



# CITY OF HOOD RIVER

PLANNING DEPARTMENT

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

## BEFORE THE CITY OF HOOD RIVER PLANNING COMMISSION HOOD RIVER, OREGON: OCTOBER 5<sup>th</sup>, 2020 5:30PM.

A request for a Zone Change From R-1 to R-2 and an 18-lot Subdivision  
File Number (2020-13) Applicant IBC Construction, Inc.

**FINDINGS AND STAFF REPORT:** Prepared by Dustin Nilsen, Director of Planning and Zoning

### I. BACKGROUND INFORMATION:

- A. REQUEST: File # 2020-13 for rezoning from R-1 to R-2 and an 18-lot subdivision to include grading, construction of street extensions of Montello and Prospect Avenues and 30th Street, and installation of public utilities and associated site improvements.
- B. APPLICANT: Integrity Building and Construction LLC 1040 Multnomah Hood River, OR 97031
- C. OWNER: Alice Foss Wilson, 3760 MAY ST, HOOD RIVER OR, 97031
- D. PROPERTY LOCATION: The property is located at the northwest corner of 30th St and Prospect. Tax Lot Description: 03N 10E 34A 200. The approximately 3.14-acre property is zoned R-1 Low Density Residential.
- E. HISTORY:
  - 1. Pre-Application meeting August 29<sup>th</sup>, 2019.
  - 2. Complete Land Use application June 23<sup>rd</sup>, 2020.
  - 3. Revised materials submitted August 2020 and September 4<sup>th</sup>, 2020.
  - 4. Notice of public hearing mailed September 11<sup>th</sup>, 2020.
  - 5. Planning Commission public hearing October 5<sup>th</sup>, 2020.
- E. PARCEL SIZE: Approximately 3.14 acres.

#### ZONING AND LAND USES:

Subject Parcel: zoned Urban Low Density Residential (R-1), undeveloped;

North: R-2; single family residential, developed residential

South: R-1; single family residential, partially developed residential

West: R-1; low density residential, undeveloped

East: R-2; single family residential, developed residential

- F. RECORD (to be completed along with the Planning Commission Hearing):
1. Application Materials. “A”.
  2. Map of Subject Area “B”
  3. Original public hearing notice. “C”.
  4. Public comments submitted to the Planning Commission “D”.
  5. Agency Comments. “E”.

G. ORDINANCE APPROVAL CRITERIA:

The Planning Commission will evaluate the request at the public hearing pursuant to the Quasi-Judicial Public Hearing Procedures and the following applicable criteria of the Hood River Municipal Code: Section 17.08 Zone changes and Plan Amendments; Section 17.09.040 Quasi-Judicial Actions; 17.03.020 Urban Standard Density Residential Zone (R-2); 16.08 Procedural Requirements for Land Divisions; and 16.12 General Design and Improvement Standards. The Planning Commission will send its recommendations regarding the Zone Change to City Council, which will provide the final decision regarding the Map Change.

## II. FINDINGS OF FACT AND CONCLUSIONS

### CHAPTER 17.03 – LAND USE ZONES

#### 17.03.020 Urban Standard Density Residential Zone (R-2)

##### A. Permitted Uses:

1. Detached single-family dwellings for residential and accessory structures
2. Duplexes for residential use
3. Manufactured homes for residential use
4. Mobile home parks subject to 17.12
5. Residential care facilities
6. Group residential, if less than fifteen persons
7. Transportation facilities pursuant to 17.20.050(A)
8. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
9. Accessory uses permitted when accessory to residential use:
  - a. Accessory dwelling units subject to HRMC 17.23
  - b. Bed and breakfast facilities subject to HRMC 17.04.110
  - c. Family day care subject to HRMC 17.04.100
  - d. Home Occupations in accordance with HRMC 17.04.100
  - e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115
10. Townhouse projects for residential use including:
  - a. Two (2) townhouses subject to HRMC 17.19
  - b. four (4) or more townhouses subject to HRMC 17.16 and HRMC 17.19

##### B. Conditional Uses:

1. Planned unit developments
2. Schools and child care centers

3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Religious institutions

C. **Site Development Standards.** The minimum lot or parcel size shall be 5,000 square feet.

The minimum requirements for building sites are as follows:

1. Per dwelling unit or duplex, a minimum of 5,000 square feet.
2. Per townhouse building, a minimum of 2,100 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: Pursuant to 17.04.120

**Finding:** All the proposed lots are zoned R-2 and designed in excess of 5,000 square feet with 50-foot frontages that meet lot size requirements. No uses are proposed with this application. Any future uses proposed on the proposed lots will be reviewed for consistency with the R-2 zone prior to issuance of building permits.

## CHAPTER 17.08 – ZONE CHANGES AND PLAN AMENDMENTS

**Legislative History:** *Ord. 1488 (1980); Ord. 1637 (1991); Ord. 1774 (1999); Ord. 1816 (2001); Ord. 1877 (2005); Ord. 2002 (2011)*

17.08.030 Quasi-Judicial Zone Changes and Plan Amendments. A quasi-judicial zone or plan change may be initiated only by the application(s) of the owner(s) or authorized agent of the subject property.

- a. An application for a quasi-judicial zone or plan change shall be submitted to the City Planning Department. The application shall include
  1. The applicable fee.
  2. A statement by the applicant explaining the proposed zone or plan change, including existing zoning and proposed zoning.
  3. The tax map of the area being considered for a zone or plan change, indicating boundaries, existing zoning, and existing comprehensive plan designation;
  4. A copy of a document showing ownership of the subject property, and if the applicant is not the owner, a letter of authorization from the owner;
  5. A vicinity map showing the subject property and the surrounding parcels, together with their current zoning;
  6. The reason(s) for requesting the zone change;
  7. Existing site conditions, including but not limited to: topography, public facilities and services, natural hazards, natural areas, open space, scenic and historic areas, transportation, and present use of the site;
  8. An explanation of how the zone change complies with the Comprehensive Plan and criteria in this chapter;
  9. A statement of the potential effect(s) of the zone or plan change on the site; and

10. If an exception to a goal is required, applicant shall submit documentation establishing compliance with Oregon Revised Statute ORS 197.732 and any applicable Oregon Administrative Rules.

**Finding:** The applicant has supplied documentation required under subsection A which is outlined in its narrative, preliminary engineering, and proposed preliminary subdivision. These materials are included as Attachment A. Excerpts from the applicants responses are included in these findings along with staff remarks and findings.

B. The Planning Director shall schedule at least one (1) public hearing on the application for zone or plan changes before the Planning Commission. The Planning Commission shall forward its recommendation to the City Council, which shall approve, approve with conditions, or deny the application.

**FINDINGS:** A public hearing was advertised and Noticed to be held before the Planning Commission on October 5<sup>th</sup>, 2020 and the Planning Commission will forward a recommendation to the City Council, which will hold its own public hearing regarding the Zone change. The City Council will approve, approve with conditions, or deny the application in accordance with these requirements.

C. The application shall not be approved unless the proposed zone or plan change would be in compliance with the Comprehensive Plan and the criteria set forth in this chapter.

**FINDINGS:** Findings regarding the compliance and goals of the comprehensive Plan are included below.

**Goal 1 - Citizen Involvement.**

Citizen involvement is always applicable to quasi-judicial applications such as this. Statewide Planning Goal 1 is met via the implementation of the provisions in the acknowledged City of Hood River Zoning Ordinance (HRMC) that relate to citizen participation. This application is reviewed by staff, the Planning Commission and the City Council. At least one neighborhood meeting and two public hearings will be conducted with notice and opportunity to be heard presented as required by the HRMC. Notice is was mailed to surrounding property owners and affected governmental agencies. At the public hearings anyone wishing to present relevant testimony or documentary evidence will be allowed to do so. Adequate citizen involvement is guaranteed in this case.

**Goal 2 - Land Use Planning.**

The HRCP (Hood River Comprehensive Plan) and HRMC are acknowledged to be in compliance with statewide planning goals and guidelines. Goal 2's coordination obligation will be met because the applicant and City shall seek public comment from any affected unit of government, including the County and any special district whose boundaries overlap with the site. The application does not trigger the Goal 2 exception standards, because no exceptions to any goals are required. The Oregon Department of

Transportation and Department of Land Conservation and Development have been notified of the request in compliance with State Law.

#### Goals 3 & 4 - Farm and Forest.

The subject property has been deemed to be urbanizable because it is inside an urban growth boundary (UGB). Therefore, neither Goal 3 nor Goal 4 applies to this land.

#### Goal 5. Open Spaces, Scenic and Historic areas, and Natural Resources.

The subject property is not designated as an open space, scenic, or historic area and has no inventoried natural resources to protect. There are no protected natural resources located on the subject property. There are no wetlands or floodplains in the territory. There are no landslide hazard areas. There are no know or inventoried historic resources or cultural areas located or identified on the site. There are no identified mineral or aggregate resources on the site. The site is not located in the local downtown historic district or within a street overlay. Therefore this goal is satisfied.

#### Goal 6 - Air, Water and Land Resources Quality

The end use of this property will be for residential use and has been zoned for residential use since the City's first acknowledged comprehensive plan. This development will not create any industrial emissions. Storm water will be detained on-site through the proposed storm drainage system and access to future stormwater drainage systems. There are no significant water demands, and no unique potential for pollution. This rezone application will not affect in any way the air, water or land resources. Therefore, this goal is met.

#### Goal 7 Areas Subject to Natural Disasters and Hazards

The subject property is not in a floodplain, does not include slopes greater than 25%, does not contain any environmental protection "EP" zones and has no designated geologic hazard "GH" combining zone within its boundaries. There are no identified landslide areas on the subject property. There are no identified wetlands on the subject property nor on other developed lots. Goal 7 is complied with by this application.

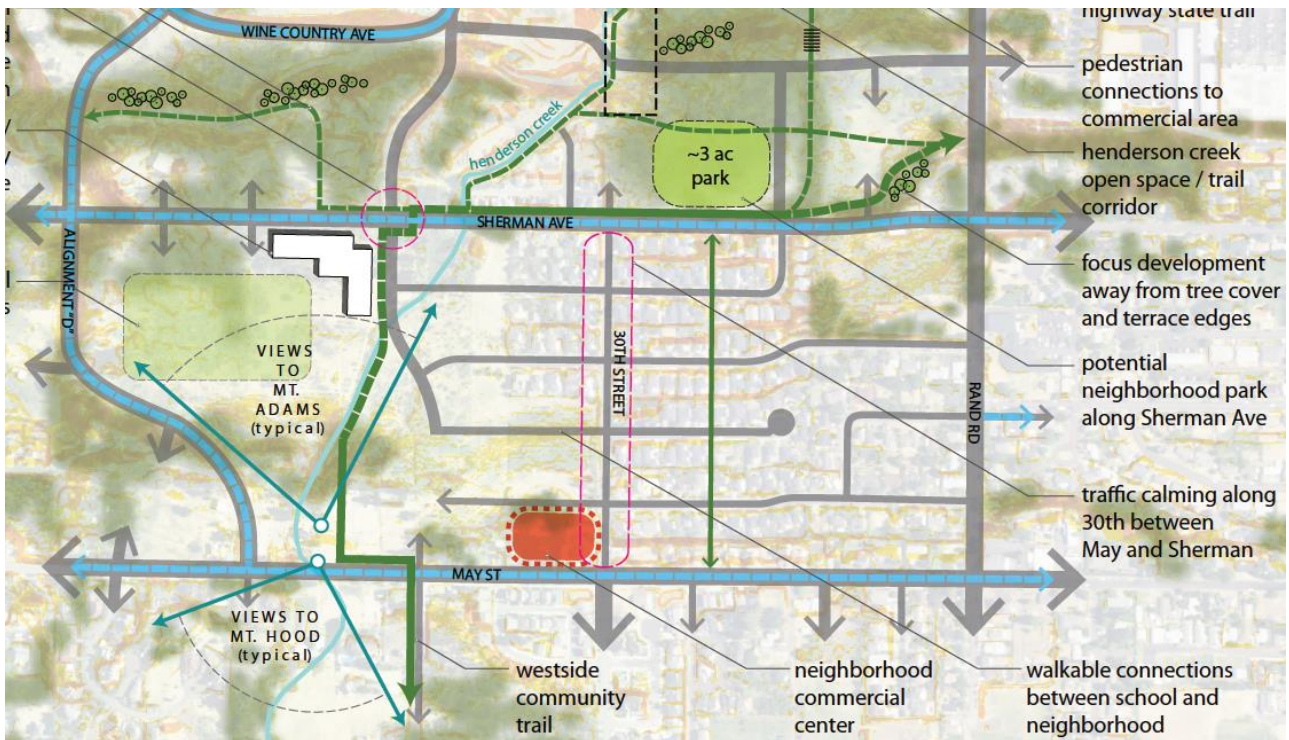
#### Goal 8. Recreational Needs

The applicant's property is proposed for housing, which creates a need for park land. The major park service providers within the boundary are the City of Hood River, Hood River Valley Parks and Recreation District, Hood River County, the Port of Hood River, the Hood River Valley School District, Oregon State Parks, and the U.S. Forest Service. These numerous and varied agencies offer a wide range of parks and recreational facilities for the community and visitors.

The City of Hood River maintains numerous parks within the City limits, providing a number of venues for recreation, family gatherings and larger group gatherings and events. The Hood River Valley Parks and Recreation District Master Plan was recently accepted for the County along with the Westside Area Concept Plan Framework for Parks and Open Space. Both documents are intended to inform future land use decisions and parks development. The following map is an excerpt from the west area

concept plan and shows the located of the proposed development in context to a future. No parks are shown in the immediate area of the site. The “walkable connections between school and neighborhood” will be enhanced through the installation of sidewalks, and a limited number of curb cuts and access points that break up sidewalk continuity.

Goal 8, Policy 6 states: "As parcels of land are annexed from the UGA into the City, some land will be designated Open Space/Public Land for the development of new parks and public facilities, including access ways, to serve the recreational needs of the community."



The proposed property has been within the City and zoned for residential use since Goal 8 was acknowledged. The finding that the development is consistent with development patterns, regional park development strategies, and will contribute to the system development of park and open space is consistent with Goal 8 requirements.

Goal 9 –

Economic Development. The applicant proposes to develop property to meet housing needs, which contributes to needed housing for workforce development. Goal 9 is not directly impacted through residential development, but residential development has significant indirect impacts in support of Goal 9.

Goal 10 – Housing.

See findings under 17.08.040.

#### Goal 11 - Public Facilities and Services.

Goal 11 policies and implementation strategies emphasize the coordination of urban development with provision of public facilities including water, sewer, and transportation. In this case, all of the key public facilities and services are available to serve the proposed development area (sewer, water, fire, police, and irrigation). Therefore, the effect of this proposal on the City's continued Goal 11 compliance is neutral.

#### Goal 12 – Transportation.

Goal 12 policies and strategies emphasize creating and maintaining a safe, accessible, and efficient transportation system. Transportation goals, policies, and implementation strategies of the Comprehensive Plan are to be articulated and detailed in the City's Transportation System Plan (TSP). The TSP lists Montello, Prospect Ave, and 30<sup>th</sup> as local streets and May Street as an Urban Collector. (From TSP:

Local streets have the sole function of providing immediate access to adjacent land. These streets should be designed to enhance the livability of the neighborhood as well as to generally accommodate less than 2,000 vehicles per day. When traffic volumes reach 1,000 to 1,200 vehicles per day through residential areas, safety and livability can be degraded. A well-connected grid system of relatively short blocks can minimize excessive volumes of motor vehicles and encourage more use by pedestrians and bicyclists. Speeds are not normally posted, with a statutory 25-mph speed limit in effect. The project follows the local grid system, has block lengths that are between 259- and 400 feet, proposes the development of two new local streets, and will generate an existing 200 trips per day for an 18-lot subdivision.

Collectors such as May Street provide both access and circulation within and between residential, commercial, industrial, and mixed land uses. Collectors differ from arterials in that they provide more of a citywide circulation function and penetrate residential neighborhoods, distributing trips from the local street system to minor and major arterials. They are intended to carry between 1,200 and 10,000 vehicles per day, including limited through traffic, at a minimum posted speed of 25 mph. The maximum interval for collector roadways should be approximately 1,500 feet. While access and mobility are more balanced than on arterials, new driveways serving single or multi-family homes should not be permitted where traffic volume forecasts exceed 5,000 vehicles per day.) The project that adds 200 maximum trips will not exceed the may street level of service and does not directly access May Street via driveway.

Additional findings, improvements, and conditions required to ensure compliance with Goal 12 are found throughout this report, including Sections 17.08, 17.20, 16.08, and 16.12 findings.

#### Goal 13 – Energy.

LUBA and the Courts have never given any regulatory affect to this Goal. The proposed annexation is neutral from an energy consumption standpoint,

Goal 14 - Urbanization.

The land is considered “urbanizable because it is in a UGB. Goal 14 discusses urbanizable land as follows:

Urbanizable Land. Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

This policy is fully implemented by the HRMC. Other applicable Goal 14 policies include:

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.

3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

These policies are fully implemented by the HRMC, as reflected in the fact that the City zoning for this property is residential and that urban services are required for the land can develop.

D. Hearings under this chapter may be held only after required notification and shall be conducted in conformance with the *Review Procedures* (Chapter 17.09).

**Finding:** Notice was provided to property owners within 250 of the site on September 11<sup>th</sup>, 2020. Notice to surrounding special districts, the Oregon Department of Transportation, and Department of Land Conservation and Development was also provided for comment.

17.08.040 Quasi-Judicial Zone Changes and Plan Amendments Criteria

- A. Quasi-Judicial zone or plan changes may be approved if the change will not be unreasonably harmful or incompatible with existing uses and one or more of the following exist:
1. A mistake was made in the original zone or plan designation; or
  2. There is a public need for the change, and this identified need will be served by changing the zone or plan designation for the subject property(ies); or



3. Conditions have changed within the affected area, and the proposed zone or plan change would therefore be more suitable than the existing zone or plan designation.

**FINDINGS:** No mistakes were made in the original zoning of the property. The justified need for the change as well as the conditions within the affected area are discussed here below. In its application materials the applicant states:

*The proposed tract of land is surrounded by R-2 zoned developed neighborhoods on the North, South and East ends and R-1 vacant land to the West. As such the proposed zone change will not be unreasonably harmful or incompatible with existing uses.*

*The proposal is intended to facilitate much needed housing within Hood River city limits.*

*The proposed zone change from R-1 to R-2 complies with this criterion because it will not be unreasonably harmful or incompatible with existing uses and because there is a need for housing density.*

Staff notes, the subject property is surrounded by residential zoned property with vacant R-1 property to the West, partially developable R-1 to the South, and subdivided and developed R-2 property to the North and East. As depicted in the zoning and parcel map below. The proposal represents a natural progression and extension of roads and subdivided residential lots that are consistent with the growth pattern and zoning of development immediately to the north and east.



In 2015 the City of Hood River updated its Housing Needs Analysis (HNA) 2015-2035 in order to comply with statewide planning policies that govern planning for housing and residential development, Goal 10 and OAR 660-008. The report provides Hood River with a factual basis to support future planning efforts related to housing and options for addressing unmet housing needs in Hood River. The focus of the HNA was an assessment of whether Hood River has enough land within the City's Urban Growth Boundary (UGB) to accommodate expected population growth.

This City of Hood River has adopted a comprehensive Housing Strategy that addresses the key findings of the HNA and has incorporated this strategy as background information in the City's Comprehensive Plan. The key conclusions from the HNA are:

- Hood River's policies generally comply with Goal 10, except for regulation of townhouse development;
- Hood River has limited opportunities for future expansion of the UGB;
- Hood River has a limited supply of residential land;
- Hood River has a very limited supply of land for multifamily development;
- Hood River will need to continue to encourage efficient use of land for single-family development; and
- Hood River has an existing deficit of affordable housing.

The Housing Strategy includes policy recommendations that address the key findings mentioned above and the City Council has since provided direction to staff to implement these strategies. The Hood River Housing Strategy is organized into three broad strategic areas: increasing residential land use efficiency, regulation of secondary housing and short-term rental housing, and development of affordable housing.

The proposal to change the zone from R-1 to R-2 and subdivide the land is generally consistent with increasing residential land efficiency as it creates opportunities to develop an number and increased diversity of housing product types, including duplex and attached single family dwellings, and divides the cost of extending infrastructure across dwellings planned and developed as a unit. The proposed development extends the current street blocks in grid and block configuration, with shorter block lengths along with rear alley access. These features are hallmarks of "Smart Growth" principals adopted by the Congress for New Urbanism, Urban Lands Institute, Form Based Codes Institute, recommended by the EPA, and encourage efficient use of land for development.

- B. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to:
1. The character of the area involved;
  2. It's peculiar suitability for particular uses;
  3. Conservation of property values; and

4. The direction of building development.

**Finding:** The code requires Planning Commission to consider the above standards pertinent to the preservation and promotion of the public health, safety, and welfare.

The character of the area is predominantly single-family residential uses developed under R-2 density standards. Larger vacant property owned by the Hood River School District and private ownership are used by residents for recreation. Building and development has generally been more active and intense from the east as a natural extension from the City Center with less dense development leapfrogging into the urban growth boundary approximately ¼ mile to the west. As development has occurred in the area, property values have continued to grow over time, generally increasing as land has been subdivided and developed into individual housing units. Given the surrounding properties development, no identified environmental or natural issues, and local grid street network the area is suitable for residential development.

#### 17.08.050 Transportation Planning Rule (Legislative and Quasi-Judicial)

- A. Zone changes and amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
  2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule;
  3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes;
  4. Amending the Transportation System Plan to modify the planned function, capacity or performance standards of the transportation facility.

**Finding:** In its analysis and application the applicant provides an overview of its Traffic Impact Analysis and Transportation Planning Rule Findings. They include the following:

*Oregon Administrative Rule (OAR) 660-12-0060, Plan and Land Use Regulation Amendments provides the relevant requirements for a rezone. The Transportation Planning Rule implements State Planning Goal 12 (Transportation) to encourage a safe, convenient, and economic transportation system. The rule also integrates other Statewide planning goals to coordinate land use planning to plan and develop transportation services and facilities in close coordination with rural and urban development.*

*Essentially, the proposed rezone and site development plan must show that the traffic remains in compliance with adopted area transportation plans, and it does not change the function or performance standards that have been adopted. If a “significant effect”*

*is created by the rezone and site plan, the applicant must bring the City's Transportation System Plan back into compliance through plan amendments or some form of mitigation. As is discussed more completely in the Traffic Impact Analysis submitted with the Application for Zone Change and Site Plan Approval and below in the analysis of the applicable Transportation Planning Rule 17.08.050, the proposed rezone and site plan is not expected to significantly effect the transportation plan that has been adopted.*

- B. A plan or land use regulation amendment significantly affects a transportation facility if it
1. Changes the functional classification of an existing or planned transportation facility;
  2. Changes standards implementing a functional classification system;
  3. As measured at the end of the planning period identified in the adopted transportation system plan or, when evaluating highway mobility on state facilities, as measured at the end of the 20 year planning horizon or a planning horizon of 15 years from the proposed date of the amendment adoption, whichever is greater:
    - a. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility;
    - b. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan; or
    - c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

***Finding:*** Based on the applicants response: *Sections (B.1), (B.2), and (B.3.a) are not triggered since the proposed zone change will not impact or alter the functional classification of any existing or planned facility. According to the Oregon Highway Plan, any amendment which increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon will significantly affect the facility unless it falls within the thresholds for a small increase of traffic. Policy 1F.5 defines a "small increase in traffic" in terms of certain thresholds based on average daily trips. In this case, the threshold for a small increase in traffic between the existing plan and the proposed amendment is no more than 400 daily trips. As shown in the worst-case trip generation comparison provided in the Traffic Impact Analysis, the net difference in worst-case trip generation is below 400. Therefore, sections (B.3.b) and (B.3.c) are not triggered.*

*In determining whether a significant effect occurs, the analysis considers the adopted performance standards governing the transportation system. Within the project area all roadway facilities are under the jurisdiction of the City of Hood river, whose performance standards are identified within the City of Hood River Transportation System Plan. A minimum level of service (LOS) D on transportation systems serving new developments is desired on streets and signalized and unsignalized intersections. Level of service is based on the most recent edition of the Highway Capacity Manual.*

The Hood River City Engineer prepared a review to determine if the proposed development and land use change was significant to trigger the State of Oregon's

Transportation Planning Rule. The City Engineer concurred with applicant finding that the proposed zoning change will have limited impact on the City's transportation system and does not trigger further investigation or transportation system planning and the conclusion that the traffic generated by the actual proposed development does not warrant additional traffic counts nor intersection level of service calculations.

However, the applicants Traffic Engineer notes in its analysis that the development is dependent on an amendment to the existing City of Hood River Transportation System Plan, which will re-align the planned extension of Mt Adams Avenue further west. The City Engineering review also notes that the proposed site development impacts the City's current transportation system plan (TSP). Specifically, the City Engineer finds that the proposed site development does not propose to provide accommodations for the future development of the minor arterial shown in the currently adopted TSP to connect Cascade Avenue to May Street. The minor arterial passes through the proposed development. The applicant has proposed to provide a lesser classification (local) road through the development.

As per HRMC 17.08.050 B (1), without conditions of the approval this proposal effectively diminishes the capacity of the minor arterial called out in the City's TSP. The proposed plan significantly affects the transportation facility (minor arterial) by changing the functional classification of the planned facility. In addition, in providing a lower functional classification road, the plan will worsen the performance of an existing transportation facility (Cascade Avenue and 13th Street) that is otherwise projected to perform below the minimum acceptable performance standard within the 20 year planning horizon as identified in the City's TSP and as outlined in HRMC 17.08.050 B (3) c.

To mitigate the effects on the City's transportation facility the City has initiated a TSP update based on Streets and Transit Framework plan reviewed recommended by the Planning Commission and accepted by the City Council. The update provides an alternative route for the needed minor arterial as depicted below. The realignment (aka alignment D) is one of the fundamental elements of the TSP update and depicted below.



The subdivision request has been submitted between the initiation and completion of the City-initiated TSP amendment. A condition of approval is recommended that in order to

satisfy the TSP and TPR findings in HRMC 17.08.050 B (3) c a site development plan not be permitted for construction until the 2011 TSP amendment for the relocation of Mt Adams alignment D is approved.

- C. **Traffic Impact Analysis.** A Traffic Impact Analysis or Traffic Assessment Letter shall be submitted with a plan or land use regulation amendment or a zone change application. (See Section 17.20.060 Transportation Impact Analysis).

17.08.060 Record of Zone Changes and Plan Amendments. The Planning Department shall maintain records of amendments to the text and zoning map of this title.

**Finding:** The applicant has included a Traffic Impact Analysis as part of its application. The application materials are a part of the record and are maintained in perpetuity.

17.08.070 Limitation on Re-Applications. No reapplication of a property owner for a zone or plan change shall be considered within a six (6) month period following a previous denial of such request.

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

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

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

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

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

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

- A. **Site Plan Review Procedures.** All site plans are required to be submitted for review pursuant to the provisions of this title and shall show:
- a. Location of existing and proposed access point(s) on both sides of the road where applicable;

- b. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- c. Number and direction of lanes to be constructed on the driveway plus striping plans;
- d. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
- e. Parking and internal circulation plans including walkways and bikeways; and
- f. A detailed description of any requested variance and the reason the variance is requested.

**FINDINGS:** The subdivision does not include a specific site plan submitted pursuant to 17.16 of the HRMC but falls within the southern and eastern limits of the Interchange Area Management Plan Overlay Zone. The proposed subdivision preliminary plat and concept identifies the proposed extensions of Prospect and Montello, which are both local streets included as part of the development. The project also includes the use of a private alley that will consolidate driveway access points and curb cuts off local streets. The development will include sidewalks on all streets and a midblock alley that will provide north and south circulation routes for vehicles and pedestrians.

**B. Criteria.** All site plans shall comply with the following access criteria:

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

**FINDINGS:** The proposed rights of way are a natural extension of the existing street network from east to west. The site's greatest topographic changes occur from north to south, and therefore the proposed alignment follow not only logical extensions of the street grid but follow the natural topography of the site. The Grading Plan and topography indicates it is designed to generally follow the existing gently sloped topography, consistent with HRMC 17.20.030.B.1.

HRMC 17.20.030.B.2 requires compliance with driveway spacing, sight distance and other access considerations. Except for the northern most lots that back up to Fox Hollow subdivision, vehicular access will be provided by a new shared alley/driveway. Montello and Prospect are local streets with a minimum driveway spacing standard of 22 feet from other driveways or public streets (HRMC

13.28.040). There are no existing nearby driveways that will impact the proposed access points to the new lots. No other driveways exist or are proposed on the west side of 30<sup>th</sup> Street. The proposed street intersections align with existing local streets and cross access is maximized between lots through the use of rear loaded houses. With these findings the proposal is consistent with HRMC 17.20.030.B.2.

HRMC 17.20.030.B.3 requires a road system that provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection. Pursuant to this standard, Montello and Prospect will be improved as a local streets to provide access to the development for residents, visitors, deliveries, emergency vehicles, and garbage collection. The proposed shared driveway will provide access for residents and increase access for visitors via on-street parking in newly improved public streets. Access for fire apparatus is provided on Montello and Prospect with a public alley turn around.

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

HRMC 17.20.030.B.4 requires provisions for adequate internal pedestrian circulation, sidewalks on adjacent streets, and pedestrian linkages to the peripheral street system. As proposed, sidewalks will provide pedestrian access from 30<sup>th</sup> Street to the west and will follow Prospect and Montello Extensions. At the pre-application conference Staff recommended and the use of an internal alley that would limit vehicular access points and provide a greater opportunity of street facing development and architecture. The interior alley provides a greater opportunity of frontage sidewalks to achieve east to west pedestrian access without the interruption of curb cuts and access points. As conditioned, the proposal is consistent with HRMC 17.20.030.B.4.

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

No access to the State Highway System is proposed. The Oregon Department of Transportation (ODOT) has not provided comments associated with the development.

As conditioned, the proposal is consistent with these criteria.

### **C. Standards.**

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

**FINDINGS:** As addressed above, new driveways accessing Montello are proposed for the northern properties only. Montello is a local street requiring a minimum of 22 feet separation between driveways and from the intersections of public streets. No other driveways are proposed onto Prospect or Montello from the south; therefore the proposed driveways do not conflict with the spacing requirements. The proposed intersection locations are directly opposite of the east end of and in alignment existing Montello and Prospect Streets.



## 2. **Joint and Cross Access:**

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

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

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

**FINDINGS:** The proposal includes a shared driveway for 12 lots and 6 individual access points onto Montello Avenue a local street. The subject property has approximately 410 feet of frontage on 30<sup>th</sup> Street with no direct access proposed. The applicant proposes two intersections onto 30<sup>th</sup>, which are natural extensions of the gride street network and require no modifications to width or access spacing.

The driveway approach for the private alley connection to 30th St. shall be designed per the HRES and the design of the approach wings shall be detailed with grades and elevations. The approach shall meet ADA compliance. One (1) curb cut with a maximum driveway approach throat width of 29 feet will be allowed per HRMC 13.28.030 – Permit Issuance for Driveways. The width of the wings and transitions shall be adequate to meet all ADA requirements. Driveway approaches to be completed at the time of building construction, as a condition of permit issuance.

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

4. **Requirements for Phased Development Plans:**
  - a. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one (1) building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both may be cited for any violation.
  - b. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

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

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

**FINDINGS:** There is no legal non-conforming access connection.

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

**FINDINGS:** There are no reverse frontage lots. All lots access local streets directly or via shared access.

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

In addition to the standards and requirements of the Transportation Circulation and Access Management section of this ordinance (Section 16.12 and Section 17.20), parcels wholly or partially within an adopted IAMP Overlay Zone are subject to the Access Management Plan in the applicable IAMP (Exit 62 or Exit 63/64). The following applies to land use and development applications for parcels within an adopted IAMP Overlay Zone that are subject to Chapter 17.16 Site Plan Review or Title 16 Subdivisions and that are shown as part of an “Access Management Block” subject to the recommendations of the Access Management Plan (see Figure 9, Access Management Blocks, in the Exit 62 IAMP and Figures 10 and 11, Access Management Blocks, in the Exit 63 and 64 IAMP).

**FINDINGS:** The subject property is located Interchange Area Management Plan (IAMP) Overlay Zone and findings are provided and analyzed in the Traffic Impact Analysis.

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

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

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

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

**B. Exemptions. Section 17.20.040 does not apply to single-family and two-family housing (attached, detached, or manufactured housing) or home occupations.**

C. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or 50 feet, whichever is less. Long-term (*i.e.*, sheltered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Racks shall allow frames and wheels to be locked. Shared facilities will be allowed.

- D. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. Options for Storage. Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building, including beneath roof overhangs and awnings.
- F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.
- G. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance areas (see Diagram “A” – 17.04.090).

**FINDINGS:** There are no multifamily developments proposed as part of the subdivision. If multifamily dwellings are approved in the future, **a condition of approval is included to require that the final plans submitted for permits include provision for long-term bicycle parking spaces inside or covered and a minimum of 2 short-term bicycle parking spaces near the entry of a common building. Conformance with the bicycle parking standards shall be verified prior to occupancy.** As conditioned, the proposal is consistent with these requirements.

**17.20.050 Standards for Transportation Improvements**

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

**FINDINGS:** The proposed development includes the construction of a street or road as part of subdivision or land partition approved consistent with the applicable land division ordinance as such, the standards of HRMC 17.20 are applicable to the proposal.

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

- 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are
  - a. Not improvements designated in the Transportation System Plan; or

- b. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.

2. An application for site plan review is subject to review under *Site Plan Review* (Chapter 17.16); however, the decision criteria do not apply. In order to be approved, the site plan permit shall comply with the Transportation System Plan and applicable standards of this title, and shall address the criteria below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
- b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- d. Project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this ordinance.

3. Street and interchange improvements (defined as parking removal, access modifications in IAMP blocks, new lanes, new streets, signalization modifications). The site plan review shall include findings and solutions addressing safety, mobility, and the effect of traffic beyond the immediate vicinity, pedestrian system, bike system, parking and economic enterprise will be protected and/or enhanced by the proposed. “The following facility(ies) shall be considered in the study area for all traffic analysis unless modified by the City Engineer: All access points and intersections signalized and un-signalized adjacent to the proposed site, if the proposed site fronts an arterial collector street the analysis shall address all intersection and driveways along the site frontage and within the access facing distances extending out from the boundary from the site frontage roads through and adjacent to the site. All intersections that receive site generated trips that comprise at least 10% or more of the total intersection volume. All intersections needed for signal progression analysis. In addition to these requirements the City Engineer may determine any additional intersections or roadway links that may be adversely affected as the result of the proposed development.

**FINDINGS:** These standards apply to transportation improvements such as new roads that are not included in the City’s Transportation Plan. The proposed improvements to Montello and Prospect are not within an existing local street public right-of-way and traffic impacts are discussed in the traffic impact analysis below.

### **17.20.060 Traffic Impact Analysis**

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the city to adopt a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis (TIA) must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a TIA; and who is qualified to prepare the analysis.

B. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the *Trip Generation* manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily and peak hour (weekday and/or weekend) vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate. A trip generation study may be used to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which a similar facility is available to count.

C. Applicability and Consultation. A Traffic Impact Analysis shall be required to be submitted to the city with a land use application when (1) a change in zoning or plan amendment is proposed or (2) a proposed development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis, field measurements, crash history, Institute of Transportation Engineers *Trip Generation*; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

- a. The proposed action is estimated to generate 250 Average Daily Trips (ADT) or more, or 25 or more weekday AM or PM peak hour trips (or as required by the City Engineer);
- b. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day
- c. The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
- d. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- e. A change in internal traffic patterns that may cause safety problems, such as back up onto public streets or traffic crashes in the approach area.

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

**FINDINGS:** The applicant submitted a Traffic Impact Analysis that scoped the zone change and subsequent development of an 18-lot subdivision and noted the project is dependent on an amendment to the existing City of Hood River Transportation System Plan, which will re-align the planned extension of Mt Adams Avenue further west. In its analysis the applicants engineer forecasted that the proposed development is estimated to generate a total of 13 trips during the morning peak hour, 18 trips during the evening peak hour, and 170 (also noted as 208) trips each weekday and does not generate enough trips to warrant further analysis at the six identified Interchange Access Management Plan intersections.

The applicants findings are paraphrased as followed:

*That based on a review of the most recent five years of available crash data, no significant trends or crash patterns were identified at any of the study intersections that were indicative of safety concerns. Left-turn lane warrants were examined for the southbound left-turn at the intersection of May Street and Frankton Road, the eastbound left-tun at the intersection of May Street at 30th Street, and the eastbound left turn at the intersection of May Street at Rand Road. No left-turn lanes*

*were projected to be warranted at any of the applicable approaches under any of the analysis scenarios. Traffic signal warrants are not projected to be met at any of the study intersections under all analysis scenarios. Based on the results of the operational analysis, all study intersections are currently operating acceptably per City of Hood River standards and are projected to continue operating acceptably upon full buildout of the proposed development through year 2022. No operational mitigation is necessary or recommended for these intersections. Based on the provided reasonable worst-case development scenarios under existing and proposed zones, the proposed zone change satisfies Oregon's Transportation Planning Rule..*

Comments and concerns regarding traffic generated by new development are typically raised at the time of proposed new subdivisions. As described in the applicant's TIA, total weekday vehicular trips are expected to be approximately 208 trips. Vehicular access for the proposed development will be provided by the extension of Prospect and Montello Avenues. Both roads will be public and are classified as local streets in the City's Transportation System Plan (TSP) with a speed limit of 25 mph. The TSP explains that local streets are designed to accommodate between 1,000 and 1,200 vehicles per day through residential areas. When a proposed development is expected to increase through-traffic on a residential local street by more than 200 vehicles per day, or 20 or more vehicles in the PM Peak Hour, the City may consider requiring traffic calming mitigation measures. Based on the TIA and the subsequent analysis of the City Engineer traffic volume may increase and the proposed development forecasted to generate more than 200 vehicle trips per day on the proposed residential local streets (that would trigger the requirement for traffic calming mitigation) and no safety hazards have been identified as a result of the development. As discussed in this report, with conditions of approval to ensure the sight distance standard is met for Prospect and Montello at 30<sup>th</sup> Street, and trip generation is updated to reflect 36 attached dwelling units for the purposes of proportionate share and trip generation, the proposal meets the City's access management standards.

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

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

**FINDINGS:** The applicant submitted a Traffic Assessment Letter (TAL) prepared by Lancaster Engineering (May 12, 2020; Attachment A) and therefore the exemption requirements of HRMC 17.20.060.D do not apply.

E. Traffic Impact Analysis Requirements.

1. Preparation. A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis and will be paid for by the applicant.

2. Transportation Planning Rule Compliance. See Chapter 17.08.050 Transportation Planning Rule Compliance.

3. Pre-application Conference. The applicant will meet with the City Engineer prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected.

F. Study Area. The following facilities shall be included in the study area for all Traffic Impact Analyses (unless modified by the City Engineer):

1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.

2. Roads through and adjacent to the site.

3. All intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume.

4. All intersections needed for signal progression analysis.

5. In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development.

6. Those identified in the IAMP Overlay Zone (see Subsection I).

G. When a Traffic Impact Analysis (TIA) is required, the TIA shall address the following minimum requirements:

1. The TIA was prepared by an Oregon Registered Professional Engineer; and

2. If the proposed development shall cause one or more of the effects in Section 17.20.060(C), above, or other traffic hazard or negative impact to a transportation facility, the TIA shall include mitigation measures that are attributable and are proportional to those impacts, meet the City's adopted Level-of-Service standards, and are satisfactory to the City Engineer and ODOT, when applicable; and

3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

a. Minimize the negative impacts on all applicable transportation facilities; and

b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and

c. Make the most efficient use of land and public facilities as practicable; and

d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and

e. Otherwise comply with applicable requirements of the Hood River Municipal Code.

4. If the proposed development will increase through traffic volumes on a residential local street by 20 or more vehicles during the weekday p.m. peak hour or 200 or more vehicles per day, the impacts on neighborhood livability shall be assessed and mitigation for negative impacts shall be identified. A negative impact to neighborhood livability will occur where:

a. residential local street volumes increase above 1,200 average daily trips; or

b. the existing 85<sup>th</sup> percentile speed on residential local streets exceed 28 miles per hour.

**FINDING:** A Traffic Impact Analysis was required, and HRMC 17.20.060.E – G is applicable.



H. Conditions of Approval. The city may deny, approve, or approve a development proposal with appropriate conditions needed to meet transportation operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Factors that should be evaluated as part of land division and site development reviews, and which may result in conditions of approval, include:

1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.
2. Access for new developments that have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.
3. Right-of-way dedications for planned roadway improvements.
4. Street improvements along site frontages that do not have improvements to current standards in place at the time of development.
5. Construction or proportionate contribution toward roadway improvements necessary to address site generated traffic impacts, i.e. construction or modification of turns lanes or traffic signals.

**FINDINGS:** HRMC 17.20.060.H authorizes conditions of approval needed to meet transportation operations and provide right-of-way improvements necessary to develop the future planned transportation system, including construction or proportionate contribution toward roadway improvements necessary to address site generated traffic impacts. As discussed in this report, and stated in the previous section with **conditions of approval** relating to limits on site development permits, sight distance standard is met for Prospect and Montello at 30th Street and the generation model is updated to reflect 36 attached dwelling units for the purposes of proportionate share and trip generation, the proposal meets the City's access management standards.

The proposed residential development will generate traffic impacting Montello, Prospect, 30<sup>th</sup> Street, May Street and other streets and intersections in the vicinity as addressed in the TIA. The City Engineer reviewed the applicant's TIA and provided the following comments (Attachment E):

Previous traffic reports have indicated that the intersections of Cascade Ave. @ Mt Adams Ave., Rand Rd., 20th St., and I-84 Exit 62 do not meet the City's minimum level of service. Therefore, these intersections do not provide adequate public facilities for the proposed development. To ascertain the impact from the development on these intersections, the TIA prepared by the applicant's traffic engineer shall calculate the additional trip ends generated by the proposed development passing through the Cascade Ave. @ Mt Adams Ave., Rand Rd., 20th St., and I-84 Exit 62 intersection. If the proposed development contributes trips through these intersections, the applicant must mitigate the development's impact to those intersections.

One form of mitigation offered by the City is to pay a proportionate share for future improvements at those intersections due to the peak hour impact. Proportionate share fees provided are current as of the date of this document. The current fees at time of permit issuance shall apply.

As discussed in HRMC 17.16, **conditions of approval are included to require payment of proportionate share for improvements at intersections that meet warrants for a traffic signal based on additional vehicular trips expected with this development. Conditions of approval**

**also are included to require the applicant's Traffic Assessment Letter to be updated to reflect access spacing standards, trip generation for duplexes, trip distribution, and the restriction of vehicular access on 30<sup>th</sup> Street.** Other standards and conditions are discussed above in Chapter 17.16.040, Public Facilities to address sight distance and frontage improvements.

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

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

The City's TSP identifies 30th St. classified as a local street. The existing ROW is approximately 44 feet. The required ROW for a local street is 50' therefore, six feet (6') of ROW must be dedicated from the eastern property line of 30th St.

The improvements required by the applicant shall include half street paving, 5' separated sidewalk, 5' planting strip, new curb and gutter, and provide new catch basin(s) aligned with the new curb line as required. Depending upon the condition of existing pavement, additional paving may be required as much as two feet (2') beyond the centerline or crown in the road. Street improvements shall be extended a minimum of 25 feet beyond the limits of the project when transitions to existing conditions are necessary. If the applicant intends to utilize the planting strip area for stormwater purposes additional ROW will be required to accommodate a nine foot (9') planting strip/swale and proposal must be approved by the City Engineering Department.

The City's TSP identifies Montello Ave. as local streets The minimum required ROW for the extension is 50'. Therefore, a minimum of 50' of ROW must be dedicated from tax lot 200 along the alignment per the proposed development. Additional ROW may be required.

The City's TSP classifies the extension of Prospect Ave. as a local street. The required ROW dedication is tbd, approximately 46-48'. The Applicant shall be required to provide full street frontage improvements as outlined in the City's TSP, Figure 6E – Local Option A. The Applicant shall be required to provide full street frontage improvements as outlined in the City's TSP, Figure 6E – Local Option A. The improvements required by the applicant shall include full street paving, 5' separated sidewalk, 5' planting strip, new curb and gutter, and provide new catch basin(s) aligned with the new curb line as required.

The City's TSP identifies the future extension of Mt. Adams Ave., classified as a minor arterial. The required ROW for a minor arterial is 70' therefore, 70' of ROW must be dedicated from tax lot 200 along the alignment of the future extension of Mt Adams Ave. as identified in the City's TSP. Currently the City is in process to amend the City's TSP to provide an alternative route for the minor arterial and it is recommended that the applicant's future site development issuance shall enter into an administrative hold until the City has completed the City's TSP amendment process.

**Conditions of approval are included to require right-of-way dedication on 30<sup>th</sup> Street, Prospect, and Montello the amounts to be consistent with City of Hood River Comments provided in Attachment E and to determined based on stormwater treatment approaches , and a condition limiting the issuance of final site development permits until the 2011 TSP update is completed.**

As conditioned, the proposal is consistent with HRMC 17.20.060.

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

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

## **CHAPTER 16.08 - GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS, REPLATS, PLAT VACATIONS, AND LOT LINE ADJUSTMENTS**

*Legislative History: Ord. 1816 (2001); Ord. 1888 (2005); Ord. 1951 (2008)*

### **SECTIONS:**

- 16.08.010 Approval Process for Subdivisions and Partitions
- 16.08.020 Preliminary Plat Submission Requirements and Approval Criteria
- 16.08.030 Final Plat Submission Requirements and Approval Criteria
- 16.08.040 Filing and Recording
- 16.08.050 Variances and Penalties
- 16.08.060 Replatting and Vacation of Plats
- 16.08.070 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.

**Finding:** A pre-application conference was held on August 29th, 2019.

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.

**Finding:** A preliminary subdivision plat was submitted as part of the application (see Attachment A).

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.

**Finding:** In order to satisfy the criteria, a condition of approval is included to ensure that the final plat is submitted and reviewed in accordance with Titles 16 and 17 of the Hood River Municipal Code.

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

**Finding:** In order to satisfy the criteria, a condition of approval is included to ensure that the final plat is submitted within a Two-year period or extension requested, in accordance with Titles 16 and 17 of the Hood River Municipal Code.

**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.

1. **Minor Amendments:**

a. Minor Amendment Defined. The Planning Director may determine that the proposed amendment(s) is minor if all of the following criteria are met by the proposed changes:

- (1) There will be no change in land use;
- (2) There will be no increase in the number of dwelling units;
- (3) There will be no change in the type and/or location of access ways, drives, or parking areas that affect off-site traffic;

- (4) There will be a less than five percent (5%) reduction in the area reserved for common open space and/or usable open space; and
- (5) There will be a less than five percent (5%) reduction to specified setback requirements, provided the minimum setback standards of the zone can still be met.

b. **Minor Amendment Request.** An application for approval of a minor amendment is reviewed as an Administrative action under Title 17 (Section 17.09.030). A minor amendment shall be approved, approved with conditions, or denied based on written findings that the proposed development is in compliance with all applicable requirements of Title 17 – Zoning Ordinance.

2. **Major Amendments:**

a. **Major Amendment Defined.** Any modification to a land use decision or approved development plan which is not within the description of a minor amendment as provided above, shall be considered a major amendment.

b. **Major Amendment Request.** An applicant may request a major amendment as follows:

- (1) When the Planning Director determines that the proposed amendment is a major amendment, the applicant shall submit an application for the major amendment.
- (2) The amendment request shall be subject to the same review procedure (Administrative or Quasi-Judicial) and approval criteria used for the initial project approval; however, the review shall be limited in scope to the amendment request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

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.

**Finding:** In order to satisfy the criteria, a condition of approval is included to ensure that any amendment or extension request is processed in accordance with Titles 16 and 17 of the Hood River Municipal Code.

D. **Phased Development.**

- 1. 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.
- 2. The criteria for approving a phased land division proposal are
  - a. Public facilities shall be constructed in conjunction with or prior to each phase;

- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Chapter 16.12. A temporary public facility is any facility not constructed to the applicable City standards;
- c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
- d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

**Finding:** No phases are proposed as part of the subdivision application, if phasing is requested the applicant shall follow the procedures set forth in the Title 16 and 17 and abide by requirements set for time limits, amendments, and or approval extensions.

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

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:**
  - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
  - b. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1:20 unless otherwise authorized by the City Engineer;
  - c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
  - d. Names, addresses, and telephone numbers of the owners, designer, and engineer or surveyor, if any, and the date of the survey; and
  - e. Identification of the drawing as a “preliminary plat”.
- 2. **Site analysis:**

- a. Streets: Location, name, present width of all streets, alleys, rights-of-way, sidewalks, and pedestrian and multi-use pathways on and abutting the site;
  - b. Easements: Width, location, and purpose of all existing easements of record on and abutting the site;
  - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
  - d. Ground elevations shown by contour lines at five (5) foot vertical intervals for ground slopes exceeding ten percent (10%) and at two (2) foot intervals for ground slopes of less than ten percent (10%). Such ground elevations shall be related to some established bench mark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than one percent (1%). When contours are not shown, a reasonable number of spot elevations, as determined by the City Engineer, may be required;
  - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
  - f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
  - g. Sensitive lands, including wetland areas, streams, wildlife habitat, significant trees and shrubs (Section 16.12.030), and other areas identified by the City or natural resource regulatory agencies as requiring protection;
  - h. Site features, including existing structures, pavement, and drainage ways, canals, and ditches;
  - i. Designated historic and cultural resources on the site and adjacent parcels or lots;
  - j. The location, size, and species of trees having a caliper (diameter) of four (4) inches or greater at four (4) feet above grade; and,
  - k. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features, code requirements, and/or state and federal requirements.
3. **Proposed improvements:**
- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
  - b. Location, width, and purpose of all easements;
  - c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
  - d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
  - e. Proposed improvements, as required by Chapter 16.12, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
  - f. The proposed source of domestic water;
  - g. The proposed method of sewage disposal;

- h. Method of surface water drainage and treatment if required;
- i. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation (ODOT) related to proposed railroad crossing(s);
- k. Changes to streams or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
- l. Identification of the base flood elevation for development in areas prone to inundation. Evidence in writing of contact with the Federal Emergency Management Agency (FEMA) to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
- m. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction;
- n. Evidence in writing of contact with the applicable natural resource regulatory agency(ies) for any development within or minimum of 200 feet adjacent to jurisdictional wetlands or other regulated water resources;
- o. Street trees plan; and
- p. Future street plan in accordance with Section 16.12.020(K).

**Finding:** The applicant submitted the required preliminary plat information for staff and the Planning Commission to evaluate the general approval criteria. The primary plat is included as part of Attachment A. Conditions of approval have been included throughout this staff report to ensure conformance with this Title.

**C. General Approval Criteria.** The City may approve, approve with conditions, or deny a preliminary plat based on the following 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;
  - a. Corner lots shall have a minimum of thirty (30) feet of frontage on public dedicated roads;

**Finding:** The findings of this staff report address the applicant's compliance with applicable provisions of the Hood River Municipal Code and Comprehensive Plan. Conditions of approval are noted throughout this report where required to ensure compliance with the code. As indicated on the preliminary plat, all proposed corner lots have over 30 feet of frontage on public dedicated roads.

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

**Finding:** The proposed plat is named "Nature's Way Vista's" (SP). A condition of approval is included to ensure the name is not already recorded for another subdivision.



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:** Proposed public improvements and dedications are identified on the preliminary plat (Attachment A). As identified on the plat, sanitary sewer, domestic water and storm drainage facilities will extend from the existing utilities within 30th Street. Frontage and access for proposed Lots 1-6 will also be provided from Montello Avenue, access for lots 7-18 will be from a shared access. The street network conforms to the Fox Hollow subdivision to the north and Adams View subdivision to the west.

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:** Proposed Lots 1-6 will utilize Montello Avenue a designated as local street in the City's TSP. Montello and Prospect extensions and a private alley, running east-west between 29th and 30th Streets, are proposed and laid out as logical extensions of the existing street network and have been designed to be compatible with City of Hood River engineering standards and existing topographical conditions.

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

**Finding:** The interior east-west street of the development will be designed and classified as a private alley. The final conditions must comply with the City Standards for alleys. The applicant will dedicate 20' for a public access easement. Improvements required by the applicant include 16' of pavement with 12" flush curbs on each side.

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).

**Finding:** The adequacy of public facilities to the serve the site is dependent on specified and completed on and off site improvements. Taxing entities and service providers have been provided notice of the application. To date no objections or unaddressed concerns remain outstanding from outside agencies.

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;

**Finding:** Adequate public facilities are available to each proposed parcel for sewer, water, storm and public dedicated streets. The entire parcel is located in “Zone C” of the Flood Insurance Rate Map, September 24, 1984. This means the area is in an area of minimal flooding.

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;

**Finding:** A final stormwater management plan as described in the HRES will be required for this development. Water quality treatment shall apply 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.

The preliminary concept of stormwater management has been deemed as feasible by the City Engineer. A determination of feasible by the City Engineer does not constitute approval of the final engineering. Prior to site development permit issuance, the final grading/site plan, stormwater report, and calculations shall be reviewed for compliance with the HRES and applicable code specifications at the time of engineered plan review, construction site/ROW permit application, and/or building permit application. Please refer to the HRES to ensure all requirements are met.

**During final engineering and pond sizing it remains a possibility that a lot may be lost to provide adequate area for the stormwater facilities.**

The existing 15” City stormwater infrastructure located in 30<sup>th</sup> St. is undersized for current existing conditions. Therefore, tax lot 200 has inadequate public stormwater facilities and shall be addressed accordingly. The COHR Stormwater Master Plan identifies CIP #26. The portion of the project required for development includes approximately 424 feet of 24” along 30<sup>th</sup> St. from the existing manhole north of May St. to the existing manhole at Montello Ave and approximately 275 feet of 24” along 30<sup>th</sup> St. from the existing manhole at Montello Ave. to the existing manhole at Eugene St. However, the entire CIP #26 and CIP#4 must be completed in full to obtain a connection to the City stormwater system in 30<sup>th</sup> St. The completion of CIP#4 relies on coordination with applicable property owners.

The COHR Stormwater Master Plan identifies DP #10 (see attached). The portion of the project required for development includes 12” pipe along the extension of Montello Ave. from a new manhole west of 30<sup>th</sup> St. and Montello Ct. to the western property boundary of tax lot 200.

- a. Option 1: Obtain a drainage easement with tax lot 400 and provide full dispersion across tax lot 400.
- b. Option 2: Applicant must obtain an easement and coordinate with tax lot 400 to build the entire DP#10 project and construct a temporary outfall to the open channel until DP#5 and 6 are completed.

As a condition of approval, the applicant shall construct adequate stormwater infrastructure per the COHR Stormwater Master Plan

- 9. Underground utilities are provided;

**Finding:** This is a requirement of all subdivisions in the City of Hood River. In order to ensure consistency with the criteria is included as a condition of approval requiring that all utilities be placed underground. Additional details are included in the Hood River Engineering Department Comments Dated September 18<sup>th</sup>, 2020.

- 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.

**Finding:** The entire parcel is located in “Zone C” of the Flood Insurance Rate Map, September 24, 1984. This means the area is in an area of minimal flooding and is not subject to any special hazard designation for flooding.

- 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.

**Finding:** The entire parcel is located in “Zone C” of the Flood Insurance Rate Map, September 24, 1984. This means the area is in an area of minimal flooding. There are no bodies of water within the vicinity of the site that could be subject to flooding therefore, a determination of base flood elevation is not required by the City Engineer.

- D. **Future Re-Division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two (2) times or two hundred percent (200%) the minimum lot size allowed by the underlying land use zone), the City shall require that the lots be of such size, shape, and

orientation as to facilitate future re-division in accordance with the requirements of the zone and this Title.

1. A re-division plan shall be submitted which identifies
  - a. Potential future lot division(s) in conformance with the housing and density standards of Title 17;
  - b. A Future Street Plan consistent with the Local Street Connectivity standards of the Transportation System Plan and, for major partitions and subdivisions in compliance with Section 16.12.020(K) which identifies potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
2. The re-division plan shall also include a disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation. Additionally, if the Planning Director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the preliminary plan approval.

**Finding:** A condition of approval is recommended that this plat include a re-division plan, that shall be provided as part of the final construction and plat documents to ensure utilities, frontage improvements, lot coverage, and driveway access points are coordinated and maintained.

E. **Conditions of Approval.** The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

**Finding:** Conditions of approval are recommended as necessary to carry out provisions of this Code or other applicable ordinances and regulations.

## **CHAPTER 16.12 - GENERAL DESIGN AND IMPROVEMENT STANDARDS**

*Legislative History: Ord. 1816 (2001); Ord. 1877 (2005); Ord. 1949 (2008); Ord. 2002 (2011)*

### **SECTIONS:**

- 16.12.010 General Applicability
- 16.12.020 Vehicular Access and Circulation
- 16.12.030 Pedestrian and Bicycle Access and Circulation
- 16.12.040 Landscape Conservation
- 16.12.050 Street Trees
- 16.12.060 Public Facilities Standards
- 16.12.070 Performance Guarantee
- 16.12.080 Warranty Guarantee

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.
  - 3. Permits for access to County highways shall be subject to review and approval by the County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

**Findings:** The proposed lots will connect to the extension of Prospect and Montello. The permitting process for ensuring proper sidewalks, curb cuts, aprons and other improvement meet City Standards is through submittal of improvement plans to the Engineering Department prior to construction.

- 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.)

**Findings:** A traffic analysis was required and submitted by the applicant. The study findings are included in a memorandum by Lancaster Engineering, dated May 12, 2020 (see Attachment A). The study found no significant impacts would result from the proposed 18-lot subdivision.

- E. **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.).

**Finding:** Access is proposed via driveways connecting to adjacent public streets for Lots 1-6 (Option 3) and proposed midblock alley and lane for Lots 7-18 (Option 1). Access spacing requirements are addressed below.

- F. **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 <sup>d</sup>
Minor Arterial Street	660-1,000 feet	300 feet
Collector Street	220-440 feet	100 feet
Local Street	200 feet	22 feet

<sup>a</sup> Exceptions may be made by the City Engineer

<sup>b</sup> Measured centerline to centerline

<sup>c</sup> Public streets within the IAMP Overlay Zone are subject to the standards in Section 17.20.030.D.

<sup>d</sup> 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.

**Finding:** All the streets are currently designated as local streets; however, the future extension of Mount Adams is identified as a minor arterial in the City’s TSP. Local streets require a minimum 200-foot spacing, which has been met for street intersections, including the proposed future east-west local street associated with the shadow plat. The proposed distance between the local streets is 259 feet from centerline to centerline in compliance with the Access Spacing Standard.

**G. 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.

**Finding:** Driveways will share access onto a private midblock alley and shall require an access easement. **As a condition of approval Access easements (i.e., for the benefit of affected properties and the public) shall be recorded for all shared driveways, including pathways, at the time of final plat approval**

- H. **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:** Based on the future extension of Montello and Prospect and as depicted in the preliminary subdivision, the newly formed future block length meets the 600-foot maximum block length and the 1,600 foot perimeter requirements.

- 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.
  2. **Submittal Requirements:** The Future Street Plan shall include sufficient dimensions and other data to verify conformance to the FSP criteria. The FSP shall incorporate the following details, both on-site and off-site:



- a. The FSP shall be no larger than eleven (11) inches x seventeen (17) inches and may include several sheets;
  - b. The topography for slopes of fifteen percent (15%) or greater with contour intervals not more than ten (10) feet;
  - c. The name, classification, location, right-of-way width, centerline radius, grade of all existing and proposed streets, bike-ways, and pedestrian ways within the subject site;
  - d. Property lines and dimensions;
  - e. Existing and proposed streets and pedestrian/bicycle facilities and destinations, within 600 feet of the development;
  - f. Site access points for autos, pedestrians, bicycles; and
  - g. The conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.
3. **Review Criteria:** A proposed FSP shall comply with the relevant portions of the Title 17, the Transportation System Plan, and the following:
- a. A future street plan shall
    - (1) Adequately serve local traffic (i.e., traffic with an origin in, and destination to, the area of the plan);
    - (2) Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs;
    - (3) Provide multi-directional access and circulation to the street system, avoiding maze-like and discontinuous street patterns;
    - (4) Balance traffic distribution within an area, rather than concentrating traffic on a few streets;
    - (5) Minimize the impact to natural resources and fit the landscape; and
    - (6) Provide pedestrian access and create neighborhoods.
  - b. Wherever feasible, streets, alleys, and pedestrian-bicycle accessways shall connect on both ends to other streets, within the development and to existing and planned streets outside the development. Pedestrian/ bicycle accessways may connect on one (1) end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in 16.12.060(B)(13).
  - c. Pedestrian accessways shall be provided as required under 16.12.030.
4. **Filing a Future Street Plan:** Upon approval by the review authority, a FSP shall be made a matter of record by being recorded by the Planning Director on a future street index to be maintained by the Planning Department.
5. **Compliance with or Revision to Future Street Plans.** New developments shall be consistent with adopted FSP. Where proposed new development is not consistent with an existing plan, the applicant shall seek revision through a separate application or in conjunction with a land division or site plan review application. A revision to an approved future street plan shall be reviewed by the Planning Director as an administrative procedure. All revisions to future street plans must comply with review criteria for FSP.

**Finding:** A future street plan meeting the criteria detailed above was provided by the Applicant and included as part of (Attachment A). This is included as part of the preliminary

plat that completes the block and identifies extensions and connectivity to the surrounding street network to the west.

- 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.

**Finding:** Not applicable, all lots associated with this preliminary plat will be accessible from a publicly dedicated street. The proposed turn around via public alley eliminates a dead end connection prior to future development.

#### 16.12.030 Pedestrian and Bicycle 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(I). 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.**

**Finding:** No exclusive pedestrian pathways are proposed, so the above criteria are inapplicable. As depicted in the preliminary plat all lots include frontage improvements including a sidewalk system and an internal alley will provide access to 12 of the proposed lots.

#### 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.

**Finding:** The Applicant has provided an arborist report regarding the trees on site including tree preservation and removal. The subject property has a limited number of trees along on the frontage of 30<sup>th</sup> Street. The report focuses on 10 trees immediately west of the curb line along 30th Street that are expected to be removed by the frontage improvements for sidewalk. The applicant's arborist notes that only desirable trees have been included in this inventory and there are many "volunteer" cheery trees which were not included as they may be considered invasive.

The plan indicates the removal 9 trees with the retention of a single 20-inch ponderosa Pine. Retention and replacement will be a condition of approval. A condition of approval is included to ensure the protection of the significant trees that qualify under 16.12.040.

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.

**Finding:** A condition of approval is recommended that prior to final plat approval, street trees shall be provided in conformance with HRMC 16.12.050, including a minimum caliper size of two inches and shall be provided no more than 30 feet apart along all frontages.

#### 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.

**Finding:** A condition of approval complying with the public facility standards will be included.

##### 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.

**Finding:** All lots are on streets that are dedicated to the public in conformance with the access and circulation standards. Proposed lots are served by existing streets (Montello and Prospect), which shall be hard surfaced. Frontage improvements along Montello Avenue, Prospect, and 30<sup>th</sup> Streets are required and have been proposed by the Applicant.

- 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.

**Finding:** No street modifications have been requested of the City Engineer.

- 3. **Creation of Rights-of-Way for Streets and Related Purposes:** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name "the public," as grantee.

**Finding:** This phase of the subdivision includes construction of new streets to be created via final plat.

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.

**Finding:** Access to proposed lots shall be by streets created by subdivision plat. An access easement shall be required as part of the creation of the midblock alley.

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 consistent with the widths shown in Figures 16.12-A through 16.12 G. 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.

**7. Traffic Signals and Traffic Calming Features:**

- a. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.
- b. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

**Finding:** According to the Applicant's Traffic Analysis Letter (Attachment A), the proposed subdivision does not warrant a traffic signal, or traffic calming features.

**8. Future Street Plan and Extension of Streets:**

- a. Where required by Section 16.12.020(K)(1) a Future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision or partition in order to facilitate orderly development of the street system.
- b. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the City Engineer determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subsections (1)-(3), below:
  - (1) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
  - (2) A barricade (e.g., fence, bollards, boulders, or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
  - (3) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

**Finding:** The Applicant provided a future street layout as required (Attachment A). The drawing indicates a conceptual alignment of future Mt Adams and layout of a conceptual subdivision to the north and west. The plan complies with the above requirements for logical extensions and temporary turnarounds by way of midblock alley.

**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:
  - (1) Four hundred (400) feet length and 1,200 feet perimeter in the Central Business District;
  - (2) Six hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
  - (3) Not applicable to the Industrial zone (I); and
  - (4) 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.

**Finding:** These standards have been addressed in section 16.12.020 above.

**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.

**Finding:** Frontage improvements, including sidewalks and plater strips are required along Prospect and Montello Avenue and 30th Street and are indicated within the latest site plan. AS conditioned the site complies with the requirements for frontage and street improvements.

11. **Intersection Angles:** Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area, or similar neighborhood amenity.

**Finding:** The proposed streets intersect and align with the existing street network in compliance with the intersection angles. Conditions of approval are required to evaluate site visibility of the proposed intersections.

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).

**Finding:** The existing and proposed right of way requirements including street development requirements are discussed and conditioned under 17.20 and within the engineering departments review of the proposal.

13. **Cul-de-sacs:** A dead-end street shall be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.

- a. All cul-de-sacs shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a minimum radius of forty-two (42) feet, (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width; and
- b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

**Finding:** There are no cul-de-sacs included as part of this application.

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.

**Finding:** A condition of approval is recommended that all concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in HRMC 16.12.020 and 16.12.030, and in compliance with the requirements of the City Engineer and American with Disabilities Act regulations.

16. **Streets Adjacent to Railroad Right-of-Way:** Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.

**Finding:** The subject site is not adjacent to a railroad right-of-way. As such, these requirements are not applicable.

17. **Development Adjoining Arterial Streets:** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic and shall minimize traffic conflicts. The design shall include one (1) or more of the following:
- a. A parallel access street along the arterial with a landscape buffer separating the two (2) streets;
  - b. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 16.12.020;
  - c. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
  - d. Other treatment suitable to meet the objectives of this subsection;
  - e. If a lot has access to two (2) streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 16.12.020.

**Finding:** The subdivision site does not abut an arterial street, and, as such, these requirements are not applicable. Conditions regarding future arterial alignments are discussed within this report.

18. **Alleys, Public or Private.** Alleys shall conform to the standards in the Transportation System Plan. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than twelve (12) feet.

**Finding:** The private alley specifications are detailed in the September 18<sup>th</sup>, 2020 Engineering comments.

19. **Private Streets:** Private streets shall not be used to avoid connections with public streets. Gated communities shall be prohibited when they block street connections that are outlined in the Transportation Systems Plan street connectivity plan. Design standards for private streets shall conform to the provisions of Table 16.12-A.

**Finding:** No private streets are proposed and, as such, these requirements are not applicable.

20. **Street Names:** No street name shall be used that will duplicate or be confused with the names of existing streets in the City or Urban Growth Area, except for extensions of existing streets. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers and the City Charter.

**Finding:** New streets are proposed as part of this application and shall continue the naming system to conform with the provision.

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.

**Finding:** The applicant must comply with all surveying and monumenting requirements as part of final platting and site development.

22. **Street Signs:** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

**Finding:** A condition of approval is included to ensure the applicant complies with all street sign installation requirements.

23. **Mail Boxes:** Plans for mail boxes to be used shall be approved by the United States Postal Service.

**Finding:** A condition of approval is included to ensure the applicant complies with the mail box installation standards.

24. **Street Light Standards:** Street lights shall be installed in accordance with City standards and shielded in a downward pattern.

**Finding:** Street lighting shall be included at intersections and along all frontages the proposed subdivision. The developer shall be required to coordinate with Engineering and franchise power to locate and install public street lights.

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.

**Finding:** A condition of approval is included to ensure the applicant installs the final lift of pavement in accordance with City standards.

#### D. **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.

**Finding:** The Applicant does not propose to dedicate parkland.

**E. 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.

**Finding:** Sanitary sewer and water improvements are noted on the preliminary plat (included in Attachment A). The City Engineer has included conditions of approval to ensure improvements meet City standards.

Water:

City water is available in 30th St. and the connection should be made to the 10" water line.

The COHR Water Master Plan identifies a Near Term Developer Project for a 10" waterline constructed from the intersection of 30th St. and Prospect Ave. to the western edge of tax lot 200.

Applicant shall extend an 8” waterline down proposed Montello Ave. to the western property boundary and loop an 8” waterline through the north-south street from Montello Ave. to the 10” waterline required in Prospect Ave.

#### Sanitary Sewer

Public sanitary sewer is currently not available for the subject site. Public sanitary sewer is available in 30<sup>th</sup> St. south of tax lot 200. The Applicant shall extend the existing eight inch (8”) gravity sanitary sewer main from the existing manhole and should field verify the potential connection configuration to ensure there is no conflict with existing pipes. The sanitary sewer shall be extended the full length of the frontage along tax lot 200.

Applicant shall extend an 8” sanitary sewer down proposed Montello Ave. to serve the lots fronting Montello Ave. The line shall extend to the western property boundary and terminate at a manhole.

Applicant shall extend an 8” sanitary sewer down proposed Propsect Ave. to serve the lots fronting Prospect Ave. The line shall extend to the western property boundary and terminate at a manhole.

#### 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.

**Finding:** Storm drainage facilities are included on the preliminary plat (included in Attachment A). The City Engineer has provided conditions of approval to ensure the facilities meet City standards including the requirements for final stormwater plans and concerns of the pond sizing and impacts on proposed lots to the north.

#### 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.

**Finding:** As a condition of approval All new utilities required to serve the proposed development; from May St. and/or 30th St. shall be placed underground within the dedicated ROW. Any existing overhead utilities currently extending through the boundary of tax lot 200 shall also be placed underground. All existing overhead utilities running parallel to tax lot 200 on 30th St. shall be placed underground within the dedicated ROW.

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.

**Finding:** A condition of approval is included that 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.

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.

**Finding:** A condition of approval addressing construction plan approval and assurances is included.

**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.

**Finding:** A condition of approval regarding installation of improvements is included.

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.

- A. **Form of Performance Guarantee Required.** When a performance guarantee is required, the developer shall file an assurance of performance with the City supported by one of the following (“performance guarantee”):
1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
  2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated;
  3. Cash; or
  4. If the developer is a governmental entity, an intergovernmental agreement approved by the City Council and governing body of the developer pursuant to which the developer and/or the City agree to construct the public improvements. The City Council may condition approval of the intergovernmental agreement on the provision of an irrevocable letter of credit, surety bond, or cash, or other form of fund commitment for some or all of the costs of constructing the public improvements.
- B. **Determination of Sum.** The performance guarantee shall be for a sum determined by the City Engineer as required to cover 110 percent of the estimated cost of the work, including improvement fees and deposits, and related engineering and incidental expenses. An intergovernmental agreement does not need to cover more than 100 percent of the estimated cost of the work.
- C. **Itemized Improvement Estimate.** The developer shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance guarantee.
- D. **Agreement.** If the public improvements are not constructed or installed and inspected and approved prior to final plat approval, the developer shall sign an agreement with the City that specifies as follows. The agreement shall be on a form provided by the City and included with the final plat. In the case of a performance guarantee in the form of an intergovernmental agreement, the intergovernmental agreement shall contain the following provisions.
1. The period within which all required improvements and repairs shall be completed;
  2. A provision that if work is not completed within the period specified, the City may call on the performance guarantee (bond, cash deposit, letter of credit, or intergovernmental agreement) to complete the work; and
  3. Stipulates the improvement fees and deposits that are required.
  4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.
- E. **Reduction and Termination of Performance Guarantee.** The performance guarantee shall not be terminated, allowed to expire without written authorization from the City Engineer. The City Engineer may allow reduction of the performance guarantee as portions of the improvements are constructed, inspected and approved. Ten percent of the cost of those portions constructed shall be retained as the guarantee amount is reduced.

Upon acceptance for ownership and operation, the guarantee shall be released or returned unless required to satisfy the warranty guarantee requirement in Section 16.12.080.

- F. **Procedures.** The City Engineer shall establish standard forms for the guarantee, agreement referenced in subsection (D) above, and an administrative procedure for reduction of the guarantee when permitted.

**Finding:** A condition of approval requiring a performance guarantee is included.

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.

- A. **Warranty Guarantee Required.** A warranty guarantee is required prior to City acceptance for ownership and operation of public improvements installed or constructed by the developer. The warranty guarantee may be provided in the same manner as performance guarantees or by continuing the performance guarantee required under Section 16.12.070.
- B. **Determination of Sum.** The warranty guarantee shall be for ten percent (10%) of the actual construction cost for the public improvements to which this provision applies. The warranty guarantee shall be in effect from the date of written acceptance by the City for ownership and operation for a period of two (2) years. The City Engineer may require longer periods for guarantees with respect to public improvements constructed under contract with the City.
- C. **Repairs and Replacements.** Repairs or replacements required during the warranty period shall be guaranteed for two years from the date of completion of the repair or replacement. The City Engineer may require a separate two (2) year warranty guarantee for any repairs done pursuant to the warranty obligation. The form shall conform to subsection (A) above.
- D. **Notice of Warranty Work Required.** The City Engineer shall provide written notice to the developer of the need to perform warranty work unless the City Engineer determines that an emergency exists, that delay would cause serious additional loss or damage, or if any delay in performing the work might cause injury to any member of the public. In cases of emergency or if the developer, after written notice, fails within fourteen days to perform the work required, the City may perform the warranty work and recover the costs of the warranty work, including any additional damages suffered by the City, from the warranty guarantee. The developer shall reimburse the City for the costs of any warranty work that exceeds the amount of the warranty guarantee, including interest at the legal rate if not paid within thirty (30) days of the date reimbursement is requested.
- E. **Termination of Warranty Guarantee.** At the end of the warranty period, including any extensions, the warranty guarantee shall be released and any unused deposit money returned.

F. **Procedures.** The City Engineer shall establish standard forms and procedures for the warranty guarantee.

**Finding:** A condition of approval requiring a warranty is included.

**III. CONCLUSION:** Based on the above Findings of Fact Staff recommends the approval of the zone change from R-1 to R-2 and preliminary plat of the 18-lot subdivision **subject to the following conditions:**

1. Conditioned approval is for a preliminary plat approval for the 18-lot residential subdivision as shown on the preliminary plat prepared by Terra Surveying, Concept Plan last revised on August 3<sup>rd</sup>, 2020 by HRK Engineers, and the submitted application.
2. Prior to site development permits and recording the final plat, the applicant shall demonstrate compliance with applicable conditions of approval and compliance with Hood River Municipal Code and Engineering Standards outlined in September 18<sup>th</sup>, 2020 Engineering Comments outlined by Hood River City Engineers to IBC and included as (Attachment E).
3. Material changes to the approved preliminary plat or conditions of approval must be reviewed and approved in accordance with the criteria enumerated in HRMC 16.08.010(C).
4. The final plat shall be recorded within two years of Planning Commission preliminary approval.
5. The final plat shall substantially conform to the approved preliminary plat.
6. The applicant shall provide ADA curb ramps as necessary. All concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in HRMC 16.12.020 and 16.12.030, and in compliance with the requirements of the City Engineer. To comply with Americans with Disabilities Act (ADA) regulations, the developer shall complete all sidewalks, including the repair and restoration incurred during the course of construction prior to final acceptance.
7. Prior to final plat approval, frontage improvements, including sidewalks, curb, gutter, planter strips, and street trees shall be installed per City Engineering Standards along Montello and Prospect Avenues and 30<sup>th</sup> Street. Street trees shall be provided in conformance with HRMC 16.12.050, including a minimum caliper size of two inches for proposed trees.
8. The United States Postal Service shall approve plans for mailbox locations.

9. The City shall install all signs for traffic control and/or street names. The cost of new signage will be the responsibility of the developer.
10. The applicant will be responsible for the final lift of paving, in accordance with City standards.
11. If multi- family dwellings are approved in the future, final plans submitted for permits include provision for long-term bicycle parking spaces inside or covered and a minimum of 2 short-term bicycle parking spaces near the entry of a common building. Conformance with the bicycle parking standards shall be verified prior to occupancy.
12. A representative of the design engineer, referred to as the Resident Engineer, shall be on site nearly every day throughout the construction of public/ROW improvements in order to perform the duties of the Resident Engineer as described in the Engineering Standards.
13. Prior to final plat of each phase adequate public facilities shall be provided for that phase, or a performance guarantee meeting the requirements of 16.12.070 Performance Guarantee shall be provided on a form provided by the City. A copy of the Engineering Standards is available at the City Public Works office or on line at [www.ci.hood-river.or.us](http://www.ci.hood-river.or.us). Sewer cleanouts must be located within the sidewalk.
14. All utilities shall be placed underground including power, phone, cable television and other telecommunications lines.
15. Prior to submitting improvement plans, a pre-submittal meeting is required.
16. A final stormwater management plan as described in the Engineering Standards will be required for this development. Water quality and quantity treatment requirements apply to all impervious surfaces, new and existing, including runoff from Public Right of Way. The City encourages the use of porous pavements to reduce stormwater management requirements. Roof runoff does not require treatment, but detention requirements must be met. The applicant shall construct adequate stormwater infrastructure per the COHR Stormwater Master Plan
17. Sizing of all pipes must meet the City's Stormwater Utility Capital Facilities Plan (CFP). See City of Hood River Engineering Standards Section 4.5 Stormwater Management for design and submittal criteria. The Oregon Department of Environmental Quality requires a National Pollutant Discharge Elimination System (NPDES) 1200 – C permit for all projects that disturb one acre or more. Contact the Bend regional DEQ office at 541-388-6146 for permit application forms and more information. Prior to any site work a copy of the required DEQ 1200 – C permit shall be provided to the City Engineering Department.
18. City Engineering Standards Section 4.3 A.1) states: Elevation and grades are based on site conditions existing prior to any site work being done and are determined from aerial topographical information on file with the City Engineering Department. Prior to any site

work of the development, a site grading and erosion control plan meeting the requirements of the City of Hood River Engineering Standards shall be submitted.

19. 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.
20. 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.
21. Significant trees identified for preservation shall be identified by species and size (diameter at four (4) feet above grade, or DBH) on the final construction and site development plan. 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.
22. The applicant/property owner is 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.
23. This approval shall be valid for a period of two years from the written notice of the final decision, or the decision on an appeal, whichever is later. A single one-year extension may be granted by the Planning Director prior to the expiration date if the applicant can demonstrate compliance with applicable land division extension standards.
24. Failure to comply with these conditions will nullify this permit.
25. The final plat shall be submitted in compliance with the requirements of HRMC 16.08.030, Final Plat Submission Requirements and Approval Criteria.
26. The final plat shall be filed and recorded in compliance with the requirements of HRMC 16.08.040, Filing and Recording.

27. Right-of-way dedications on 30<sup>th</sup> Street, Prospect, and Montello shall be consistent with City of Hood River Comments provided in Attachment E and to determined based on stormwater treatment approaches.
28. Prior to site development permit issuance, the applicant shall provide and record a stormwater easement or instrument sufficient to allow the extension of stormwater facilities across Taxlot 400.
29. In order to satisfy the TSP and TPR findings in HRMC 17.08.050 B (3) c a site development plan shall not be issued for construction until the pending 2011 TSP amendment for the relocation of Mt Adams alignment D is approved;
30. The applicant shall revise its traffic impact analysis Propionate share and amendments to TIA
31. Prior to site development permit issuance, the applicant will submit a redevelopment/redivision plan to ensure utilities, frontage improvements, lot coverage, and driveway access points are coordinated and maintained
32. Prior to final plat, the applicant will dedicate cross access and public access easements across its midblock and shared alley.
33. Prior to site development permit issuance, the applicant shall comply with Farmers Irrigation Requirements related to future water rights and irrigation infrastructure.