches, roof overhangs and cornices.
- The bump-outs as proposed integrate with the cornices, roof overhangs, and decks in an intentional and seamless manner.
- *The bump-outs as proposed fall within the maximum distance permitted by the code for projections.*
- The bump-outs as proposed contain windows, mechanical equipment, and cabinetry. *There is no useable floor area in any of the proposed bump-outs.*

Please let me know if you have any additional comments / questions.

Sincerely,

Bill Irving
503.816.9261

Attachments

Sherman NW view



NORTH VIEW

Window projections with / without floor area

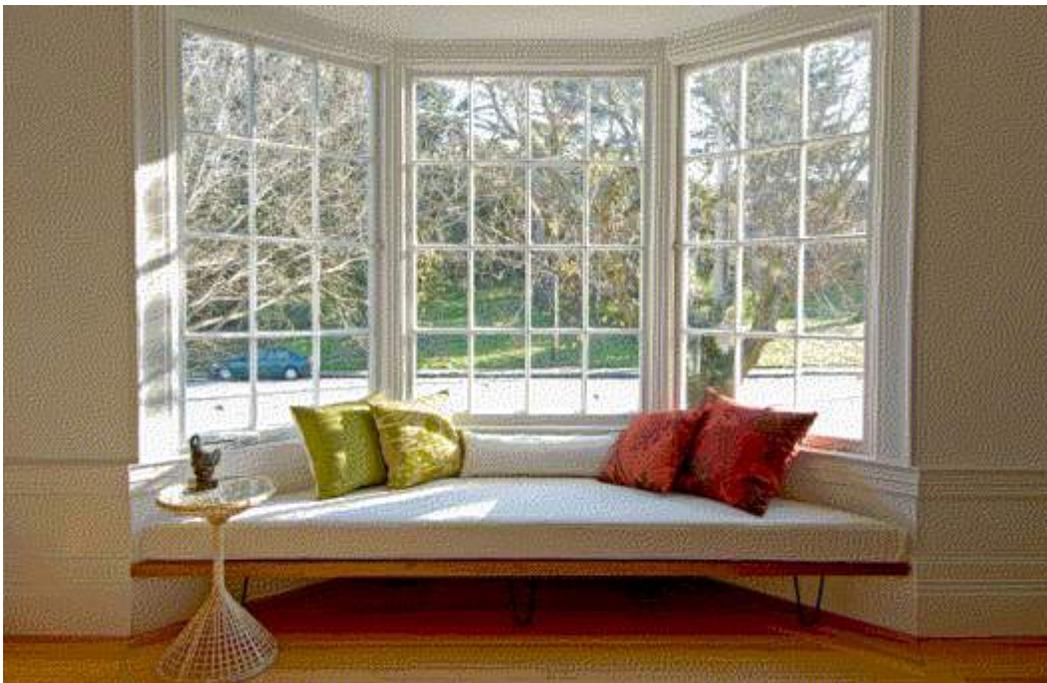
Ex. Window projection **with** floor area



Window projection **without** floor area utilizing built-in storage and seating.



Window projection **with** floor area and bench



Examples of projections in Hood River

9 E State



317 Sherman Ave.





1803 Wasco



11 Sherman Ave.



27 , 31 Sherman Ave.



1819 4th



308 Cameo



407 Cameo



407 Cameo



406 Cameo



310 Cameo



1827 4th



508 & 510 Betty Lou





CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2nd Street, Hood River, OR 97031 Phone: 541-387-5210

DECISION FINDINGS OF FACT & CONDITIONS OF APPROVAL MINOR PARTITION FOR TOWNHOUSE PROJECT

June 17, 2020

Application fee submitted: February 26, 2020
Application deemed complete: March 19, 2020
120-day deadline: July 17, 2020

To: Bill Irving, Owner & Applicant
From: Jennifer Kaden, Associate Planner
Re: File No. 2020-07 – Minor Partition for a Townhouse Project

I. BACKGROUND INFORMATION:

- A. **REQUEST:** Minor Partition to establish two parcels for a two-unit Townhouse Project. No building permit has been submitted for the project.
- B. **APPLICANT:** Bill Irving
- C. **OWNER:** Bill Irving
- D. **PROPERTY LOCATION:** South side of Sherman Avenue between Serpentine Rd. & 2nd Street stairs. Legal Description: 3N10E36BA Tax Lot 300 (Lot 4, Block 23, Hood River Proper Subdivision).
- E. **PARCEL SIZE:** Approximately 4,523 square feet.
- F. **SITE ZONING AND LAND USE:** The subject property is zoned Office/Residential Zone (C-1) and Geological Hazard Overlay zone (EH). The property is vacant.
- G. **SURROUNDING ZONING AND LAND USE:**
 - North: OS/PF, parking lot & County Courthouse
 - South: R-3, multi-family residential
 - East: C-1, single family dwelling
 - West: C-1, single family dwelling
- H. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) STANDARDS & CRITERIA:**
 - 1. HRMC 17.03.040 – Office/Residential Zone (C-1)
 - 2. HRMC 17.03.090 - Environmental Hazard Zone (EH)
 - 3. HRMC 17.04 – Supplementary Provisions
 - 4. HRMC 17.09.030 – Administrative Actions
 - 5. HRMC 17.19 – Townhouse Projects
 - 6. HRMC Title 16 – Subdivisions (Minor Partition)

- I. **AGENCY COMMENTS:** Agencies including the City Engineering, Building and Fire Departments were notified of this request. The following responses were submitted:
1. Riston Andrews, City Engineering Dept.: Comments attached (Attachment C)
 2. Danielle Meyers, City Building Official: No comments.
 3. County Surveyor: No comments.
 4. County Assessor: No comments.
- J. **ADJACENT PROPERTY OWNER COMMENTS:** Property owners within 250 feet of the subject parcels were notified of this request. The following comments were submitted by neighboring property owners in response to the notice:
1. Reed Simpson, written comments attached (Attachment D)
 2. Jack & Debbi Trumbull, written comments attached (Attachment E)
- K. **HISTORY:**
1. Application for Townhouse Partition submitted February 26, 2020
 2. Application for Townhouse Partition deemed complete March 19, 2020
 3. Referrals mailed/emailed April 2, 2020
 4. Notice of application mailed to adjacent property owners April 2, 2020
 5. Notice of decision mailed June 17, 2020
- L. **ATTACHMENTS:**
- Attachment A.1 – Preliminary Partition Plat
 - Attachment A.2 – Project Plans
 - Attachment A.3 – Project Narrative, including supplemental materials dated 6/4/20
 - Attachment “B” – Location Map
 - Attachment “C” – City Engineering Department comments, April 23, 2020
 - Attachment “D” – Comments from Reed Simpson, April 16, 2020; June 10, 2020
 - Attachment “E” – Comments from Jack & Debbi Trumbull, April 16, 2020
 - Attachment “F” - Director’s Interpretation 2019-19

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. HRMC 17.03 – LAND USE ZONES

17.03.040 Office/Residential Zone (C-1)

A. Permitted Uses:

1. Detached single-family dwellings for residential use and accessory structures
2. Duplexes and triplexes for residential use
3. Manufactured homes
4. Home occupation
5. Bed and breakfast facilities
6. Family day care
7. Residential care facility
8. Group residential, if less than fifteen (15) persons
9. Transportation facilities pursuant to 17.20.050(A)
10. Hosted homeshares subject to Section 17.04.115
11. Vacation homes rentals subject to Section 17.04.115

12. Townhouse projects for residential use with 3 or fewer townhouses subject to HRMC 17.19

FINDINGS: The applicant proposes to construct a two-unit townhouse building. Townhouse projects for residential uses, with 3 or fewer townhouses are permitted in the C-1 zone, and are not subject to site plan review. As such the proposal is a permitted use subject to HRMC 17.19 (Townhouse Projects), addressed below. No other uses are proposed.

B. Permitted Uses Subject to Site Plan Review.

1. Professional offices
2. Change of use
3. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces
4. Multi-family dwellings for residential use
5. Group residential, if fifteen (15) or more persons
6. Transportation facilities pursuant to 17.20.050(B)
7. Townhouse projects for residential use with 4 or more townhouses subject to HRMC 17.16 and HRMC 17.19

FINDINGS: The applicant proposes to construct a two-unit townhouse building. Construction of a two-unit townhouse building is a permitted activity that is not subject to site plan review.

C. Conditional Uses.

1. Hospitals, sanitariums, rest homes, nursing or convalescent homes
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. Public facilities and uses
8. Hostels

FINDINGS: A conditional use is not proposed.

D. **Site Development Requirements.** Exempt 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: Townhouse projects are exempt from the site development standards outlined in HRMC 17.03.040; however, townhouse projects are subject to compliance with HRMC Chapter 17.19 (Townhouse Projects). These criteria are addressed below.

- E. Setback Requirements.** The minimum setback requirements shall be as follows:
1. Professional offices: The standards outlined in the R-3 zone apply.
 2. Residential development or a combination of professional offices and residential development: The standards outlined in the R-3 zone apply.

FINDINGS: Residential development within the C-1 zone must comply with the R-3 zone setback requirements:

HRMC 17.03.030.D R-3 Zone Setback Requirements

1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a dedicated public 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 dedicated public 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.

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 proposed townhouse building are integral elements of the structure and therefore are subject to setback standards. At or below-grade steps are permitted in setbacks pursuant to Director’s Interpretation 2019-19 (Attachment F).

The site plan (Sheet 1, Attachment A.2) depicts the property lines, the side and rear setback lines, and the proximity of the proposed structure in relation to property lines.

HRMC 17.03.020.D.1 requires structures to be located at least 10 feet from a public right-of-way. HRMC 17.03.020.D.2 requires garages that directly face an adjacent street are set back at least 20 feet from the right-of-way. The northern property line of the subject property is the right-of-way boundary for the Sherman Avenue right-of-way. The site plan (Sheet 1, Attachment A.2) depicts the proposed townhouse building footprint and front porches will be constructed approximately 10.01 feet from the southern property line. The property line is not labeled on the first floor floorplan (Sheet 1, Attachment A.2), however it appears to depict the garage faces are set back 20 feet from the southern (front) property line and public right-of-way. The elevation drawings (Sheets 6 & 7, Attachment A.2) illustrate the front (north) property line in relation to the structure and appear to depict the 4th floor roof eave and deck encroaching into the required 10-foot setback, in conflict with the setback standard. As depicted on the site plan, at-grade steps are permitted in the front setback pursuant to Director’s Interpretation 2019-19 (Attachment F). **A condition of approval is included to require that the building permit plans**

verify conformance with the requirement that townhouse structure, including eaves and decks, is located outside of the 10-foot setback from the Sherman Avenue right-of-way and that the garages are set back at least 20 feet from the Sherman Avenue right-of-way.

Except as provided under HRMC 17.03.030.D.3(d), structures must be set back at least 5 feet from the side property lines for structures up to 28 feet in height. As explained below, the proposed heights of the townhouses do not exceed 28 feet as measured from existing grade. As addressed below in HRMC 17.19.020(B), the side setback for a common wall on a townhouse is reduced to zero.

Pursuant to Director's Interpretation 2019-19 (Attachment F), at or below-grade steps are permitted in setbacks. 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 definition includes the phrase "such as," which limits the type and refines the characteristics of architectural features that are allowed to project. Staff interprets the list to also cover architectural features with characteristics similar to those explicitly listed in the definition, but not all architectural features. As defined, projections are characterized by and limited to appurtenances to the exterior of the structure that add little if any volume of the interior occupiable space or floor area of the building. The firebox component of a chimney being a limited exception.

The site plan and 4th floor floorplan (Sheets 1 & 3, Attachment A.2) depict fireplaces and cantilevered kitchens (one each for each townhome) encroaching 1'3" into the side setbacks. The cantilevered kitchen differs from the types of architectural features included in the definition of "projection" because it includes usable, conditioned space. Thus, the cantilevered kitchen is not permitted to encroach into the setbacks. The fireplace, however, is similar to a chimney or flue or pilaster. As such, staff finds that the cantilevered fireplace is a projection with characteristics nearly identical to that of a chimney and, as proposed, is permitted to encroach into a side setback up to 15 inches.

The applicant argues (Attachment A.3) that the cantilevered kitchen is an architectural feature that is permitted to encroach into setbacks and references the term 'architectural feature' as it is used in sections of the municipal code related to lot coverage and Planned Unit Developments. Staff acknowledges that the term 'architectural feature' is broad, however, the term relevant for setbacks is 'projection' which is defined in HRMC 17.01.060 as described above. The applicant also references examples of other finished development which appear to include architectural features similar to the cantilevered kitchen in property setbacks. This decision does not include any analysis of those examples, however it appears some of the examples include fireplaces, which are permitted as described above.

As such, a condition of approval is included to require that the building plans for the proposed townhomes are modified to remove all cantilevered floor area, including the cantilevered kitchen, from setbacks and demonstrate conformance with setback standards.

The code permits roof eaves to encroach into the eastern and western side setbacks as described above. The roof plan (Sheet 4, Attachment A.2) depicts 1'3" roof eaves that will

encroach into the side setbacks in conformance with the standard. **A condition of approval is included to require that the building permit plans for the proposed townhouse project verify the roof eaves encroach no more than 15 inches into the side setbacks.**

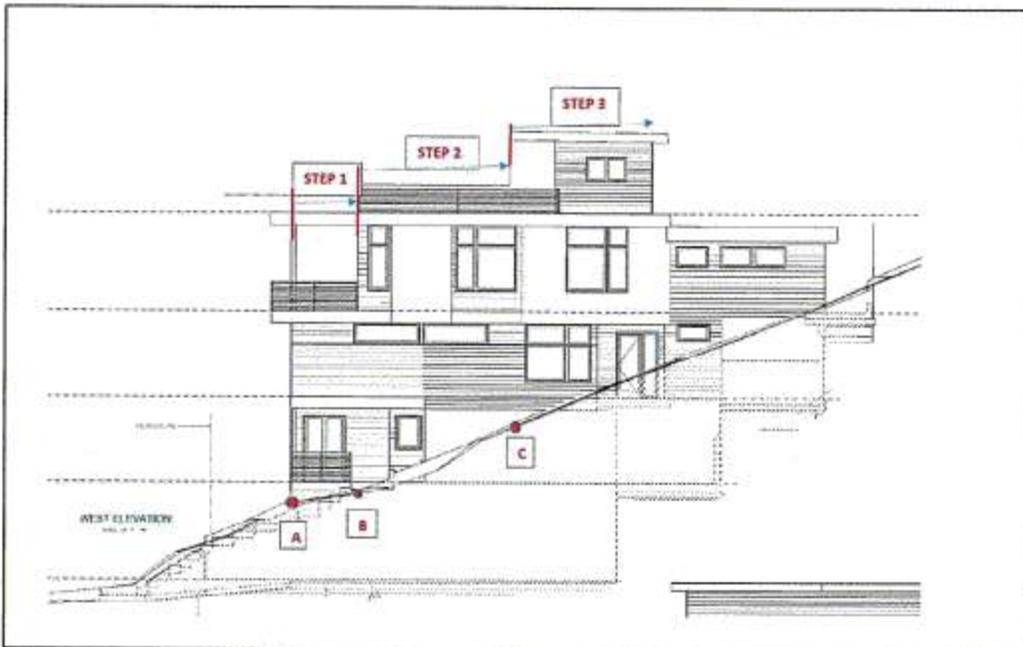
As depicted on the site plan, the proposed townhouse structure is located more than 5 feet from the rear property line and no projections are proposed into the rear setbacks.

All setbacks must be verified prior to final plat. As conditioned, the proposed townhomes are consistent with the setback standards.

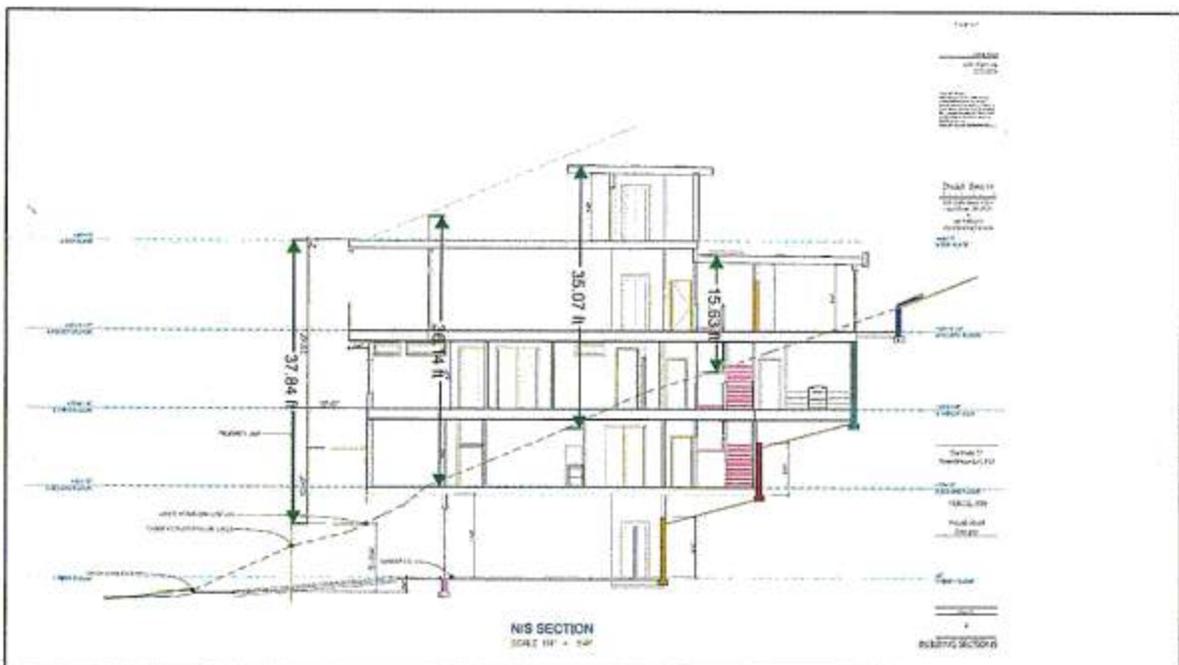
F. Maximum building height: Thirty-five (35) feet.

FINDINGS: The allowed building height is 35 feet in the C-1 zone, however, pursuant to the setback provisions, an 8-foot side setback is required for buildings that exceed 28 feet in height, and a 5-foot setback is required for buildings up to 28 feet in height. Pursuant to HRMC 17.01.060, when the existing grade change is greater than 10 feet, building height is measured at a point starting 10 feet above the lowest existing grade to the highest point of the proposed building. HRMC 17.01.060 provides that the "height of a stepped or terraced building is the maximum height of any segment of the building."

The project narrative and plans indicate that the property owner intends to construct townhomes that do not exceed 28 feet in height in order to use the 5-foot side setback standard. Topographic information from the applicant indicates there is greater than 10 feet of elevation change between the upper and lower existing grades of the proposed building footprint: the existing grade elevation is approximately 229 feet at the front of the building and approximately 257 feet at the rear of the building based on the topographic information on the site plan (Sheet 1, Attachment A.2). The project plans depict a townhouse building on a steeply sloped property with a foundation built into the hillside. As viewed from the east and west, the building form steps up the hill in three segments: The first step is measured from the front (northernmost) vertical wall plane to the vertical wall plane created by a railing on the 5th level. The second step is measured from that railing to a vertical wall plane created by a partition wall on the 5th level. The third step is created from the partition wall vertical plane to the south. These steps are illustrated on the west elevation drawing:



The height is measured at a point 10 feet above the existing grade of the northern (lowest) side of each step or segment, illustrated above as basis points A, B, and C. The applicant provided a section drawing that illustrates the existing grade in relation to the building (Sheet 8, Attachment A.2), but the existing grade elevation was only provided for Step 1 (229' above sea level). Given that the building height is measured from a point 10 feet above basis points A, B & C, the maximum allowed distance from the existing grade to the highest part of the building in each segment is effectively 38 feet from existing grade. Staff used a computer program to approximately calculate the gross height of each segment (measuring from grade instead of the point 10 feet above grade):



The building height for Step 1 is measured on the downhill (northern) side of the segment as follows: the existing low grade is approximately 229 feet above sea level (ASL), thus the building height is measured from 239 feet ASL (229' + 10') and the highest point of the building for that step cannot exceed 274' ASL (239' + 35'). As illustrated on the section drawing (Sheet 8, Attachment A.2), the proposed height of the segment is approximately 2 inches below 274', in conformance with the building height standard. Additional information about the existing grade elevations and roof elevations for Steps 2 and 3 will be required to verify building height at the time of building permit review.

A condition of approval is included to require additional existing grade elevations at all building corners and as needed to verify the building heights of the stepped building. For the project as proposed, the owner is required to demonstrate the building height of any segment of the building will not exceed 28 feet as measured from a point 10 feet above existing grade of the lowest (northernmost) point of the segment. If any segment of the building exceeds 28 feet in height as measured from a starting point 10 feet above the lowest existing grade to the highest point of the proposed building for the segment, the project must be redesigned either to meet 8-foot side setbacks or to meet the 28-foot building height.

G. Parking Regulations.

1. Residential Development:
 - a. 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.
 - b. 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.
 - c. Required setback areas may be utilized for off-street parking for multi-family dwellings.
 - d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas
2. 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 parking area
3. Bicycle parking as required by HRMC 17.20.040.

FINDINGS: A minimum of two 9'x18' parking spaces must be provided on each townhouse parcel for each dwelling unit. All parking areas and driveways shall be hard surfaced prior to occupancy. Hard surfacing includes asphalt, concrete, paving stones or other similar surfaces that are accepted by the City Engineering Department.

As depicted on the Site Plan and floor plans (Sheets 1 & 2, Attachment A.2), the proposed townhomes each include garages on the first level served by driveways. Interior dimensions of the garages were not provided, however each garage appears large enough to accommodate two 9' x 18' parking spaces and each driveway can accommodate one additional 9' x 18' parking space per unit. The driveway area to be used for parking is on-site and partially underneath the upper levels of the proposed structure; it does not include area in the right-of-way. The installed driveway

surface will be inspected in association with the building permit, prior to occupancy. Pursuant to HRMC 17.20.040.B, single-family and two-family housing (attached or detached) is exempt from the bicycle parking requirement. As proposed, the townhouse project is consistent with the parking standard.

- H. **Lighting:** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.

FINDINGS: The submitted application did not include information with regard to lighting proposed by the applicant. Therefore, a **condition of approval is included to require all proposed lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.** As conditioned, the proposal is consistent with these standards.

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

FINDINGS: No new signs are proposed.

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

FINDINGS: Pursuant to HRMC 17.17.010(A), the proposed use is not subject to the landscaping standards of HRMC 17.17.

HRMC 17.03.090 Environmental Hazard Zone (EH)

The Environmental Hazard Zone is an overlay zone that designates areas that may be hazardous to develop.

A. Permitted Uses.

1. Those which are allowed in the underlying zone designation provided the proposed development has been reviewed and stamped by a competent registered professional engineer or architect. All requirements and standards for the underlying zone designation shall be met. In addition, lands that are determined to be unsuitable to develop may be used for computation of density allowances.
2. Areas designated as flood hazard areas by the Federal Emergency Management Agency (FEMA) may be developed only in accord with the U.S. Department of Housing and Urban Development standards for flood hazard areas.

FINDINGS: According to the Zoning Map, the subject site is located in the Geologic Hazard Overlay. The townhouse project is a use allowed in the underlying zone designation. In order to ensure the townhouse project is constructed to meet geological conditions for the site, the Building Official will require a geotechnical report prepared by a licensed professional is submitted with the building plans. This requirement is described in comments provided by the Engineering Department

(Attachment C). A condition of approval is included to alert the property owner to this requirement.

B. HRMC 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.

FINDINGS: Each of the proposed parcels have approximately 25 feet of frontage on Sherman Avenue in conformance with this standard. The proposal is consistent with the access standard.

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: HRMC 17.04.060 includes standards for retaining walls. The site plan (Sheet 1, Attachment A) depicts proposed retaining walls along the east and west sides of the proposed shared driveway. It appears that additional retaining walls are proposed at the tops of each set of at-grade steps to the entrances of the townhomes and to support patios at the rear of each townhome.

The retaining walls adjacent to the driveway will be used to retain earth on the subject parcel and, thus, are limited to no more than 4 feet in height as measured from existing grade as described in standards A and E above. The retaining walls at the tops of the steps at for the patios will retain earth both on-site and on adjoining parcels. The walls supporting earth on-site are limited to 4 feet in height as described above, whereas the walls supporting earth on the adjacent properties are not limited in height (per Standard D above). Details of the proposed retaining walls was not provided and will be required at the time of building permit.

Comments received from adjoining property owners include concerns about the proposed stacked stone walls in the public right-of-way (Attachments D & E). Improvements located in the public right-of-way are addressed below in Title 16 standards. Comments from the Engineering Department do include are requirement, however, that permission from adjoining property owners is required if disturbance of adjacent properties is necessary for construction of the proposed townhome project, including any proposed retaining walls (Attachment C).

Conditions of approval are included to require that prior to issuance of any building permits, the owner shall provide details for all proposed retaining walls, including a shoring plan for any walls that have the potential for disturbing adjacent properties, and demonstrate conformance with HRMC 17.04.060. In addition, prior to the issuance of a construction site permit or building permit, the owner shall obtain permission from adjacent property owners if disturbance of adjacent properties is necessary for construction of the proposed townhome project, including any proposed retaining walls.

As conditioned, these standards are met.

17.04.120 Maximum Lot Coverage

A. Definitions:

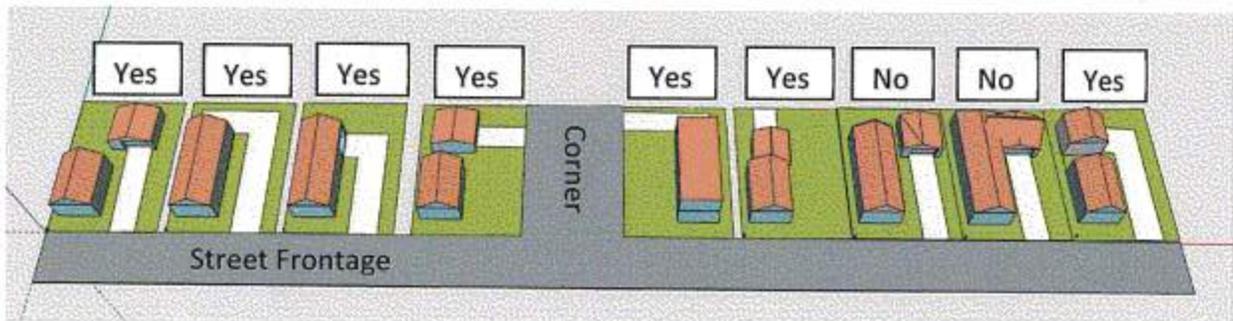
1. **Lot Coverage:** The percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the footprints of accessory buildings (counting only buildings with footprints larger than one hundred fifty (150) square feet, or with two stories or more); and (3) parking pads and driveways; by (b) the gross area of the that lot.
2. **Main Building Footprint Coverage:** The percentage determined by dividing that area covered by a main building footprint by the gross area of the lot on which the main building is located. The main building footprint includes all parts of a main building that rest, directly or indirectly, on the ground, including, by way of illustration and not by limitation, bay-windows with floor area, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.

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

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

Categories	R-1	R-2	R-3	C-1
Maximum Lot Coverage	40%	45%	55%	65%
Maximum Lot Coverage with front covered porch	43%	48%	58%	68%
Maximum Lot Coverage with detached rear garage	45%	50%	60%	70%
Maximum Lot Coverage with detached rear garage and front covered porch	48%	53%	63%	73%

3. Where a driveway or parking pad is constructed of permeable paving materials the calculated area shall be reduced by 50 percent (e.g. only 100-square feet of a 200-square-foot driveway constructed of permeable pavers is included in the lot coverage calculation) under the following circumstances:
 - a.) The permeable paving materials must be installed consistent with specifications of the manufacturer or the City Engineering Department for purposes of stormwater infiltration; and the driveway provides vehicular access to either:
 - (1) A detached garage located in a rear yard (i.e. between the main structure and the rear property line); or
 - (2) A garage that is attached to the rear of the main structure and the garage door does not face an adjacent street excluding alleys.
 See graphic below for eligibility.



4. Existing main and accessory structures that are not in conformance with these coverage requirements on September 1, 2006, are permitted to be rebuilt within the building footprint as it existed on September 1, 2006, if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure and if construction commences within two (2) years from the date of the calamity.
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.
6. Planned Developments (PUDs) are exempt from the lot coverage requirement but shall comply with HRMC 17.07, Planned Developments.

FINDINGS: The subject property is zoned C-1 which includes a maximum allowed lot coverage of 65%. As provided in HRMC 17.04.120.B.2, when there is a covered front porch at least 60 square feet in area on the front of the building at grade level, the maximum allowed lot coverage is increased to 68% in the C-1 zone.

The project plans (Attachment A.2) include a covered entry on each the front of each townhouse that is 90 square feet in area. The covered entries are located at the existing grade of the entrances given that the site is steeply sloped. Without a definition "porch," the covered entries meet the criteria in HRMC 17.04.120.B.2 for increasing the allowed maximum lot coverage to 68% for each townhouse parcel: the entries are covered, on the front elevation, at grade level, and at least 60 square feet in area. As such, the maximum allowed lot coverage for each townhouse parcel is 68%.

As explained in HRMC 17.04.120.A.1 the lot coverage calculation includes the area of the lot covered by the “main building footprint” and the driveway. The “main building footprint” is further defined in HRMC 17.04.012.A.2 to include: “all parts of a main building that rest, directly or indirectly, on the ground, *including, by way of illustration and not by limitation, bay-windows with floor area, chimneys, porches, decks supported by posts and with floor heights that are four (4) feet or higher above grade, cantilevered decks with horizontal projections that are four (4) feet or more, and covered breezeways connected to a main building.*” Emphasis added. Walkways, including exterior stairs constructed at-grade, are not included in the lot coverage calculation because they are not included in the “main building footprint” definition and they are not included as driveways or parking areas. Likewise, eaves and uncovered patios are not included in the “main building footprint” definition and, thus, not included in the lot coverage calculation.

The site plan, the floor plans, and the roof plan (Sheets 1, 3 & 4, Attachment A.2) include information used to determine lot coverage calculation. The site plan illustrates the building footprint and driveway in relation to the property lines; Sheet 4 includes dimensions for the 3rd and 4th floor footprints; and Sheet 5 includes a dimension for side and rear roof eaves.

The applicant provided lot coverage calculations of 1,525 square feet (67.4%) for Parcel 1 and 1,530 square feet (67.7%) for Parcel 2. Staff calculates the following:

Parcel 1 (east) is proposed to be approximately 2,262 square feet in area and Parcel 2 (west) is proposed to be approximately 2,261 square feet in area. Thus, the maximum allowed lot coverage for Parcel 1 is 1,538 square feet and the maximum allowed lot coverage for Parcel 2 is 1,537 square feet.

For each townhouse, the main building footprint includes the footprint length of 65'4-3/4" and width of 20' (1,307.92 s.f.). As depicted on the 4th floor floorplan, each main building footprint also includes a fireplace (1'3" x 7'6" = 9.375 s.f.) and an expanded, cantilevered kitchen area. The cantilevered kitchen is a component of the main building footprint that rests indirectly on the ground, similar to a bay window with floor area, because it includes conditioned, usable space. However, the cantilevered kitchen is not permitted to encroach into the setbacks and, in order to comply with HRMC 17.03.030.D.3, must be removed. Thus, staff did not account for this area in the lot coverage calculation. The calculation does include the fireplaces because it is similar to a chimney which is explicitly included and calculated into lot coverage as described above. Thus, the proposed building coverage is approximately 1,317.3 square feet for each proposed townhouse parcel.

As illustrated on the site plan (Sheet 1, Attachment A), the driveway area for each townhouse parcel that is not covered by the building, is 18' x 10.14' (182.52 s.f.) assuming the space between the driveways is not hard-surfaced. With the driveways, the total proposed lot coverage for each townhouse parcel is approximately 1,499.82 square feet (1,317.3 + 182.52), or 66.3% for Parcel 1 and 66.33% for Parcel 2, in conformance with the standard. If the area between the driveways is hard-surfaced, it will be included in the lot coverage calculation and part of the driveways.

A condition of approval is included to require the applicant to demonstrate conformance with the lot coverage standard prior issuance of building permit and prior to final plat approval. As conditioned, the application is consistent with these standards.

C. HRMC 17.19 – TOWNHOUSE PROJECTS

17.19.010 **Applicable Zones.**

- A. Townhouse Projects are permitted in the following zones:
 - 1. R-2 with no more than 2 townhouses
 - 2. R-3 with 3 or fewer townhouses
 - 3. C-1 with 3 or fewer townhouses
- B. Townhouse Projects with 4 or more townhouses are subject to site plan review in the R-2, R-3 and C-1 Zones.
- C. Townhouse Projects are subject to conditional use review in the C-2 Zone.

FINDINGS: The subject property is zoned C-1 and a two –unit townhouse partition is proposed. As such the proposal is a permitted use subject to the standards of this chapter.

17.19.020 **Standards.** The standards of the applicable zoning district apply except where superseded by the standards of this section.

- A. **Site Development Standards.** The following site development standards apply to all townhouse projects.
 - 1. Townhouse projects require a minimum lot or parcel size of 5,000 square feet.
 - 2. Each townhouse building shall contain:
 - a. No more than two (2) attached townhouses in the R-2 zone;
 - b. No more than four (4) attached townhouses in the R-3 and C-1.
 - 3. Maximum residential density is calculated as follows:
 - a. In the R-2 zone, a minimum of 5,000 square feet per townhouse building.
 - b. In the R-3 and C-1 Zones, a minimum of 5000 square feet for the first two (2) townhouses and a minimum 1500 square feet for each additional townhouse.
 - 4. The minimum lot size permitted per townhouse:
 - a. In the R-2 zone, no townhouse lot may be less than 2,100 square feet.
 - b. In the R-3, C-1, and C-2 zones, there is no minimum townhouse lot size.
 - 5. Minimum lot frontage: The minimum lot frontage standard of the applicable zoning district is not applicable for townhouse lots.

FINDINGS: The Preliminary Partition Plat (Attachment A.1) indicates the subject property totals 4,523 square feet, less than the minimum area required for a two-unit Townhouse project in the C-1 Zone. HRMC 17.04.070 provides that lots of record existing as of December 1999 that are less than the required lot area may be utilized as permitted in the zone provided all other requirements of the zone are met. The subject property was platted as part of the Hood River Proper Subdivision in 1890 (Lot 4, Block 23, Hood River Proper Subdivision). Pursuant to HRMC 17.04.070, the subject property existed in its current configuration prior to December 1999 and may be developed as permitted in the C-1 zone. The proposed two-unit townhouse project is permitted in the C-1 zone pursuant to HRMC 17.03.040.A.12.

In addition, the proposed two-unit townhouse project meets the standard in HRMC 17.19.020.A.2(b) for the maximum number of townhouse units in a townhouse building. The project meets the maximum density standard in HRMC 17.19.020.A.3 pursuant to the lot of record” provision in HRMC 17.04.070. Pursuant to HRMC 17.19.020.A.4, there is no minimum lot

size for a townhouse lot in the C-1 Zone, and pursuant to HRMC 17.19.020.A.5, the minimum lot frontage standards of the C-1 Zone are not applicable.

6. Lot Coverage: Subject to HRMC 17.04.120.

FINDINGS: Lot coverage is addressed above in HRMC 17.04.120. In order to ensure conformance with these standards a **condition of approval is included to require the applicant to submit evidence verifying the area of the driveways and buildings on each proposed parcel and demonstrate conformance with the maximum lot coverage standards of HRMC 17.04.120.**

7. As a part of an application for a townhouse project, an applicant may request an exception to the standards in HRMC 17.04.020, Access for townhouse projects which have alley access. The City may approve the exception when all of the following standards are met:
- a. The proposed access plan is approved by the City Fire and Engineering Departments;
 - b. The alley has been dedicated to the City for public access;
 - c. The alley has a minimum hard surface width of 10 feet;
 - d. The applicant provides a Traffic Impact Analysis or Traffic Assessment Letter demonstrating that the alley has adequate capacity for the proposed use; and,
 - e. A hard-surfaced path with a minimum width of 6 feet is provided between the public street and any townhouse unit that obtains vehicular access from the alley. In addition, address signage meeting City standards shall provide directions from the public street to any alley-accessed townhouse. And, any on site fencing adjacent to the path shall not exceed four-feet tall. The path and signage ensure safe access for emergency service providers.

FINDINGS: The subject property does not have alley access and an exception to the standards of HRMC 17.04.020 is not requested.

B. **Setbacks.** The setback requirements of the applicable zone shall be applied to the townhouse building(s) except that the setback for the common wall on a townhouse is reduced to zero (0).

FINDINGS: Conformance with setbacks is addressed above in HRMC 17.03.040(E), and a **condition of approval is included to require the final plat to note the proximity of the structure to all perimeter property lines and ensure conformance with applicable setback standards of the C-1 Zone.**

C. **Maximum Building Height.** The maximum building height requirements of the applicable zone shall be applied to the townhouse building(s).

FINDINGS: Conformance with the building height standard is addressed above in HRMC 17.03.040(F). The maximum building height in the C-1 zone is 35 feet, however structures up to 28 feet in height are required to have 5-foot side setbacks and structures greater than 28 feet in height are required to have 8-foot side setbacks. As described above, the project plans indicate the building will not exceed 28 feet in height as measured from existing grade to the peak height for each segment of the stepped building.

D. **Parking Regulations.** The parking requirements of the applicable zone shall be applied to the townhouse building(s).

FINDINGS: As addressed above in HRMC 17.03.040.G and depicted on the Site Plan (Sheet 1, Attachment A.2), garages in each townhouse unit contain two 9'x18' sized parking spaces and a third 9'x18' parking space is provided outside the garage in driveways on each townhouse parcel. As such the Townhouse Project meets the parking standards.

E. **Additional Standards.**

1. If a townhouse building is destroyed in any manner, it shall be replaced with the same or less number of units or the parcels shall be legally combined to create a parcel(s) meeting the minimum lot size of the underlying zone.
2. In addition to obtaining a building permit for a townhouse building, the owner shall obtain approval for a partition or subdivision pursuant to Title 16 – Land Divisions.

FINDINGS: These provisions are not applicable for the subject proposed townhouse partition. The applicant proposes a Minor Partition as addressed below.

17.19.030 Townhouse Process. A townhouse project shall be processed as a partition or subdivision, pursuant to the provisions of Title 16 – Land Divisions.

FINDINGS: The applicant proposes a Minor Partition as addressed below.

D. **HRMC 16.08 – GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS, REPLATS, PLAT VACATIONS AND LOT LINE ADJUSTMENTS**

16.08.010 Approval Process for Subdivisions and Partitions

A. **Subdivision and Partition Approval through Three-Step Process.** Applications for subdivision or partition approval shall be processed through a three-step process.

1. **Pre-Application Conference:** A pre-application conference with City staff is required for all partitions and subdivisions prior to submittal of the preliminary plat application unless waived by the Planning Director. The applicant shall provide information and materials of a sufficient level of detail to clearly explain the proposed land division.
2. **Preliminary Plat:** The preliminary plat shall be approved before the final plat can be submitted for approval consideration.
 - a. Partitions. Review of a preliminary plat for a partition shall be processed by means of an Administrative action, as governed by Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).
 - b. Subdivisions. Review of a preliminary plat for a subdivision shall be processed by means of a Quasi-Judicial action, as governed by Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040). All preliminary plats shall be reviewed using approval criteria for preliminary plats contained in this Title. An application for subdivision may be reviewed concurrently with an application for a Planned Development under Title 17.
3. **Review of Final Plat:** The final plat shall include all conditions of approval of the preliminary plat. Review of a final plat for a subdivision or partition shall be processed by means of a Ministerial procedure under Title 17 Ministerial Actions in the Review

Procedures chapter (Section 17.09.020), using the approval criteria for final plats in this title. Filing and recording of the final plat shall be in compliance with the requirements of 16.08.050.

FINDINGS: A pre-application conference was not required. The applicant submitted a Preliminary Partition Plat (Attachment A.1) and associated application materials. Because the proposal features two parcels it is considered a minor partition. This minor partition application is being reviewed as an Administrative Action in accordance with HRMC 17.09.030.

To memorialize that the final plat is subject to the conditions of approval of the preliminary plat, HRMC 16.08.010.A.3, **a condition of approval requires a note on the final plat that reads, "This plat and subsequent development is subject to the conditions of approval per City of Hood River Planning File Number 2020-07."**

B. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of two (2) years from the date of approval.

FINDINGS: In order to ensure compliance with this requirement **a condition of approval states that the final plat shall be submitted within two years of the date of approval of the preliminary plat.**

C. Amendments and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided below.

3. **Extensions:** The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one (1) extension of the approval period not to exceed one (1) year; provided that
 - a. Any changes to the preliminary plat follow the procedures above;
 - b. The applicant has submitted written intent to file a final plat within the one-year extension period;
 - c. An extension of time will not prevent the lawful development of abutting properties; and
 - d. The extension request is made before expiration of the original approved plan.

FINDINGS: Any amendments or extensions must be consistent with these requirements.

D. Phase Development. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than five (5) years with one 1-year extension possible, without reapplying for a preliminary plat.

FINDINGS: Phased development is not proposed.

E. Appeals. The administrative provisions of Chapter 17.09 of the Hood River County Municipal Code shall apply to the provisions of this chapter.

FINDINGS: The decision for this partition application may be appealed in accordance with the provisions of HRMC 17.09.

16.08.020 Preliminary Plat Submission Requirements and Approval Criteria

A. General Submission Requirements.

1. **Partitions:** For partitions, the applicant shall submit an application containing all of the information required for Administrative actions under Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).
2. **Subdivisions:** For subdivisions, the application shall contain all of the information required for Quasi-judicial actions under Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040).

B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. **General information:**
2. **Site analysis:**
3. **Proposed improvements:**

FINDINGS: The Preliminary Partition Plat (Attachment A.1) and Site Plan (Sheet 1, Attachment A.2) include information sufficient to review the application. If necessary, conditions of approval are included to require submittal of additional information and to ensure compliance with applicable standards.

C. General Approval Criteria

1. **The proposed preliminary plat complies with all of the applicable Municipal Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, including Chapter 16.12, and the applicable sections of the Comprehensive Plan and Title 17 shall apply;**

FINDINGS: The Preliminary Partition Plat (Attachment A.1) depicts the proposed parcels. The policies of the Comprehensive Plan are implemented through the standards of the Hood River Municipal Code. The applicable provisions of Titles 16 and 17 are addressed in this document. Conditions of approval are recommended where necessary to ensure compliance with applicable standards and criteria. As conditioned the application is consistent with this criterion.

2. **The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**

FINDINGS: The proposal is for a minor partition rather than a subdivision and, thus does not require a plat name. All requirements of ORS Chapter 92 will be verified by the County Surveyor during the platting process. As such the application will be consistent with this criterion.

3. **The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as**

to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

FINDINGS: The subject property is located within the boundaries of an existing street block and properties surrounding the site are developed. As such, it is not necessary to transition to the plats of other subdivisions or partitions. Right-of-way dedication is not proposed.

- 4. The location, width, and grade of streets and pedestrian walkways have been considered in relation to existing and planned streets, walkways, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets and walkways. The street and walkway system proposes an adequate traffic circulation system, which is consistent with the Transportation System Plan and any approved Future Street Plans pursuant to 16.12.020(K);**

FINDINGS: Both proposed parcels have frontage on Sherman Avenue. In this area, Sherman Avenue is designated as a Local Street in the city's Transportation System Plan. The Sherman Avenue right-of-way adjacent to the site is 60 feet wide. Minimum design requirements for street improvements are designated in the Transportation System Plan and in HRMC 16.12.060(B.6) Figure 16.12-E (Local Streets Standard Diagram).

No additional right-of-way is required, however the city Engineering Department submitted comments requiring a 10-foot public utility easement along the frontage of the proposed townhouse parcels (Attachment C). In conjunction with building permit issuance for the proposed townhomes, the property owner will be required to construct a sidewalk that meets ADA standards along the street frontage of the proposed townhouse parcels (Attachment C). There are no known Future Street Plans affecting the subject property and no new streets are proposed or required.

- 5. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat;**

FINDINGS: A private joint utility easement is proposed along the northern approximately 10 feet of the proposed townhouse parcels as depicted on the preliminary plat (Attachment A.1), in conformance with this standard.

- 6. Adequate capacity of public facilities for fire protection, streets, and sidewalks can be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use are consistent with the Comprehensive Plan and any adopted public facilities plan(s).**

FINDINGS: The City of Hood River currently provides the public street adjacent to the site (Sherman Avenue) and police and fire protection to Sherman Avenue and the area surrounding the subject property. The Engineering Department will require construction of a sidewalk in conjunction with a building permit for the proposed townhomes (Attachment C).

Public facilities are further addressed below in HRMC 16.12.060. Adequate public facilities can be provided to serve the proposed parcels. As such the application complies with this criterion.

- 7. All lots created shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems and these shall be located and constructed to prevent or minimize flood damage to the extent practicable;**

FINDINGS: Public and franchise utilities, including public water and sanitary sewer lines, are located in the Sherman Avenue right-of-way adjacent to the site. Public facilities are addressed below in HRMC 16.12.060 in greater detail. Adequate public facilities can be provided to serve the proposed parcels. The site is not located near a floodplain, stream or other water body. As conditioned the application complies with this criterion.

- 8. All subdivision and partition proposals shall have adequate surface water drainage provided to minimize exposure to flood damage. Water quality or quantity control improvements may be required;**

FINDINGS: The subject property is vacant. The proposed townhouse project includes a shared driveway. A stormwater plan including surface water drainage will be required in association with a building permit for the townhouse building (Attachment D). To ensure this criterion is met, **a condition of approval is included to require a stormwater management plan consistent with city standards in association with a building permit for the townhouse project.** As conditioned, this criterion is met.

- 9. Underground utilities are provided;**

FINDINGS: There are overhead utility lines adjacent to the site in the Sherman Avenue right-of-way. As described in comments provided by the Engineering Department (Attachment C), all utility services to the proposed townhouse will be required to be installed underground and the property owner is required to execute an Improvements Agreement to participate in future undergrounding of existing overhead utilities running parallel to the subject property. Requirements for underground utilities are addressed in further detail below in HRMC 16.12.060(F) and where necessary, conditions of approval are recommended in order to ensure utilities are installed underground. As conditioned the application complies with this criterion.

- 10. Minimize flood damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency (FEMA) requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.**

FINDINGS: The proposed development is not located within a floodway or 100-year floodplain. As such the proposal is consistent with this criterion.

11. Determination of Base Flood Elevation. Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the City Engineer.

FINDINGS: The proposed development is not located in or near an area that is prone to inundation. As such determination of the base flood elevation is not required.

16.08.030 – Final Plat Submittal Requirements and Approval Criteria

- A. **Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with the County. The applicant shall submit the final plat within two (2) years of the approval of the preliminary plat as provided by this chapter. Specific information about the format and size of the plat, number of copies, and other detailed information can be obtained from the Planning Director.
1. **Supplemental Data:** At the time of the submission of the final map, the applicant shall also submit the following:
 - a. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;
 - b. All technical data as required by the designated City or County Surveyor.
 2. **Certification:** The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate.
 - a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided or partitioned, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
 - (1.) Rights-of-way, easements, or other interest, none of which can ripen into a fee;
 - (2.) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision or partition plat map, including land originally patented by the United States or the state of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the state or Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided;
 - b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants; and
 - c. The plat contains an affidavit, by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the

survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two (2) or more permanent objects for identifying its location.

- d. Provision for additional certificates and acknowledgements required by law or conditions of approval.

FINDINGS: In order to ensure compliance with these requirements **conditions of approval require that the final plat shall be submitted within two years of the date of approval of the preliminary plat, in accordance with the requirements of HRMC 16.08.030 including provision of a preliminary title report and payment of a final plat review fee.**

16.08.040 – Filing and Recording

- A. **Filing Plat with County.** Within sixty (60) days of the City approval of the final plat, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92.
- B. **Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City two (2) paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.
- C. **Prerequisites to Recording the Plat.**
 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
 2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.
- D. **Parcels in Excess of 80 Acres.** Parcels in excess of 80 acres do not need to be shown on a partition plat. However, the plat shall show all shared boundaries between the parcel in excess of 80 acres and the other parcel(s) on the plat and include a notation on the plat indicating which parcel(s) is not shown in its entirety pursuant to this provision.

FINDINGS: In order to ensure compliance with these requirements **a condition of approval requires the final plat shall be filed and recorded in conformance with HRMC 16.08.040.**

16.08.050 – Variances and Penalties

- A. **Variances.** Adjustments to the standards of this Chapter shall be processed in accordance with the procedures and findings prescribed in the City's zoning ordinance for variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted.
- B. **Penalties.** An offer to sell, contract to sell, sale or deed of conveyance of a subdivision or partition or any part thereof, before a final plat thereof in full compliance with the provisions of this title has been duly recorded shall be considered an offense. Offenders who violate or cause violation of any provision of this title shall be deemed guilty of an offense and shall be subject to punishment as prescribed in Title 17 of the Municipal Code.
- C. **Compliance with Oregon Real Estate Regulations.** Prior to the sale of or contract to sell any lot within the subdivision, a final subdivision plat shall be recorded and the subdivider shall file a "Notice of Intent" with the Oregon State Board of Real Estate.

- D. **Certification Conflicts.** When any provision of Oregon state law or of this title requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or any agent or employee thereof, such certificate or affidavit may be executed or such act may be performed by some other person duly qualified therefore and designated so to act by the Council.

FINDINGS: The Applicant must comply with provisions B-D listed above. The subject application does not include a request for a variance from the standards in Chapter 16.08.

E. **GENERAL DESIGN AND IMPROVEMENT STANDARDS – HRMC 16.12**

16.12.010 General Applicability

All subdivisions and partitions must comply with the provisions of this chapter. Subdivisions and partitions that include the construction of a street may require detailed findings demonstrating compliance with each section. For partitions that do not include the construction of a street, fewer code provisions may apply.

FINDINGS: The standards detailed below apply to the proposed partition. The standards of HRMC 16.12.020 that are not applicable are not included in this analysis.

16.12.020 Vehicular Access and Circulation

- A. **Intent and Purpose.** The intent of this section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency.
- B. **Applicability.** This section shall apply to all public streets within the City and to all properties that abut these streets.
- C. **Access Permit.** Access to a public street requires an access permit in accordance with the following procedures:
1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the standards contained in this Section, and the provisions of Section 16.12.060 – Public Facilities Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
 2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or the County. In that case, the City or County shall determine whether access is granted based on its adopted standards.
- D. **Traffic Impact Analysis.** The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements. The City requires either a Transportation Assessment Letter or a Traffic Impact Analysis pursuant to Section 17.20.060 for proposed land use actions unless waived by the City Engineer. (See also, Public Facilities Standards, Section 16.12.060.)
- E. **Conditions of Approval.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition

of granting an access permit to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

- F. **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten [10] feet per lane is required). These methods are “options” to the developer/subdivider, unless a method is specifically required by the City Engineer.
1. **Option 1:** Access is from an existing or proposed alley or mid-block lane.
 2. **Option 2:** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A private street may only be developed as part of a Planned Unit Development. A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
 3. **Option 3:** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.
 4. **Frontage on an Arterial Street:** New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two (2) or more lots (e.g., includes Planned Unit Developments and mid-block lanes).
 5. **Double-Frontage Lots:** When a lot has frontage onto two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in all residential zones, a landscape buffer with trees and/or shrubs and ground cover not less than ten (10) feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).

FINDINGS: The Site Plan (Sheet 1, Attachment A.2) depicts vehicular access to both parcels via a shared a shared driveway on Sherman Avenue. According to the project narrative (Attachment A.3), the portion of the driveway that is shared will be within the public right-of-way. It appears the driveways on the townhouse site will be separated, but it is not clear whether they will be separated by landscaping. As described in comments submitted by the Engineering Department (Attachment C), an access permit will be required for this project, consistent with HRMC 16.12.020.C. The proposed driveway is consistent with Option 3 of HRMC 16.12.020.F above. A driveway access permit will be issued by the City’s Public Works department

- G. **Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:
1. **Local Streets:** A minimum of twenty-two (22) feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.

2. **Arterial and Collector Streets:** Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation System Plan. Access to state highways shall be subject to the requirements of the Oregon Highway Plan and OAR Chapter 734, Division 51.

The standards for driveway and street spacing on local public streets are established in Table 8 of the Transportation System Plan and are included below as Table 16.12-A.

Table 16.12-A: City of Hood River Access Management Spacing Standards ^{a, b, c}

Street Classification	Spacing Between Public Streets (Min.-Max.)	Minimum Spacing Between Driveways and Other Driveways or Public Streets ^d
Minor Arterial Street	660-1,000 feet	300 feet
Collector Street	220-440 feet	100 feet
Local Street	200 feet	22 feet

^a Exceptions may be made by the City Engineer

^b Measured centerline to centerline

^c Public streets within the IAMP Overlay Zone are subject to the standards in Section 17.20.030.D.

^d Private access to arterial roadways shall only be granted through a requested variance of access spacing standards when access to a lower classification facility is not feasible.

The standards for street spacing on state highways in the Hood River Urban Growth Boundary (UGB) are established in the Oregon Highway Plan and OAR Chapter 734, Division 51. Standards for District highways are presented below in Table 16.12-B.

FINDINGS: The Site Plan (Attachment A.2) depicts a joint driveway access via Sherman Avenue. Sherman Avenue is designated as a Local Street in the City's Transportation System Plan. The minimum spacing between driveways on Local Streets is 22 feet. The proposed driveway access for the proposed townhomes is centered on the subject property. Neither of the adjacent parcels on the east and west have existing driveways accessing Sherman Avenue. The closest driveways to the east and west on Sherman Avenue are much further than the minimum 22 feet required between driveways. At the time a driveway access permit is requested, the Public Works Department will verify the driveway spacing standard is met. As such this proposal meets this standard.

- H. **Shared Driveways.** The number of driveways and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
 1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension.

2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval.
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

FINDINGS: A shared driveway access is proposed for the townhomes. The portion of the driveway that is shared will be located within the public right-of-way. As such, these standards are met.

Construction of the driveway includes proposed rock retaining walls in the public right-of-way. Construction of retaining walls in the public right-of-way must meet City Standards as described in comments provided by the Engineering Department (Attachment C). **A condition of approval is included to alert the property owner to the requirements for construction of improvements associated with the shared driveway.**

- I. **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
 1. **Block Length and Perimeter:** The maximum block length and perimeter shall not exceed
 - a. Four Hundred (400) feet length and 1,200 feet perimeter in the in the Central Business District;
 - b. Six Hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
 - c. Not applicable to the Industrial zone (I); and
 - d. Eight Hundred (800) feet length and 2,000 feet perimeter in all other zones.
 2. **Street Standards:** Public and private streets shall also conform to criteria in *Public Facilities Standards* (Section 16.12.060), *Pedestrian Access and Circulation* (Section 16.12.030), and applicable Americans with Disabilities Act (ADA) design standards.
 3. **Exception:** Exceptions to the above standards may be granted when blocks are divided by one (1) or more pathway(s), in conformance with the provisions of Section 16.12.030. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

FINDINGS: The site is located in the C-1 Zone, which has a maximum block length of 800 feet and a maximum perimeter length of 2,000 feet. The existing block surrounding the site is affected by steep topography and not all rights-of-way are improved for vehicular access as a result. The block is roughly bound by Sherman Avenue on the north, Serpentine Road and Hazel Avenue on the south, the Second Street right-of-way and stairs on the east, and Serpentine Road on the west. The “block” is approximately 1,060 feet long with a perimeter length of approximately 2,400 feet. Although the “block” is nonconforming, the City has no plans to develop additional vehicular or pedestrian facilities or obtain additional public access easements or right-of-way in the immediate area due to the steep topography.

- J. **Future Street Plan (FSP) Required.** Future Street Plans provide a guide for transportation circulation to the developing site and in the immediate area. A future street plan

demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.

1. **Applicability:** The provisions of section 16.12.020(k) apply to all tentative major partition and subdivision plans within the Urbanizing Area as shown on the Figure A-1, Local Street Connectivity Plan Study Area, in the Transportation System Plan. A FSP shall be filed in conjunction with all applications for subdivisions and major partitions. The FSP shall contain the information in Subsection (2) and shall be subject to review and approval under Subsection (4), below. The Planning Director may reduce the amount of off-site area to be considered below 600 feet in one (1) or more directions in the following situations:
 - a. Due to topography, the existing street pattern, or other constraints, the proposed future street plan does not need to consider access for adjacent parcels or continuation of an appropriate street system within 600 feet.
 - b. The proposed street layout is consistent with a street pattern of an existing approved FSP.

FINDINGS: Properties adjacent to the site are either developed or sized for similar development. The proposed partition is neither a major partition nor a subdivision in the Urbanizing Area. No new streets are anticipated through or adjacent to the site. As such a Future Street Plan is not required.

- K. **Fire Access and Parking Area Turn-Arounds.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

FINDINGS: Fire equipment access will be provided to the site from Sherman Avenue. All exterior walls of the proposed townhomes are within 150 feet of a public street.

16.12.030 Pedestrian Access and Circulation

- A. **Pedestrian and Bicycle Access and Circulation.** To ensure safe, direct, and convenient pedestrian and bicycle circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards below.
 1. **Continuous Pathways:** A continuous pathway system, including sidewalks along streets, shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.12.020 - Vehicular Access and Circulation, and Section 16.12.060 Public Facilities Standards.
 2. **Street Connectivity:** Multi-use pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.020(l). Multi-use pathways shall also be provided to connect cul-de-sacs or dead-end streets with other public streets, and/or to other developments where

feasible. Multi-use pathways used to comply with these standards shall conform to all of the following criteria:

- a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than ten (10) feet wide and located within a fifteen (15) foot-wide right-of-way. The pathway shall generally be located within the center of the right-of-way or easement unless otherwise constrained by topography;
- b. Stairs or switchback paths using a narrower right-of-way or easement may be required in lieu of a multi-use pathway where grades are steep;
- c. The City may require landscaping within the pathway right-of-way;
- d. The hearings body or Planning Director may determine, based upon facts in the record that a pathway is impracticable due to
 - (1) Physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints);
 - (2) Buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and
 - (3) Sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

B. Design and Construction. Pathways shall conform to all of the standards below as follows. Sidewalks that are part of required public roadway right-of-way shall conform to the standards in Section 16.12.060 Public Facilities Standards.

1. **Vehicle/Pathway Separation:** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by a five (5) foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. **Housing/Pathway Separation:** Pathways shall be separated a minimum of five (5) feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. **Crosswalks:** Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
4. **Pathway Surface:** Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six (6) feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least eight (8) feet wide. (See also, Public Facilities Standards, Section 16.12.060 for public, multi-use pathway standard.)
5. **Accessible Routes:** Pathways and multi-use paths shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.
6. **Fencing adjacent to pathway rights-of-way** shall not exceed four (4) feet in height in order to improve visibility and safety of path users.

FINDINGS: Pedestrian and bicycle access through the site is not proposed. A sidewalk along the site's frontage on Sherman Avenue will be required to be constructed adjacent to the proposed parcels in association with the building permit for the proposed townhomes (Attachment C). A condition of approval is included to alert the owner to this requirement. As conditioned, the partition is consistent with these standards.

16.12.040 Landscape Conservation

- A. **Applicability.** All subdivision and partition developments containing significant trees and shrubs, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
- B. **Significant Trees and Shrubs.** Individual native trees and shrubs with a trunk diameter of six (6) inches or greater, as measured four (4) feet above the ground (DBH – “diameter, breast, height”), and all plants within the drip line of such trees and shrubs, shall be protected. Except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for the County.
- C. **Mapping and Protection Required.** Significant trees shall be mapped individually and identified by species and size (diameter at four (4) feet above grade, or DBH). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.
- D. **Protection Standards.** All of the following protection standards shall apply to significant trees and shrubs areas:
 - 1. **Protection of Significant Trees and Shrubs:** Significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zone.
 - 2. **Conservation Easements and Dedications:** When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.
- E. **Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.
- F. **Exemptions.** The protection standards in Section D shall not apply in the following situations:
 - 1. **Dead, Diseased, and/or Hazardous Vegetation:** Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is

diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.

2. **Emergencies:** Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director. The Planning Director shall prepare a notice or letter of decision within fourteen (14) days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

FINDINGS: HRMC 16.12.040(D.1) requires that significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. However, preservation may become impracticable when it would prevent reasonable development of land uses permitted by the applicable zone.

The applicant's narrative (Attachment A.3) indicates that trees have been removed from the subject property in preparation for the proposed townhomes. No information about existing or previously existing significant trees (native trees with diameter 6 inches or greater) was provided.

To ensure consistency with these landscape conversation standards, **a condition of approval requires that a tree plan depicting the location, species, and size of all native trees on the subject property shall be submitted to the Planning Department prior to final plat.** In addition, **a condition of approval requires that Significant Trees and plants within their drip lines shall be retained in accordance with the city's Landscape Conservation standards (HRMC 16.12.040(A-E)), unless an exemption(s) is warranted and granted (HRMC 16.12.040(F)). Significant Trees are native trees with a diameter of six inches and greater DBH (diameter at breast height).**

Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets.

16.12.050 Street Trees

Requirements for street tree planting strips are provided in *Public Facilities Standards*, Section 16.12.060. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

1. **Growth Characteristics:** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, drought tolerance exposure, and desired color and appearance. The following should guide tree selection:
 - a. Provide a broad canopy where shade is desired.
 - b. Use low-growing trees for spaces under utility wires.
 - c. Select trees which can be "limbed-up" where vision clearance is a concern.
 - d. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - e. Use species with similar growth characteristics on the same block for design continuity.
 - f. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.

- g. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil or areas without irrigation.
 - h. Select trees for their seasonal color, as desired.
 - i. Use deciduous trees for summer shade and winter sun.
2. **Caliper Size:** The minimum caliper size at planting shall be (two) 2 inches, based on the American Association of Nurserymen Standards.
 3. **Spacing and Location:** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, and similar physical barriers.
 4. **Soil Preparation, Planting and Care:** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation after planting thereafter or until the lot has sold and the responsibility is transferred to the property owner. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) after planting.
 5. **Assurances:** The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two (2) years after planting.
 6. **Street Tree List:** A recommended street tree list is available at the Planning Office.

FINDINGS: There are no existing street trees in the Sherman Avenue right-of-way adjacent to the proposed parcels. As described in comments provided by the Engineering Department (Attachment C), two street trees will be required to be planted along the lot's frontage on Sherman Avenue in association with the building permit for the townhomes. In order to ensure conformance with these requirements, **a condition of approval requires that, prior to occupancy, two street trees shall be planted along the site's frontage on Sherman Avenue in conformance with the standards of HRMC 16.12.050, or a financial guarantee shall be provided ensuring these street trees will be planted when weather conditions are more favorable.**

16.12.060 Public Facilities Standards

A. Purpose and Applicability.

1. **Purpose:** The purpose of this chapter is to provide planning, engineering and design standards for public and private transportation facilities and utilities. This Chapter is also intended to implement the City's Transportation System Plan.
2. **When Standards Apply:** Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of and adopted under this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established and adopted under this Chapter.
3. **Standard Specifications:** The City Engineer shall establish engineering standards and construction specifications consistent with the design standards of this Chapter and application of engineering principles (the "Engineering Standards"). The Engineering Standards are incorporated in this Chapter by reference and apply as if fully set forth in this Chapter.

4. **Conditions of Development Approval:** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Title and the Engineering Standards. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

FINDINGS: Pursuant to these requirements, adequate public facilities must be provided to serve a development site and public improvements must be completed or guaranteed prior to recording a partition plat. The proposed parcels are served by public facilities including streets and utilities. The applicant proposes to extend private utility services from the Sherman Avenue right-of-way to serve both proposed townhouse parcels.

Any required public improvements such as installation of public water lines, improvement of public sanitary sewer lines, and construction of public street improvements including storm drainage facilities, will be roughly proportional to the impact of development because this partition will facilitate development of two parcels in a manner that is more intense than the existing use of the site.

The site lacks the frontage improvements required for local streets in the City's Transportation System Plan, including curb, gutter, and sidewalk. As described below, a **condition of approval requires a public utility easement prior to recording the final plat and construction of frontage improvements in association with a building permit for the project.** Any required improvements will ensure the safety of residents and users of the subject site. All required improvements will be consistent with the policies of the Comprehensive Plan and the standards of the Zoning Ordinance and Land Division Ordinance as addressed in these findings. As such, the proposal and the associated conditions of approval comply with these requirements.

B. **Transportation Standards.**

1. **Development Standards:** No development shall occur unless the development has frontage or approved access to a public street, in conformance with the Access and Circulation standards of this chapter. The development shall comply with the Engineering Standards and the following standards:
 - a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this chapter.
 - b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county, or state jurisdiction;
 - c. New streets and drives street shall be hard-surfaced; and
 - d. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate [object] against the formation of a local improvement district in the future) in lieu of street improvements if one (1) or more of the following conditions exist:
 - (1.) A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - (2.) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the

- improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
- (3.) The improvement would be in conflict with an adopted capital improvement plan; or
 - (4.) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

2. **Modifications:** A modification to the street design standards in this section and the Transportation System Plan may be granted by the City Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.
4. **Creation of Access Easements:** The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with *Vehicular Access and Circulation*, Section 16.12.020 and/or *Pedestrian Access and Circulation*, Section 16.12.030. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.
5. **Street Location, Width, and Grade:** Except as noted below, the location, width, and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, including the following:
 - a. Street grades shall be approved by the City Engineer in accordance with the City's engineering standards; and
 - b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - (1) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter; or
 - (2) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.
6. **Minimum Rights-of-Way and Street Sections:** Street rights-of-way and improvements shall be the widths in Table 16.12-A and as shown in Figures 16.12-A through 16.12-E. A modification shall be required in conformance with Section 2 (above) to vary from these standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
 - a. Street classification in the Transportation System Plan;
 - b. Anticipated traffic generation;
 - c. On-street parking needs;
 - d. Sidewalk and bikeway requirements based on anticipated level of use;
 - e. Requirements for placement of utilities;
 - f. Street lighting;
 - g. Minimize drainage, slope, and sensitive lands impacts;
 - h. Street tree location, as provided for in Section 16.12.050;
 - i. Protection of significant vegetation, as provided for in Section 16.12.040;

- j. Safety and comfort for motorists, bicyclists, and pedestrians;
 - k. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
 - l. Access needs for emergency vehicles; and
 - m. Transition between different street widths (i.e., existing streets and new streets), as applicable.
9. **Street Alignment and Connections:**
- a. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
 - b. Spacing between local street intersections shall be regulated by the Transportation Systems Plan, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
 - c. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen percent (15%) for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
 - d. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas, and parks.
 - e. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in section 16.12.020 *Vehicular Access and Circulation*. The maximum block length shall not exceed:
 - (3) Four hundred (400) feet length and 1,200 feet perimeter in the Central Business District;
 - (4) Six hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
 - (5) Not applicable to the Industrial zone (I); and
 - (6) Eight hundred (800) feet length and 2,000 feet perimeter in all other zones.
 Exceptions to the above standards may be granted by the City Engineer when a pedestrian access way is provided at or near mid-block, in conformance with the provisions of Section 16.12.040.
10. **Sidewalks, Planter Strips, Bicycle Lanes:** Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Figures 16.12-A through 16.12-E, applicable provisions of the Transportation System Plan, the Comprehensive Plan, street connectivity plan, and adopted future street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.
12. **Existing Rights-of-Way:** 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).

15. **Curbs, Curb Cuts, Ramps, and Driveway approaches:** Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Sections 16.12.020 and 16.12.030.
21. **Survey Monuments:** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.
23. **Mail Boxes:** Plans for mail boxes to be used shall be approved by the United States Postal Service.
25. **Street Cross-Sections:** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one(1) year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer.

FINDINGS: The site has frontage on a local street, Sherman Avenue. Minimum design requirements for street improvements are designated in HRMC 16.12.060(B.6), and street right-of-way and improvements widths for Local Streets are depicted in HRMC Figure 16.12-E. No additional right-of-way is required prior to final plat approval, however the site's frontage on Sherman Avenue is not improved in conformance with the city's Local Street standards. Frontage improvements including half-street frontage improvements including street trees, curb, gutter, sidewalk, and paving will be required in association with the building permit for proposed townhouse building as described in comments submitted by the Engineering Department (Attachment C):

The improvements required by the applicant shall include paving, curb-tight sidewalk, planting strip, and new curb and gutter. Applicant must remove existing pavement a distance of two feet (2') beyond the centerline or crown in the road 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. Improvements required by the applicant to be completed prior to final plat include, at a minimum, half street paving and new curb and gutter. Street improvements will likely be required to be extended a minimum of 25 feet beyond the limits of the project in both directions. A two year street cut moratorium will be in place after the paving of Sherman Ave.
- b. The City will allow the Applicant to defer the remaining street improvements not addressed in 18a above until further development along Sherman 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.
- c. Improvements required by the property owner to be completed at the time of building construction, as a condition of permit issuance, include five foot (5') sidewalk and five foot (5') planting strip. The five foot (5') planting strip area shall have a 2:1 slope or less.

Conditions of approval require the frontage improvements as described above and an Improvements Agreement is executed for remaining street improvements

In addition, the Engineering department included the following requirements for the driveway approach for the proposed shared driveway:

...the shared 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 19 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 the shared driveway approach is constructed to meet the City's Engineering Standards and ADA.

The City's Transportation System Plan (TSP) identifies Sherman Avenue in this location is a bicycle route with shared lane markings. The City does not have plans for any related improvements at this time, thus the Engineering Department does not require shared lane markings in association with this partition.

Further, in order to ensure conformance with these requirements, a **condition of approval requires plans for mail boxes shall be approved by the United States Postal Service**. As conditioned, the application is consistent with these requirements.

C. Public Use Areas.

1. Dedication Requirements:

- a. Where a proposed park, playground, or other public use shown in a plan adopted by the City or the Hood River Valley Parks and Recreation District is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.
 - b. Where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent, and location suitable for the development of parks and other public uses if:
 - (1) Approved by the Hood River Valley Parks and Recreation District; and,
 - (2) Determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies.
 - c. All required dedications of public use areas shall conform to Section 16.12.060(A)(4) (Conditions of Approval).
- 2. System Development Charge Credit:** If authorized by the Hood River Valley Parks and Recreation District, dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

FINDINGS: No public dedication is proposed or required for park improvements.

D. Sanitary Sewer and Water Service Improvements.

- 1. Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in

accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

2. **Sewer and Water Plan Approval:** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.
3. **Over-sizing:** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.
4. **Permits Denied:** Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development, and which if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

FINDINGS: Public sanitary sewer and water lines are located in the Sherman Avenue right-of-way and can serve the subject property. As described in comments provided by the Engineering Department (Attachment C), **the property owner shall field verify the connection configuration to ensure no conflict with existing pipes, meet the City's separation standards for water and sewer lines, and meet the location requirements for water meter boxes.** As conditioned, these standards are met.

E. Storm Drainage.

1. **General Provisions:** The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in accordance with the requirements of the City Engineer.
2. **Accommodation of Upstream Drainage:** Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
3. **Effect on Downstream Drainage:** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

FINDINGS: As explained in comments submitted by the Engineering Department, existing public stormwater facilities are inadequate to serve the proposed townhouse project (Attachment C):

A stormwater management plan as described in the HRES will be required for this development prior to permit issuance. 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 preliminary Stormwater Management Plan is required at Planning Application submittal.

City stormwater infrastructure, unknown material and size, is available in Sherman Ave. However, the stormwater system directly downstream of this development is undersized for current existing conditions. Therefore, tax lot 300 has inadequate public stormwater facilities and shall be addressed accordingly. The COHR Stormwater Master Plan identifies Capital Improvement Project, CIP-PRP #2. This project must be completed to provide adequate public facilities. The applicant will be required to pay a proportionate share of this project to connect to the City stormwater system. Services to parcel 1 and 2 required prior to final plat. Otherwise, if no historical drainage swale/channel exists, the 100-year storm event must be entirely retained and infiltrated onsite. Retention facilities must comply with the Oregon DEQ UIC rules. The applicant shall provide a stormwater plan that addresses how all onsite and offsite stormwater, as well as improvements in the ROW, will be mitigated to meet the City's no net increase standard and all stormwater management requirements.

A condition of approval is included to require the property owner to demonstrate conformance with the City's stormwater requirements.

F. Utilities.

1. **Underground Utilities:** 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. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (See Section 17.04.090);
 - b. The City reserves the right to approve the location of all surface mounted facilities;
 - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. **Easements:** Easements shall be provided for all underground utility facilities.
3. **Exception to Under-Grounding Requirement:** The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

FINDINGS: Overhead utility lines are located adjacent to the site in the Sherman Avenue right-of-way. As explained in comments submitted by the Engineering Department (Attachment C), in order to meet these requirements, new utilities required to serve the proposed townhomes shall be placed underground and the owner shall execute an Improvements Agreement to defer undergrounding overhead utilities running parallel to the site. **A condition of approval is included for these requirements, consistent with the standards.** No additional easements are required beyond the 10-foot public utility easement along the northern portion of the proposed parcels.

- G. **Easements.** Easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be fifteen (15) feet unless otherwise specified by the utility company, applicable district, or City Engineer.

FINDINGS: Proposed utilities to serve the townhouse project are depicted on the Site Plan (Sheet 1, Attachment A.2). The engineering department provided comments (Attachment C) to require a 10-foot public utility easement (PUE) along the northern portion of the proposed parcels. In order to ensure compliance with these requirements, **conditions of approval require that the final plat shall depict the location, width and purpose of all proposed and existing easements including a 10-foot public utility easement along the frontage of the Sherman Street right-of-way. Utility easements shall be depicted on the partition plat in conformance with city standards for any public or franchise utilities located on the site.** As conditioned, the proposal is consistent with these requirements.

- H. **Construction Plan Approval and Assurances.** A construction site permit is required for all public and private improvements subject to this title. No public or private improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for design reviews, construction observation and other services in connection with the improvement. The permit fee shall be set by City Council resolution. The City may require the developer or subdivider to provide bonding or other performance guarantees and warranties to ensure completion and performance of required public improvements.

FINDINGS: The proposed partition will create two townhouse parcels. No building permit or construction site permit has been issued for the project. In order to ensure compliance with these requirements, **conditions of approval require a construction site permit shall be obtained for any proposed or required improvements. No public or private improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken until after the plans have been approved by the City, permit fee paid, and permit issued.**

- I. **Installation.**

1. **Conformance Required:** Improvements installed by the developer either as a requirement of these regulations or at their own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
2. **Adopted Installation Standards:** The Oregon Standard Specifications for Construction, Oregon Department of Transportation and Oregon Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.
3. **Commencement:** Work shall not begin until the City has been notified in advance.
4. **Resumption:** If work is discontinued for more than one (1) month, it shall not be resumed until the City is notified.
5. **Construction Observation:** Improvements shall be constructed under the observation and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under *Modifications and Extensions*, Section 16.08. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced by an Oregon Licensed Land Surveyor prior to final acceptance of the improvements.
6. **Engineer's Certification and As-Built Plans:** A civil engineer registered in the state of Oregon shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" drawings, in conformance with the City Engineer's specifications, for permanent filing with the City. One set shall be a hard copy plot or print and one set shall be in electronic AutoCad format compatible with the City's computer hardware and software.

FINDINGS: Any public improvements, or private improvements affecting the public right-of-way, must be reviewed and approved by the City Engineer in accordance with applicable standards.

As depicted on the site plan (Sheet 1, Attachment A.2), the applicant proposes to construct at-grade steps, driveway, and stacked stone retaining walls in the Sherman Avenue public right-of-way. Comments submitted from adjacent property owners include concerns about the stacked stone walls in the right-of-way (Attachments D & E). The Engineering Department submitted the following comments related to the stacked stone walls:

For all retaining walls 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 public improvements, or private improvements affecting the public right-of-way, must be reviewed and approved by the City Engineer in accordance with City standards.

In addition, the Engineering Department submitted comments that include “Private improvements (i.e. stairs, retaining walls, etc.) shall not be located within the ROW.” (Attachment C) Temporary retaining walls in or supporting the Public ROW that are not attached to, or part of the permanent concrete retaining walls constructed on private property may be allowed, as determined by the City Engineer. **A condition of approval is included to require a temporary use of right-of-way permit will be required for all private improvements located within the public right-of-way.**

16.12.070 Performance Guarantee. All approvals in which the developer is required to install public improvements shall contain a condition of approval requiring a performance guarantee if the public improvements are not installed, inspected, and approved before final plat approval.

FINDINGS: The City Engineer will determine if a performance guarantee is required.

16.12.080 Warranty Guarantee. All approvals in which the developer is required to install public improvements shall contain a condition of approval requiring a warranty prior to acceptance of the public improvements by the City.

FINDINGS: The City Engineer will determine if a warranty guarantee is required.

- III. CONCLUSIONS:** The project features a partition to create two townhouse parcels for a proposed two-unit townhouse building. No building permit application has been submitted and no building or construction site permits have been reviewed or issued. As addressed in HRMC 17.03.030, a Townhouse Project is a permitted use subject to HRMC 17.19.

Two neighboring property owners submitted comments expressing concern about the proposal. The concerns include the proposed building height and the city's definition for calculating building height on sloped properties, improvements proposed in setbacks, lot coverage, and proposed stone walls in the right-of-way. Each of these concerns are addressed throughout the decision.

The project plans include building elements that encroach into the front and side setbacks in conflict with setback standards. Conditions of approval are included to require revisions of the construction plans to meet setback standards.

As addressed in the findings above, conditions of approval are recommended to ensure compliance with all applicable standards and criteria. Adequate public facilities must be provided to development sites and public improvements must be completed or guaranteed prior to recording a partition plat. Any public improvements required in association with this partition such as installation of street trees and sidewalks will be roughly proportional to the impact of development because this partition facilitates creation of two parcels in a manner that is more intense than the existing use of the site.

- IV. DECISION AND CONDITIONS:** Based on the foregoing findings, the applicant's proposal, the preliminary partition map and related plans and all representations and statements made by the applicant or any authorized representatives, this application for a Townhouse Minor Partition is **approved subject to the following conditions of approval**. 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. **The following conditions shall be interpreted and implemented consistently with the foregoing findings:**

1. Construction plans consistent with this decision shall be submitted to the Building Department, reviewed by applicable departments, and approved for issuance prior to approval of a final plat.
2. The building permit plans shall be revised to remove all cantilevered floor area, or conditioned, usable space, including the cantilevered kitchen depicted on the 4th floor floorplan, from side setbacks and demonstrate conformance with side setbacks and this decision.
3. All setbacks shall be verified prior to final plat. The final plat shall note the proximity of the exterior walls of the structure to all perimeter property lines and demonstrate conformance with the applicable setback standards of the C-1 Zone. The townhouse structure, including eaves and decks, shall be located outside of the 10-foot setback from the Sherman Avenue right-of-way; the garage faces shall be

set back at least 20 feet from the Sherman Avenue right-of-way; and the townhouse building shall be located outside of the 5-foot rear setback.

4. Building permit plans shall demonstrate the roof eaves, fireplace, or other permissible projections as defined in HRMC 17.01.060 and described in this decision, encroach no more than 15 inches into the side or rear setbacks.

5. Additional topographic information shall be provided with the construction plans. The existing grade elevations at the building corners shall be provided. The construction drawings shall demonstrate the building height of any segment of the building will not exceed 28 feet as measured from a point 10 feet above existing grade of the lowest (northernmost) point of the segment. If any segment of the building exceeds 28 feet in height as measured from a starting point 10 feet above the lowest existing grade to the highest point of the proposed building for the segment, the project must be redesigned either to meet 8-foot side setbacks or to meet the 28-foot building height.

6. All proposed lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.

7. A geotechnical report for the proposed townhouse project prepared by a licensed professional shall be submitted to the Building Department with the building permit application and construction plans.

8. Retaining walls must comply with the standards in HRMC 17.04.060. Details for all proposed retaining walls, including a shoring plan for any walls that have the potential for disturbing adjacent properties, shall be included with the construction plans submitted to the Building Department.

9. Prior to issuance of construction site permit, the owner shall obtain permission from adjacent property owners if disturbance of adjacent properties is necessary for construction of the proposed townhome project, including any proposed retaining walls.

10. Building permit plans for the proposed townhouse building shall demonstrate conformance with the lot coverage standards, HRMC 17.04.120. The site plan shall provide details about the proposed ground cover for the area between the two 18-foot wide driveways.

11. Prior to final plat, the owner shall demonstrate conformance with lot coverage standards, HRMC 17.04.120. As-built drawings may be required to verify the area of the driveways and main building footprints on each proposed townhouse parcel and demonstrate conformance with lot coverage standards.

12. Prior to issuance of building permit, a tree plan depicting the location, species, and size of all native trees on the subject property shall be submitted to the Planning Department.

13. Significant Trees and plants within their drip lines shall be retained in accordance with the city's Landscape Conservation standards (HRMC 16.12.040(A-E)), unless an exemption(s) is warranted and granted (HRMC 16.12.040(F)). Significant Trees are native trees with a diameter of six inches and greater DBH (diameter at breast height). For significant trees identified on the tree plan, grading

and operation of vehicles and heavy equipment is prohibited within the area needed to protect the tree(s).

14. The final plat shall depict the location, width and purpose of all proposed and existing easements, including a new 10-foot public utility easement along the north frontage of the proposed parcels adjacent to the Sherman Avenue right-of-way. Utility easements shall be depicted on the partition plat in conformance with city standards for any public or franchise utilities located on the site.

15. Prior to occupancy of the townhomes, two street trees shall be planted along the site's frontage on Sherman Avenue in conformance with the standards of HRMC 16.12.050, or a financial guarantee shall be provided ensuring these street trees will be planted when weather conditions are more favorable if applicable.

16. Prior to final plat, the owner shall complete half street paving and new curb and gutter on Sherman Avenue, in conformance with City Engineering Standards. Street improvements will likely be required to be extended a minimum of 25 feet beyond the limits of the project in both directions.

17. Prior to occupancy, the owner shall construct a five-foot (5') sidewalk and five-foot (5') planting strip, in conformance with City Engineering Standards. The five-foot (5') planting strip area shall have a 2:1 slope or less.

18. Prior to occupancy, the owner shall construct a shared driveway approach, 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 19 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. The driveway shall meet minimum spacing requirements per HRMC 13.28.040.

19. Prior to final plat, the owner shall sign and record an Improvement Agreement for any additional street improvements necessary to serve Parcel 1 or Parcel 2. The agreement must be recorded in the deed records for Hood River County.

20. Sanitary sewer service shall be extended to Parcels 1 and 2 prior to final plat. The developer shall field verify the potential connection configuration to ensure there is no conflict with existing pipes. Maintain a minimum ten foot (10') separation from water line and a minimum two foot (2') separation between all utilities in the ROW. Sanitary sewer services shall extend perpendicular to the property boundary from the sanitary sewer main in the Sherman Avenue right-of-way.

21. Water service shall be extended to Parcels 1 and 2 prior to final plat. Water services shall serve no more than one ownership. Water services shall extend perpendicular to the property boundary from the main waterline. All water meter boxes shall be located together, one foot (1') in from the back edge of the sidewalk, within the public ROW. Private services shall extend through the ROW/property boundary perpendicularly.

22. Prior to permit issuance, a stormwater management plan is required for the proposed townhouse project consistent with the City engineering standards. The subject property has inadequate public stormwater facilities. The City's Stormwater Master Plan identifies Capital Improvement Project, CIP-PRP #2 which must be completed to provide adequate public facilities. The applicant will be required

to pay a proportionate share of this project to connect to the City stormwater system and construct the services to parcels 1 and 2 prior to final plat. Alternatively, the 100-year storm event must be retained and infiltrated on-site to meet the City's no net increase standard and all stormwater management requirements, and comply with the Oregon DEQ UIC rules. All stormwater improvements and requirements shall be met prior to occupancy.

23. New utilities installed to serve the proposed townhomes shall be placed underground. Prior to final plat, the owner shall execute an Improvements Agreement to defer undergrounding overhead utilities running parallel to the site.

24. A construction site permit shall be obtained prior construction of any proposed or required improvements. No public or private improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken until after the plans have been approved by the City, permit fee paid, and permit issued.

25. Prior to construction site permit, for any retaining walls supporting the right-of-way, the following is required:

- 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.
- d. 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.
- e. Wall calculations should, at a minimum, be suitable to support a traffic surcharge loading of 220 psf.
- f. All walls shall be standalone retaining walls, not restrained, top or bottom.
- g. Wall shall meet all local seismic loading conditions.
- h. Wall designs should be suitable for the geotechnical report associated with the building permit.
- i. 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.
- j. Please indicate how drainage will be routed from behind all to walls to the north. Show clear wall drainage routes.
- k. 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. 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.

26. A temporary use of right-of-way permit will be required for all private improvements located within the public right-of-way.
27. Any public improvements and dedications shall be identified on the plat.
28. The developer shall demonstrate conformance with applicable building code requirements for townhouse construction prior to final plat.
29. The final plat shall include a note that reads, "This plat and subsequent development is subject to the conditions of approval per City of Hood River Planning File Number 2020-07."
30. The final plat shall be submitted within two years of the date of approval of the preliminary plat, in accordance with the requirements of HRMC 16.08.030 including provision of a preliminary title report and payment of a final plat review fee.
31. The final plat shall be filed and recorded in conformance with HRMC 16.08.040. The final partition plat shall be reviewed and approved by the City prior to recording with the County.
32. The applicants/property owners are responsible for knowledge of existing easements and property lines. Conflicts are to be resolved prior to issuance of building permits. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.
33. The United States Postal Service shall approve plans for mailbox locations.
34. Failure to comply with these conditions will nullify this permit.

Jennifer Kaden
 Jennifer Kaden
 Associate Planner

June 17, 2020
 Date

COUNTY REQUIREMENTS FOR FINAL PLAT

The applicant must contact Hood River County Records and Assessment Department (541-386-4522) prior to recording the final partition plat. A minimum notice of one working day to the Records and Assessment Department may be required prior to recording. The applicant is responsible for all surveying costs, review fees and recording fees.

The applicant is advised to contact the County Records and Assessment Department to determine the assessed value changes which may result as a result of this land division. The applicant is also advised to review ORS 92.095 which addresses payment of taxes, interest or penalties before a partition plat is recorded. Payment of taxes, interest or penalties may be required prior to recording the plats (please call the County Records and Assessment Department at 541-386-4522 for information).

cc: Rick Peargin, City Public Works & Engineering
 Riston Andrews, Bell Design Company

Danielle Meyers, City Building Department
Brad Cross, County Surveyor
Brian Beebe & Duane Ely, Hood River County Records & Assessment
Reed Simpson
Jack & Debbi Trumbull



10144 4/2017
 DATE OF REVISION
 PROJECT

David Bearss
 485 State Street - 81 -
 Hood River, OR 97121
 503.335.0333
 davidbearss@me.com

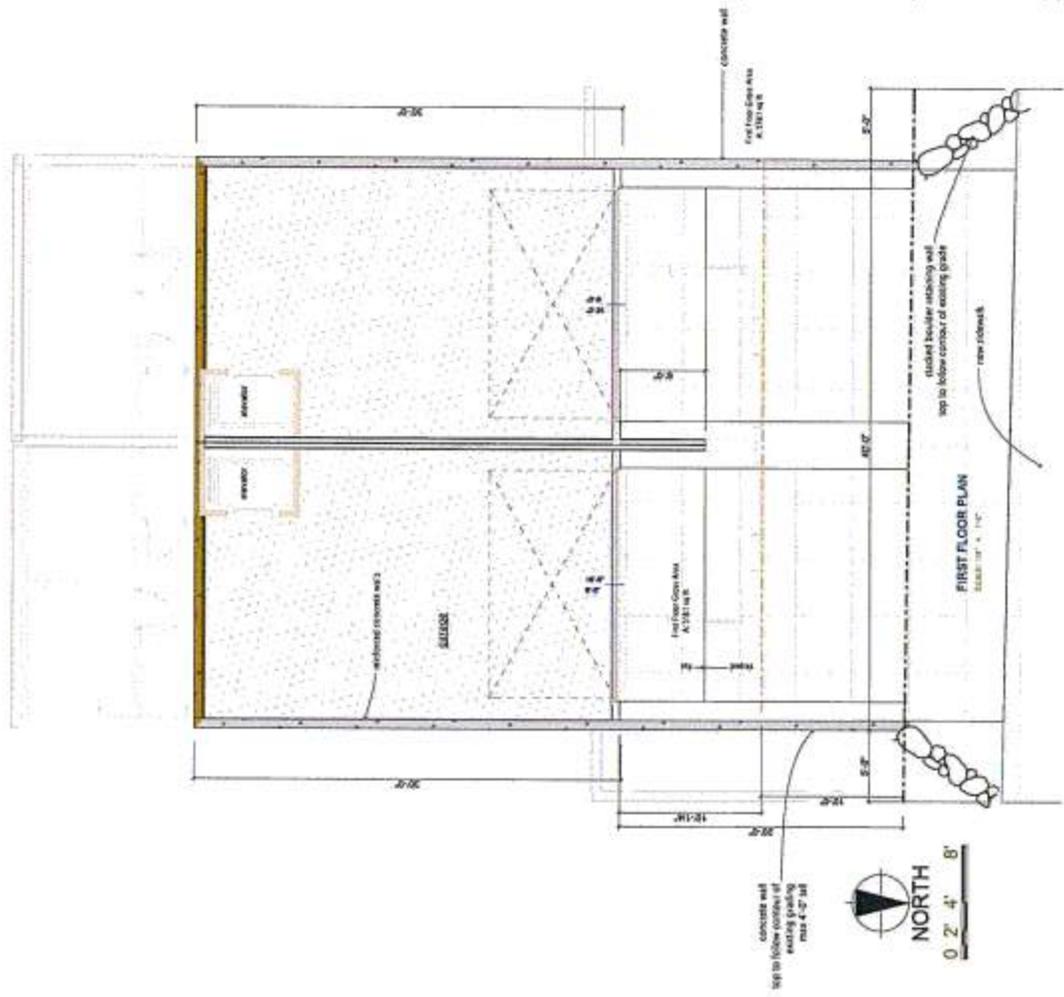
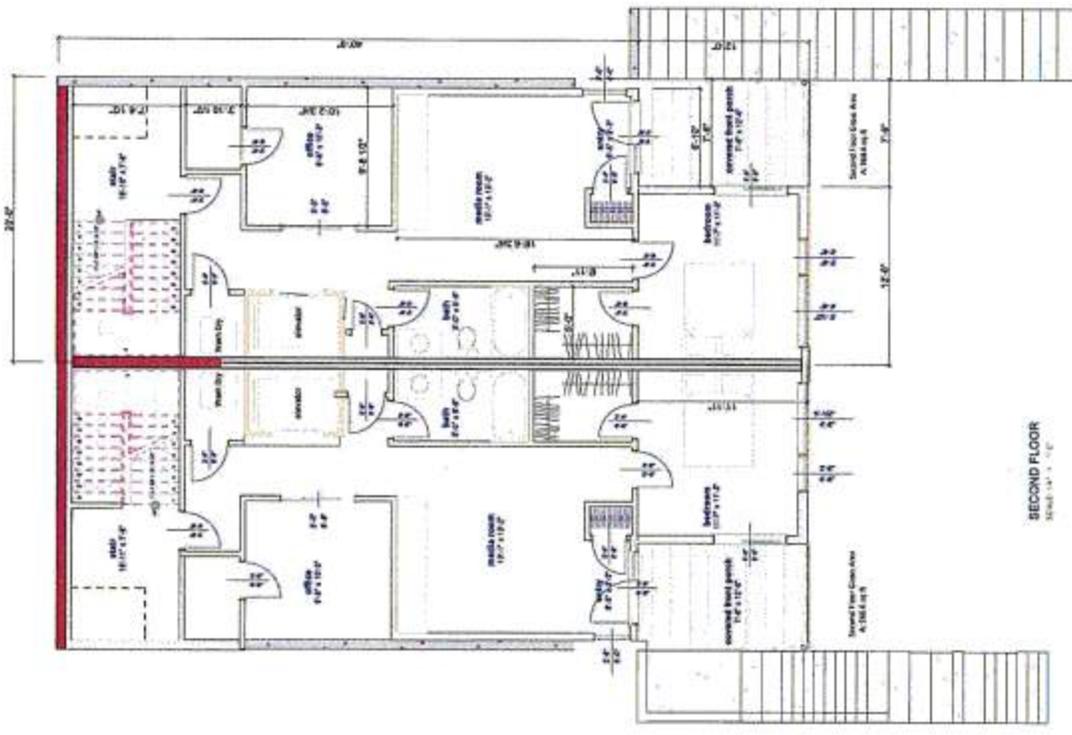
David Bearss
 485 State Street - 81 -
 Hood River, OR 97121
 503.335.0333
 davidbearss@me.com

Site = 02
 Titled

PARCEL 300
 Hood River
 Oregon

sheet
 2

FLOOR PLANS



concrete wall
 top to follow contour of
 existing grading
 max 4'-0" tall

steel boulder retaining wall
 top to follow contour of existing grade

new sidewalk

concrete wall
 First Floor Open Area
 A 130 sq ft

First Floor Open Area
 A 130 sq ft

Second Floor Open Area
 A 188 sq ft

Second Floor Open Area
 A 188 sq ft



Issue date:
4/14/2025
14/0328

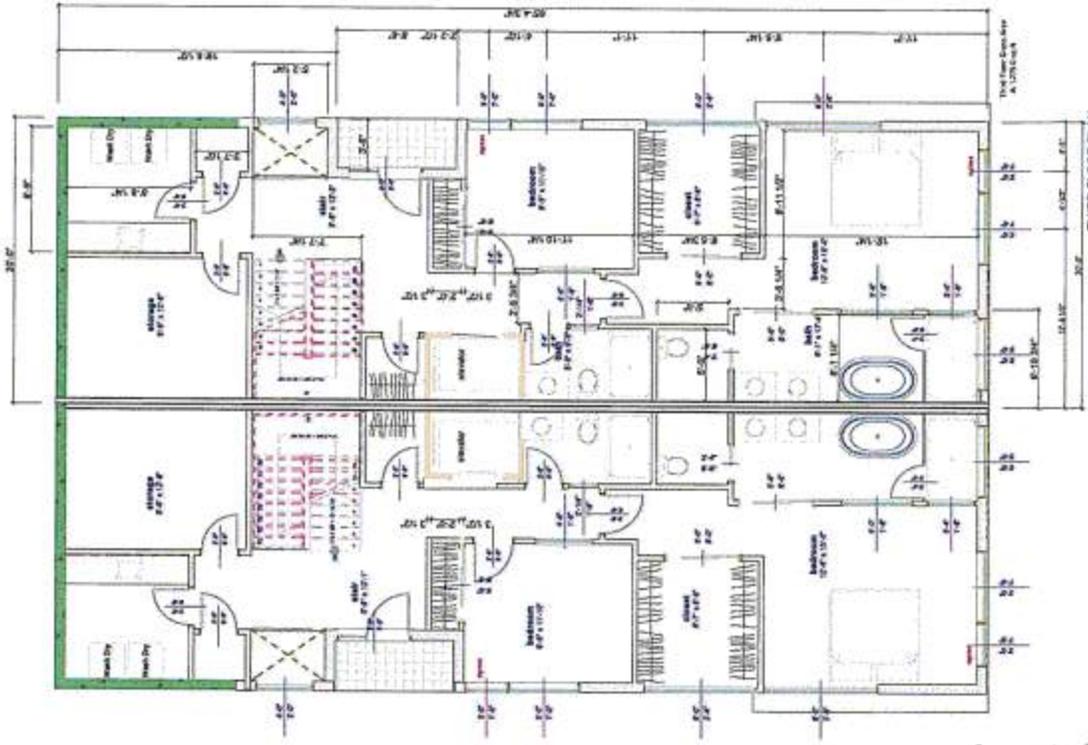
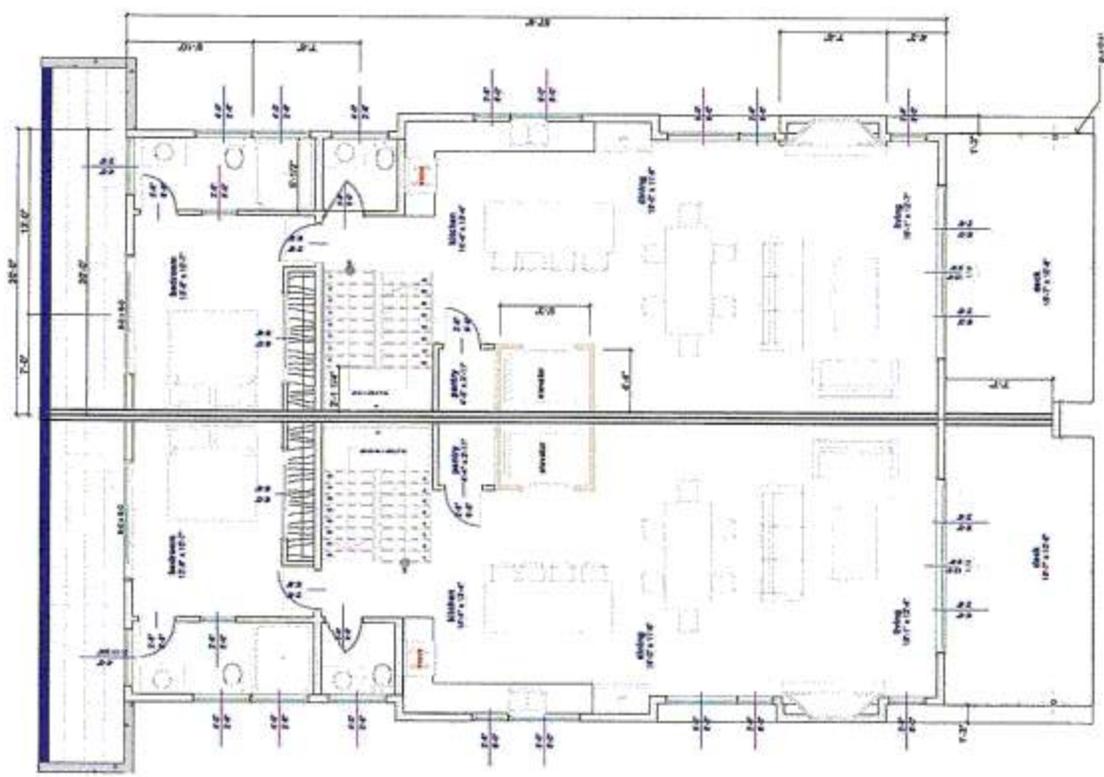
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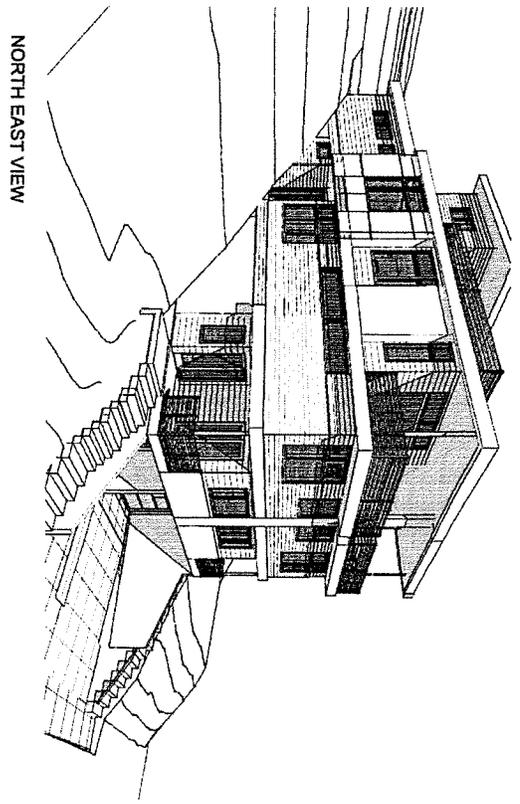
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Sherman St.
Townhouse Lot 300

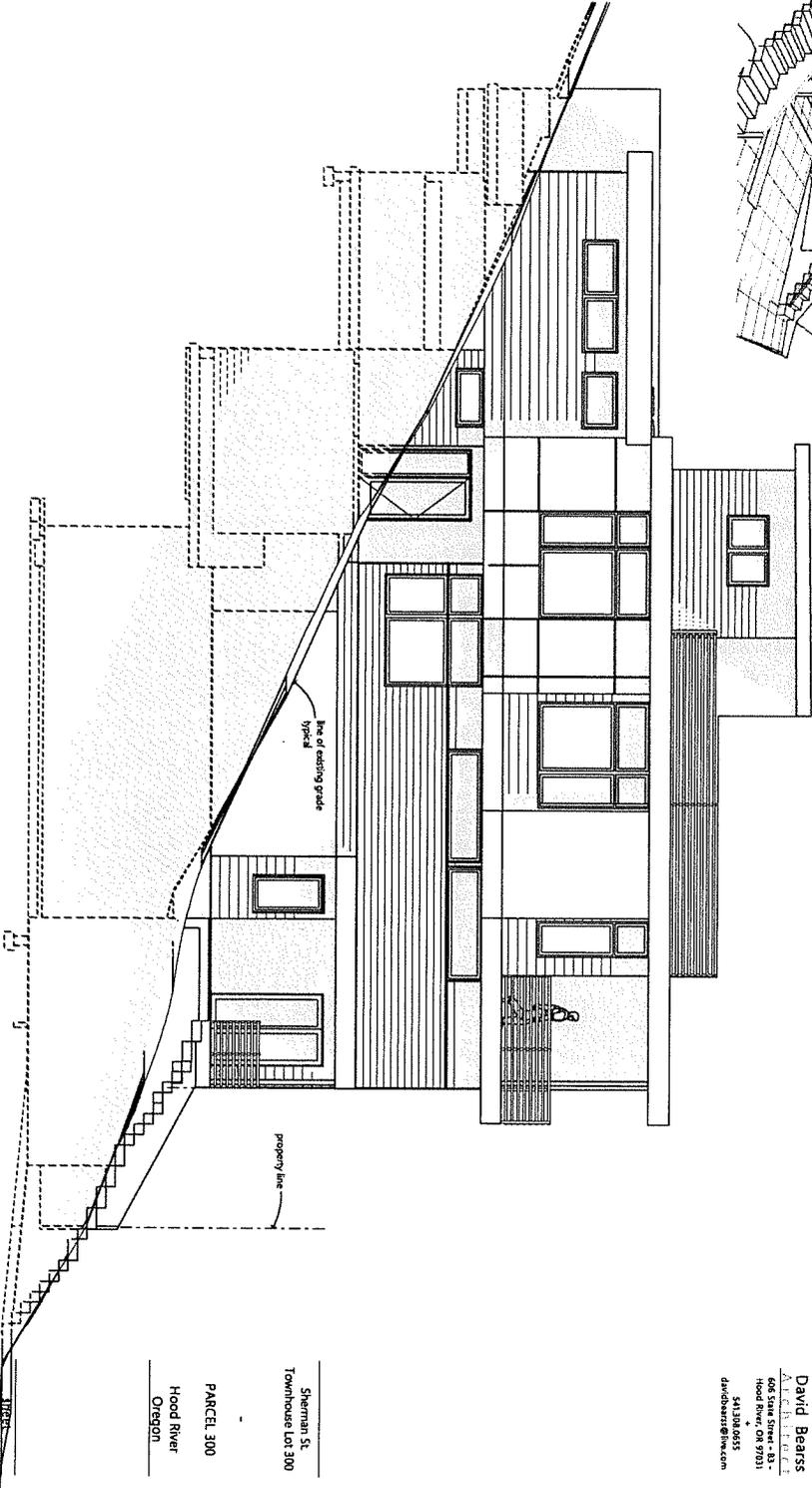
PARCEL 300
Hood River
Oregon

SHEET
3
FLOOR PLANS





NORTH EAST VIEW



EAST ELEVATION
SCALE: 1/4" = 1'-0"



Issue date
Date of printing
5/15/2020

Project Name:
Address:
City:
State:
Zip:

David Beares
Architect
608 South Street - 331
Hood River, OR 97031
541.338.0555
dabeares@tba.com



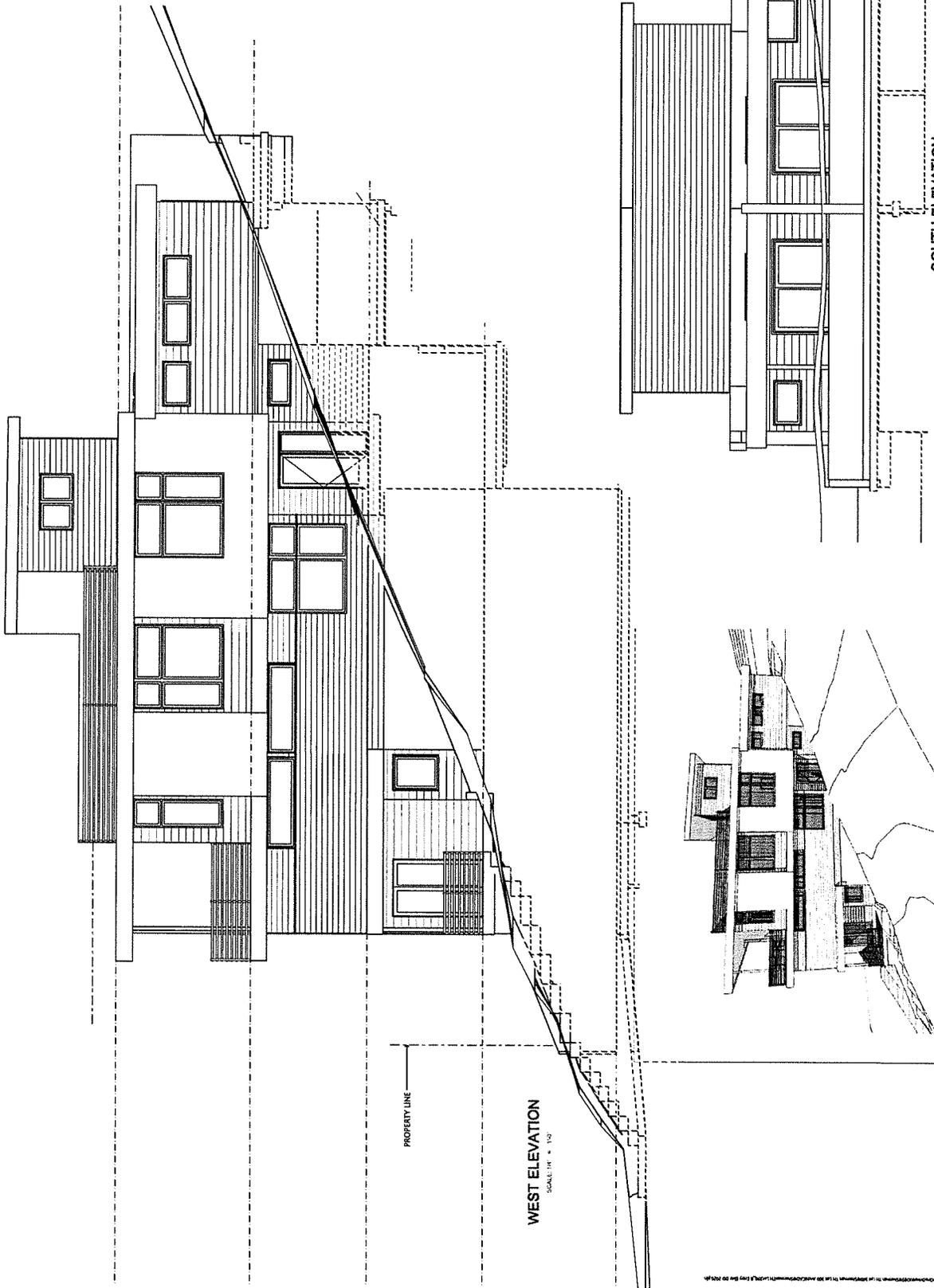
issue date
date of printing
5/15/2020

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Sherman St
Townhouse Lot 300
PARCEL 300
Hood River
Oregon

sheet
7

ELEVATIONS



PROPERTY LINE

WEST ELEVATION
SCALE 1/4" = 1'-0"

SOUTH ELEVATION
SCALE 1/4" = 1'-0"

WEST VIEW

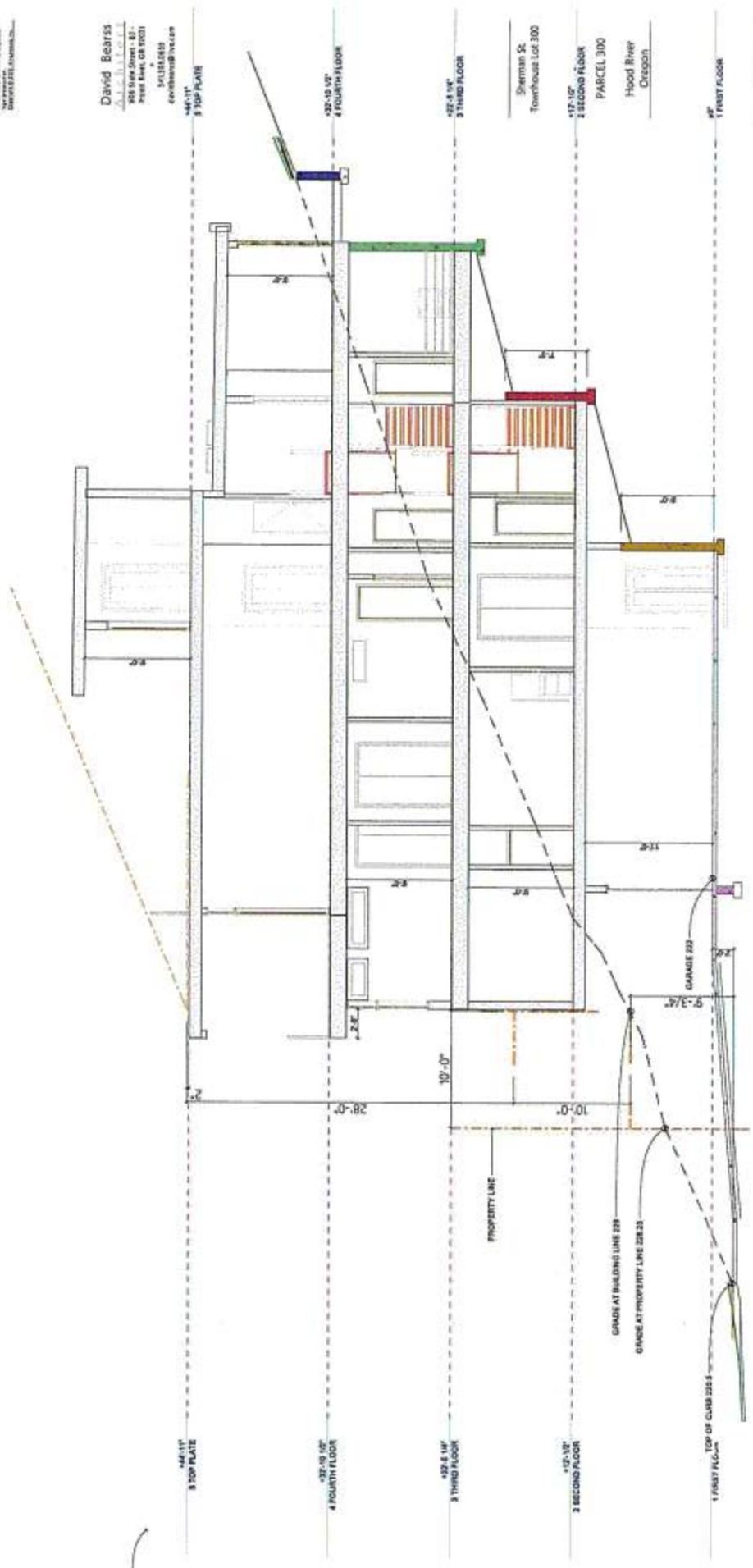
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 david@dbaarchitect.com



N/S SECTION
 SCALE: 1/4" = 1'-0"

DATE: _____
 SHEET: _____

BUILDING SECTIONS

Sherman Townhomes Narrative 03N10E36BA00300

- A. Request:** Minor partition to establish two townhouse lots for a 2 unit townhouse project.
- B. Applicant:** William Irving
- C. Owner:** William Irving
- D. Property Location:** 213 Sherman Avenue. Taxlot: 03N10E36BA00300
- E. Parcel Size:** 4,500 sqf
- F. Site Zoning and Land Use:** The subject property is zoned Office / Residential Zone (C-1). The land is currently vacant.
- G. Surrounding Zone and Land Use:**
 - North: OS/PF Hood River County Courthouse and surface parking
 - East: C-1 Single family residence
 - South: R-3 Single family residence
 - West: C-1 Duplex

Approval Criteria Narrative

Site Description:

The project site contains the properties located at 213 Sherman Ave. This site consists a single lot 3N10E36BA, Tax Lot 300. The site has approximately 50' of frontage below Sherman Ave. and is approximately 90' deep. The lots slope steeply from south to north with approximately 30' of elevation change from the front to the back of the lot and sits at least 10' below the street grade. The overall size is approximately 4,500 sf and contains an existing gravel driveway and easement to the adjacent properties to the East. The site is in an C-1 zone (Office / Residential).

Neighborhood Description:

Sherman Ave from the 100 – 600 block is a transitional neighborhood comprised of single-family residences, duplexes, multiple townhouse projects, small mixed used buildings, and large commercial and municipal buildings. The Hood River County Courthouse and its associated surface parking which is directly north of the site.

File No. 2020-07
Attachment "A.3"

Sherman Townhomes Narrative 03N10E36BA00300

HRMC 17.03.040 - Office/Residential Zone (C-1)

- A. Townhouse projects for 3 or fewer units for residential use are a permitted use subject to HRMC 17.19
- D. Development standards subject to 17.19
- E. Setback Requirements subject to R-3
 - 1. Structure is 10' from the public right-of-way
 - 2. Garage face is 20' from the public right-of-way
 - 3. Side yard setback is 5' to exterior property lines and 0' for interior common wall. Rear setback is 15'.
- F. Building height is 27'10" as measured starting 10' above reference datum on existing grade. The building is segmented and all segments are under the 28' height maximum. See sheet 8.
- G. Each townhome unit has two parking spaces in the garage and additional parking in the driveway. All parking areas will be hard surfaced.
- H. All exterior lighting shall be downlight and/or Dark Sky Approved.
- I. There shall be no exterior signage.
- J. The planned use is residential. Per 17.17.010.A, no landscaping requirements apply.

HRMC 17.04 – Supplementary Provisions

- 17.04.20 Each parcel will have 25' of frontage on Sherman Avenue consistent with the access standard
- 17.04.60 All retaining walls on site will be less than 4' tall.
- 17.04.70 The parcel was legally created prior to December 1999 and as such is a lot of record. The lot area of 4,519 sqf is less than the 5,000 as required in the zone however all other
- 17.40.120 The property is zoned C-1 and the planned used is residential. As such lot coverage standards apply. The buildings have a 90 sqf covered front porch, as such the maximum lot coverage for each parcel is 68%. The lot coverage per parcel is as follows:
Lot area 1 area is 2,255 sqf. Building area including front porch is 1311 sqf. Driveway area is 185 sqf. Total covered area is 1511 sqf. Proposed lot coverage is $1496 / 2255 = 66\%$ and is consistent with the standard. Lot area 2 area is 2,259 sqf. Building area including front porch is 1311 sqf. Driveway area is 189 sqf. Total covered area is 1500 sqf. Proposed lot coverage is $1500 / 2259 = 66\%$ and is consistent with the standard.

Sherman Townhomes Narrative 03N10E36BA00300

HRMC 17.19 - Townhouse Criteria

17.19.010 In the C-1 zone townhomes of 3 or fewer are a permitted use.

17.19.020 The lot area of 4,519 is less than the 5,000 sqf but is exempt from this standard per 17.04.070. The townhouse building contains 2 attached units. There is no applicable minimum townhome lot size in this zone. There is no minimum front requirement. Setbacks, building height, parking, and lot coverage meet the requirements of the zone as described above.

HRMC 16.08 – General Procedural for All Land Divisions

16.08.010.A.1 Preapplication conference has been waived.

16.08.010.A.2 Preliminary plat has been submitted.

HRMC 16.12 – General Design and Improvement Standards

16.12.020.F Access is planned via a shared driveway from an existing public street. Preliminary easements are shown preliminary plat. Final easement locations will be shown on the final plat.

16.12.020.G Sherman Ave is depicted as a local street on the TSP. Driveway spacing standard is 22ft. There are no existing driveways on either adjacent parcels. The planned driveway is centered on the proposed partition.

16.12.020.H A shared driveway is planned. The portion of the driveway that is shared is within the public right of way.

16.12.040 Existing trees within the planned building envelope have been remove to prepare for development. No further existing trees are proposed to be removed on the parcel. There are a few trees in the right of way which will need to be removed for installation of the driveway and sidewalk.

Hi Jennifer,

Here is additional info in response to Email Dated May 4th, 2020. Specifically, I'd like to respond to your comment regarding the bump outs

Your comment:

Setbacks – The code allows for projections in a setback (max 3 inches for every foot of setback). As defined in HRMC 17.01.060, it has not been our practice to include livable area such as the kitchen bump-out on the 4th floor as an allowed “projection.”

I'll outline a few code areas for us to consider / review.

17.01.060 PROJECTION means 1. The distance by which a sign extends over public property or beyond the building line; or 2. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues, which shall not encroach more than three (3) inches for each foot of required setback.

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

17.16.040 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

17.07.090.4.c Further illustrative examples of desirable architectural features from our PUD Codeset. See the following Diagram “C” for examples of architectural features. (1) Dormers (2) Gables (3) Recessed entries (4) Covered porch entries (5) Cupolas or towers (6) Pillars or posts (7) Eaves (min. 18-inch projection) (8) Off-sets in building face or roof (minimum 16 inches) (9) Window trim (minimum 4-inches wide) (10) Bay windows (11) Balconies (12) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features) (13) Decorative cornices and roof lines (e.g., for flat roofs) (14) Façade articulation (siding materials should only be changed along horizontal lines) (15) High quality exterior siding material. High quality means that there should be a single, clearly dominant material for all exterior walls. Brick, stucco, and stone front facades shall return at least eighteen (18) inches around sidewalls. Lap siding and shingles shall be exposed a maximum of five (5) inches. Heavier materials shall appear only below lighter appearing materials. (16) An alternative feature providing visual relief, similar to options (1)-(15) above.

To start, I'll outline a few conclusions which can be drawn from the code:

- It is clear from the various code elements that architectural features are allowed and even encouraged as design elements. Façade articulation and offsets break up large uninterrupted faces and help minimize bulk. (17.07.090.4.c)

- Architectural features are allowed projections in the setback (17.01.060)
- Bay windows are an example of architectural features (17.07.090.4.c).
- One can imply from the code (17.04.120.A.2) that there are at least 2 types of bay windows: those with floor area and those without floor area. I've included some generally photos of bay windows as example. You'll see a bay window with floor area and a bay window without floor area. It is quite common to use the area under the window for cabinet storage. You'll also see an example of a bay window with a custom bench (which while offering seating this could easily be removed and clearly shows flooring in that space).

Within the city, there is significant historical precedent for using projections for form as well as function. There are examples from the modern era of development (subject to our current codeset) with mechanical chases, fireplaces, windows, and bump-outs as projections in the setback including a number of which have been vetted by the planning commission. In less than 20 mins of driving in two neighborhoods, I found more than 20 examples. I'll follow on this with photos.

Examples of bump-outs with windows in projected area:

317 Sherman Ave
 1 – 9 E State
 11 Sherman
 27, 31 Sherman Ave.
 308 Cameo
 1819 4th St.

Examples of mechanical equipment in bump-out in projected area:

407 Sieverkrop (fireplace)
 407 Cameo (fireplace)
 406 Cameo (fireplace)
 310 Cameo (fireplace)
 1827 4th (fireplace)
 508 Betty Lou (fireplace)
 510 Betty Lou (fireplace)
 208 Hazel (mechanical chase)

Specifically, this design complies to the code and historical precedent for the following reasons:

- The building plans have been architecturally designed specifically for the challenging site topography. Various design elements were included for aesthetic as well as functional

reasons. These design elements included offsets, massing, bump-out, porches, roof overhangs and cornices.

- The bump-outs as proposed integrate with the cornices, roof overhangs, and decks in an intentional and seamless manner.
- *The bump-outs as proposed fall within the maximum distance permitted by the code for projections.*
- The bump-outs as proposed contain windows, mechanical equipment, and cabinetry. *There is no useable floor area in any of the proposed bump-outs.*

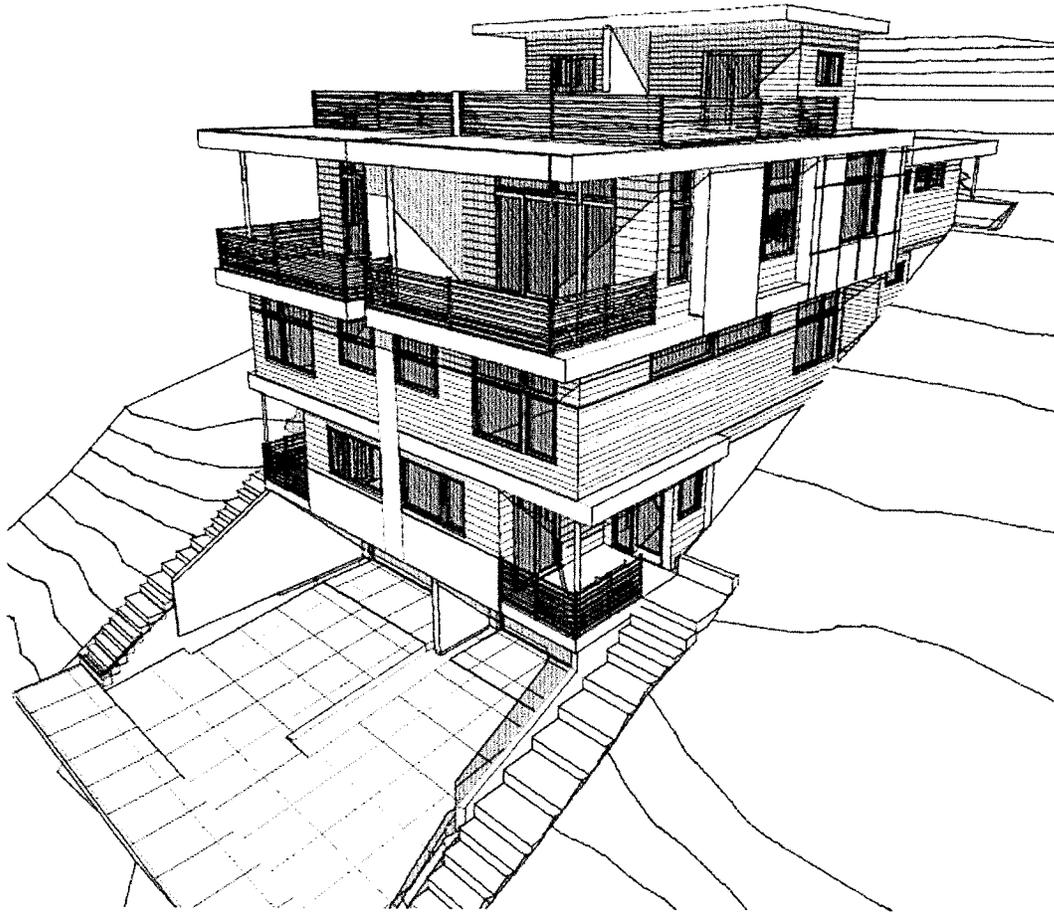
Please let me know if you have any additional comments / questions.

Sincerely,

Bill Irving
503.816.9261

Attachments

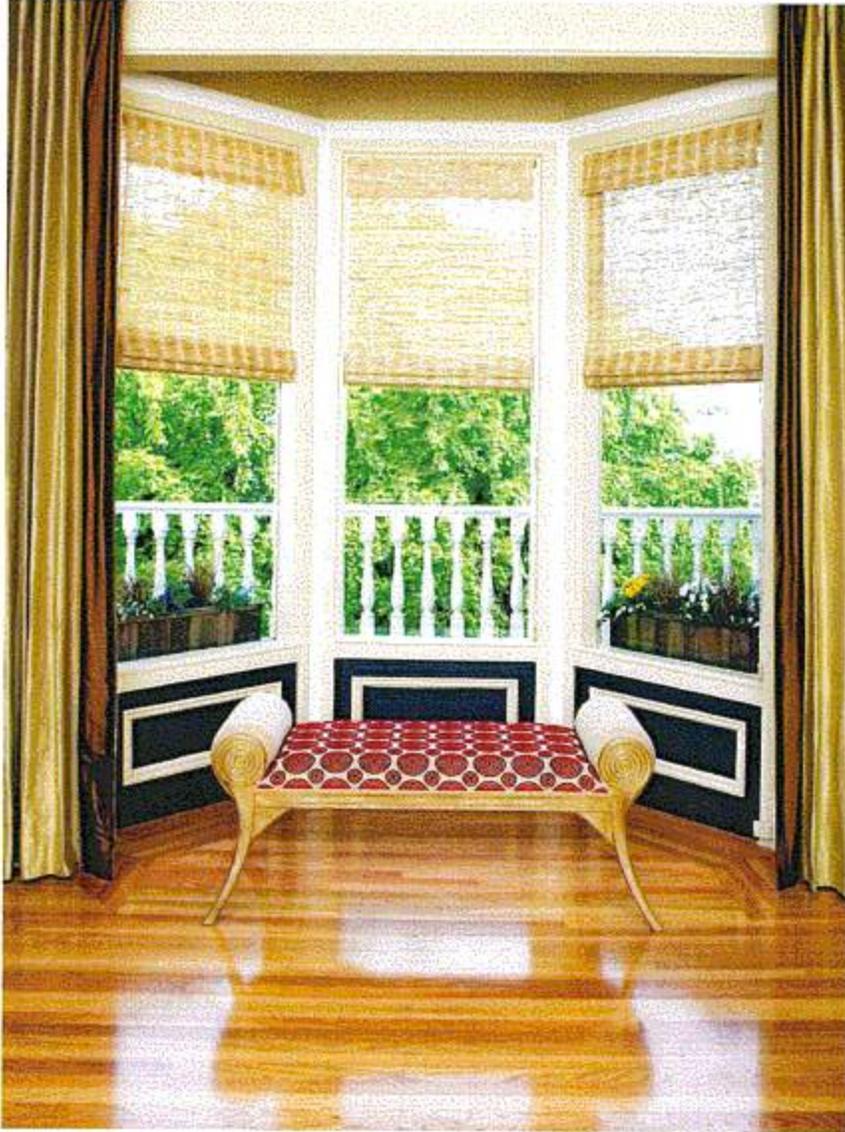
Sherman NW view



NORTH VIEW

Window projections with / without floor area

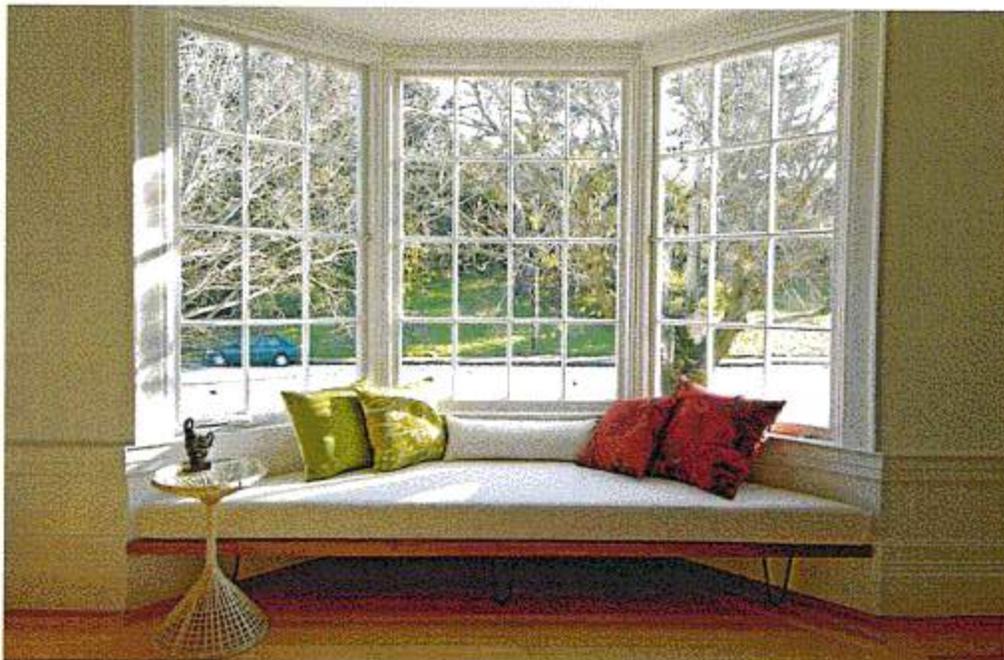
Ex. Window projection with floor area



Window projection **without** floor area utilizing built-in storage and seating.

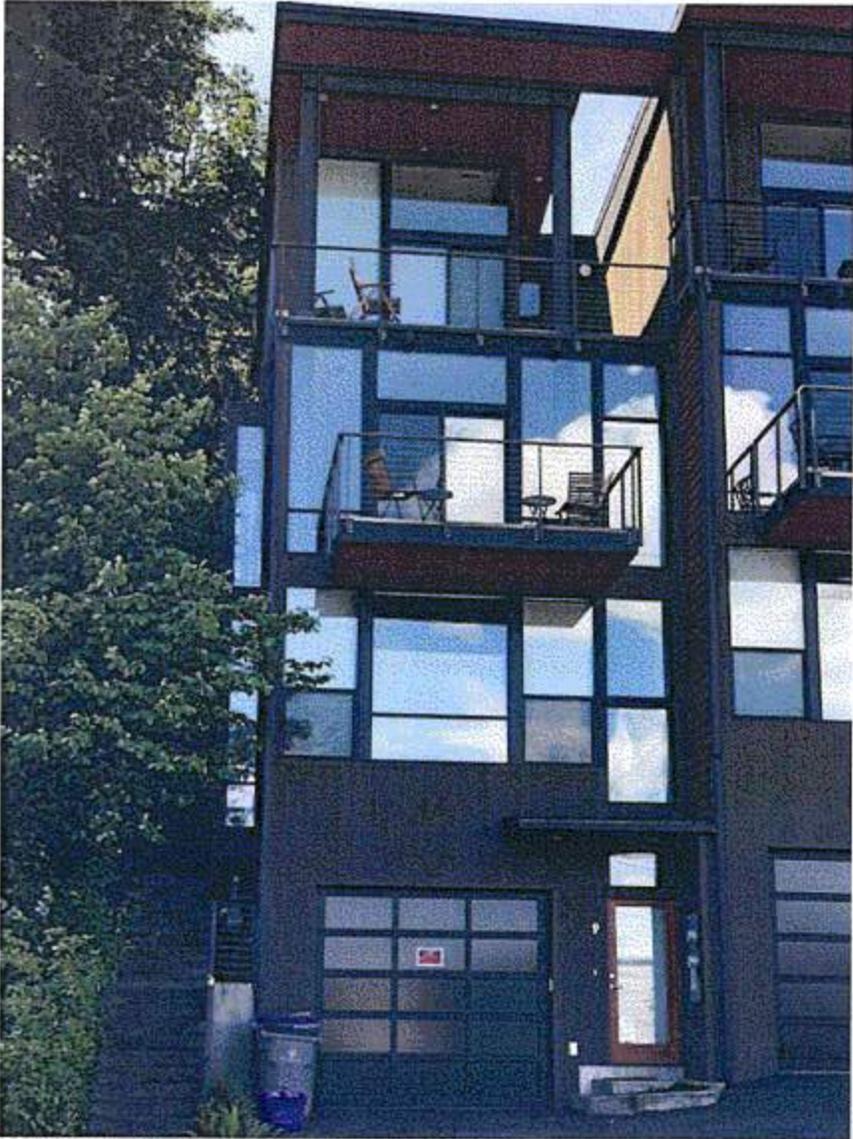


Window projection **with** floor area and bench

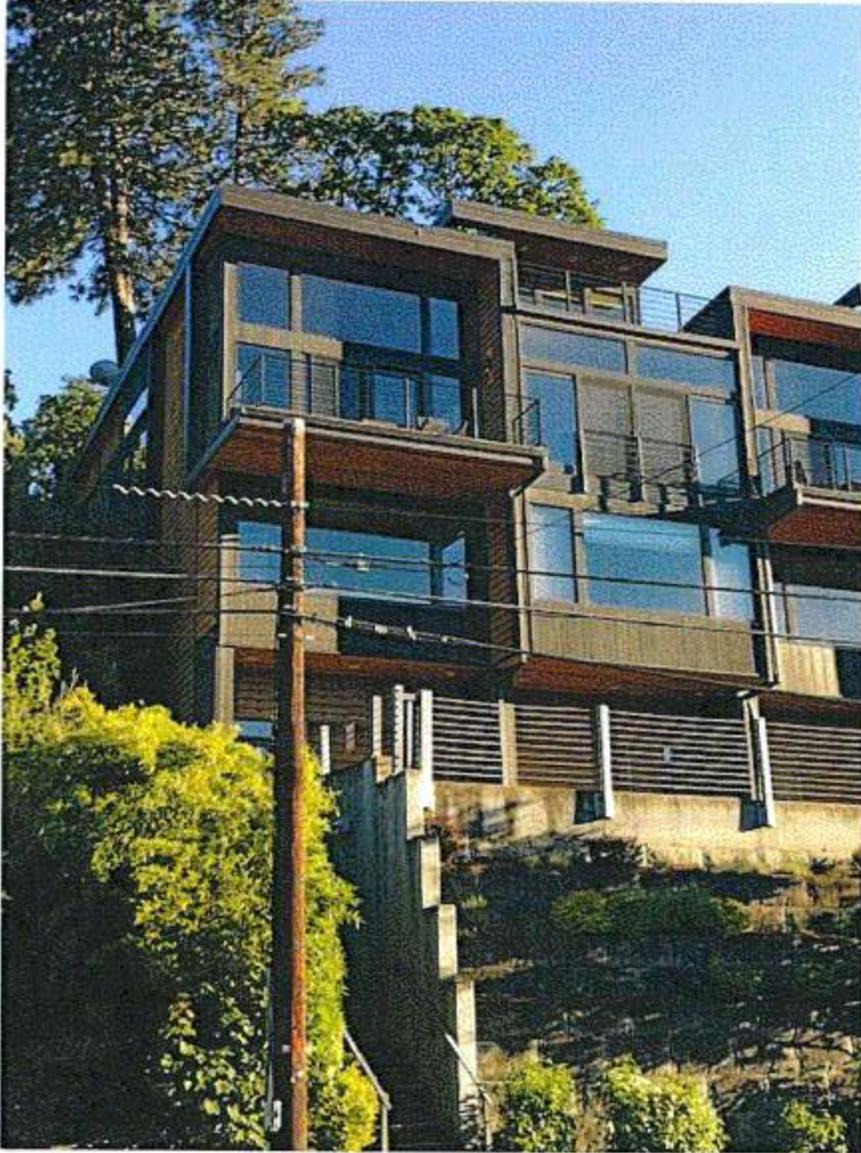


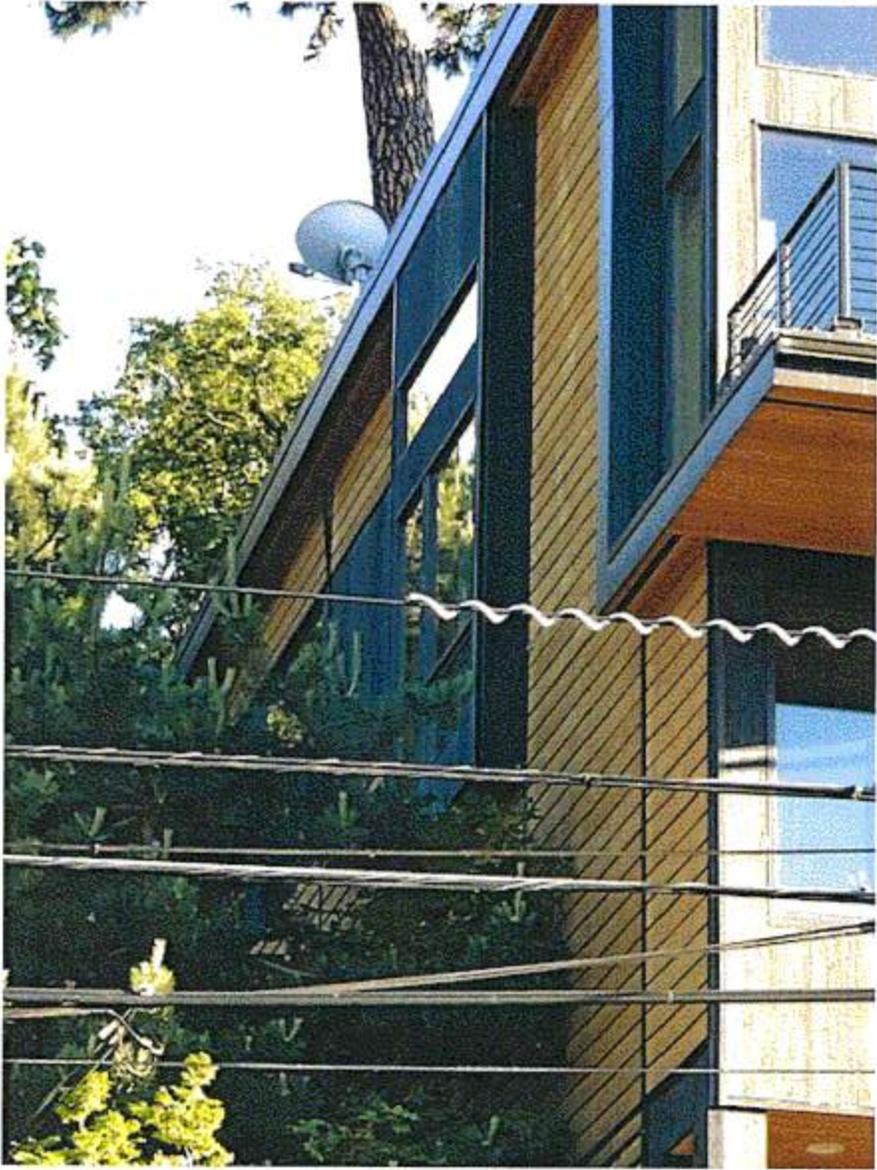
Examples of projections in Hood River

9 E State

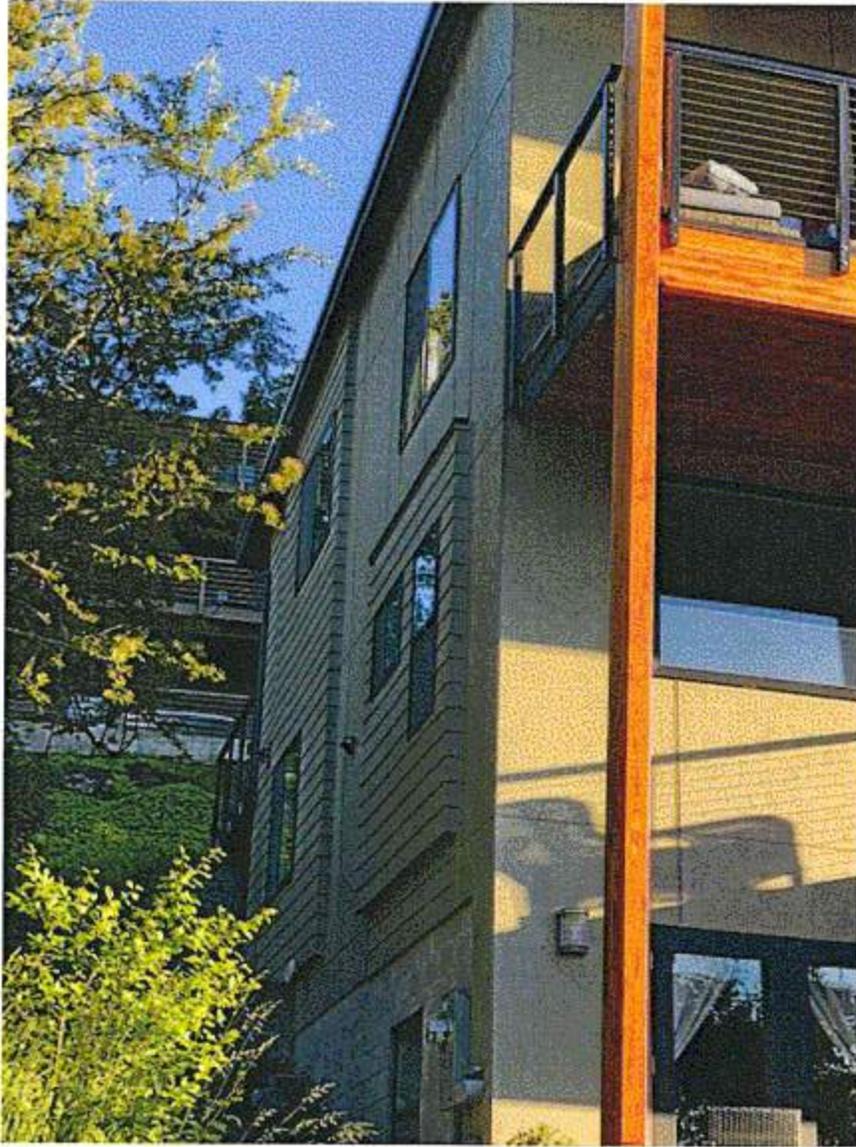


317 Sherman Ave.

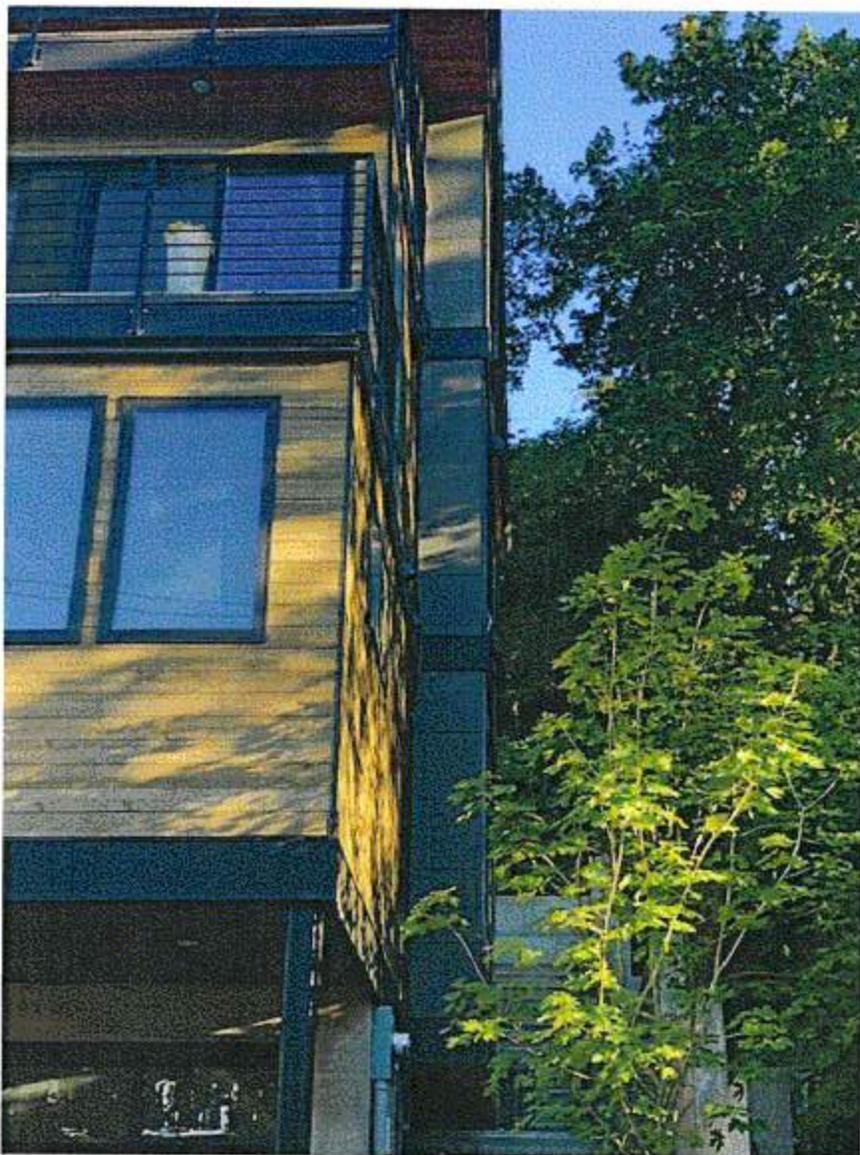




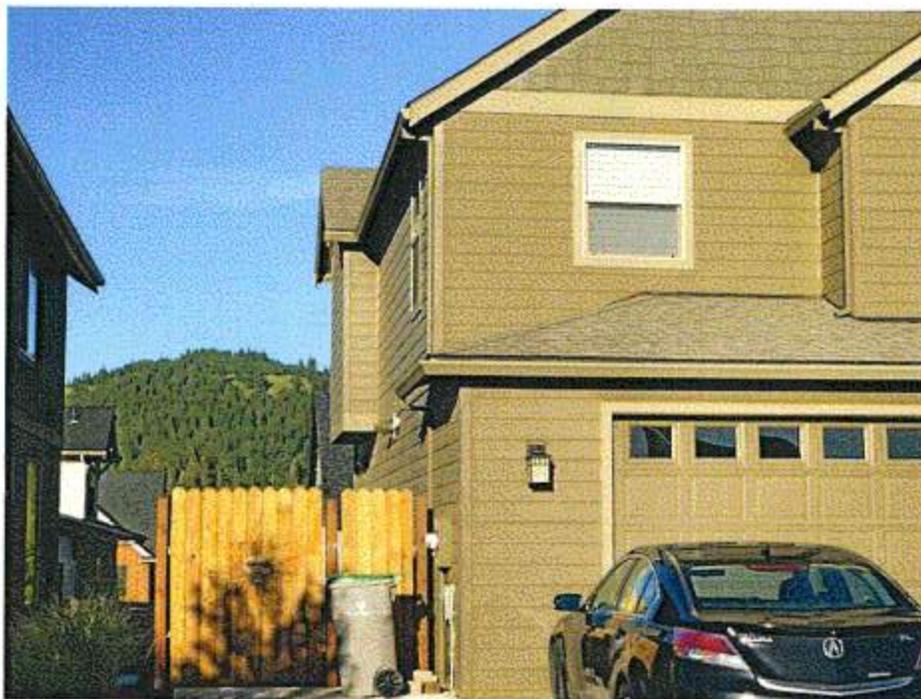
11 Sherman Ave.



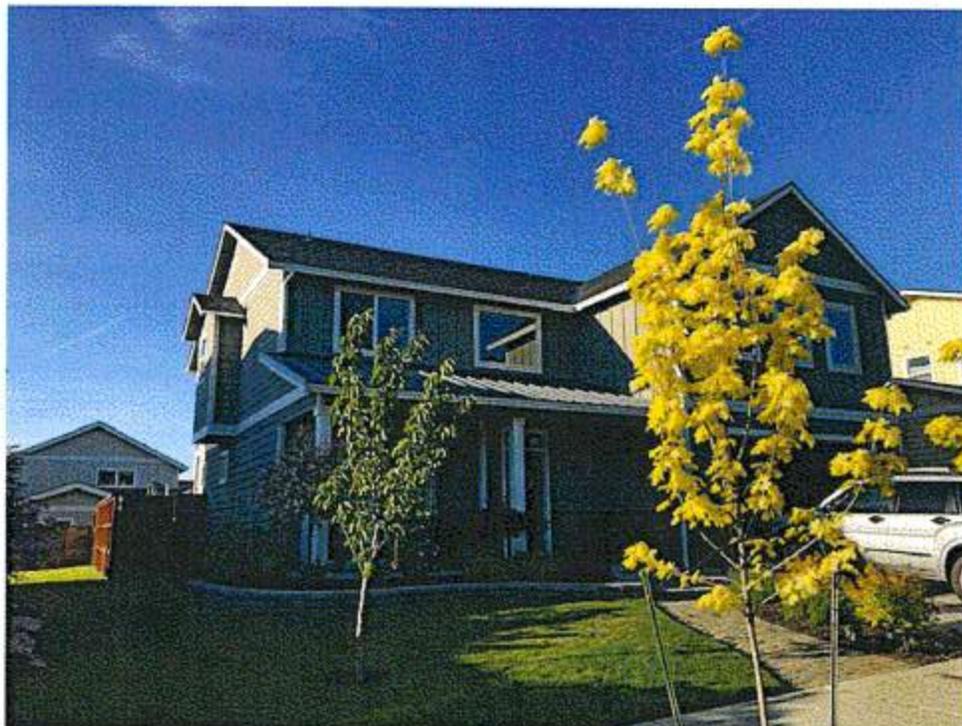
27 , 31 Sherman Ave.



1819 4th



308 Cameo



407 Cameo



407 Cameo



406 Cameo



310 Cameo



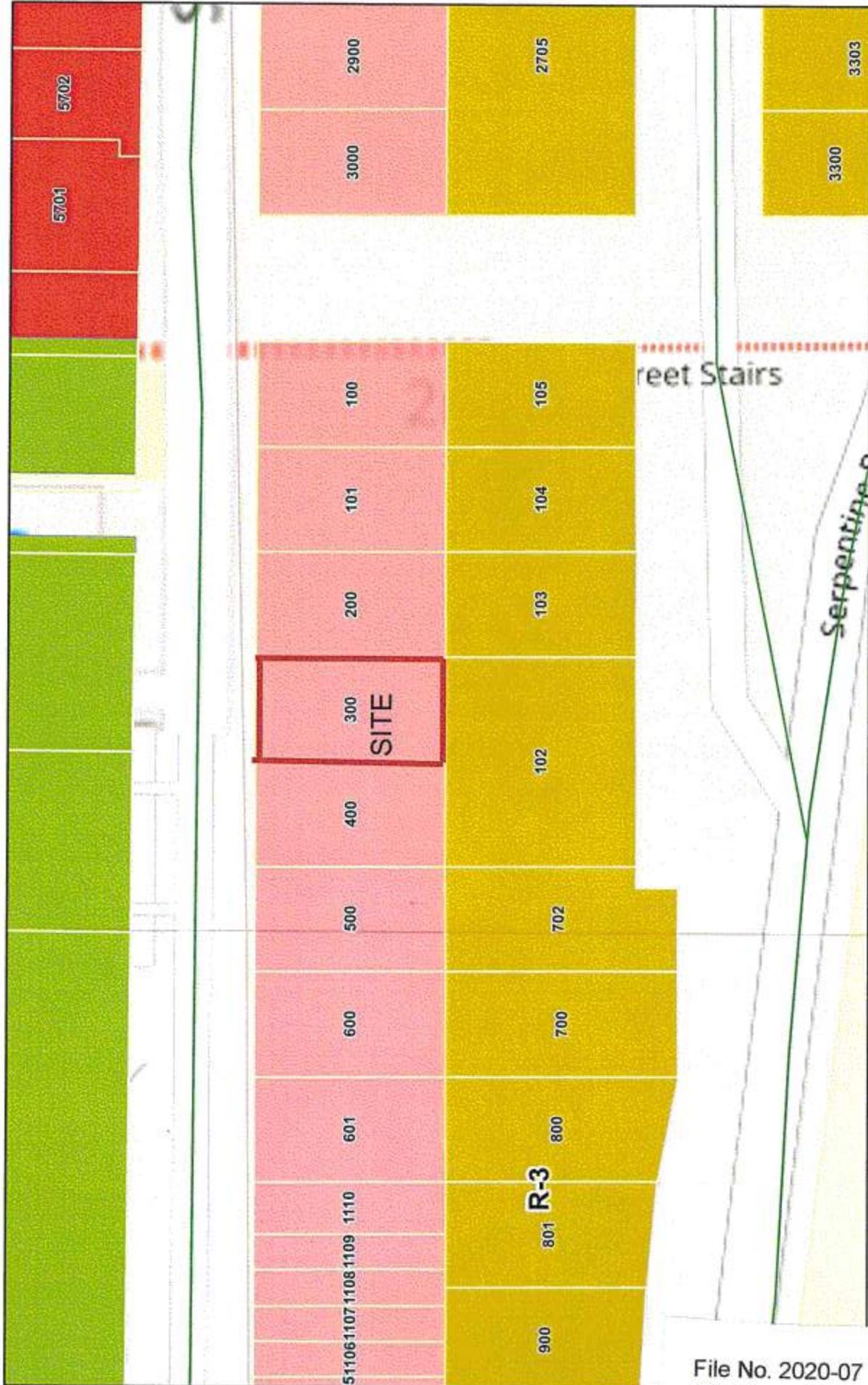
1827 4th



508 & 510 Betty Lou



Location Map - File No. 2020-07

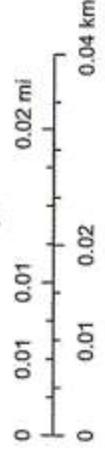


File No. 2020-07
Attachment B

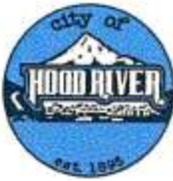
4/7/2020, 1:16:19 PM

- City Limits
- Urban Growth Boundary
- Hood River Parcel Taxlots
- QuarterQuarterGRID
- C-1
- R-1
- R-3
- C-2
- OS/PF

1:1,128



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CITY OF HOOD RIVER

Engineering Department | (509) 493-3886

1200 18th Street, Hood River, OR 97031 | engineering@cityofhoodriver.gov

THIS IS NOT A PERMIT

April 28, 2020

Bill Irving
424 Eugene St.
Hood River, OR, 97031

Site Address: Sherman Ave., Hood River
Owner Name: Bill Irving
Legal Description: 03N10E36BA00300
Subject: Request for Comments – Townhouse Partition
File No: 2020-07

City of Hood River Engineering Department Comments:

Based on the preliminary partition plat dated 2/19/20 to establish two townhouse lots, Public Works and Engineering have the following items to address:

1. **General:** These comments cover planning requirements for adequate public facilities and do not include engineering specifications or other more specific requirements of the City of Hood River (COHR). Other engineering and code specifications may be applicable at the time of engineered plan review or building permit application.
2. **General:** Refer to the City of Hood River Municipal Code (HRMC), Engineering Standards (HRES), Transportation System Plan (TSP), and I-84 Exit 62/63/64 Interchange Area Management Plan (IAMP) for more information and an exhaustive list of all City requirements (<https://cityofhoodriver.gov/>).
 - a. Please review the 2019 Engineering Standards to ensure all standards are met.
3. **General:** Prior to building permit issuance, a Construction Site/Right-of-Way permit is required for development. A complete application to the Public Works Department includes a completed permit application form, two (2) hard copies of the civil drawings, digital PDF copies of the civil drawings, stormwater management report, traffic impact analysis/traffic assessment letter, geotechnical report, Site Development Engineers Cost Estimate, and payment of all applicable fees. Prior to application submittal, a pre-submittal meeting with the Public Works & Engineering Department is required.
4. **General:** Prior to building permit issuance, detailed engineered to scale plans showing public streets, private streets, private utilities, and public utilities shall be submitted to the City of Hood River Engineering Department. The plans shall be reviewed and signed by private utility providers. Plans shall be prepared following the drafting standards and all required elements outlined in the HRES.

File No. 2020-07
Attachment C

5. **General:** Prior to building permit issuance, 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. See the HRES for more information.
6. **General:** All hard copy plans/reports shall be wet stamped by an Oregon licensed Professional Engineer experienced and competent to practice in the specific disciplines of engineering (digital copies shall be electronically stamped and signed).
7. **General:** The Public Works and Engineering Department will assess System Development Charges for water, stormwater, sanitary sewer, and transportation at time of permit issuance. Additional SDC fees may apply from other City Departments. SDC fees provided are current as of the date of this document. Fees shall be paid at time of permit issuance, current fees at time of permit issuance shall apply.
 - a. 3/4 inch water combination & connection fee \$6,462
 - b. 3/4 inch sewer combination & connection fee \$2,093
 - c. Stormwater per ERU \$730
 - d. Residential Townhome Transportation \$2,023
8. **General:** 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.
 - a. At the time of building construction, as a condition of permit issuance, all new utilities required to serve the proposed development; henceforth referenced as tax lot 300 parcel 1 and 2, from Sherman Ave. shall be placed underground within the dedicated ROW. Any existing overhead utilities currently extending through the boundary of tax lot 300 shall also be placed underground.
 - b. For all existing overhead utilities running parallel to tax lot 300 parcel 1 and 2 on Sherman Ave., the City will allow the Applicant to defer undergrounding of these utilities until further development of other properties along Sherman 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.
9. **General:** A ten foot (10') public utility easement (PUE) is required along all frontage of public streets at time of partition plat. No above ground utility structures will be allowed within the City ROW.
10. **General:** 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.

11. **General:** 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.
12. **General:** Improvement Agreements, when allowed, shall be per City Standard form. The Improvement Agreement obligates the applicant and their heirs, successors and assigns to pay for and/or construct the improvement at such time as the City requests. An Improvement Agreement must be recorded in the deed records of Hood River County before building permit authorization.
13. **General:** Waivers of Remonstrance are required and shall be per City Standard form. The waiver of remonstrance waives the applicant's and their heirs, successors and assigns' right to object to the formation of a local improvement district for any street improvements necessary now or in the future that benefit the subject tract of land, signed by the owner(s) of the tract. A waiver of remonstrance must be recorded in the deed records for Hood River County.
14. **General:** Any proposed design exception to the HRES should be discussed with the City Engineer prior to the plan submittal, followed by a written request explaining why the exception should be approved at the time of plan submittal. All approved design exceptions will be clearly listed on the cover sheet of the Final Approved Plans. It will be the Applicants 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.
15. **General:** Separate permits may be required for all private improvements made under the jurisdiction of Building, Plumbing, Electrical or other Agencies requiring permits for work. Check with these departments prior to beginning any work regulated by specific codes enforced by those departments.
16. **General:** A geotechnical report shall be required for all developments that propose significant structures, stormwater infiltration, the construction of public or private streets, are located in a geographic hazard zone, or in the opinion of the City Engineer soil conditions warrant geotechnical analysis. A geotechnical report will be required prior to permit issuance.
17. **General:** Private improvements (i.e. stairs, retaining walls, etc.) shall not be located within the ROW.
18. **General:** For all retaining walls 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.
19. **General:** Written approval from adjacent property owners if any disturbance of adjacent properties is required during construction. A shoring plan will be required for all walls that have potential for disturbing adjacent properties. A temporary and/or permanent construction easement will be required prior to permit issuance.
20. **Frontage Improvements:** The City's TSP classifies Sherman Ave. as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is 60 feet. The Applicant shall be required to provide half street frontage improvements as outlined in the City's TSP for local streets. The improvements required by the applicant shall include paving, curb-tight sidewalk, planting strip, and new curb and gutter. Applicant must remove existing pavement a distance of two feet (2') beyond the centerline or crown in the road 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. Improvements required by the applicant to be completed prior to final plat include, at a minimum, half street paving and new curb and gutter. Street improvements will likely be required to be extended a minimum of 25 feet beyond the limits of the project in both directions. A two year street cut moratorium will be in place after the paving of Sherman Ave.
 - b. The City will allow the Applicant to defer the remaining street improvements not addressed in 18a above until further development along Sherman 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.
 - c. Improvements required by the property owner to be completed at the time of building construction, as a condition of permit issuance, include five foot (5') sidewalk and five foot (5') planting strip. The five foot (5') planting strip area shall have a 2:1 slope or less.
21. **Frontage Improvements:** In order to comply with Americans with Disabilities Act (ADA) regulations, the City has adopted a policy dictating that sidewalks, including intervening driveway approaches, be completed in full by the developer. Federal law prohibits partially completed sidewalks. Damage incurred during the course of construction must be repaired prior to final acceptance.
22. **Frontage Improvements:** At the time of building construction, as a condition of permit issuance, the shared 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 19 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.
23. **Frontage Improvements:** The City's TSP, Table 5, identifies a Bicycle Improvement project, SLM6, for shared lane markings on Sherman Ave.
24. **Frontage Improvements:** At the time of building construction, as a condition of permit issuance, street trees shall be required, per the HRMC 16.12.050 – Street Trees, at a spacing of 30 feet on center. Two (2) street trees will be required, refer to the City's approved street tree list.
25. **Public Streets:** Access spacing for local streets (Sherman Ave.) require a minimum separation between driveways and other driveways of 34 feet between adjacent edge of driveway throats and the minimum distance for local street driveway from an intersection shall be 28 feet from the end of the curb return to the nearest edge of driveway throat(s). Access spacing for local streets require a minimum separation of 200 feet between public streets, as described in the HRMC 13.28.040 – Driveways and Public Street Access Spacing Standards, Table 13.28, and the HRES section 7.2C

26. **Public Streets:** 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. See the HRES section 7.20 for more information.
27. **Stormwater:** A stormwater management plan as described in the HRES will be required for this development prior to permit issuance. 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 preliminary Stormwater Management Plan is required at Planning Application submittal.
28. **Stormwater:** City stormwater infrastructure, unknown material and size, is available in Sherman Ave. However, the stormwater system directly downstream of this development is undersized for current existing conditions. Therefore, tax lot 300 has inadequate public stormwater facilities and shall be addressed accordingly. The COHR Stormwater Master Plan identifies Capital Improvement Project, CIP-PRP #2. This project must be completed to provide adequate public facilities. The applicant will be required to pay a proportionate share of this project to connect to the City stormwater system. Services to parcel 1 and 2 required prior to final plat. Otherwise, if no historical drainage swale/channel exists, the 100-year storm event must be entirely retained and infiltrated onsite. Retention facilities must comply with the Oregon DEQ UIC rules. The applicant shall provide a stormwater plan that addresses how all onsite and offsite stormwater, as well as improvements in the ROW, will be mitigated to meet the City's no net increase standard and all stormwater management requirements.
29. **Water:** City water is available and the connection should be made to the 6" ductile iron water main in Sherman Ave. Maintain a minimum ten foot (10') separation from sewer lines and a minimum two foot (2') separation between all utilities in the ROW. Water services shall serve no more than one ownership. Water services shall extend perpendicular to the property boundary from the main waterline. All water meter boxes shall be located together, one foot (1') in from the back edge of the sidewalk, within the public ROW. Private services shall extend through the ROW/property boundary perpendicularly. Services to parcel 1 and 2 required prior to final plat.
30. **Sanitary Sewer:** Public sanitary sewer is available and the connection should be made to the 10" clay sewer main in Sherman Ave. The developer shall field verify the potential connection configuration to ensure there is no conflict with existing pipes. Maintain a

minimum ten foot (10') separation from water line and a minimum two foot (2') separation between all utilities in the ROW. Sewer laterals collecting more than one service must be public facilities and shall be placed in a dedicated easement within an all-weather drivable surface. Otherwise, sanitary sewer services shall serve no more than one ownership. Sanitary sewer services shall extend perpendicular to the property boundary from the sanitary sewer main. Services to parcel 1 and 2 required prior to final plat.

Thank you,

Devry Bell
City of Hood River Engineering

Riston Andrews
City of Hood River Engineering

Jennifer Kaden

From: Reed Simpson <reedsimpson@gmail.com>
Sent: Thursday, April 16, 2020 2:33 PM
To: Jennifer Kaden; Dustin Nilsen
Cc: Reed Simpson
Subject: Irving TH project; File No. 2020-07
Attachments: Irving TH project; File No. 2020-07.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

I appreciate the opportunity to comment and have my concerns heard on the Irving townhouse development on Sherman Street. I look forward to reading how my comments and others affected property owners concerns are dispositioned.

First I want to simplify my comments by examples and analogy that paraphrases my frustrations.

- I am 6 ft tall but according to the way Hood River measures building heights if I'm standing in a 12 in hole I'm only 5 feet tall.
- This building as designed is 54 ft from the garage floor to the top of the highest roof assembly. Measure up 35 ft and just say nothing above that counts.
- Do not count a whole floor that can contain two cars.
- A developer can construct a 5 floor building and say it is only 35 ft in height.
- A lot that is 50 ft wide with a 5-foot setback limits the building to no more than 40 ft wide. Using the Hood River planning codes it can be 42.5 feet wide. Two buildings using the same kind of cantilevers can be as little as 8.75 ft apart.
- Use semantics and say a covered entry is a porch and you can make the footprint 3 percent larger.

The HRC Planning code has good intentions but can be completely exploited by a licensed architect and a hard-driving developer. It appears that the code was written by well-meaning people but can easily be abused.

This building does not fit between the east and west homes that are almost 100 years old.

I hope you understand my frustrations, so here are my comments.

Thank you

Reed Simpson

209 Sherman

509-302-0714

Word File attached in case the formats in this email are scrambled

File No. 2020-07
Attachment D

Owner of 209 Sherman, abutting this project on the east side.

Zoning and Subdivision Code, Title 17 Zoning Codes, Chapter 1, Irving Townhouse project; File No. 2020-07

17.01.040 Interpretations

17.01.060 Definitions.

BUILDING HEIGHT means a vertical distance above a reference datum measured to the highest point of a building. The reference datum shall be selected by either of the following, whatever yields the greater building height:

1. The elevation of the highest adjoining sidewalk or upper ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in item one (1) above is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

COMMENTS ON VIOLATIONS OF DEFINITIONS Comments

1. The above statement "vertical distance above a reference datum measured to the highest point of a building" With this clear statement the highest point is the top of the roof on the fifth floor. No matter what the architect calls the structure on the top of the 4th floor, (from here on I call that structure 5th floor for simplicity) the structure has to be considered the highest point of the building. The first floor to the top of the 5th is 58 feet. This structure cannot meet the 35 ft max high over reference datum by any calculation.

2. The statement "The height of a stepped or terraced building is the maximum height of any segment of the building" also ends consideration of the development. Since there is, no codified meaning for a stepped building in section 17 this planned structure certainly qualifies as stepped since the building increases in square footage as it ascends. The elevation sheets looks like risers and tread of a stairs, the very definition of steps. This structure is not allowed using this reasoning.

HR Planning: What is a stepped building if this building is not stepped? Why have this statement in Section 17 if it cannot be applied to this project?

17.03.040 Office/Residential Zone (C-1) F. Maximum Building Height. Thirty-five (35) feet.

3. The developer has determined a five-story building is only 35 feet high. This building is 55 feet from the garage floor and 58 feet from the top of curb to the roof on 5th floor. How does nine feet of floor 5

not count plus roof structure, and disregard 9.06 ft of height on floor 1. This makes no sense. Correct plans to reflect the actual height.

4. The 5th floor has windows, doors, a deck with rails, a sink and an elevator. The reasoning appears that floor 5 is above the "roof" so it cannot count in the building height. The 5th floor space has no stairs for a space designed for occupancy. How are people able to get out of the space safely if the elevator is not functioning? Fifth floor as designed in a building and fire code violation.

5. How can an 11 ft high floor that one can drive two cars into, has two 9x16 foot doors showing 288 sq ft coverage and is highly visible from the street not count? Count the first floor in the 35 ft height requirement in 17.03.040

6. Even if planning allows a 4th floor, the building cannot meet the 35 foot height limit as the dimensions specified. The top of the 3rd floor is 35 feet when the full height of the first floor is counted. Limit this plan to three floors to meet the 35-foot limit in 17.03.040

ELEVATION DETERMINATIONS Comments

7. The architect made a subtraction error in determining the garage floor. He says the curb elevation is 220.5. On sheet 8 he shows a rise of 2.0 feet to the top of the garage floor. A plumb line from the "building line" shows 9'3/4" measurement from the curb elevation of 220.5 making the "grade at building line" 229.0. ($220.5 + 9.06 \text{ ft} = 229.56$) The correct number is 229.56 ft. This section means what it is intended, to keep the top of 4th floor no higher than 35 feet above the grade at building line. In fact the top of 4th floor is 0.5 feet too high making the building at 35.5 feet. This project violates height restriction.

8. The elevation of the property line is critical to the proposed townhouse development. This elevation affects the grade at building line and thus requires a very accurate survey. I would like to see the survey showing the several midpoint elevations between the east and west property corners. The property has more than 0.5 feet difference in elevation from east to west along the north property line. The grade at property line is measured to 100th of a foot but rounded to a whole foot grade at building line, 229 ft. Require a more accurate survey along the grade at building line to ensure compliance with 17.03.040

9. The topographic lines on the cover sheet are inaccurate based on the steepness of the property as it rises from the curb and continues up the south lot line. The change in grade across the lot is not portrayed accurately on the elevation sheets. Two-foot contour intervals are not fine enough to confirm critical building height and coverage requirements. The lot climbs quite steeply and is not accurately depicted on the elevation sheets making me suspect all other measurements are interpolations and not actual. Only a detailed elevation survey of the lot can accurately place the critical points. Required before proceeding to next step of construction.

BUILDING LINE Comments

10. The building line has been presented as the front of floors 2 and 3 even though the 4th floor is cantilevered out by 2.5 ft. The building line is the furthest projection on the building. Fourth floor is 2.5

ft cantilevered over the 2nd and 3rd floors. This makes no sense except advantageously move back the building at grade line. If 4th floor is the building line then the building again becomes more than 37 feet to top of 4th floor.

11. The building line is the front of the first floor (garage). It is not possible to design a first floor on the and then say 2nd and 3rd floor is the building front. Make the first floor the building line.

12. Architect uses floor 1 to justify the building design meets maximum lot coverage of 68% specified in 17.04.120. He calls 1st floor the building foot print on sheet one but then uses floors 2 and 3 for building at grade line. Not accurate, change the plans to accurately reflect north side of floor one is the building grade line or use 2nd floor as the building at grade line (but still include all the indirect ground coverage i.e. decks, stairs cantilevers and patios of other floors). HRC planning has to be consistent on this very important point, one or the other not both ways to justify the development. If HRC Planning allows this very important comment dismissed by the architect then what is the front of 1st floor called?

MAXIMIM LOT COVERAGE Comments

17.04.120 Maximum Lot Coverage

A. Definitions:

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

13. There are several places on the drawings that do not have dimensions and appeared left out of footprint size calculations. Specifically the patio and retaining wall on the south side on 4th floor and 2nd floor stairs to the covered entry's. Renaming a covered entry is manipulation of the codes indicating the architect knows how critical the coverage calculations are for this project or picking and choosing which floor to use for building at grade line.

14. The porch is a covered entry. This may seem minor but it is critical for the lot coverage calculations. Change the porch to accurately reflect what it really is, a covered entry and reduce the lot coverage requirements to 65%.

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

15. The 4th floor decks on the north are labeled as 19'7"x10'8" making a total of 208 sq ft but the architect math on sheet 3 says 158.0 sq ft. Correct the drawings to the actual measurements.

17.04.120 Maximum Lot Coverage

B. Coverage: Maximum lot coverage applies to any residential dwelling lot in the "R" and "C-1" zones for all existing structures and new construction, except as provided below. Maximum lot coverage for residential dwellings is as shown in the table below. 1. When a detached garage is provided in the rear yard, the maximum lot coverage may be increased as shown in the table below. 2. When a porch is attached to the front elevation of the residential dwelling and has an area of at least sixty (60) square feet on the front of the building (exclusive of any wrap-around or side porch), the maximum coverage may be increased as shown in the table below.

Maximum lot coverage with front porch C-1 --- 68%

Maximum lot coverage C-1 --- 65%

FOOTPRINT

16. Footprint calculations are "all the parts of a main building that rest, directly (stairs and patios) or indirectly (decks, bump outs, cantilevers and driveway), on the ground" as required for inclusion (Items in parentheses added). The only conclusion to make is all parts of the largest square footage floor, 4th floor, has to be the main determination for footprint calculations plus any on ground components, i.e. stairs, driveway. Total foot print coverage calculated using measurements for the 4th floor and other on ground structures, is summarized here:

4 th floor living space, largest floor is	1,152.2 sq ft – per drawing sheets
North deck	208 sq ft
Kitchen sink and counter bump out	23 sq ft
Fireplace bump out	7 sq ft
Driveway area	190 sq ft (sheet 1 shows 19x10 but in calc as 184 ft)
Stairs	123 sq ft (difficult to measure, probably bigger)
Total footprint coverage lot 1	1,703 sq ft
Total footprint coverage lot 2	1,703 sq ft
Total Foot print coverage 1 and 2	3,406 sq ft
Parcel	4,515 sq ft

Lot coverage

75.44% $(3,406/4,515)*100=75.44\%$

17. Plans are oversized for the lot by 7.43% (75.43-68) Structure not allowed for excessive footprint.

18. Architect did not provide dimensions for the area covered by driveway between the property line and the curb. If this area is included as part of the max lot coverage then this makes the plans even more disqualifying. Does HR Planning agree with this?

ANGLED STONESTACKED WALLS Comments

19. The angled stacked stonewalls are interfering with the future development and use of lots on east and west sides. Construct the stonewalls perpendicular north to the curb on the projection of the property line but kept on strictly on the Irving project. Move the block wall so adjacent property owners are able to develop their property unhindered by these angled walls. Both lot owners on the east and west sides are planning future off street parking and drive way. These angled walls will profoundly affect their plans. Change the wall angle or eliminate them.

END OF COMMENTS

Jennifer Kaden

From: Reed Simpson <reedsimpson@gmail.com>
Sent: Wednesday, June 10, 2020 8:52 AM
To: Jennifer Kaden
Cc: Jack Trumbull; Dustin Nilsen; Debbi - jack Trumbull
Subject: Re: Revised Plans - File No. 2020-07; Irving THmP

Thank you again for including me to review the 2nd revision to the Irving townhouse project development.

I have spent a lot of time going through the Hood River planning department zoning codes and not see a single comment I submitted on April 16, 2020 was dispositioned. I did not see even a simple realigning a rock wall to not affect adjacent property owner's future use and development of their own properties, much less substantial lot coverage calculations. All I can do is hope that HR planning will enforce the codes as it appears that affected property owners carry no consideration if comments are not even addressed or difficult to reconcile by the developer. Please enforce what I think are clear and substantial violations as shown in my calculations and interpretations of the applicable sections of title 16 and 17 subdivision zoning.

My comments submitted 4/16/20 not attached again as they were not addressed and dispositioned. Please require the developer address and disposition affected property owners this time:

Thank you

Reed Simpson
509.302.0714

New additional comments:

1. The driveway has to be included in the footprint calc but the steps leading to the front door do not. How is that possible or allowable? The stairs go to a covered entry so they can justify an additional 3% coverage allowance. The developer has decided not to include all parts of the building that rest directly, (stairs, patios, and retaining walls). He also does not include the parts that rest indirectly on the ground (bump outs and balconies). The developer quotes section 17.04.120.A.2 main building footprint coverage to justify adding bay windows and architectural features and he clearly understands that the "footprint includes all parts of a main building that rest, directly or indirectly, on the ground including by way of illustration and limitation...". He quotes this section to justify the added footprint but then says the bump outs are not usable floor space so are not included in footprint. What? He should be allowed to keep them? It doesn't matter; the bump outs rest indirectly on the ground so all direct and indirect projections have to be included in footprint calculation. He seems to understand this by his own quote in his email to Jennifer June 4 2020, that all projections are included in the footprint calculation (except when it is inconvenient for lot coverage calcs). Please make the footprint calc reflect the plans as submitted. See comment number 12 below for actual footprint coverage calculation using all the direct and indirect parts.

2. Not one of the drawings shows the building height of 35 feet. All drawings show the building is 57 ft from the floor of the garage and at 47 feet high at the building grade line to the roof of the 5th floor. This is not my interpretation the numbers are on the drawings. How can HR code enforcement and planning interpret this is any other way but exceeding if 35 ft height restriction? The fifth floor has a

plumbing fixture, doors and windows on the 5th floor and doesn't count in the 35 ft. restrictions. Seriously? Where am I wrong in making this obvious conclusion?

All my comments are based on interpreting the Zoning and Subdivision Code, Title 17 Zoning Codes, Chapter 1, Irving Townhouse project; File No. 2020-07

17.01.040 Interpretations

17.01.060 Definitions.

BUILDING HEIGHT means a vertical distance above a reference datum measured to the highest point of a building. The reference datum shall be selected by either of the following, whatever yields the greater building height:

1. The elevation of the highest adjoining sidewalk or upper ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in item one (1) above is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

COMMENTS ON VIOLATIONS OF DEFINITIONS Comments

1. The above statement "vertical distance above a reference datum measured to the highest point of a building" With this clear statement the highest point is the top of the roof on the fifth floor. No matter what the architect calls the structure on the top of the 4th floor, (from here on I call that structure 5th floor for simplicity) the structure has to be considered the highest point of the building. The first floor to the top of the 5th is 58 feet. This structure cannot meet the 35 ft max high over reference datum by any calculation.

2. The statement "The height of a stepped or terraced building is the maximum height of any segment of the building" also ends consideration of the development. Since there is no codified meaning for a stepped building in section 17 this planned structure certainly qualifies as stepped since the building increases in square footage as it ascends. The elevation sheets look like risers and tread of a stairs, the very definition of steps. This structure is not allowed using this reasoning.

HR Planning: What is a stepped building if this building is not stepped? Why have this statement in Section 17 if it cannot be applied to this project?

17.03.040 Office/Residential Zone (C-1) F. Maximum Building Height. Thirty-five (35) feet.

3. The developer has determined a five-story building is only 35 feet high. This building is 55 feet from the garage floor and 58 feet from the top of the curb to the roof on the 5th floor. How does nine feet of floor 5 not count plus roof structure, and disregard 9.06 ft of height on floor 1. This makes no sense. Correct plans to reflect the actual height.

4. The 5th floor has windows, doors, a deck with rails, a sink and an elevator. The reasoning appears that floor 5 is above the "roof" so it cannot count in the building height. The 5th floor space has no stairs for a space designed for occupancy. How are people able to get out of the space safely if the elevator is not functioning? Fifth floor as designed in a building and fire code violation.

5. How can an 11 ft high floor that one can drive two cars into, have two 9x16 foot doors showing 288 sq ft coverage and is highly visible from the street not count? Count the first floor in the 35 ft height requirement in 17.03.040
6. Even if planning allows a 4th floor, the building cannot meet the 35 foot height limit as the dimensions specified. The top of the 3rd floor is 35 feet when the full height of the first floor is counted. Limit this plan to three floors to meet the 35-foot limit in 17.03.040

ELEVATION DETERMINATIONS Comments

7. The architect made a subtraction error in determining the garage floor. He says the curb elevation is 220.5. On sheet 8 he shows a rise of 2.0 feet to the top of the garage floor. A plumb line from the "building line" shows 9'3/4" measurement from the curb elevation of 220.5 making the "grade at building line" 229.0. ($220.5 + 9.06 \text{ ft} = 229.56$) The correct number is 229.56 ft. This section means what it is intended, to keep the top of 4th floor no higher than 35 feet above the grade at the building line. In fact the top of 4th floor is 0.5 feet too high making the building at 35.5 feet. This project violates height restriction.
8. The elevation of the property line is critical to the proposed townhouse development. This elevation affects the grade at the building line and thus requires a very accurate survey. I would like to see the survey showing the several midpoint elevations between the east and west property corners. The property has more than 0.5 feet difference in elevation from east to west along the north property line. The grade at property line is measured to 100th of a foot but rounded to a whole foot grade at building line, 229 ft. Require a more accurate survey along the grade at building line to ensure compliance with 17.03.040
9. The topographic lines on the cover sheet are inaccurate based on the steepness of the property as it rises from the curb and continues up the south lot line. The change in grade across the lot is not portrayed accurately on the elevation sheets. Two-foot contour intervals are not fine enough to confirm critical building height and coverage requirements. The lot climbs quite steeply and is not accurately depicted on the elevation sheets making me suspect all other measurements are interpolations and not actual. Only a detailed elevation survey of the lot can accurately place the critical points. Required before proceeding to the next step of construction.

BUILDING LINE Comments

10. The building line has been presented as the front of floors 2 and 3 even though the 4th floor is cantilevered out by 2.5 ft. The building line is the furthest projection on the building. Fourth floor is 2.5 ft cantilevered over the 2nd and 3rd floors. This makes no sense except advantageously move back the building at grade line. If 4th floor is the building line then the building again becomes more than 37 feet to the top of 4th floor.
11. The building line is the front of the first floor (garage). It is not possible to design a first floor on the and then say 2nd and 3rd floor is the building front. Make the first floor the building line.
12. Architect uses floor 1 to justify the building design meets maximum lot coverage of 68% specified in 17.04.120. He calls 1st floor the building footprint on sheet one but then uses floors 2 and 3 for building at grade line. Not accurate, change the plans to accurately reflect north side of floor one is the building grade line or use 2nd floor as the building at grade line (but still include all the indirect ground coverage i.e. decks, stairs cantilevers and patios of other floors). HRC planning has to be consistent on this very important point, one or the other not both ways to justify the development. If HRC Planning allows this very important comment dismissed by the architect then what is the front of 1st floor called?

MAXIMUM LOT COVERAGE Comments

17.04.120 Maximum Lot Coverage

A. Definitions:

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

13. There are several places on the drawings that do not have dimensions and appeared left out of footprint size calculations. Specifically the patio and retaining wall on the south side on 4th floor and 2nd floor stairs to the covered entry. Renaming a covered entry is manipulation of the codes indicating the architect knows how critical the coverage calculations are for this project or picking and choosing which floor to use for building at grade line.

14. The porch is a covered entry. This may seem minor but it is critical for the lot coverage calculations. Change the porch to accurately reflect what it really is, a covered entry and reduce the lot coverage requirements to 65%.

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

15. The 4th floor decks on the north are labeled as 19'7"x10'8" making a total of 208 sq ft but the architect math on sheet 3 says 158.0 sq ft. Correct the drawings to the actual measurements.

17.04.120 Maximum Lot Coverage

B. Coverage: Maximum lot coverage applies to any residential dwelling lot in the "R" and "C-1" zones for all existing structures and new construction, except as provided below. Maximum lot coverage for residential dwellings is as shown in the table below. 1. When a detached garage is provided in the rear yard, the maximum lot coverage may be increased as shown in the table below. 2. When a porch is attached to the front elevation of the residential dwelling and has an area of at least sixty (60) square feet on the front of the building (exclusive of any wrap-around or side porch), the maximum coverage may be increased as shown in the table below.

Maximum lot coverage with front porch C-1 --- 68%

Maximum lot coverage C-1 --- 65%

FOOTPRINT

16. Footprint calculations are "all the parts of a main building that rest, directly (stairs and patios) or indirectly (decks, bump outs, cantilevers and driveway), on the ground" as required for inclusion (Items in parentheses added). The only conclusion to make is all parts of the largest square footage floor, 4th floor, has to be the main determination for footprint calculations plus any on ground components, i.e. stairs, driveway. Total footprint coverage calculated using measurements for the 4th floor and other on ground structures, is summarized here:

4 th floor living space, largest floor is	1,152.2 sq ft – per drawing sheets
North deck	208 sq ft
Kitchen sink and counter bump out	23 sq ft
Fireplace bump out	7 sq ft
Driveway area	190 sq ft (sheet 1 shows 19x10 but in calc as 184 ft)
Stairs	123 sq ft (difficult to measure, probably bigger)
Total footprint coverage lot 1	1,703 sq ft
Total footprint coverage lot 2	1,703 sq ft
Total Foot print coverage 1 and 2	3,406 sq ft
Parcel	4,515 sq ft
Lot coverage	75.44% (3,406/4,515)*100=75.44%

17. Plans are oversized for the lot by 7.43% (75.43%-68%) Structure not allowed for excessive footprint.

18. Architect did not provide dimensions for the area covered by the driveway between the property line and the curb. If this area is included as part of the max lot coverage then this makes the plans even more disqualifying. Does HR Planning agree with this?

ANGLED STONESTACKED WALLS Comments

19. The angled stacked stone walls are interfering with the future development and use of lots on east and west sides. Construct the stonewalls perpendicular north to the curb on the projection of the property line but kept on strictly on the Irving project. Move the block wall so adjacent property owners are able to develop their property unhindered by these angled walls. Both lot owners on the east and west sides are planning future off street parking and driveway. These angled walls will profoundly affect their plans. Change the wall angle or eliminate them.

END OF COMMENTS

On Thu, Jun 4, 2020 at 5:28 PM Jennifer Kaden <J.Kaden@cityofhoodriver.gov> wrote:

Reed & Jack –

I just received this additional information from the applicant for File No. 2020-07. I have not read all of it but wanted to share it with you before I leave for the day.

Thanks,

Jennifer

Jennifer Ball Kaden Associate Planner
City of Hood River cityofhoodriver.gov
211 2nd Street Hood River, OR 97031 P 541-387-5215



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From: Jennifer Kaden
Sent: Thursday, June 4, 2020 4:26 PM
To: 'Reed Simpson' <reedsimpson@gmail.com>
Cc: Jack Trumbull (jacktrumbull@hotmail.com) <jacktrumbull@hotmail.com>; Dustin Nilsen <D.Nilsen@cityofhoodriver.gov>
Subject: FW: Revised Plans - File No. 2020-07; Irving THmP

Hello Reed –

For some reason, I did not receive your email this morning and Dustin just shared it with me.

I did share your comments with the developer. I can only guess it might be a combination of the theories on your list. I will be issuing a decision that includes findings for all applicable provisions in Titles 16 & 17 (zoning and land division standards), and conditions of approval as applicable.

With regard to the proposed rock wall in the right-of-way, I suggest you contact our Engineering Department – it's my understanding that the proposed design of the wall is such that it can be more easily modified in the future at such time that any changes are made in the right-of-way fronting the adjacent properties (including yours). Rick Peargin is the best contact any questions about improvements in the right-of-way.

Thanks,

Jennifer

Jennifer Ball Kaden Associate Planner
City of Hood River cityofhoodriver.gov
211 2nd Street Hood River, OR 97031 P 541-387-5215



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From: Dustin Nilsen <D.Nilsen@cityofhoodriver.gov>
Sent: Thursday, June 4, 2020 3:01 PM
To: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Subject: FW: Revised Plans - File No. 2020-07; Irving THmP

Dustin Nilsen, AICP

Director of Planning & Zoning
City of Hood River CityofHoodRiver.gov
211 2nd Street Hood River, OR 97031 P 541.387.5210



From: Reed Simpson <reedsimpson@gmail.com>
Sent: Thursday, June 4, 2020 7:00 AM
To: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Cc: Jack Trumbull <jacktrumbull@hotmail.com>; Dustin Nilsen <D.Nilsen@cityofhoodriver.gov>
Subject: Re: Revised Plans - File No. 2020-07; Irving THmP

Jennifer

Thank you for sending me the revised Irving project plans. I will be submitting comments as soon as I can get some clarification from you I am concerned the comments i submitted were either;

1. not forwarded to the developer because not one of my several page comment letter to you (you said in your May 7 email that you did send it) was addressed in any way on the revised plans, or
2. I completely misinterpreted and applied Zoning and Subdivision Code, Title 17 Zoning Codes, or
3. The developer just chose to ignore all of my comments as you said it was up to the developer to address them (obviously he chose not to address them), and/or
4. Is the developer ignoring HR planning too because there are so many violations represented in these plans there is no way HR planning would not see the same violations I have.

I'm getting the feeling at least one of my concerns above is true. Can you please shed some light on this before i spend a bunch more time and you make your final determination to allow the developer to proceed. Are my and other other affected property owners submitting concerns and comments going to be addressed or not? Will you be enforcing the HR Zoning and Subdivision Code, Title 17 Zoning Codes on the Irving Townhouse project; File No. 2020-07 ? Am I using the same documents that guide HR Planning? I have to ask this because not even requesting a simple realignment of a rock wall to not interfere with the east and west property owners got incorporated much less the more complicated totally wrong lot coverage calculations.

I look forward to your response as soon as possible.

Thank you

Reed Simpson

On Wed, Jun 3, 2020, 11:23 AM Jennifer Kaden <J.Kaden@cityofhoodriver.gov> wrote:

Reed, Jack & Debbi –

I am sending this information to you because you provided comments on File No. 2020-07, a Minor Partition application to establish two townhouse parcels. The city received the attached revised plans for the project and I am in the process of reviewing them and drafting a decision. I believe the most significant change is removal of a roof over the patio at the rear of the proposed townhomes. The materials include revised lot coverage information from the applicant.

If you have any additional comments on the project, please provide them to my by Wednesday, June 10th at 5:00 pm.

Thank you,

Jennifer

Jennifer Ball Kaden Associate Planner
City of Hood River cityofhoodriver.gov
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Jennifer Kaden

From: Jack Trumbull <jacktrumbull@hotmail.com>
Sent: Thursday, April 16, 2020 5:27 PM
To: Reed Simpson; Jennifer Kaden; Dustin Nilsen; debbitrumbull; Susan Nichols
Subject: Re: Irving TH project; File No. 2020-07

Follow Up Flag: Flag for follow up
Flag Status: Flagged

TO: City of Hood River (Jennifer Kaden & Dustin Nelson)
CC: Susan Nichols, Debbi Trumbull and Reed & Judy Simpson
REGARDING: FILE No.: 2020-07 William Irving
Our neighbor and friend to the East (Reed Simpson) shared with my wife and I their concerns for this project on the lot between our properties and my mother who is living in the house directly to the West.
I did receive the initial letter but had not seen the detailed plans until recently. It is inconceivable that you can put that much house on a single lot and equally unbelievable that you can make a five (5) story duplex compliant with the City of Hood River's 35' max height. I don't need to reiterate what Reed has shared with his math and his concerns however, I do want to validate his concerns because they are ours as well.

After looking at the more detailed plans it appears that their plans include a retaining wall on my property (as well as on the Simpson's property) and there are bump out protrusions that infringe on the 5' from the property line on the 2nd, 3rd and 4th floor(s). I would ask that no part of their building infringe on this very minimal 5' setback and that nothing should be done on our side of the property line without the builder having a conversation with us directly.
Respectfully, Jack & Debbi Trumbull

CELL: (541) 399-2554

From: Reed Simpson <reedsimpson@gmail.com>
Sent: Thursday, April 16, 2020 2:32 PM
To: J.Kaden@cityofhoodriver.gov <J.Kaden@cityofhoodriver.gov>; D.Nilsen@cityofhoodriver.gov <D.Nilsen@cityofhoodriver.gov>
Cc: Reed Simpson <reedsimpson@gmail.com>
Subject: Irving TH project; File No. 2020-07

I appreciate the opportunity to comment and have my concerns heard on the Irving town Sherman Street. I look forward to reading how my comments and others affected property dispositioned.

File No. 2020-07
Attachment E

First I want to simplify my comments by examples and analogy that paraphrases my frus

- I am 6 ft tall but according to the way Hood River measures building heights if I'm standing in a 12 in hole I'm only 5 feet tall.



CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2nd Street, Hood River, OR 97031 Phone: 541-387-5210

MEMORANDUM

TO: City of Hood River Planning, Building and Engineering Departments

FROM: Dustin Nilsen, Planning Director

DATE: May 15, 2019

RE: Stairs within required setbacks – R-1, R-2, R-3 & C-1 zones.

ORS 227.160(2)(b) authorizes the City to render determinations of the appropriate zoning classification for particular uses and the circumstances under which those uses are allowed, subject to the procedures in ORS 227.175(11). This determination addresses the circumstances in which stairs are allowed within required setbacks and applies to R-1, R-2, R-3, and C-1 zones.

Hood River Municipal Code Sections 17.03.010.D, 17.03.020.D, 17.03.030D and 17.03.040.E establish minimum setback requirements for development permitted in the R-1, R-2, R-3, and C-1 zones. The municipal code prohibits structures within those setbacks; which are varying distances from side and rear property lines and public rights-of-way. Exceptions are provided for projections (as defined in HRMC 17.01.060), certain accessory structures (pursuant to HRMC 17.04.030), fences and walls (pursuant to HRMC 17.04.050), and retaining walls (pursuant to HRMC 17.04.060). 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."

The Planning Department interprets the definition of "structure" associated with setbacks in HRMC 17.03.010.D, 17.03.020.D, 17.03.030D and 17.03.040.E to not include:

- a) At-grade or below grade walkways
- b) At-grade or below grade steps

For purposes of this issue, "grade" means the original unimproved or approved finished grade (ground surface).

This determination is intended to control in the R-1, R-2, R-3, and C-1 zones unless or until the Director issues a formal interpretation or the Hood River Municipal Code is amended.