



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

In the matter of a Conditional Use,
Planned Development, and Subdivision
application by Surround Architecture
to construct a 10-lot subdivision
for 8 townhomes & 2 detached single-
family dwellings called Hazel Ridge
PUD; File No. 2021-07

FINDINGS AND DECISION

I. BACKGROUND:

- A. **REQUEST:** A Conditional Use Permit for a Planned Unit Development including a 10-lot subdivision for 8 townhouses and two single-family dwellings. The proposal includes designation of approximately 37% of the site as common open space, construction of shared driveways, utilities, and associated site improvements including retaining walls. Access will be provided on both E. Eugene Street and E. Hazel Avenue. *(See attached application materials, Attachments "A.1" – "A.5".)*
- B. **APPLICANT:** Mark VanderZanden
- C. **OWNER:** Inland Pacific Oregon II, LLC
- D. **PROPERTY LOCATION:** Between E. Hazel Avenue and E. Eugene St.; Legal Description: 3N10E36AB Tax Lots 6900 & 6903 (Lots 1, 2, and portions of Lots 7, 8, Block 6, Winan's Addition and vacated E. 2nd Street ROW). *(See Location Map, Attachment "B".)*
- E. **PROPERTY SIZE:** The overall development site totals approximately 26,399 square feet (~.6 acres).
- F. **SITE ZONING AND LAND USE:** The site is in the Urban High Density Residential (R-3) Zone and within a Geological Hazard Overlay zone and in the Wildland Urban Interface area (WUI). The site is currently developed with a single-family dwelling (on Tax Lot 6900) and driveway (both tax lots).
- G. **SURROUNDING ZONING AND LAND USES:**
North: R-3; single family dwelling
South: R-3; single family dwellings
East: R-3; townhomes
West: R-3; townhomes & single-family dwelling
- H. **APPLICABLE CRITERIA OF THE HOOD RIVER MUNICIPAL CODE (HRMC):**
- Section 17.03.030 – Urban High Density Residential (R-3) Zone
 - Section 17.03.090 - Environmental Hazard Zone

- Chapter 17.04 – Supplementary Provisions
- Chapter 17.06 – Conditional Uses
- Chapter 17.07 – Planned Developments
- Section 17.09.040 – Quasi-Judicial Actions
- Chapter 17.16.053 – Site Plan Review Townhouse Project Decision Criteria
- Chapter 17.17 – Landscaping and Development Standards
- Chapter 17.19 – Townhouse Projects
- Chapter 17.20 – Transportation Circulation & Access Management
- Chapter 16.08 – Procedural Requirements for Land Divisions (Subdivision)
- Chapter 16.12 – General Design and Improvement Standards

I. AGENCY COMMENTS: Affected agencies were notified of this request. The following comments were submitted in response to the notice prior to the public hearing:

1. City Engineering Department: Comments attached, June 10, 2021 (Attachment C)
2. City Fire Department: Comments attached, April 30, 2021 (Attachment D)
3. Hood River County Surveyor: Comments attached, May 3, 2021 (Attachment E).
4. NW Natural Gas: Comments attached, April 23, 2021 (Attachment F)
5. Hood River Valley Parks & Recreation District: Comments attached, June 10, 2021 (Attachment G)

J. ADJACENT PROPERTY OWNERS COMMENTS: Property owners within 250 feet of the subject site were notified of this request. The following parties submitted comments in response to the notice prior to the public hearing (Attachments H.1 – H.11):

- H.1 - Christie Bradley: See attached comments dated February 24, 2021
- H.2 – Krystyna Bednarz: See attached comments dated February 21, 2021
- H.3 – Mike Stroud: See attached comments dated March 1, 2021
- H.4 – Margo Blosser: See attached comments dated March 1, 2021
- H.5 - Krystyna Bednarz: See attached comments dated June 9, 2021
- H.6 – Jan and Terri Buskop: See attached comments dated June 10, 2021
- H.7 – Chris Gardner: See attached comments dated June 10, 2021
- H.8 – Christine Parker: See attached comments dated June 10, 2021
- H.9 – Brad Schell: See attached comments dated June 10, 2021
- H.10 – Margo Blosser: See attached comments dated June 10, 2021
- H.11 – Igor and Samantha Westra: See attached comments dated June 10, 2021
- H.12 – Margo Blosser: See attached comments dated June 16, 2021
- H.13 – Margo Blosser: See attached comments dated June 18, 2021
- H.14 – Lesley Vos: See attached comments dated June 21, 2021
- H.15 – Arthur Babitz: See attached comments dated June 21, 2021
- H.16 – Allan Schmidt: See attached comments dated June 21, 2021
- H.17 – Brad Schell: See attached comments dated June 21, 2021

H. HISTORY:

1. Pre-application conference held October 21, 2020
2. Neighborhood meetings held January 26 & February 23, 2021
3. Application & fee submitted February 9, 2021
4. Application deemed incomplete March 10, 2021
5. Revised and additional application materials submitted March 30, 2021, May 21, 2021 & June 7, 2021
6. Application deemed complete April 14, 2021
7. Requests for comments emailed April 22, 2021
8. Notice of Planning Commission hearing mailed June 1, 2021

9. Planning Commission hearing held June 21, 2021
10. Notice of Decision mailed and emailed June 24, 2021

I. ATTACHMENTS:

- Attachment “A.1” – Preliminary plan set (3/3/21)
- Attachment “A.2” – Application narrative
- Attachment “A.3” – Traffic Analysis Letter (6/3/21)
- Attachment “A.4” – Retaining wall detail
- Attachment “A.5” – Site survey (9/30/20)
- Attachment “A.6” - Letter regarding Needed Housing (3/30/21)
- Attachment “B” – Location map
- Attachment “C” – City Engineering Dept. comments, 6/10/21
- Attachment “D” – City Fire Dept. comments, 4/30/21
- Attachment “E” – County Surveyor comments, 5/3/21
- Attachment “F” – NW Natural Gas comments, 4/23/21
- Attachment “G” – Hood River Valley Parks & Recreation District comments, 6/10/21
- Attachment “H” – Neighboring property owner comments:
 1. Christie Bradley, 2/24/21
 2. Krystyna Bednarz, 2/21/21
 3. Mike Stroud, 3/1/21
 4. Margo Blosser, 3/1/21
 5. Krystyna Bednarz, 6/9/21
 6. Jan and Terri Buskop, 6/10/21
 7. Chris Gardner, 6/10/21
 8. Christine Parker, 6/10/21
 9. Brad Schell, 6/10/21
 10. Margo Blosser, 6/10/21
 11. Igor and Samantha Westra, 6/10/21
 12. Margo Blosser, 6/16/21
 13. Margo Blosser, 6/18/21
 14. Lesley Vos, 6/21/21
 15. Arthur Babitz, 6/21/21
 16. Allan Schmidt, 6/21/21
 17. Brad Schell, 6/21/21

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

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

A. Permitted Uses

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

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

FINDINGS: The proposed development includes eight (8) townhouses and two (2) single family dwellings for residential use. No accessory structures are proposed at this time. Both single family dwellings and townhouses are permitted uses. Pursuant to HRMC 17.03.030.A.11, the townhouses are subject to HRMC 17.16 and 17.19 as discussed below.

B. Conditional Uses

6. Planned Unit Developments

FINDINGS: The proposes a Planned Development for the proposed subdivision. The standards and criteria for a Conditional Use are detailed below in HRMC 17.06; the standards and criteria for the Planned Development are detailed below in HRMC 17.07; and standards for townhouses are addressed below in HRMC 17.19.

- C. Site Development Standards.** Except for townhouse projects which are subject to HRMC 17.19, the minimum site development requirements are as follows:
- 1. The minimum lot or parcel size shall be 5,000 square feet.
 - 2. Minimum requirement for building sites: Per detached single dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
 - 3. A minimum frontage of fifty (50) feet on a dedicated public street.
 - 4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
 - 5. Lot Coverage: Subject to HRMC 17.04.120

FINDINGS: Applicability of development standards are addressed below in HRMC 17.07.060. Pursuant to HRMC 17.07.060(A.1) the minimum lot size standards are not applicable in a PUD, and the minimum frontage standards are not applicable to lots on the interior of the PUD. Further, according to HRMC 17.19.020(A.5), townhouses are not required to comply with the minimum frontage standard of the zone. Lots 9 & 10, proposed to be developed with detached single family homes, each have lot frontages greater than the minimum required 50 feet as depicted on Sheet A116, Attachment A.1. The lot coverage standards of HRMC 17.04.120 are not applied in a PUD because the minimum lot size standard is not applied. As such, the proposal complies with the site development standards as applicable.

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

- 1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a public dedicated street.
- 2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the public dedicated streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
- 3. Side yard/rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.

- b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
- c. No structure shall be placed closer than five (5) feet from the rear property line.
- d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.
- e. Structures greater than 28 feet in height shall be ten (10) feet from the rear property line.

FINDINGS: As addressed below in HRMC 17.07.060(A.3), setback standards for structures on the perimeter of the development shall be the same as the underlying zone but setback standards do not apply along the interior lot lines of the PUD (except that all structures must meet applicable Building Code requirements). As such, HRMC 17.03.030 requires a 10-foot setback from public rights-of-way for all structures (north & south property lines); a minimum twenty (20) foot setback for garages facing a public right-of-way; and a 5-foot setback from the east and west side property lines (or 8 feet for structures greater than 28 feet in height). Pursuant to HRMC 17.03.030.D.3(d), certain projections are permitted to encroach into a side setback up to 3 inches for every required foot of setback. For a 5-foot side setback, a projection can encroach up to 15 inches into the setback. HRMC 17.01.060 defines “projections” as “architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues.” Pursuant to HMRC 17.04.060, retaining walls up to 4 feet in height are permitted within all setbacks. At-grade patios and walkways also are permitted within setbacks. Pursuant to Director’s Interpretation 2019-19, at or below-grade steps are permitted in setbacks. Other than the stated exceptions, all other building elements, including eaves, must be located outside of the required 10-foot setback from a public right-of-way.

As depicted on the Preliminary Site Plan (Sheet A111, Attachment A.1), a 10-foot setback is noted along the E. Hazel Avenue right-of-way on the south and the E. Eugene Street right-of-way on the north. The Site Plan also depicts a 5-foot setback on the east and west sides. As explained below, the proposed height of the townhomes appears to be less than 28 feet as measured from existing grade. Sheet A112 of the Preliminary Plans (Attachment A.1) depicts side-access garages in the single-family dwellings (Lots 9 & 10) that do not directly face the public right-of-way to the south (E Hazel Avenue). Garages for the proposed townhomes on Lots 1-4 directly face E. Eugene Street to the north. Although not clearly depicted in the preliminary plans, the applicant explained to staff that the garages for Lots 1-4 will be set back under the second story to meet the 20-foot setback for garages facing a street.

No information was provided about proposed projections in the 5-foot side setback, although the preliminary elevation drawings (Sheet A302, Attachment A.1) indicate no roof eaves are proposed on the east and west sides of the proposed structures.

All proposed structures and buildings appear to be sited such that they are located well outside setbacks, however a condition of approval is included to require that all buildings shall be designed, sited, and constructed in conformance with setback standards. The final plat shall note the proximity of all structures to all perimeter property lines and ensure conformance with the applicable setback standards of the R-3 Zone. If any structure exceeds 28 feet in height as measured pursuant to HRMC 17.03.030.E, the structure must be located no less than 8 feet from a side property line.

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

FINDINGS: Pursuant to HRMC 17.01.060, building height is measured either from the highest existing grade adjacent to a building when the existing grade change is less than 10 feet, or at a point 10 feet above the lowest existing grade when the existing grade change is greater than 10 feet – whichever yields the greater building height.

As depicted on the Existing Conditions sheet and preliminary Grading Plan (Sheets A111 & A112, Attachment A.1), the site is sloped downward to the north. The project narrative (Attachment A.2) indicates there is a grade change greater than 10 feet across all proposed lots, however specific existing grade information for each building and building corner was not provided. Building sections depicted on Sheet A401, Attachment A.1, appear to indicate a grade change greater than 10 feet for the two single-family dwellings and the townhouses on Lots 5-8, however additional details will be required to verify this at the time of permitting. It is not clear there is a grade change greater than 10 feet for the townhouses proposed on Lots 1-4. The project narrative (Attachment A.2) and notations on Sheets A301 & A401 (Attachment A.1) indicate the applicant intends the final building plans to meet the 28-foot maximum allowed building height for residential development.

The heights of the preliminary proposed buildings will be verified at the time of building permit. **A condition of approval is included to require that the construction drawings include additional existing grade elevations at all building corners and as needed to verify the building height.** As conditioned, the proposal meets this standard.

F. Parking Regulations.

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

FINDINGS: Individual dwelling units, including townhomes, each require a minimum of two parking spaces, one of which can be located in a front yard setback. Pursuant to HMRC 17.01.060, Definitions, parking spaces must be at least nine (9) feet wide and eighteen (18) feet long.

The application narrative (Attachment A.2) explains that enclosed garages will be provided for each dwelling unit, and each dwelling unit will be provided with at least two parking spaces either in garages or driveways or a combination. Proposed parking spaces are depicted on Sheet A112 of Attachment A.1. The preliminary plans indicate the proposed development is consistent with the parking requirement in HRMC 17.03.030.F.1.

HRMC 17.03.030.F(5) requires that all parking areas and driveways are hard-surfaced. As noted on the stormwater plan submitted by the applicant (Sheet A113, Attachment A.1), the developer proposes to use permeable paving materials for the driveways. **A condition of approval is included to required that all parking areas and driveways shall be hard-surfaced prior to occupancy.**

Hard surfacing means asphalt, concrete or other surface that meets the Hood River Engineering Standards. **The applicant shall submit materials and method of construction to the Engineering Department as part of the construction documents and building permit submittal for approval prior to construction.** As conditioned, the proposal meets this standard.

Designated bicycle parking is not required for single-family dwellings or two-unit attached dwelling pursuant to HRMC 17.20.040.B.

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

FINDINGS: The project narrative (Attachment A.2) indicates no signs are proposed.

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

FINDINGS: The Preliminary Plan Set (Sheet A114, Attachment A.1) depicts proposed landscaped areas, as well as common open space areas. Applicable landscaping standards are addressed below in HRMC 17.17.

HRMC 17.03.090 ENVIRONMENTAL HAZARD ZONE

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

A. Permitted Uses.

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

FINDINGS: According to the Zoning Map, the subject site is located in the Geologic Hazard Overlay. Single-family dwellings and townhouses are allowed uses and a Planned Development is a Conditional Use in the underlying zone designation. Comments from the City Engineering Department (Attachment C) include a requirement for a geotechnical report prepared by a licensed professional. **A condition of approval is included to alert the property owner to this requirement for geotechnical analysis of the site prior to submittal of building permits.**

HRMC 17.04 – SUPPLEMENTARY PROVISIONS

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

FINDINGS: As depicted on the Preliminary Site Plan and Preliminary Subdivision Plat (Sheets A111 & A116, Attachment A.1), all proposed lots either have 20 feet or more frontage on a public street or have access to a public street at least 20 feet in width. Proposed townhouse lots 5-8 will share a 20-foot wide driveway located in an easement approximately 31 feet in width. As such, the proposal is consistent with these requirements.

17.04.030 General Provisions Regarding Accessory Uses and Accessory Structures. An

accessory use or structure shall comply with the requirements for a principal use or structure with the following exceptions:

- A. In the R-1, R-2, R-3 and C-1 zones, accessory structures used for non-business purposes that are less than 10-feet tall and have a footprint less than 100-square feet in gross area (i.e. exterior dimensions) may encroach into the side and rear-yard setback areas of the underlying zoning district but shall be located no less than three (3) feet from side and rear property lines (including eaves and other projections).

FINDINGS: No accessory uses or structures are proposed. Unless otherwise provided in the PUD CC&Rs, future accessory structures will be subject to these standards.

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

FINDINGS: According to the project narrative, Attachment A.2, no vertical projections are proposed.

17.04.050 Fences and Walls.

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

FINDINGS: As depicted on the Preliminary Site Plan (Attachment A.1, Sheet A111), 5-foot-tall fences are proposed above /retaining walls along the eastern and western site property lines. To ensure that the proposed fences are measured from existing grade, **A condition of approval is included to require that the construction drawings include retaining wall and fence construction details to ensure fences are designed, sited, and constructed in conformance with HRMC 17.04.050.**

17.04.060 Retaining Walls.

- A. Retaining walls less than four (4) feet in height are permitted within or on all setback lines when the retaining wall retains earth on the parcel on which the retaining wall is built.
- B. If more than one retaining wall is located within the setback, the distance between each wall must be equal to the height of both walls, and the area between the walls must be landscaped.
- C. There shall be no more than 4' of exposed wall face on a retaining wall within a setback adjacent to a public right-of-way.
- D. One retaining wall of any height may be located within or on all property lines if the wall retains earth on the adjoining parcel and, if on a corner lot or parcel, when vision clearance requirements are met.
- E. Height is measured from original ground elevation in accordance with the City Engineering Standards.

- F. The limitations on location and height of retaining walls in this title do not apply to retaining walls located within the public right of way for the purpose of constructing or maintaining the public right of way.

FINDINGS: The retaining wall standards in HRMC 17.04.060 address retaining walls located within or on setback lines.

As depicted on the Preliminary Grading Plan and preliminary Retaining Wall plan (Sheets A112 & A115, Attachment A.1) retaining walls are proposed along the eastern and western site property lines and within the 10-foot setbacks on the north and south. Construction details for the proposed retaining walls are included on Sheet A115 to indicate that the retaining walls will not exceed 4 feet in height consistent with HRMC 17.04.060.A. An additional detail of the proposed retaining walls (Attachment A.4) indicates the retaining walls will be located approximately 6 inches inside the side property lines.

It is feasible to conclude that proposed retaining walls for the project located within setbacks, will meet the requirements of HRMC 17.04.060. **A condition of approval is included to require that details of all proposed retaining walls are included in the construction drawings submitted for building permits, must meet City Engineering Standards, the standards in HRMC 17.04.060, any applicable requirements identified in a Geotechnical Analysis, and may require a building permit as determined by the Building Official. Retaining walls located within a public right-of-way require a City permit and must be stamped by a PE. Any retaining wall construction that occurs on a neighbor's property will require an easement obtained from affected neighboring property owner.**

17.04.080 Illegal Occupancy. Any use of premises or building which deviates from or violates any of the provisions of this title shall be termed an illegal occupancy and the persons responsible therefore shall be subject to the penalties provided herein.

FINDINGS: Conditions of approval are included that any applications for uses and accessory uses on all lots in the Planned Development shall be consistent with the provisions for uses specified in the R-3 Zone as well as the findings and conditions of this Planned Development. Further, the CC&Rs for the Planned Development shall include provisions for accessory uses and structures, and shall explain that uses on the site shall be consistent with the provisions of the R-3 Zone (e.g. if accessory uses and accessory structures will be permissible subject to compliance with City standards and permitting requirements, the uses shall be addressed consistently throughout the Planned Development).

17.04.120 Maximum Lot Coverage. Given that the minimum lot size standards are not applicable in a PUD (HRMC 17.07.060.A.1) and a minimum of 30% of the site must be reserved as common open space (HRMC 17.07.090.A.3), the proposed lots are not subject to the lot coverage standards in HRMC 17.04.120.

CHAPTER 17.06 – CONDITIONAL USES

17.06.005 Purpose. A conditional use permit is a mechanism by which the city may require specific conditions of development or of the use of land to ensure that designated uses or activities are compatible with other lawful uses in the same zone and in the vicinity of the subject property.

FINDINGS: Conditions of approval are included where necessary to ensure that the proposed use is compatible with other lawful uses in the same zone and in the vicinity of the subject property,

including preservation of existing natural features.

17.06.010 Applicable Procedures. The City shall process conditional use applications in accordance with *Review Procedures* (Chapter 17.09) and the following:

1. Pre-application Conference: Prior to submittal of a conditional use permit, application, the applicant or applicant's representative shall attend a pre-application conference.
2. Application: An applicant may submit an application for a conditional use permit at any time after completion of a required pre-application conference. The applicant shall submit a complete application as specified in application and plan requirements section of this chapter.
3. Quasi-Judicial Conditional Use: Applications shall be processed as a Quasi-Judicial application as set forth in the Quasi-Judicial Actions provisions (Section 17.09.040).
4. Changes: Changes to an approved or pre-existing conditional use that does not increase the density or impact of the use may be approved by the Planning Director. Changes that the Planning Director determines will increase the density or impact of the use shall be referred to the Planning Commission for a public hearing in accordance with the provisions of this chapter. Prior to review, a plan showing the desired changes must be submitted to the Planning Department.
5. Change in Use: As used in this chapter, change in use shall include, at a minimum, expansion of the use, expansion or alteration of the structure or developed area, change in the functional nature of the use, and/or change in the type of use.

FINDINGS: The applicant attended pre-application conferences on October 21, 2020. The subject application is being reviewed through a Quasi-Judicial procedure in accordance with HRMC 17.09.040.

17.06.020 Application and Plan Requirements

- A. An application for a conditional use permit shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below and a narrative explaining how the applicable criteria are satisfied or will be satisfied through conditions.
- B. The plan or drawing accompanying the application shall include the following information:

FINDINGS: The application, preliminary plans and accompanying application materials generally comply with the Conditional Use Permit submittal requirements. As addressed in this report, conditions of approval are included where necessary to ensure submittal of all required information.

17.06.030 Conditional Use Approval Criteria

1. **Conditional Uses:** Conditional uses are subject to *Site Plan Review Decision Criteria* (Chapter 17.16) in addition to the following:

FINDING: The Site Plan Review Criteria are addressed below HRMC 17.16.053.

2. **Impact:** The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area, with consideration given to:
 - a. Any harmful effects on desirable neighborhood characteristics and livability.
 - b. Bicycle and pedestrian circulation, access and safety.

FINDINGS: This criterion requires reasonable compatibility between the proposed use and the lawful development of abutting properties and the surrounding area. This criterion also requires that the proposed use have a minimal adverse impact on the lawful development of abutting properties and of the surrounding area.

“Reasonably compatible” means that the location, size, design and operating characteristics of the proposed use will function harmoniously.

“Minimal adverse impact” does not require the absence of any adverse impact but does require that, to the extent that any adverse impact is identified, it is minimized. Minimization may be achieved through the imposition of conditions of approval. An “adverse impact” is an undesirable effect arising out of the location, size, design, and operating characteristics of the proposed use.

“Lawful development” modifies both “abutting properties” and the “surrounding area,” and refers to existing uses that comply with the current Zoning Ordinance and development.

At a minimum, the “surrounding area” is considered the notice area; in this case, the notice area includes all property within 250 hundred feet of the subject site. Whether an extension of the surrounding area should be made is determined by examining the area of impact of the proposed use based on its location, size, design, and operating characteristics. In some cases, the surrounding area may not extend beyond the notice area; in other cases, the surrounding area may encompass an entire neighborhood, or large portions of the City. In all cases, the surrounding area is defined geographically. With respect to this proposal, the surrounding area is the legal notice area of 250 feet around the property.

As provided in the application narrative (Attachment A.2) the applicant states, in part: *“These criteria are subject to OR 197.307, which requires clear and objective standards be used, and these criteria can be construed as subjective.”* Other elements of narrative appear to apply to a different site and different project previously submitted for approval and are not relevant in the findings of this application.

Regardless of the applicants claim, this report is not intended to evaluate the merits of the applicants needed housing argument, nor does staff concede that ORS 197.307 exempts the proposed development from the review of discretionary standards because the Planned Development is an optional review process chosen by the owner/applicant intended to permit the use of “flexible standards” and “innovative planning designs.” Further ORS 197.307 permits the application of flexible standards such as those used in PUD as the applicant has the right to pursue a development reviewed under the clear and objective standards found in the townhouse standards and Title 16 of the HMRC land division ordinance. Therefore, findings are included in this report to address the Planned Development criteria.

The PUD criteria require that the development also meet the Conditional Use criteria pursuant to HMRC 17.07.090.A(2). The applicant notes that to qualify as an exception to the Needed Housing provisions in ORS 197.307, the PUD standards must “authorize a density at or above the density level authorized in the zone.” As explained in HMRC 17.07.020.C below, the City’s PUD density standards authorize density at levels allowed in the R-3 zone. Furthermore, it is not clear from the application materials which of the applicable subjective criteria are not met by the proposal nor where the perceived conflict exists with the City land use code. Where consistency with land use rules is unclear, conditions of approval are included to ensure conformance with code criteria.

At the time of this report, several comments were provided by neighboring property owners. These comments are included as Attachment H and discuss, among other issues, the potential impact of the development on traffic safety, parking, and storm drainage. These impacts can be generally characterized as effects on neighborhood characteristics and livability.

The sizes of the buildings, the unit sizes and heights, are all similar and smaller to the sizes of residential units found in the immediate area. The applicant anticipates the two detached single-family dwelling will be approximately 2,800-3,200 square feet in size and the townhomes will range from approximately 1,850 to 2,000 square feet in size. According to data obtained from the County Assessor, townhomes to the east range in size from approximately 2,400 to 3,600 square feet and dwellings to the west range in size from approximately 2,140 to 5,000 square feet in size. Thus, the proposed dwelling sizes are compatible with the dwellings in the vicinity. The proposed dwellings will be constructed into the hillside with a total of 3 stories. Other townhomes in the vicinity are also 2-3 stories in height. The proposal density (approximately 16.4 units/acre) is consistent with the density of townhome developments on adjacent properties (approximately 11.5, 13, and 16.7 units/acre) and less than the maximum allowed density in the R-3 zone (approximately 27.7 units/acre gross density).

The operating characteristics of the development is described by the applicant as “*a comprehensive and consistent design for all landscape and units. The proposal will be designed and built by the developer, and a homeowners association will manage and maintain the consistency of the design*” and landscaping. No information about garbage collection was provided so staff recommends that the PUD’s CC&Rs address issues such as the preferred location of garbage/recycling containers, and a condition of approval requires outdoor storage on individual lots to be screened from view.

As discussed below, the City’s storm drainage standards are included in the Hood River Engineering Standards and require the developer to provide a stormwater plan that addresses how all onsite and offsite stormwater, as well as street runoff, will be mitigated to meet the City’s no net increase standard. In other words, the development will not be permitted to adversely impact storm drainage.

Also discussed below, the applicant provided traffic analysis (Attachment A.3) that calculates traffic that will be generated by the development and evaluates safety issues. The City Engineer reviewed the applicant’s TAL and did not recommend any safety improvements. Neither the City Engineer nor Fire Chief identified traffic or emergency vehicle access safety concerns. As discussed above, the proposed development meets the City’s off-street parking requirement. The City does not require guest parking for residential developments, however the developer proposes to provide 2 additional off-street parking spaces. The applicant investigated several different potential site layouts and submitted a layout that he argues best achieves both the property owner’s development goals and the City’s standards.

Bicycle lanes or other improvements are not identified on adjacent streets in the City’s Transportation System Plan. Pedestrian circulation is addressed below in HMRC 16.12.

Given that the proposed project density is less than what is allowed under the traditional R-3 zoning, there are existing 2-unit and 3-unit residential buildings in the vicinity, and conditions of approval are included to ensure the development meets city zoning and engineering standards, staff finds that the proposed development is designed to be reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area.

3. Nuisance: The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

FINDINGS: Nuisance conditions may be public nuisances or private nuisances. A nuisance is any act or omission that is detrimental to the health safety or welfare of the public at large, in the case of a public nuisance, or of specified individuals, in the case of a private nuisance. “Significant” means noticeable to the affected person(s). The “off-site” area to be evaluated is the surrounding area as defined above.

The application narrative (Attachment A.2) states: “These criteria are subject to OR 197.307, which requires clear and objective standards be used, and these criteria can be construed as subjective.”

The proposed use will not generate odor or vibrations beyond what is normally expected with the residential uses, including traffic which is expected in the R-3 zone. Construction will generate noise but construction activity is not considered a nuisance between the hours of 7 a.m. through 7 p.m. (HRMC 8.08.040.A). As such, the proposal is consistent with this criterion.

4. Plan Consistency: The proposal shall be consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance.

FINDINGS: The Comprehensive Plan generally does not contain approval standards. Goals are defined by the Plan as “what is sought after;” policies are defined as “broad statements” that “provide direction;” and strategies set forth the “means for implementing the Plan.” The Plan specifically states that the land use standards which are contained in the Zoning Ordinance are the standards for development. In those cases where a provision is written in mandatory approval language, the language of the provision itself will be interpreted according to its intent and applied as an approval standard.

The proposed development is for residential use. The site is steeply sloped. Approximately 37% of the site will be landscaped or in natural vegetation.

The application narrative (Attachment A.2) states, in part: “The proposed development is for residential use. Applicable goals and policies of Goal 10 (Housing) include:

- To provide for the housing needs of the citizens of Hood River.
- The City will promote and encourage the maintenance of existing housing, the rehabilitation of older housing, and the development of a mixture of sound, adequate new housing types to meet the needs of all segments of the population.
- Retention of existing trees shall be encouraged when land areas are developed.
- Developers of tracts of land which are sufficiently large enough to allow for site design for groups of structures will be encouraged to use the Planned Unit Development process as outlined in the Subdivision Ordinance.
- The application of new technology, greater freedom of design, increased population densities, and economy of land use will be encouraged.
- The City will encourage and support development of affordable housing, both publicly and privately financed, including the provision of government-subsidized housing, for households at or below 120% of the area median income, as defined by the U.S. Department of Housing and Urban Development (HUD).
- Encourage the development of great neighborhoods by:
 - Supporting neighborhood identity.

- Locating parks, trails, schools, daycare and churches in close proximity to residences.
- Incorporating natural features and spaces into developments.
- Connecting and orienting new neighborhoods.
- Encouraging residential development that conserves energy and water.”

The applicant did not explain how the proposed development is consistent with these goals, however none of these policies are written in mandatory language for use as approval standards. Therefore, consistency is met by conformance with Titles 16 and 17 of the Hood River Municipal Code. The applicable standards of Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) are addressed in this report.

Conditions of approval are included where necessary to ensure compliance with applicable standards. As conditioned, the proposal is consistent with this criterion.

5. Scale: The site must be physically capable of accommodating the proposed use, including any needed landscaping, parking, and other requirements. The building size, shape, and/or location may be changed if needed to assure the physical capability of the site.

FINDINGS: This criterion requires that the proposed use physically fit on the site as well as requiring the site to be able to accommodate the proposed use given the natural characteristics of the site. All of the characteristics of the proposed use are considered, including any modifications resulting from conditions of approval. In addition, all of the requirements of Titles 16 and 17 must be considered.

The application narrative (Attachment A.2) states: *“This site accommodates the proposed use as well as the required landscape and open space. The townhomes are scaled by height and mass similarly to adjacent apartment buildings and the homesites are separated from neighboring parcels by natural areas.”*

The preliminary plans (Attachment A.1) indicate that the site is generally capable of accommodating the proposed development including designation of common open space. However, there are several aspects of the proposal that must be analyzed in greater detail including:

- Development on steep slopes. As addressed above in HRMC 17.03.090, a Geotechnical Analysis is required to verify suitability of the site to accommodate the development and identify any applicable restrictions or mitigation. In addition, the Engineering Department will require a detailed grading and erosion control plan consistent with Hood River Engineering Standards (Attachment C) and the City Engineer has determined preliminary feasibility with the proposed grading and stormwater plans.
- Access. The proposed development plans include three (3) shared driveways accessing E. Eugene Street that do not meet access spacing standards. The owner/developer must obtain approval of a Design Exception for access spacing to accommodate the proposed driveways on E. Eugene Street (Attachment A.7). The City Engineer has indicated likely approval of a Design Exception (Attachment C).
- Parking. The applicant proposes to provide two parking spaces for each dwelling unit on the site, plus 2 additional on-site parking spaces for visitors.
- Landscaping. The applicant proposes landscaping in excess of the minimum required 20% of the site area (Sheet A114, Attachment A.1).
- Retaining walls. The steeply sloped site requires retaining walls to support buildings stepping down the slope to the north. A detail of the proposed retaining walls was

submitted to indicate construction of the walls will not affect adjacent properties (Attachment A.4).

As addressed in this report and as conditioned, the proposal is consistent with this criterion.

6. Transportation: Adequate transportation facilities are available to serve the conditional use in terms of the function, capacity, and level of service identified in the Transportation System Plan (TSP).

FINDINGS: The site is served by two streets: E. Hazel Avenue on the south and E. Eugene Street on the north. Both streets are designated as Local Streets in the City's Transportation System Plan (TSP). Neither of the two public rights-of-way are improved to current city standards and will require improvements to increase capacity to adequately serve the proposed use as described herein.

Vehicle access is proposed on both adjacent streets with two driveways serving single-family dwellings accessing E. Hazel Avenue and three shared driveways serving 8 townhouse accessing E. Eugene Street. The proposed residential development will generate traffic impacting E. Hazel Avenue, E. Eugene Street, and other streets and intersections in the vicinity as addressed in the applicant's Traffic Assessment Letter (Attachment A.3).

The applicant submitted a Traffic Analysis Letter (Attachment A.3). The project narrative (Attachment A.2) states: *"The analysis provided in the report does not indicate any operational problems and the project otherwise meets operational requirements (intersection-levels-of-service) in the city."*

Comments from property owners in the vicinity include concerns about the safety of the intersection at E. Hazel and E. Eugene. The applicant's TAL provides the following analysis summary:

The net impact of the proposed development on the East Eugene Street and East Hazel Avenue intersection resulted in a net increase of three (3) morning peak hour trips for a 19% increase, three (3) evening peak hour trips for a 7% increase, and 46 average daily trips for a 11% increase. Therefore, the proposed increase in traffic on the intersection compared to current existing conditions is deemed insignificant.

With no recorded crash data in the past 9 years of ODOT data it is reasonable to assume that the existing intersection functions safely. Additionally, the 10 mph posted speed limit as vehicles approach the intersection travelling both eastbound and westbound on East Hazel Avenue effectively slow traffic approaching the intersection decision points. Similarly, the yield control for vehicles travelling westbound on East Eugene Street approaching the intersection also effectively reduces vehicle speeds and limits conflict.

The minimal increase in traffic due to the proposed development is not expected to significantly increase the chance of vehicle collisions. It is Bell Design Company's opinion that the proposed development will not have an adverse impact on the safety or function of the intersection of East Eugene Street and East Hazel Avenue. The development will in no way create circumstances that do not currently exist.

The City Engineering Department reviewed the applicant's original and updated Traffic Assessment letters and provided comments regarding adequate transportation facilities as follows:

Transportation: Driveways on Eugene Street as submitted do not meet HRMC 13.28.040(A) and

16.12.020G(1) access spacing. Per HRMC 13.28.040(A) and 16.12.020.G(1), a minimum of twenty-two (22) feet is required on local streets. Per HRES 7.2C, intersection spacing (offsets) shall be determined by HRMC Table 13.28-A: City of Hood River Access Management Spacing Standards (except for local street driveway spacing). A design exception for 14-foot driveway spacing on E Eugene St would be required for this development as submitted.

Transportation: A revised TAL dated 6/3/2021 has been received. The TAL estimates trip generation and distribution, evaluates sight distances, and summarizes posted speed limits, collision data and functional classifications. Traffic counts were provided for the E. Hazel / E. Eugene intersection. The TAL presented crash data from the ODOT Crash Analysis and Reporting Unit indicating no reported collisions at the E. Hazel / E. Eugene intersection from 2010-2019. The TAL indicates a relatively minor increase in daily traffic (11%) through the E. Hazel / E. Eugene intersection. The TAL also presents valid arguments for a design exception to the driveway spacing requirements discussed previously, namely the parking restrictions in place on E. Eugene and the fact that without the design exception one additional driveway would be required to serve the development.

Frontage Improvements: The City's TSP classifies E Eugene St as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is 50 feet. The Applicant is required to provide up to half street frontage improvements as outlined in the City's TSP. However, due to topographic constraints, the City is willing to decrease the full paved width and not require curb & gutter, planter strip, or sidewalk. The width of pavement required will be determined at final Engineering review and will not be less than 20'. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.

Frontage Improvements: The City's TSP classifies E Hazel Ave as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is variable width (approx. 60 feet in this location). The Applicant is required to provide up to half street frontage improvements as outlined in the City's TSP (28' paved full width). However, due to topographic constraints, the City may be willing to accept a modified roadway cross section. A 28' wide roadway or an equivalent width of roadway and sidewalk may be considered. The final decision shall be determined following the site survey. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.

As discussed below in HRMC 16.12, conditions of approval are included to satisfy the engineering comments related to transportation, streets, and sidewalks.

As conditioned, the proposal is consistent with this criterion.

7. Landscaping: Landscaping shall be in conformance with the landscape regulations of this title.

FINDINGS: The application narrative (Attachment A.2) states: "The Preliminary Plan Set depicts proposed landscaped areas, as well as enhanced common open space areas."

Findings for consistency with applicable landscaping standards including conditions of approval are addressed below in HRMC 17.17.

8. Performance Bonds: When needed to ensure performance of special conditions, bonds or other acceptable securities shall be required.

FINDINGS: This provision allows the City to require security for the performance of any condition needed or imposed to ensure compliance with the Zoning Ordinance and Comprehensive Plan. The application narrative (Attachment “A.2”) states: “Performance Bonds will be provided by the owner if required for any public infrastructure that is required.”

9. Burden of Proof: The applicant shall bear the burden of showing how the proposed use does conform or can be made to conform through conditions.

FINDINGS: The application materials (Attachments A.1 - A.7) are intended to demonstrate compliance with applicable standards. Findings adopted for the applicable criteria explain how the applicant has or has not met the burden of proof. Conditions of approval are included where necessary to ensure compliance with applicable standards.

10. Final Plans: If the conditional use is approved, detailed final plans shall be submitted which indicate conformance to the conditions. The final plans shall be subject to approval by the City.

FINDINGS: If the application is approved, the applicant will be responsible for submitting final plans demonstrating compliance with all standards and conditions, for review and approval prior to final plat approval.

17.06.035 Appeals. Final decisions on conditional use permits may be appealed in accordance with the *Appeal Procedures* (Section 17.09.070) of this ordinance.

FINDINGS: The applicant requests preliminary approval of a Planned Unit Development and Subdivision from the Planning Commission. The decision for this conditional use permit may be appealed to the City Council in accordance with HRMC 17.09.070.

17.06.040 Time Limits on a Permit for a Conditional Use. The conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

FINDINGS: Conditions of approval are included to ensure compliance with the time limitations of HRMC 17.06.040.

17.06.050 Limitation on Reapplication. No conditional use application shall be considered by the Planning Commission within a six (6) month period immediately following a previous denial of such request. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

FINDINGS: If this application is denied, the limitations on reapplication shall be applicable, in

accordance with HRMC 17.06.050.

17.06.060 Revocation of a Conditional Use Permit

- A. Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.
- B. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under *Review Procedures* (Chapter 17.09) of this title in order for the holder of a conditional use permit to show cause why the permit should not be revoked.
- C. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten (10) days after the time specified.
- D. Reapplication for a conditional use which has been revoked cannot be made within one (1) year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrants it.
- E. Abandonment of the use for over twenty-four (24) consecutive months shall void the conditional use. A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit. If part of the conditional use is still being utilized, an additional conditional use will need to be obtained in order for expansion of the use.

FINDINGS: If approved, this conditional use permit may be subject to the revocation standards of HRMC 17.06.060.

CHAPTER 17.07 – PLANNED DEVELOPMENTS

17.07.010 Purpose. The purposes of the planned development are:

- 1. To provide a means for creating planned environments that are equal or better than that resulting from traditional lot-by-lot land use development, through the application of flexible standards such as zero-lot lines, narrower streets, and other innovative planning practices;
- 2. To facilitate the efficient use of land;
- 3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- 4. To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site;
- 5. To encourage development that recognizes the relationship between buildings, their use, open space, and access ways, and thereby maximizes the opportunities for innovative and diversified living environments; and
- 6. To encourage commercial and industrial development that includes a mix of uses, is designed in a manner that mitigates impacts to surrounding uses, includes well designed buildings that contribute the character of Hood River, and includes a thoughtful site plan.

FINDINGS: The applicant's narrative states: *"The subject application is an example of an alternative land use process to traditional subdivision or townhouse subdivision development. The proposal features development of compact home-sites relying upon a private shared driveway for some access, with a comprehensive landscaped site area and internal shared open space. This*

process for needed housing, like all processes for needed housing, is subject to OR 197.307, which requires clear and objective standards. Although a PUD process may include design and appearance criteria, those criteria are only required if the applicant seeks a density bonus. In addition, the City must include a clear and objective alternative to any process that had design and appearance criteria. As Hood River only has one process for PUD established, only the clear and objective criteria must be met.”

In staff’s view, the proposed PUD presents a site layout that provides an efficient use of the steeply sloped site difficult to achieve by a traditional subdivision that requires 50 feet of street frontage for each 5,000 square-foot lot. The proposed layout takes advantage of the common open space provision in lieu of the lot coverage standard, flexible lot sizes, reduced setbacks on the interior of the site, a shared driveway to serve units sited in the middle of the site, and the lot frontage standard for townhomes. In addition, the applicant proposes to retain and relocate an existing site feature known as “the chapel.” The applicant’s narrative suggests a perceived conflict with design and appearance criteria, however the argument is not salient and it’s unclear which PUD provisions present a conflict.

At the time of preapplication, the Planning Director raised a design issue to the applicant and suggested deemphasizing the presence of garages, parking, and driveways on E. Eugene Street. As proposed, the applicant orients the townhomes onto E. Eugene Street, which supports a positive architectural statement, but incorporates three shared access points to serve the units from the right-of-way. One of the access points incorporates a common driveway to be installed at the center of the E. Eugene Street frontage that will be levelled, paved, and required for fire access and is supported by staff as a method to reduce impervious surface and access points. The other two accesses that lead directly from E. Eugene Street into the townhouse units 1-4 do not utilize the center common drive which results in three vehicle access points within 125 of right of way (50% of the frontage) in lieu of landscaping or architectural/urban design features that can soften the edges of the development and maintain the rustic roadway aesthetic of E. Eugene while screening the required parking through the placement and orientation of its structures.

Access locations are discussed below and fall under the purview of the City Engineer, which shall evaluate access locations at time of final development plan and site engineering.



17.07.020 Applicability

- A. **Zones.** The planned development designation is applicable to all zones.
- B. **Minimum Site Size for Residential Development.** Residential development in the R-1 zone shall have a minimum parcel size of a half ($\frac{1}{2}$) acre to apply the planned development process. There is no minimum size for R-2 and R-3.
- C. **Density Calculations for a Planned Unit Development:**

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

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

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

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

FINDINGS: No new roads are required to access the site, thus staff used the infill PUD provisions for calculating allowed density. The base zone (R-3) density provisions require a minimum of 5,000 square feet for the first dwelling unit or duplex (2 units) and a minimum of 1,500 square feet for each additional unit (HRMC 17.03.030.C.2). The site is approximately 26,399 square feet in area (per survey 9/30/20; Attachment A.5). As such, the maximum density is 16 dwelling units (26,399 – 5,000 for 2 units; plus = 21,399/1,500 = 14.27 units for a total of 16 units). Two detached single-family detached homes and eight attached single-family attached homes (townhomes) are proposed for a total of 10 dwelling units. The 10 proposed units comply with density standards.

17.07.030 Applicable Procedures

A. Approval Process.

1. Preliminary Development Plat Approval: Preliminary development plan approval shall be processed as a Quasi-Judicial Action.
2. Final Development Plan Approval: Final development plan approval shall be processed as a Ministerial Action.

FINDINGS: The subject application is being processed as a Quasi-Judicial Action in accordance

with HRMC 17.09.040. The applicant requests preliminary plat approval. As addressed throughout this report, conditions of approval are included to ensure compliance with applicable standards and criteria; these conditions of approval may result in design changes. The plans may be redesigned to demonstrate compliance with all applicable standards prior to final development plan approval.

- B. Concurrency with Subdivision and Partition Application.** If the application involves the division of land, the applicant shall file concurrently or file for subdivision or partition approval prior to applying for Planned Development approval. If filed concurrently, preliminary plat approval shall be processed along with preliminary plan approval, and the final development plan shall be submitted for approval and filed along with the final plat.

FINDINGS: The applicant submitted an application for concurrent review of both the Planned Development and a Subdivision. The application materials include a Preliminary Subdivision Plat (Sheet A116, Attachment A.1) with sufficient information to review the subdivision proposal as addressed below in HRMC 16.08.

- C. Time Limit on Filing of Final Development Plan.** Within two (2) years after the date of the Planning Commission approval of the preliminary development plan, the owner shall prepare and file with the Planning Director a final development plan. Action on the final development plan shall be ministerial by means of a Ministerial Action using following approval criteria:
1. The Planning Director shall approve the final development plan upon finding that the plan conforms with the preliminary development plan approved, or approved with conditions, by the Commission.

FINDINGS: A condition of approval is included that preliminary approval shall be effective for two years from the date of approval. A Final Development Plan shall be prepared and filed with the Planning Director within two years of the date of the Planning Commission's approval of the preliminary development plan, unless an extension is requested and granted in accordance with the requirements of HRMC 17.07.030.C.

- D. Preliminary development plan changes.** The applicant may request modifications to the preliminary development plan. Approval is based on the following the procedures and criteria:
- A. Minor Modifications:** An application for approval of a minor modification shall be reviewed as an Administrative Action, and the review shall be limited in scope to the modification requested. A minor modification shall be approved, or approved with conditions, if the preliminary development plan continues to meet the applicable standards and criteria and is not a major modification as defined below. The modification shall be processed as a minor modification(s) if the Planning Director finds that all of the following criteria are met by the proposed changes listed below:
- a. There will be no change in land use;
 - b. There will be no increase in the number of dwelling units;
 - c. There will be no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
 - d. There will be less than a five percent (5%) change in the floor area proposed for nonresidential use where previously specified;
 - e. There will be a less than five percent (5%) change in the area reserved for common open space and/or usable open space; and

- f. There will be a less than five percent (5%) change to specified setback requirements, provided the minimum setback standards of the land use district can still be met.
- A. **Major Modification:** An application for approval of a major modification shall be reviewed as a Quasi-Judicial Action, and the review shall be limited in scope to the modification requested. A major modification shall be approved, or approved with conditions, if the preliminary development plan will continue to meet all applicable criteria. All modifications to an approved development plan that are not minor modifications as provided above, shall be reviewed as a major modification.

FINDINGS: Any changes to the preliminary development plan, if approved, will be subject to these procedures and criteria.

- E. **Extension.** Extensions shall be processed as Ministerial Actions. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period for the final development plan not to exceed one (1) year provided that
 - 1. No changes have been made on the preliminary development plan as approved by the Planning Commission and as modified pursuant to the modification section above;
 - 2. The applicant can show intent of applying for final development plan review within the one (1) year extension period; and
 - 3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

FINDINGS: If an extension is desired, it shall be made in accordance with these requirements.

F. Phased Development.

- 1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than five (5) years without reapplying for preliminary development plan review.
- 2. A phased development plan proposal shall be approved subject to the following conditions:
 - a. All public facilities associated with or necessary for the phase shall be constructed in conjunction with or prior to each phase; and
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
 - c. The final phase shall be completed and ready for occupancy no later than five (5) years from the date of the final development plan approval.
- 3. If the final phase is not completed within the five (5) year time period, the Planned Development will be in noncompliance with this chapter.

FINDINGS: The applicant proposes to develop the project in one phase.

17.07.040 Applicability in Commercial and Industrial Zones

- A. **By Election.** An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.
- B. **As Condition of Approval in Commercial and Industrial Developments.** An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

FINDINGS: The site does not include any land in a commercial or industrial zone, thus HRMC 17.07.040 is not applicable.

17.07.050 Allowed Uses

- A. **In Residential Zones.** Planned Developments in all residential zones may contain any of the following uses subject to the density provisions of the underlying zone and the density bonus provisions of this Chapter:
1. All uses allowed outright or by condition in the underlying zoning district
 2. Single-family detached and attached residential units
 3. Duplex residential units
 4. Multi-family residential units
 5. Manufactured homes
 6. Public and institutional uses
 7. Indoor recreation facility such as athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use
 8. Outdoor recreation facility such as golf course, golf driving range, swimming pool, tennis court, or similar use
 9. Recreational vehicle storage area, for the Planned Unit Development residents only.
- B. **In Commercial Zones.** Planned Developments in all commercial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.
- C. **In Industrial zones.** Planned developments in industrial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

FINDINGS: The subject site is zoned Urban High Density Residential (R-3). The applicant proposes two lots for new single-family detached units and 8 single-family attached units (townhomes) consistent with these allowed uses.

17.07.060 Applicability of Base Zone Development Standards

- A. **Compliance to specific development standards.** The provisions of the base zone are applicable as follows:
1. **Lot Dimensional Standards:** The minimum lot size standards shall not apply. Minimum frontage standards do not apply to buildings interior to the Planned Development.

FINDINGS: Minimum lot size standards are not applicable. Four townhomes (two 2-unit buildings) are proposed in the interior of the Planned Development. There is no applicable minimum frontage standard for these dwelling units (Lots 5-8). The remaining lots will have frontage either on E. Hazel Avenue (two detached single-family lots; Lots 1-2) or E. Eugene Street (two 2-unit buildings, Lots 1-4). Lots 1-4 will be developed with townhouses, thus the minimum frontage standard is not applicable pursuant to HRMC 17.19.020(A.5). Frontages for Lots 9 & 10 are approximately 77.45' and 76.32' respectively, consistent with the minimum lot frontage required in HMRC 17.03.030.C.

2. **Building Height:** Qualified commercial and industrial building heights may be increased on the interior of the site when the building setback is increased. On qualified buildings, the height may be increased one (1) foot for each additional foot of setback up to a maximum of one hundred twenty percent (120%) of the base zone height standard. To qualify, a building shall have eighty percent (80%) of the building footprint more than thirty-five (35) feet from

the Planned Development site boundary. See Diagram “B” below. No height increases are allowed for residential buildings.

FINDINGS: No commercial or industrial buildings are proposed. As such, these standards are not applicable.

3. Structure setback provisions:

- a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the underlying zone, unless increased in the Planned Development review process.
- b. The side yard setback provisions shall not apply except that all detached structures shall otherwise meet the Uniform Building Code requirements; and
- c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
 - (1) A minimum front yard setback of twenty (20) feet is required for any garage structure which opens facing a street.
 - (2) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

FINDINGS: Setback standards specified in the R-3 are addressed above in HRMC 17.03. For structures on the perimeter of the development, setbacks shall comply with the setback standards of the underlying zone. Setback standards do not apply along the interior lot lines of the PUD (except that all structures must meet applicable Building Code requirements).

As noted above, the Preliminary Site Plan (Sheet A111, Attachment A.1, Preliminary Plans), a 10-foot setback is noted along the E. Hazel Avenue right-of-way on the south and the E. Eugene Street right-of-way on the north. The Site Plan also depicts a 5-foot setback on the east and west sides. Sheet A112 of the Preliminary Plans (Attachment A.1) depicts side-access garages in the single-family dwellings (Lots 9 & 10) that do not directly face the public right-of-way to the south (E Hazel Avenue). Garages for the proposed townhomes on Lots 1-4 directly face E. Eugene Street to the north. Although not clearly depicted in the preliminary plans, the applicant explained to staff that the garages for Lots 1-4 will be set back under the second story to meet the 20-foot setback for garages facing a street.

All proposed structures and buildings appear to be sited such that they are located well outside setbacks, however **a condition of approval is included to require that all buildings shall be designed, sited, and constructed in conformance with the setback standards of the R-3 Zone as modified by the provisions of HRMC 17.07.060(A.3).**

B. Other Provisions of the Base Zone. All other provisions of the base zone shall apply except as modified by this chapter.

FINDINGS: As addressed above in HRMC 17.03, in order to improve consistency of development within the Planned Development conditions of approval are included that the provisions for uses, setbacks, and building height specified in the R-3 Zone shall apply to all structures in the Planned Development. Other provisions of the base zone include parking regulations, sign regulations, and landscaping regulations. As addressed above in HRMC 17.03, the applicant proposes at least two parking spaces per dwelling in conformance with minimum requirements. No signs are proposed. Landscaping standards are addressed below in HRMC 17.17.

17.07.070 Private Streets. Private streets are allowed as part of a Planned Development when they conform to the following standards:

1. Private streets shall have a minimum improved width of ten (10) feet for each lane of traffic.
2. On-street parking spaces shall be improved to provide an additional eight (8) feet of street width.

FINDINGS: A shared driveway accessing E. Eugene Street is proposed to provide vehicular access to Lots 5-8. As explained in the comments from the Engineering Department (Attachment C), the driveway will be required to be constructed to meet the Six Home Private Street standards in the TSP, which includes 10-foot travel lanes and public street subgrade standards. Two parking spaces are proposed at the ends of the “T”-shaped drive. The parking plan (Sheet A112, Attachment A.1) indicates this section of the driveway is 28 feet in width consistent with this “on-street” parking standard. As such, the proposed shared driveway complies with these standards.

17.07.080 Preliminary Development Plan Submission Requirements

A. Pre-Application Conference. Prior to submittal of a Planned Development application, the applicant, or the applicant’s representative, shall attend a pre-application conference.

FINDINGS: The applicant attended a pre-application conference on October 21, 2020.

B. General Submission Requirements. The application shall contain all of the following:

1. A statement of planning objectives to be achieved by the Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A development schedule indicating the approximate dates when construction of the Planned Development and its various phases are expected to be initiated and completed. The statement should include the anticipated rate of development; the approximated dates when each stage will be completed; and the area, location, and degree of development of common open space that will be provided at each stage.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development.
4. A narrative statement documenting compliance with the applicable approval criteria contained in this Chapter.
5. A preliminary development plan.

FINDINGS: The applicant’s narrative (Attachment A.2) and Preliminary Plan Set (Attachment A.1) generally address these issues. The preliminary building renderings (Sheets A301-A303, Attachment A.1) illustrate the character of the proposed development.

C. Additional Information. In addition to the general information described in Subsection B above, the preliminary development plan, data, and narrative shall include the following information:

1. A map showing street systems, lot or partition lines, and other divisions of land for management use or allocation purposes;
2. Areas proposed to be conveyed, dedicated, or reserve for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses;
3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open space around building and structures;

4. Elevation and perspective drawings of proposed structures with enough detail to shown design features;
5. The following plans and diagrams:
 - a. An off-street parking and loading plan;
 - b. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the Planned Development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown;
 - c. A landscaping and tree plan; and
6. A copy of all existing or proposed restrictions or covenants.

FINDINGS: The preliminary plan set (Attachment A.1) generally provides this additional information: Sheet A116 includes a preliminary plat with partition lines; no areas are proposed to be dedicated or conveyed for public uses; the preliminary Site Plan and preliminary plat Sheets A111 & A116 depict approximately locations for buildings, open space, and other improvements; Sheets A302 & A303 depict proposed exterior design features; Sheet A112 includes a parking & circulation plan; and Sheet A114 & A115 include a landscaping and tree plan. In addition, a general description of proposed covenants and restrictions is included in the project narrative (Attachment A.2). In order to comply with these requirements, **a condition of approval is included that the applicant shall submit a draft Declaration of Planned Community and a draft set of any proposed Covenants, Conditions and Restrictions to the Planning Director as a component of the Final Development Plan.**

17.07.090 Approval Criteria.

A. Specific Planned Development Approval Criteria. The following approval criteria shall apply to the planned development:

1. All the provisions of the land division provisions, Title 16, shall be met.

FINDINGS: The Land Division provisions of Title 16 are addressed below. Conditions of approval are included where necessary to ensure compliance with all standards and criteria of Title 16 of the Hood River Municipal Code.

2. Except as noted, the Conditional Use Decision Criteria (Chapter 17.06) shall be the approval criteria. A Planned Development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Planning Commission, that promote the purpose of this section. In each case, the applicant must provide findings to justify the modification of the approval criteria in the *Conditional Use* chapter (Chapter 17.06). The developer may choose to provide, or the Commission may require, additional amenities, landscaping, or tree planting.

FINDINGS: The Conditional Use Decision Criteria are addressed above in this report. The applicant did not request modifications to any Conditional Use approval criteria. Conditions of approval are included where necessary to ensure compliance with all Conditional Use criteria.

3. A minimum of thirty (30%) percent of a Planned Development site area shall be reserved as common open space. The thirty percent (30%) open space requirement shall be exempt in the Central Business district and the Heights Business District. Open space means an area intended for common use either privately owned and maintained or dedicated to the City. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools,

recreation courts, patios, open landscaped areas, or greenbelts with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas.

FINDINGS: The subject site totals approximately 26,399 square feet of area based on a recent survey (Attachment A.5). To comply with this criterion, a minimum of approximately 7,919.7 square feet of the site (30%) must be designated as common open space as described above.

Sheet A114 (Attachment A.1) includes an open space plan that depicts approximately 9,862 square feet (~37.3%) of open space. The applicant proposes to configure this open space to include perimeter landscaping. The project narrative states:

As shown on the plan set, the applicant has set aside 33% of the site to be dedicated for landscaped open space. This area, which doesn't not include any parking, loading, or driveways, is set aside for common use as a consistent landscape. Portions of this landscape are to be landscaped buffer areas to maintain privacy and visual consistency and a portion is for active and passive shared outdoor recreation. The site is generally sloped, but the one area that has a level area is set aside for recreation, as shown on the plan set. The small "chapel", which is currently located on the southwest corner of the parcel, will be moved and preserved within this open space.

According to the project narrative, the owner proposes "comprehensive and consistent design for all" landscaping (Attachment A.2). The Planning Commission found the proposed open space configuration including perimeter landscaping and landscaping between buildings is consistent with the open space standard.

According to the application narrative (Attachment A.2), the owner proposes to set up a Homeowners Association that will be responsible for maintaining all common areas will provide a mechanism for management and maintenance of shared open areas and landscaping. No details for a HOA, bylaws or CC&Rs were submitted to ensure this occurs. As such, **a condition of approval is included that as a component of the Final Development Plan the applicant shall submit a draft Declaration of Planned Community and a draft set of proposed Covenants, Conditions and Restrictions (CC&Rs) addressing, among other issues, ownership and maintenance responsibilities of common open space areas and landscaping, private streets, and private utilities by the residents of the Planned Development.** As conditioned, and if the Planning Commission determines the minimum open space provision is met, the application meets these requirements.

4. Unless authorized below, residential density shall be governed by the density established in the underlying zoning district. The Planning Commission may further authorize a residential density bonus not to exceed thirty-three (33%) percent as an incentive to enhance the architectural character of the development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase that the Planning Commission may approve according to the following....

FINDINGS: The applicant did not request a density bonus. Density calculations are provided above in HRMC 17.07.020.

5. The following criteria shall apply to all Planned Unit Developments unless otherwise specified as applicable only to certain specific uses:
 - a. Relationship to the natural and physical environment:

- (1.) The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible.

FINDINGS: The subject site is steeply sloped and includes existing trees primarily along the western and southern edges of the property as depicted on a site survey (Attachment A.5). The project narrative (Attachment A.2) appears to describe another site with respect to this standard. The site survey (Attachment A.5) shows that the site slopes from an upper elevation of approximately 275 feet at the southern boundary down to approximately 230 feet at the northern boundary for an average slope of approximately 22%. The survey also shows the locations and diameters of existing trees. The species indicates the trees are a mix of ponderosa pine, oak, maple, Douglas fir, and cedar.

The tree plan on Sheet A115, Attachment A.1 indicates most of the existing mature trees will be removed to accommodate new dwellings or driveways. The plan indicates retention of two oak trees on the southern site boundary, 3 poplar trees in the E. Hazel Avenue ROW, and one other oak tree at the SW corner of Lot 5. Comments from the Engineering Department include a requirement to protect all trees in the rights of way:

Per HRMC 13.12.110, all trees within the ROW shall remain and be protected during all construction activities. The applicant shall hire an arborist to consult and produce an arborist report for the existing street trees in the ROW. The arborist report shall establish criteria for protection during construction, trimming and removal or retention.

Sheets A302 and A303 (Attachment A.1) illustrate that the proposed development is designed to step down the property from south to north to both take advantage of and preserve the topography to some degree. The common open space will take advantage of a relatively flat part of the site in the location of an existing house to be removed.

A condition of approval is included to require that the applicant hire an arborist to evaluate existing trees in the E. Hazel and E. Eugene rights-of-way and establish criteria for protection of trees during construction not located within the approved driveway approaches; trimming of other trees as needed for sight distance; and removal of trees necessary to construct driveways. In addition, the arborist report shall provide procedures for protecting existing mature trees located on-site that do not require removal to accommodate buildings, utilities, or driveways. The tree protection plan shall be submitted as part of the construction site permit application materials. As conditioned, the proposal is generally consistent with this criterion.

- (2.) Structures located on the site shall not be in areas subject to ground slumping and sliding.

FINDINGS: The applicant's narrative does not address this standard. Lands designated as geologic hazards are identified on the City Zoning Map. The subject site is located in an area designated as a geologic hazard due to steep slopes. As discussed above in HRMC 17.03.090, a Geotechnical Analysis, prepared by a licensed professional, is required to verify suitability of the site to accommodate the development and identify any applicable restrictions or mitigation. In addition, the Engineering Department will require a detailed grading and erosion control plan consistent with Hood River Engineering Standards (Attachment C). **A condition of approval is included to require that if the Geotechnical Analysis identifies areas subject to ground**

slumping and sliding, the site layout shall be revised to avoid locating structures in those areas pursuant to HRMC 17.07.090.A.5(a)(2). The development shall be constructed to avoid areas subject to ground slumping or sliding and shall be constructed to be consistent with the recommendations of the Geotechnical Analysis and City Engineering Standards for grading and erosion control. As conditioned, the proposal is consistent with this standard.

(3.) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

FINDINGS: As depicted on the preliminary plans (Attachment “A.1”), all structures are proposed to be at least five feet from the site’s perimeter property lines in conformance with required setback standards. Within the development, each building is separated by a north/south 20-foot utility easement (with shared driveway over a portion) in the center of the site. The townhomes on Lots 1-4 are separated from the townhomes on Lots 5-8 by a shared driveway approximately 25 feet wide. A common open space area separates the single-family dwelling on Lot 10 from the townhomes to the north. There is less separation between the single-family home on Lot 9 and the townhomes directly north (Lots 5 & 6), however the proposed site layout appears to provide adequate air circulation. Because the site slopes down from south to north, and the buildings are designed to step with the slope, it appears each unit will receive adequate natural light. The City Fire Department provided comments (Attachment D) that indicate the site layout and shared driveway accessing Lots 5-8 provide adequate circulation for fire protection.

Staff notes that, at a minimum, the proposed homes must meet Building Code setback standards on the interior of the site. As such, **a condition of approval is included that all new dwellings shall comply with the requirements of the Building Official.** In addition, the development must be consistent with the requirements of the Fire Chief including parking restrictions on the shared driveway between Lots 2 and 3, access road grade, unobstructed access drive width, provision of sprinklers within the homes, and compliance with the International Urban-Wildland Interface Code. As such, **a condition of approval is included that the applicant shall demonstrate compliance with the requirements of the Fire Chief (Attachment D).** As conditioned, the proposal is consistent with this standard.

(4.) The structures shall be oriented with consideration for the sun and wind directions, where possible.

FINDINGS: As depicted on the preliminary plans (Attachment “A.1”), the subject site slopes from a high elevation of approximately 275 feet at the southern boundary down to a low elevation of approximately 230 at the northern site boundary. Due to the site’s topography, north facing aspect, and access on the northern and southern boundaries, the applicant has limited opportunities to orient homes with consideration to solar exposure. Generally, the dwelling entrances for the townhomes will be on the north sides of the buildings and for the single-family dwellings, the entrances will be on the south sides of the dwellings. All of the dwellings are generally oriented to include decks on the north sides of the homes.

The applicant’s narrative states that the design includes “extensive use of windows and balconies” in consideration of wind and sun and given the site’s characteristics. Staff finds that the proposed structures are oriented with consideration for the sun and wind directions to the degree possible given the site’s existing characteristics.

- b. Private outdoor area – multi-family use: (1) Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than forty-eight (48) square feet. (2) Wherever possible, private outdoor open spaces should be oriented toward the sun. (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

FINDING: The Hood River Zoning Ordinance defines “multi-family dwelling” as “a building design or used exclusively for the occupancy of four or more families living independently of each other and having separate housekeeping facilities.” A multi-family use is not proposed. As such, these standards are not applicable.

- c. Shared outdoor recreation areas – multi-family use: (1) Each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows: (a) Studio units up to and including two (2) bedroom units shall provide 200 square feet per unit. (b) Three or more bedroom units shall provide 300 square feet per unit. (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety. (3) The required recreation space may be provided as follows: All outdoor space; (a) Part outdoor space and part indoor space (e.g. an outdoor tennis court and indoor recreation room); (b) All public or common space; or (c) Part common space and part private (e.g. an outdoor tennis court, indoor recreation room, and balconies on each unit). Where balconies are added to units, the balconies shall not be less than forty-eight (48) square feet.

FINDING: A multi-family use is not proposed. As such, these standards are not applicable.

- d. Parking: All of the required off-street parking spaces may be provided in one or more common parking lots within the Planned Development.

FINDING: The site topography does not lend itself to development of a common parking lot. According to the Preliminary Plan Set (Attachment “A.1”, Sheet A112), a garage accommodating one or two vehicles will be provided for each dwelling (one-car garages for units on Lots 1-4; two-car garages for units on Lots 5-10). In addition, each of the townhouse units on Lots 1-4 will have one parking space in a driveway. Two additional common parking spaces will be provided on the shared driveway between townhomes 1-4 and townhomes 5-8. As such, the required parking will not be provided in a common parking lot.

- e. Drainage: All drainage provisions shall be subject to review and approval by the City Engineer and shall comply with all applicable provisions of the ORS and HRMC.

FINDING: The applicant submitted a Preliminary Grading Plan and Preliminary Stormwater Plan (Sheets A112 & A113, Attachment A.1). The applicant narrative (Attachment A.2) states *“The project will require a Stormwater Management Plan due to size, and has access to City Stormwater System for overflow. This overflow connection will require the applicant extend a stormwater line in Eugene roughly 25’, as well as require improvement to the ditch inside 2nd street ROW. Stormwater is primarily roof area, with a smaller amount at grade. Detention for a 25-year storm will be achieved through the use of “Green Roof Trays” on roofs, along with permeable paving. These systems will also treat storm water for quality.”*

On-site drainage provisions are subject to review and approval by the City Engineer and shall comply with all applicable provisions of the Oregon Revised Statutes and Hood River Municipal

Code. The City Engineering Department comments (Attachment C) include a requirement for a stormwater management plan consistent with Hood River Engineering Standards (HRES). **A condition of approval is included that the applicant shall also obtain any applicable state permits prior to any development activities on the site.**

Conditions of approval are included that, prior to any site preparation, a stormwater management plan shall be provided in conformance with City of Hood River Engineering Standards and the requirements of the City Engineer including those specified in Attachment C. In addition, stormwater facilities shall be designed to accommodate drainage resulting from improvements made to satisfy the recommendations in the Geotechnical Analysis. As conditioned, the application is consistent with these requirements.

- f. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the one hundred (100) year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

FINDING: According to the Federal Emergency Management Agency Flood Insurance Rate Map (Panel #410088 005 B, September 24, 1984), the site is not located within the 100-year floodplain.

- B. **Additional Criteria for Commercial and Industrial Development.** In addition to the specific Planned Development approval criteria above, Planned Developments with commercial and industrial uses shall meet the following criteria:
- C. Industrial developments shall be oriented on the site to minimize adverse impacts (e.g. noise glare, smoke, dust, exhaust, vibration, etc.) The following standards shall apply:
 - 1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings shall be located away from residential areas, schools, parks, and other non-industrial areas to the maximum extent practicable; and
 - 2. A landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), maybe required to mitigate adverse impacts that cannot be avoided through building orientation standards alone.
- D. Industrial buildings oriented to the street shall have architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials, or similar features to break up and articulate large building surfaces and volumes.
- E. Industrial buildings shall have pedestrian-scale building entrances by including recessed entries, canopies, and/or similar features.

FINDINGS: No commercial or industrial uses are proposed or approved on the site.

17.07.100 Shared Open Space. The following requirements shall apply to common open space in each planned Development:

- 1. The open space area shall be shown on the final development plan.
- 2. The open space shall be conveyed in accordance with one of the following methods:
 - a. By dedication to the City as publicly-owned and maintained as open space. Open space proposed for dedication must be acceptable to the City with regard to the size, shape, location, improvement, and budgetary and maintenance limitations; or

- b. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
 - (1) The continued use of such land for the intended purposes;
 - (2) Continuity of property maintenance;
 - (3) When appropriate, the availability of funds required for such maintenance;
 - (4) Adequate insurance protection; and
 - (5) Recovery for loss sustained by casualty and condemnation or otherwise.
- c. By any method which achieves the objectives set forth above.

FINDINGS: According to the Preliminary Plan Set (Sheet A114, Attachment A.1), the applicant proposes to designate approximately 9,862 square feet of the site (~37.3%) as common open space and landscaping. The majority of the designated open space areas on the site is located on the site perimeter with a larger area located adjacent to Lots 7, 8, 9 & 10.

The project narrative states *“The proposal includes common areas and common area landscaping and the developer will set up a Homeowners Association that would be responsible for maintaining all common areas, and private roads and any private utilities. Bylaws will provide restrictions and requirements for maintenance....”* (Attachment A.2) The HOA management of the common open space is consistent with HRMC 17.07.100(2)(b).

In order to ensure compliance with these requirements, **conditions of approval are included that the subdivision plat identify all common open spaces areas, tracts and easements. In addition, the Declaration of Planned Community and/or CC&Rs or similar legal mechanism shall be used to ensure: a) the continued use of such land for landscaping and open space; b) continuity of property maintenance; c) when appropriate, the availability of funds required for such maintenance; d) adequate insurance protection; and, e) recovery for loss sustained by casualty and condemnation or otherwise.** As conditioned, the application is consistent with these requirements.

17.07.110 Noncompliance and Bonding

- A. **Noncompliance.** Noncompliance with an approved final development plan shall be a violation of this chapter.
- B. **Issuance of Occupancy Permits.** The development shall be completed in accordance with the approved final development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Planning Director determines that immediate execution of any feature of an approved final development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the occupancy permit may be issued on condition that the applicant post a performance bond or other surety acceptable to the City to secure execution of the feature at a time certain not to exceed one (1) year.

FINDINGS: If approved, the proposed PUD will be subject to the Noncompliance and Bonding requirements of HRMC 17.07.110.

CHAPTER 17.16 – SITE PLAN REVIEW

Pursuant to HRMC 17.16.010, the provisions of HRMC 17.16.053 are applicable to townhouse projects and the provisions of HRMC 17.20 and Title 16 are applicable to subdivisions of 4 or more lots. The proposed development includes 8 townhouse units and a total of 10 lots to be created by subdivision.

Thus, findings for HRMC 17.16.053, 17.20, and Title 16 are included below.

17.16.053 Townhouse Project Decision Criteria. Decision Criteria for townhouse projects for residential use with 4 or more townhouses in the R-2, R-3, and C-1 Zones:

A. **Compliance with Townhouse Standards:** The proposed townhouse project complies with the townhouse standards in HRMC [17.19](#), the requirements of the applicable zone and other applicable requirements of this Title.

FINDINGS: The proposed development includes 4 two-unit townhouse buildings for a total of 8 townhouses on a site located in the R-3 zone. Compliance with the provisions of HRMC 17.19 is provided below. Compliance with the requirements of the R-3 zone is discussed above in HRMC 17.03.030. Compliance with other applicable requirements of Title 17, Zoning, are included throughout these findings.

B. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall be in accordance with Section 4.3 Grading and Erosion Control of the City's adopted Engineering Standards. Graded areas shall be replanted as soon as possible after construction to prevent erosion.

FINDINGS: The preliminary plans depict a steep site with proposed grading to construct build a total of six buildings stepped down the site from south to north (Attachment A.1). The applicant submitted a preliminary grading plan (Sheet A112, Attachment A.1) and project narrative that states: *"Grading will be extensive to include basements in each unit. The proposal plans 4' high retaining walls at the east and west perimeter to allow for a consistent north south slope on the property. Each unit has building retaining walls that creates a basement. Erosion control during construction is achieved by using silt barriers at the bottom of the slope."*

In addition, the project narrative describes the proposed stormwater plan (depicted on Sheet A113, Attachment A.1) as, *"The project will require a Stormwater Management Plan due to size, and has access to City Stormwater System for overflow. This overflow connection will require the applicant extend a stormwater line in Eugene roughly 25', as well as require improvement to the ditch inside 2nd street ROW. Stormwater is primarily roof area, with a smaller amount at grade. Detention for a 25 year storm will be achieved through the use of "Green Roof Trays" on roofs, along with permeable paving. These systems will also treat storm water for quality."*

Comments from the Engineering Department include a requirement for a detailed grading and erosion control plan and a stormwater management plan consistent with Hood River Engineering Standards (Attachment C). On a preliminary basis, the Engineering Department determined the preliminary grading and stormwater plans feasible. Final plans, such as stormwater, grading and erosion control, are submitted at the time of construction with final engineering, which is submitted to and reviewed by the City prior to the issuance of construction and building permits. When the final plans, including grading plans, are submitted, they will be reviewed by the City Engineer for compliance with the city's technical requirements for grading, design of the on-site stormwater collection and treatment system and the other technical requirements.

Staff finds that this approval criterion is met so long as the following conditions of approval are met:

A detailed final grading plan consistent with the Hood River Engineering Standards shall be submitted and approved by City Engineering prior to issuance of a demolition permit, construction site permit, or building permit. The final grading plan is subject to City

Engineering Standards and shall depict existing and proposed grades, and the locations and heights of all proposed retaining walls. All grading activities and retaining wall construction shall be consistent with the Hood River Engineering Standards and the forthcoming Geotechnical Analysis. If construction occurs on neighbor's property an easement shall be obtained from the affected neighboring property owner.

A detailed final construction erosion control plan, designed in accordance with the Hood River Engineering Standards shall be submitted and approved by the City Engineering Department prior to issuance of a demolition permit, construction site permit, or building permit. Prior to any development activity on the site, approved erosion control measures and tree protection fencing shall be installed.

A final stormwater management plan as described in the Hood River Engineering Standards shall be submitted for review and approval by the City Engineer prior to issuance of any demolition, construction site, or building permits.

A Geotechnical analysis shall be conducted and a Geotechnical Report, prepared by a licensed professional shall be submitted prior to the issuance of any demolition, construction site, or building permits.

C. **Transportation Circulation and Access Management:** The application is in compliance with the applicable requirements of Chapter 17.20 including provision of a Traffic Impact Analysis or a Transportation Assessment Letter pursuant to Section 17.20.060 unless waived by the City Engineer.

FINDINGS: Findings pertaining to Chapter 17.20 and to HRMC 17.20.060 are included below.

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

FINDINGS: "Screened" does not mean that the storage and garbage collection areas must be blocked from view. "Screened" means they must be shielded from view and visually unobtrusive. "Appropriate fencing" means fencing that provides screening, such as a wood fence, or wood slats in a cyclone fence.

No information about proposed outdoor storage areas was provided by the applicant.

It is recommended that CC&Rs address issues such as the preferred location of garbage/recycling containers, and requiring outdoor storage on individual lots to be screened from view. To ensure this requirement is met, **a condition of approval is included to require that if any outdoor storage or garbage collection areas are proposed in the future, they must be designed to be screened from adjacent rights-of-way and adjacent properties through the use of vegetative materials or fencing.** As conditioned, the proposal complies with this criterion.

CHAPTER 17.17 – LANDSCAPING AND DEVELOPMENT STANDARDS

17.17.010 Scope

- A. Landscaping standards apply to all new multifamily, commercial, industrial uses, change of use, parking lots of four (4) spaces or more, public facilities and conditional uses.
- B. For sites that do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g.

if the building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

FINDINGS: The proposed Planned Development is a Conditional Use. As such, the landscaping requirements of this section apply to the proposal.

17.17.020 Procedure

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

FINDINGS: The applicant submitted a preliminary landscaping plan in the preliminary plan set (Sheet A114, Attachment A.1). In order to ensure conformance with these requirements, **conditions of approval require a final landscaping plan be submitted to and approved by the Planning Director prior to the issuance of a building permit; all approved landscaping shall be installed or guaranteed prior to occupancy of the building; and the owner shall be responsible for the establishment and maintenance of all landscaping in accordance with the approved landscaping plan. If plantings fail to survive, it is the responsibility of the property owner to replace them. As conditioned, the proposal complies with these standards.**

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

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

FINDINGS: The Preliminary Plan (Sheet A114, Attachment A.1) depicts areas proposed to include “Oregon native species”, proposed new 3-inch Oregon White Oak trees, and “native species” that appear to be shrubs. The application narrative (Attachment A.2) states, “Project Development includes a comprehensive new landscaping over the entire site, except the south areas, which will be left as a natural landscape. New landscaping will include irrigation, ground covers, shrubs and trees.” As depicted on the preliminary landscaping plan, a total of 26 trees will be either planted or retained.

Oregon White Oak trees are native to Hood River. By describing the proposed landscaping as “Oregon native species,” the applicant appears to intend to include plant species that will survive Hood River’s climate and soils. A landscaping note indicates all landscape areas will be watered using an automatic irrigation system to ensure survival. Given this information about species, quantity of trees, and species, and information provided in the preliminary grading plan, the preliminary landscaping plan includes sufficient information to demonstrate the developer can provide a Final Landscaping plan that satisfy the functional objectives of erosion control, screening, and shade.

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

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

<u>ZONE/USE</u>	<u>PERCENT</u>
Conditional Use – Residential Zones	20%
Conditional Use – All other zones	15%

8. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting.
9. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
10. Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting.
11. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.
12. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
13. Trees shall not be planted closer than twenty-five (25) feet from the curb line of intersections of streets or alleys, and not closer than ten (10) feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
14. Street trees shall not be planted closer than twenty (20) feet to light standards. Except for public safety, no new light standard location should be positioned closer than ten (10) feet to any existing street tree, and preferably, such locations will be at least twenty (20) feet distant.
15. Trees shall not be planted closer than two and one-half (2½) feet from the face of the curb except at intersections, where it should be five (5) feet from the curb in a curb return area.
16. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
17. Trees shall not be planted within two (2) feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four (4) feet by four (4) feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.
18. Trees, as they grow, shall be pruned to their natural form to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above street roadway surfaces.
19. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.

20. Vision clearance hazards shall be avoided. Refer to Diagram “A” – Vision Clearance, Section 17.09.040.
21. City or State right-of-way(s) can not be used to satisfy the required landscaping requirement.
22. Landscaping in the Central Business district and the Heights Business District can include street amenities such as park benches and planter boxes.

FINDINGS: The applicant submitted a preliminary landscaping plan in the preliminary plan set (Sheet A114, Attachment A.1) and narrative that states, “Project Development includes a comprehensive new landscaping over the entire site, except the south areas, which will be left as a natural landscape. New landscaping will include irrigation, ground covers, shrubs and trees.” The preliminary landscaping plan notes include statements affirming the intent to use native plant species, install an irrigation system to water the landscaping, that new shrubs will meet size and spacing standards, and that the site will be “developed to control erosion.” The plan indicates 21 new trees will be planted along with 5 existing trees retained on-site. The plan notes that approximately 9,744 square feet (~37%) of the site will be landscaped or left in a natural state, sufficient to exceed the minimum area requirement of 20% of the site.

This information affirms preliminary compliance with HRMC 17.17.040(4), (5), (6), (7), (10), (12) and indicating likely compliance with HRMC 17.07.040(9) & (11). Deciduous trees do not appear to be proposed (HRMC 17.17.040(8)). Vision clearance standards referenced in HRMC 17.17.040(20) are addressed in the applicant’s Traffic Assessment Letter under HRMC 17.20. No required landscaping is proposed in a city or state right-of-way (HRMC 17.17.040(21)). The site is not located in the Central Business District or the Heights Business District, so HRMC 17.17.040(22) is not applicable. The location of proposed trees in relation to intersections, driveways, fire hydrants, and street lights will be verified with review of the Final Landscaping plan consistent with the standards in HRMC 17.17.040(13) – (17). It is premature to evaluate compliance with HRMC 17.17.040(18)

HRMC 17.17.040(1) requires that the property owner is responsible for any future damage to a street, curb, or sidewalk caused by landscaping. **A condition of approval is included to alert the applicant and property owner of this requirement.**

HRMC 17.17.040(2) requires that the landscaping plan include plant species selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character. The preliminary plans depicts landscaping along the site perimeter to aid with deterring sound and with providing privacy, filtering air contaminants, and reduce the visual impact of the development. Trees and shrubs are depicted along the perimeter of a common open space area to help separate that outdoor space from adjacent buildings.

HRMC 17.17.040(3) requires landscaping planted along the perimeter and in the interior of a parking lot to guide traffic movement and lessen the visual dominance of the lot. No parking lot is proposed, however trees and shrubs are depicted along the perimeter of a shared driveway with 2 parking spaces located between the sets of townhomes.

Generally, the preliminary landscaping plan has been designed to meet the standards of HRMC 17.17.040 however, to ensure compliance, additional **conditions of approval area included to require the Final Landscaping Plan shall include a mix of deciduous and evergreen trees and shrubs meeting the following standards:**

- **Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting;**

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

A watering system shall be installed to assure landscaping success.

The preliminary landscaping plan depicts the locations for proposed street trees along E. Hazel Avenue and E. Eugene Street. HRMC 17.17.040(19) provides that “existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.” **A condition of approval is included to required that the final plans submitted for permits include a plan for street trees that meets the provisions of HRMC 17.17.040. Street tree species shall be selected from the City of Hood River Street Tree List and shall have a minimum caliper size at planting of 2 inches as measured 6-12 inches above the root ball.**

As conditioned, the proposal complies with this standard.

17.17.050 City Entrances Landscaping and Development Standards. The subject site is not located within a designated city entrance, thus the standards in HMRC 17.17.050 are not applicable.

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

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

HRMC 17.19 – TOWNHOUSE PROJECTS

17.19.010 Applicable Zones.

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

FINDINGS: The subject site is zoned Urban High Density Residential (R-3). The application is being reviewed through a Planned Development process which requires a Conditional Use Permit and includes review of conformance with Site Plan Review criteria. As such the proposal is consistent with the requirements of the underlying zoning designations.

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

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

1. Townhouse projects require a minimum lot or parcel size of 5,000 square feet.
2. Each townhouse building shall contain:
 - a. No more than two (2) attached townhouses in the R-2 zone;
 - b. No more than four (4) attached townhouses in the R-3 and C-1.

FINDINGS: The subject property is approximately 26,399 square feet in area; greater than the minimum required 5,000 square feet, consistent with HRMC 17.19.020.A.1. Each of the proposed townhouse buildings will include two townhomes, consistent with HRMC 17.19.020.A.2.

3. Maximum residential density is calculated as follows:
 - a. In the R-2 zone, a minimum of 5,000 square feet per townhouse building.
 - b. In the R-3 and C-1 Zones, a minimum of 5000 square feet for the first two (2) townhouses and a minimum 1500 square feet for each additional townhouse.

FINDINGS: Density calculation is addressed above in HRMC 17.07.020(C). The 10 proposed units comply with density standards.

4. The minimum lot size permitted per townhouse:
 - a. In the R-2 zone, no townhouse lot may be less than 2,100 square feet.
 - b. In the R-3, C-1, and C-2 zones, there is no minimum townhouse lot size.

FINDINGS: As depicted on the Preliminary Plat (Sheet A116, Attachment A.1), proposed townhouse lot sizes ranging from 1,250 to 1,677 square feet in size. The townhouse standards do not require a minimum townhouse lot size in the R-3 zone.

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

FINDINGS: Because there is no minimum lot size for townhouse lots, townhouse lots do not have a minimum lot frontage requirement. Thus, townhouse lots interior to the site – Lots 5-8, do not require frontage on a public street.

6. Lot Coverage: Subject to HRMC 17.04.120.

FINDINGS: The lot coverage standards of HRMC 17.04.120 are not applied in a PUD because minimum lot size standards are not applicable.

7. As a part of an application for a townhouse project, an applicant may request an exception to the standards in HRMC 17.04.020, Access for townhouse projects which have alley access. The City may approve the exception when all of the following standards are met:
 - a. The proposed access plan is approved by the City Fire and Engineering Departments;
 - b. The alley has been dedicated to the City for public access;
 - c. The alley has a minimum hard surface width of 10 feet;
 - d. The applicant provides a Traffic Impact Analysis or Traffic Assessment Letter demonstrating that the alley has adequate capacity for the proposed use; and,
 - e. A hard-surfaced path with a minimum width of 6 feet is provided between the public street and any townhouse unit that obtains vehicular access from the alley.In addition, address signage meeting City standards shall provide directions from the

public street to any alley-accessed townhouse. And, any on site fencing adjacent to the path shall not exceed four-feet tall. The path and signage ensure safe access for emergency service providers.

FINDINGS: The applicant does not request an exception to the standards of HRMC 17.04.020.

- B. Setbacks. The setback requirements of the applicable zone shall be applied to the townhouse building(s) except that the setback for the common wall on a townhouse is reduced to zero (0).
- C. Maximum Building Height. The maximum building height requirements of the applicable zone shall be applied to the townhouse building(s).
- D. Parking Regulations. The parking requirements of the applicable zone shall be applied to the townhouse building(s).

FINDINGS: Standards for setbacks, maximum building height and parking are addressed above in HRMC 17.03.030.

E. Additional Standards.

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

FINDINGS: If a townhouse building is destroyed in any manner, it will be replaced with the same or less number of units. The application includes concurrent review of a subdivision and the provisions of Title 16 are addressed below in this report.

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

FINDINGS: The provisions of Title 16 are addressed below in this report.

HRMC 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.

17.20.030 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.

FINDINGS: The site does not abut an arterial or collector street and is not located within an Interchange Area Management Plan, thus HRMC 17.20.030 is not applicable.

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

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

FINDINGS: The proposed development includes two detached single-family dwellings and 8 attached single-family dwelling constructed in four two-unit buildings. As such HRMC 17.20.040 is not applicable.

17.20.050 Standards for Transportation Improvements

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

FINDINGS: The proposed use exceeds the scope of these permitted improvements. As such, the standards of HRMC 17.20.050 are applicable to the proposal.

- B. Uses Subject to Site Plan Review.** These standards apply to transportation improvements such as new roads that are not included in the City's Transportation Plan.

FINDINGS: The proposed improvements to E. Hazel Avenue and E. Eugene Street are within an existing local street public right-of-way and no transportation improvements described in HRMC 17.20.050.B.2 are proposed, thus the standards in HRMC 17.20.050.B.2 are not applicable.

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 Analysis Letter (Attachment A.3) that indicates the proposed development is expected to generate 69 net new average daily vehicular trips, 4 net new weekday AM peak hour trips, and 5 net new weekday PM peak hour trips overall, which is below the threshold for requiring a Traffic Impact Analysis (TIA). A Traffic Impact Analysis was not required because no zone change is proposed; the project will generate fewer than 25 peak hour trips and fewer than 250 average daily trips; the development will not add more than 10 vehicles exceeding 20,000 pound gross vehicle weight per day; the driveway locations are a permitted exception to access spacing standards; and the use is not expected to cause safety problems. Instead, the applicant was required to provide a Traffic Assessment Letter (TAL) prepared by a professional engineer registered in Oregon and in conformance with HRMC 17.20.060.D.

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.

FINDINGS: The applicant submitted a Traffic Assessment Letter prepared by Bell Design Co. (Attachment A.3, dated 6/3/21). The applicant's TAL addresses existing conditions and roadway design, trip generation and distribution, vehicular access & circulation, access spacing, sight

distance, and intersection safety (E. Hazel and E. Eugene intersection) as requested by the City Engineer. The applicant's TAL generally complies with the requirements of HRMC 17.20.060.D.

A summary and conclusion of the TAL findings provided by the applicant's traffic engineer states:

1. *The proposed PUD will generate a total of four (4) trips during the morning peak hour, five (5) trips during the evening peak hour, and 69 average daily trips onto the City transportation system. This level of traffic flow would not create a significant impact on the surrounding transportation system. Additionally, the project generates less than 25 peak hour trips and less than 250 average daily trips.*
2. *Based on the sight distance measurements conducted by Bell Design Company, adequate sight distance will be available at the proposed site access intersections on both East Eugene Street and East Hazel Avenue provided vegetation is removed and/or trimmed, the site is graded as proposed, and the sight distance triangles are properly maintained.*
3. *Frontage improvements will consist of widening both East Eugene Street and East Hazel Avenue as well as sidewalk and planter strip on East Hazel Avenue, as directed by Public Works.*
4. *A design exception to the Access Management Spacing Standards per the HRMC 16.12.020(G) is required for the three proposed driveways on East Eugene Street. As explained in detail above, it is recommended that the City allow a design exception to reduce the required driveway separation from 22 feet down to 14 feet, as measured from edge of throat to edge of throat, for the three proposed driveways on East Eugene Street to accommodate the unique circumstances of this development.*
5. *The Access Management Spacing Standards per the HRMC 16.12.020(G) are met for the two proposed driveways on East Hazel Avenue.*
6. *The proposed PUD does not significantly increase traffic to the intersection of East Eugene Street and East Hazel Avenue and does not pose an adverse impact to the safety or function of the intersection.*
7. *The proposed development meets all standard criterion and code requirements of HRMC section 17.20.060.C&D, therefore no further analysis is required beyond this TAL.*

E. Traffic Impact Analysis Requirements.

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

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

FINDINGS: A Traffic Impact Analysis was not required, thus HRMC 17.20.060.E - G are not applicable. however, the TAL was prepared by a qualified. professional engineer and the City Engineer provided direction about the study area for the TAL.

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 planned transportation system, including construction or proportionate contribution toward roadway improvements necessary to address site generated traffic impacts.

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

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

A revised TAL dated 6/3/2021 has been received. The TAL estimates trip generation and distribution, evaluates sight distances, and summarizes posted speed limits, collision data and functional classifications. Traffic counts were provided for the E. Hazel / E. Eugene intersection. The TAL presented crash data from the ODOT Crash Analysis and Reporting Unit indicating no reported collisions at the E. Hazel / E. Eugene intersection from 2010-2019. The TAL indicates a relatively minor increase in daily traffic (11%) through the E. Hazel / E. Eugene intersection. The TAL also presents valid arguments for a design exception to the driveway spacing requirements discussed previously, namely the parking restrictions in place on E. Eugene and the fact that without the design exception one additional driveway would be required to serve the development.

As addressed in HRMC 16.12 below, the developer/owner will be required to construct street frontage improvements as required by the City Engineer, install a street light on E. Hazel Avenue, and obtain a Design Exception for driveway access spacing to address site-generated traffic impacts. As conditioned, the proposal meets the standards of HRMC 17.20.060.

CHAPTER 16.08 – GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS

16.08.010 Approval Process for Subdivisions and Partitions

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

1. **Pre-Application Conference:** A pre-application conference with City staff is required for all partitions and subdivisions prior to submittal of the preliminary plat application unless waived by the Planning Director. The applicant shall provide information and materials of a sufficient level of detail to clearly explain the proposed land division.
2. **Preliminary Plat:** The preliminary plat shall be approved before the final plat can be submitted for approval consideration.

- a. Partitions. Review of a preliminary plat for a partition shall be processed by means of an Administrative action, as governed by Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).
- b. Subdivisions. Review of a preliminary plat for a subdivision shall be processed by means of a Quasi-Judicial action, as governed by Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040). All preliminary plats shall be reviewed using approval criteria for preliminary plats contained in this Title. An application for subdivision may be reviewed concurrently with an application for a Planned Development under Title 17.
3. **Review of Final Plat:** The final plat shall include all conditions of approval of the preliminary plat. Review of a final plat for a subdivision or partition shall be processed by means of a Ministerial procedure under Title 17 Ministerial Actions in the Review Procedures chapter (Section 17.09.020), using the approval criteria for final plats in this title. Filing and recording of the final plat shall be in compliance with the requirements of 16.08.050.

FINDINGS: The applicant attended pre-application conference on October 21, 2020. The applicant submitted a Preliminary Plat and proposes to divide the existing parcel into 10 lots as well as one or more tracts for common open space. This subdivision application is being reviewed concurrently with the request for a Planned Unit Development.

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

FINDINGS: If the proposal is approved, a Final Development Plan for the PUD will need to be submitted within two years of the date of the planning commission approval as specified in HRMC 17.07.030(C). **As such a condition of approval is included that the final plat shall be prepared after approval of the Final Development Plan, within two years of the date of the planning commission approval.**

16.08.020 Preliminary Plat Submission Requirements and Approval Criteria

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;**

FINDINGS: The Preliminary Plat (Sheet A116, Attachment A.1) generally includes the information required for a Preliminary Subdivision Plat including the location of proposed property lines and dimensions. The provisions of Title 17 are addressed above, and the provisions of Chapter 16.12 are addressed below. Conditions of approval are included where necessary to ensure compliance with applicable ordinances and regulations. As conditioned, the proposal complies with this criterion.

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

FINDINGS: The proposal is for a Planned Development that includes a Subdivision to

establish 10 lots. The proposed subdivision name is “Hazel Ridge PUD.” The final subdivision name will be subject to approval by the County Surveyor and will be verified prior to recording a plat.

- 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: No new streets, road, bicycle lanes, or pathways are proposed. The subject property has frontage on two existing streets: E. Hazel Avenue and E. Eugene Street. The site is located within the boundaries of an existing street block and properties surrounding the site are developed. As such, it is not necessary to transition to the plats of other subdivisions or partitions for the purpose of streets. Right-of-way dedication is not proposed. Proposed sidewalks and proposed utilities are evaluated below in HRMC 16.12.060.

Conditions of approval are included to ensure any proposed or required public improvements must be installed or guaranteed prior to final plat approval. Further, any public improvements and dedications shall be identified on the plat. As conditioned the proposal complies with this criterion.

- 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: The subject development site has frontage on E. Hazel Avenue on the south and E. Eugene Street on the north. Both streets are designated as Local Streets in the city’s Transportation System Plan. Minimum design requirements for street improvements are designated in the Transportation System Plan and in HRMC 16.12.060(B.6) Figure 16.12-E (Local Streets Standard Diagram). Neither street is fully developed to meet current design standards, primarily due to topographic constraints.

The Engineering comments (Attachment C) include requirements for street frontage improvements to bring the two streets closer to current standards:

Frontage Improvements: The City’s TSP classifies E Eugene St as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is 50 feet. The Applicant is required to provide up to half street frontage improvements as outlined in the City’s TSP. However, due to topographic constraints, the City is willing to decrease the full paved width and not require curb & gutter, planter strip, or sidewalk. The width of pavement required will be determined at final Engineering review and will not be less than 20’. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.

Frontage Improvements: The City’s TSP classifies E Hazel Ave as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing

ROW is variable width (approx. 60 feet in this location). The Applicant is required to provide up to half street frontage improvements as outlined in the City's TSP (28' paved full width). However, due to topographic constraints, the City may be willing accept a modified roadway cross section. A 28' wide roadway or an equivalent width of roadway and sidewalk may be considered. The final decision shall be determined following the site survey. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.

There are no known Future Street Plans affecting the subject property and no new streets or right-of-way dedications are proposed or required.

Conditions of approval are included to ensure conformance with the requirements of the City Engineering Department including street frontage improvement requirements (Attachment C). As conditioned the proposal complies with this criterion.

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

FINDINGS: The Preliminary Plan Set (Attachment A.1) depicts two common area Tracts: Tract 1 includes a private shared driveway, common access and utility easement, common landscaping and common open space. Tract 2 includes common open space. The preliminary plat indicates a proposed common open space easement owned by a homeowners association over portions of each of the lots and a common access and utility easement over portions of Lots 2 and 3. The boundaries of the two tracts and the easements will need to be clear on the final plat.

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

FINDINGS: The City of Hood River currently provides water, sanitary sewer, storm sewer, streets, police and fire protection to properties surrounding the subject site. As addressed below in HRMC 16.12.060, **conditions of approval are included to ensure adequate capacity of all public facilities serving the site.** As conditioned the application complies with this criterion.

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

FINDINGS: The Preliminary Utility Plan (Sheet A113, Attachment A.1) depicts the location of existing public and proposed private utility lines. City water and sanitary sewer system lines are available in both E. Hazel Avenue and E. Eugene St. for extension into the site. Other utilities such as natural gas are expected to be provided by franchise utility companies. Northwest Natural Gas has a main line in E. Eugene Street (Attachment F). Adequate public and private utilities and facilities are situated in proximity serve the proposed parcels. The site is not located near a floodplain, stream, or other water body.

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

FINDINGS: Stormwater facilities are addressed below in HRMC 16.12.060. The City Engineering Department comments (Attachment C) include a requirement that a stormwater management plan and water quality plan is submitted and complies with Hood River Engineering Standards. **A condition of approval is included to ensure this requirement is met.**

9. **Underground utilities are provided;**

FINDINGS: As addressed below in HRMC 16.12.060(F) **a condition of approval requires that all utilities shall be placed underground.** As conditioned, the application complies with this criterion.

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

FINDINGS: Proposed development is not located in or adjacent to a 100-year floodplain according to FEMA's Flood Insurance Rate Map.

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

FINDINGS: The proposed development is not located in or adjacent to a 100-year floodplain according to FEMA's Flood Insurance Rate Map.

16.08.030 Final Plat Submission Requirements and Approval Criteria

- A. **Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with the County. The applicant shall submit the final plat within two (2) years of the approval of the preliminary plat as provided by this chapter. Specific information about the format and size of the plat, number of copies, and other detailed information can be obtained from the Planning Director.
1. **Supplemental Data:** At the time of the submission of the final map, the applicant shall also submit the following:
 - a. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;
 - b. All technical data as required by the designated City or County Surveyor.
 2. **Certification:** The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate.

- a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided or partitioned, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
 - (1) Rights-of-way, easements, or other interest, none of which can ripen into a fee;
 - (2) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision or partition plat map, including land originally patented by the United States or the state of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the state or Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided;
- b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants; and
- c. The plat contains an affidavit, by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two (2) or more permanent objects for identifying its location.
- d. Provision for additional certificates and acknowledgements required by law or conditions of approval.

FINDINGS: In order to ensure compliance with these requirements **a condition of approval is included that the final plat shall be submitted within two years of the date of approval of the preliminary plat, in conformance with the requirements of HRMC 16.08.030 including provision of a preliminary title report.**

16.08.040 Filing and Recording

- A. **Filing Plat with County.** Within sixty (60) days of the City approval of the final plat, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and County Ordinance. For purposes of ORS 92.100(1)(f), a partition plat is subject only to the approval of the County surveyor.
- B. **Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City two (2) paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.
- C. **Prerequisites to Recording the Plat.**
 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
 2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.
- D. **Parcels in Excess of 80 Acres.** Parcels in excess of 80 acres do not need to be shown on a partition plat. However, the plat shall show all shared boundaries between the parcel in excess of 80 acres and the other parcel(s) on the plat and include a notation on the plat indicating which parcel(s) is not shown in its entirety pursuant to this provision.

FINDINGS: In order to ensure compliance with these requirements a condition of approval is included that the final plat(s) shall be filed and recorded in conformance with HRMC 16.08.040.

16.08.050 Variances and Penalties

- A. **Variances.** Adjustments to the standards of this Chapter shall be processed in accordance with the procedures and findings prescribed in the City's zoning ordinance for variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted.
- B. **Penalties.** An offer to sell, contract to sell, sale or deed of conveyance of a subdivision or partition or any part thereof, before a final plat thereof in full compliance with the provisions of this title has been duly recorded shall be considered an offense. Offenders who violate or cause violation of any provision of this title shall be deemed guilty of an offense and shall be subject to punishment as prescribed in Title 17 of the Municipal Code.
- C. **Compliance with Oregon Real Estate Regulations.** Prior to the sale of or contract to sell any lot within the subdivision, a final subdivision plat shall be recorded and the subdivider shall file a "Notice of Intent" with the Oregon State Board of Real Estate.
- D. **Certification Conflicts.** When any provision of Oregon state law or of this title requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or any agent or employee thereof, such certificate or affidavit may be executed or such act may be performed by some other person duly qualified therefor and designated so to act by the Council.

FINDINGS: No variances are proposed to the standards of Chapter 16.08. It is incumbent upon the developer and associated parties to avoid actions that result in penalties, to comply with Oregon real estate regulations and avoid certification conflicts.

CHAPTER 16.12 – GENERAL DESIGN AND IMPROVEMENT STANDARDS

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.

FINDING: Standards of HRMC 16.12 that are not applicable to the proposed Planned Development may be omitted from the following 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.

- 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: The subject site abuts two public streets: E. Hazel Avenue and E. Eugene Street. An access permit from the City will be required prior to construction of driveways. The applicant prepared a Traffic Assessment Letter (Attachment A.3). The City Engineering Department submitted comments addressing other requirements for transportation improvements (Attachment C) as addressed below in HRMC 16.12.060 including conditions of approval to ensure adequate transportation facilities are available to serve the proposed development.

- E. **Conditions of Approval.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

FINDINGS: As discussed below, conditions of approval are included to require street frontage improvements and ensure safe access to and from off-street parking areas and driveways. Conditions of approval are explained throughout this analysis to ensure consistency with the standards in Chapter 16.12.

- F. **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten [10] feet per lane is required). These methods are “options” to the developer/subdivider, unless a method is specifically required by the City Engineer.
1. **Option 1:** Access is from an existing or proposed alley or mid-block lane.
 2. **Option 2:** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A private street may only be developed as part of a Planned Unit Development. A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
 3. **Option 3:** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.

FINDINGS: As depicted on the preliminary transportation plan (Sheet A112, Attachment A.1), the driveways serving the proposed detached single family dwellings access E. Hazel Avenue, a public street, consistent with Option 3. Two shared driveways are proposed to access E. Eugene Street to serve the townhomes on Lots 1 & 2 and 3 & 4, consistent with Option 3. Another shared driveway is proposed to provide access to the townhomes on the interior of the site on Lots 5-8. Comments from the Engineering Department include a requirement to construct this shared driveway consistent with the Six Home Private Street standard (Attachment C). The applicant proposes a private access easement to benefit Lots 1- 10 and Tracts 1 & 2, which appears to be consistent with the intent of Option 2. **A condition of approval is included to require that the**

shared driveway providing vehicular access to the townhomes on Lots 5-8 is designed as a “Six Home Private Street” as described in the City’s Transportation System Plan with two 10-foot travel lanes and built to public street subgrade standards. As conditioned, the proposal meets these access option standards.

- G. **Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:
1. **Local Streets:** A minimum of twenty-two (22) feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.
 2. **Arterial and Collector Streets:** Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City’s Transportation System Plan. Access to state highways shall be subject to the requirements of the Oregon Highway Plan and OAR Chapter 734, Division 51.

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

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

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

^a Exceptions may be made by the City Engineer

^b Measured centerline to centerline

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

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

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

Table 16.12-B Oregon Highway Plan Access Management Spacing Standards

Facility	Access Spacing Standard ^a per Posted Speed (Urban Area ^b)				
	>= 55 mph	50 mph	40 & 45 mph	30 & 35 mph	<= 25 mph
District Highway ^c	700 feet	550 feet	500 feet	350 feet	350 feet

^a Measurement of the approach road spacing is from center to center on the same side of the roadway.

^b The Urban standard applies within UGBs unless a management plan agreed to by ODOT and the local government(s) establishes a different standard.

^c OR 281 and US 30 are currently classified as District Highways

FINDINGS: As addressed above, two driveways accessing E. Hazel Avenue will serve two detached single-family dwellings and three shared driveways accessing E. Eugene Street will serve the eight townhomes.

The applicant's Traffic Assessment Letter (Attachment A.3) includes the following statements about access spacing:

As measured from edge of throat to edge of throat, access spacing between the proposed driveways on East Hazel Avenue is 22 feet or greater, thus no design exception is required. Additionally, the proposed driveways meet the required SSD and their relative spacing does not affect the safety of traffic flow on East Hazel Avenue.

The development proposes shared driveways with a 20 foot throat width for each of the townhomes fronting East Eugene Street. The development also proposes an additional shared driveway with a 20 foot throat width and 10 foot radius connection to East Eugene Street to be centered along the frontage to access the two townhomes setback from the right-of-way. Access spacing between the three proposed shared driveways on East Eugene Street is 22 feet or greater as measured from centerline to centerline. As measured from edge of throat to edge of throat, access spacing between the three proposed shared driveways on East Eugene Street is only 14 feet. Based upon City staffs' interpretation of the City's driveway separation requirement on local streets, the proposed driveway separation requires a design exception.

Unless site specific safety hazards exist, spacing standards for local streets are largely aesthetically driven to reduce curb cuts, increase on-street parking availability, allow for ADA compliant driveway wings, and provide an area for general services such as mailbox placement or garbage pickup locations. In this unique circumstance, due to the topographical constraints and intent by the City to preserve the existing mature oak trees within the right-of-way, it is reasonable to assume that additional widening of the street to allow for on-street parking will likely not occur. It is also reasonable to assume that sidewalks will likely not be constructed for similar reasons, thus removing the necessity for the required spacing between driveways to accommodate for driveway approach wings to meet ADA requirements. Additionally, the proposed driveways all meet the required SSD and their relative spacing does not affect the safety of traffic flow on East Eugene Street. Therefore, in this unique situation, it is recommended that the City allow a design exception to reduce the required driveway separation from 22 feet down to 14 feet as measured from edge of throat to edge of throat.

Comments from the Engineering department (Attachment C) regarding access spacing include:

The proposed 25-foot-wide driveway approaches on E Hazel Ave appear to meet City standards.

Driveways on Eugene Street as submitted do not meet HRMC 13.28.040(A) and 16.12.020G(1) access spacing. Per HRMC 13.28.040(A) and 16.12.020.G(1), a minimum of twenty-two (22) feet is required on local streets. Per HRES 7.2C, intersection spacing (offsets) shall be determined by HRMC Table 13.28-A: City of Hood River Access Management Spacing Standards (except for local street driveway spacing). A design exception for 14-foot driveway spacing on E Eugene St would be required for this development as submitted.

The TAL presents valid arguments for a design exception to the driveway spacing requirements discussed previously, namely the parking restrictions in place on E. Eugene and the fact that without the design exception one additional driveway would be required to serve the development.

The proposed driveways accessing E. Hazel Avenue meet city standards as depicted on the preliminary plans. The proposed driveway access spacing on E. Eugene Street will require approval of a design exception. The Design Exception process is used to obtain relief from specific engineering design standards. The applicant's request for an exception (Attachment A.7) from the driveway access spacing standards is one that the City Engineer has the authority to review and decide, and is not a land use decision to be considered by the Planning Commission. All such requests are processed and decided by the City Engineer, typically after land use approval, and before issuance of construction site permits or right-of-way permits.

Given the constraints of the site and vicinity and roadway characteristics, the City Engineer has indicated a preliminary willingness to approve a design exception for access spacing. Thus, the access spacing standard can feasibly be consistent with this standard subject to approval of a design exception. **A condition of approval is included to require the applicant to submit and obtain approval of a driveway access spacing Design Exceptions following land use approval and prior to issuance of construction permits.** The approved design exceptions would then be incorporated into the applicant's final engineering and final plans.

H. **Shared Driveways.** The number of driveways and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension.
2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval.
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

FINDINGS: As explained above, three shared driveways are proposed to access E. Eugene Street, which is designated as a Local Street in the City's Transportation System Plan. **A condition of approval is included to ensure that access easements for the shared driveways are included on the final plat that is recorded for the subdivision.** As conditioned, this criterion is met.

I. **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. **Block Length and Perimeter:** The maximum block length and perimeter shall not exceed
 - a. Four Hundred (400) feet length and 1,200 feet perimeter in the in the Central Business District;

- b. Six Hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
 - c. Not applicable to the Industrial zone (I); and
 - d. Eight Hundred (800) feet length and 2,000 feet perimeter in all other zones.
2. **Street Standards:** Public and private streets shall also conform to criteria in *Public Facilities Standards* (Section 16.12.060), *Pedestrian Access and Circulation* (Section 16.12.030), and applicable Americans with Disabilities Act (ADA) design standards.
 3. **Exception:** Exceptions to the above standards may be granted when blocks are divided by one (1) or more pathway(s), in conformance with the provisions of Section 16.12.030. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

FINDINGS: The site is located in the R-3 Zone, which has a maximum block length of 600 feet and a maximum perimeter length of 1,600 feet. The existing block surrounding the site is affected by steep topography and not all rights-of-way are improved for vehicular access. The “block” that provides through-access for vehicles is bound by E. Eugene Street on the north, E. 4th Street on the east, and E. Hazel Avenue on the south and west. This block is approximately 800 feet in length on the north side with a perimeter length of approximately 2,020 feet, which exceeds these standards.

An exception to the block standard is allowed pursuant to HRMC 16.12.030, where multi-use pathways are provided at or near mid-block where the block length exceeds the length required by Section 16.12.020(I).

The project plans include provision of a private access easement that runs north-south through the center of the site from E. Eugene up to E. Hazel Avenue. If this access easement included a pathway, the project would meet the requirements of HRMC 16.12.020.I. As such, **a condition of approval is included to require a public access easement is dedicated over a portion of the proposed private access and utility easement to allow for the development of a pathway to ensure the proposed subdivision meets the block length and perimeter standard in HRMC 16.12.020(I).**

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

FINDINGS: Due to topographical constraints and existing development on adjacent properties,

the City's TSP does not include any future streets in the vicinity. A future street plan was not required to be prepared for the subject property.

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

FINDINGS: Proposed townhomes on Lots 1-4 and the two detached single-family dwellings on Lots 9 & 10 are located adjacent to public streets. The townhomes on Lots 5-8 located on the interior of the site are located approximately 83 feet from E. Eugene Street and accessed via a shared driveway.

The applicant submitted a transportation plan (Sheet A112, Attachment A.1) that illustrates a turning radius for fire equipment. The applicant's narrative states, *"All proposed homes are expected to be located within 150 feet of a street. In addition, the shared driveway is designed with proper width and turning radii to provide apparatus access for a aerial ladder truck, and has a hammer head turn around."*

Comments from the City Fire Department (Attachment D) state that the proposed development "meets requirements for access of approved fire equipment."

As depicted on the preliminary plans, the proposed subdivision meets this criterion. **A condition of approval is included to ensure the Final Development Plans are designed and the development is constructed to meet the requirements of the Fire Chief and the standards of the Oregon Fire Code with respect to fire equipment access.** As conditioned, the proposal is consistent with the criterion.

16.12.030 Pedestrian Access and Circulation

- A. **Pedestrian 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/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.

FINDINGS: Public pedestrian and bicycle access through the site is not proposed. There are no existing sidewalks adjacent to the site. As addressed in comments from the City Engineering Department, construction of a sidewalk may be required along the site's frontage on E. Hazel Avenue (Attachment C).

As explained above in HRMC 16.12.020(I), construction of a pathway within a public access easement would result in compliance of the proposed subdivision with the block length and perimeter standard. The Planning Commission did not waive the provision of a pathway as "impracticable", thus a **condition of approval requires the applicant to provide a public access easement is over a portion of the proposed north-south private access and utility easement to allow for the development of a pathway to ensure the proposed subdivision meets the block length and perimeter standard in HRMC 16.12.020(I). Pursuant to HRMC 16.12.030.A.2(b), the pathway shall be constructed to provide public pedestrian access in lieu of a multi-use pathway with construction of a path over the portion of the easement not hard-surfaced for the shared driveway. The applicant shall provide details of the required pathway and easement in the Final Development Plan consistent with the provisions in HRMC 16.12.030.**

- B. Design and Construction.** Pathways shall conform to all of the standards in below as follows. Sidewalks that are part of required public roadway right-of-way shall conform to the standards in Section 16.12.060 Public Facilities Standards:
1. **Vehicle/Pathway Separation:** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by a five (5) foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
 2. **Housing/Pathway Separation:** Pathways shall be separated a minimum of five (5) feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
 3. **Crosswalks:** Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete

crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.

4. **Pathway Surface:** Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six (6) feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least eight (8) feet wide. (See also, Public Facilities Standards, Section 16.12.060 for public, multi-use pathway standard.)
5. **Accessible Routes:** Pathways and multi-use paths shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.
6. **Fencing adjacent to pathway rights-of-way** shall not exceed four (4) feet in height in order to improve visibility and safety of path users.

FINDINGS: As addressed above, a new sidewalk along the site's frontage on E. Hazel Avenue may be required. If required by the City Engineer, the sidewalk must be designed and constructed consistent with the HRES and HRMC 16.12.060. In addition, **the developer/owner shall provide a public access easement over a portion of the private north-south access easement and construct a path over the portion of the easement not hard-surfaced for the shared driveway. Given the steep topography of the site, construction of the path shall meet the provisions of HRMC 16.12.030.A.2(b) instead of the standards in HRMC 16.12.030.B.**

16.12.040 Landscape Conservation

- A. **Applicability.** All subdivision and partition developments containing significant trees and shrubs, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
- B. **Significant Trees and Shrubs.** Individual native trees and shrubs with a trunk diameter of six (6) inches or greater, as measured four (4) feet above the ground (DBH – “diameter, breast, height”), and all plants within the drip line of such trees and shrubs, shall be protected. Except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for the County.
- C. **Mapping and Protection Required.** Significant trees shall be mapped individually and identified by species and size (diameter at four (4) feet above grade, or DBH). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.
- D. **Protection Standards.** All of the following protection standards shall apply to significant trees and shrubs areas:
 1. **Protection of Significant Trees and Shrubs:** Significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zone.
 2. **Conservation Easements and Dedications:** When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.

- E. **Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.
- F. **Exemptions.** The protection standards in Section D shall not apply in the following situations:
1. **Dead, Diseased, and/or Hazardous Vegetation:** Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
 2. **Emergencies:** Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director. The Planning Director shall prepare a notice or letter of decision within fourteen (14) days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

FINDINGS: The subject site includes existing mature native trees primarily along the western and southern edges of the property as depicted on a site survey (Attachment A.5). The survey also shows the locations and diameters of existing trees. The species indicates the trees are a mix of ponderosa pine, oak, maple, Douglas fir, and cedar.

The tree plan on Sheet A115, Attachment A.1 indicates most of the existing mature trees will be removed to accommodate new dwellings or driveways. The plan indicates retention of two oak trees on the southern site boundary, 3 poplar trees in the E. Hazel Avenue ROW, and one other oak tree at the SW corner of Lot 5. The project narrative states, *“As depicted on the Preliminary Plan Set/Site Plan - Existing Conditions, Sheet A101), the property is has a few native trees The applicant proposes to remove most trees that are located within develop areas, but preserve some native trees as shown near the south boundary. The applicant proposes to use an arborist to provide a tree protection plan at the time of permits.”*

As discussed in HRMC 17.07.090.A.5 and pursuant to HRMC 13.12.110, the Engineering Department requires protection of existing trees in the right-of-way.

On-site, the landscape plan (Sheet A114, Attachment A.1) indicates retention of 5 existing mature native trees: a 14-inch caliper oak tree in the SW corner of the site, a 16-inch caliper oak tree adjacent to the driveway for Lot 9, two maple trees (10” & 14” caliper) along the SE boundary of the site, and 4-inch oak tree at the SW corner of Lot 5. There are several existing mature oak trees along the western site boundary that appear to partially straddle the property line.

In order to ensure compliance with these landscape conservation standards, **conditions of approval are included as follows:**

A condition of approval is included to require the applicant to include protection measures for the five existing mature native trees identified for retention in a tree protection plan submitted as part of the construction site permit application materials. In addition, the grading and tree protection plans shall include measures to protect existing mature trees located on the western property boundary or located on adjacent properties to the west of the site.

In addition, prior to excavation on the site, construction fencing or other protection measures as recommended by an arborist shall be installed between Significant Trees and Shrubs that will be preserved and the portion of the site where grading and other development activities will occur.

The application narrative (Attachment “A.2”) states: *“The proposal includes common areas, and the owner will set up a Homeowners Association that would be responsible for maintaining all common areas....Bylaws will provide restrictions and requirements for maintenance....”* As such, **conditions of approval are included that the Declaration of Planned Community and/or CC&Rs or similar legal mechanism shall address continued retention and protection of Significant Trees and Shrubs in common open space areas.** As conditioned the proposal is generally consistent with these requirements.

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

1. **Growth Characteristics:** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, drought tolerance exposure, and desired color and appearance. The following should guide tree selection:
 - a. Provide a broad canopy where shade is desired.
 - b. Use low-growing trees for spaces under utility wires.
 - c. Select trees which can be “limbed-up” where vision clearance is a concern.
 - d. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - e. Use species with similar growth characteristics on the same block for design continuity.
 - f. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
 - g. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil or areas without irrigation.
 - h. Select trees for their seasonal color, as desired.
 - i. Use deciduous trees for summer shade and winter sun.
2. **Caliper Size:** The minimum caliper size at planting shall be (two) 2 inches, based on the American Association of Nurserymen Standards.
3. **Spacing and Location:** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, and similar physical barriers.
4. **Soil Preparation, Planting and Care:** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation after planting thereafter or until the lot has sold and the responsibility is transferred to the property owner. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) after planting.
5. **Assurances:** The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two (2) years after planting.
6. **Street Tree List:** A recommended street tree list is available at the Planning Office.

FINDINGS: As addressed in comments from the City Engineering Department (Attachment C), the City Engineer will approve modification to the street improvement standards for E. Hazel Avenue and E. Eugene Street due to topographic constraints. The comments include forgoing a requirement for a planter strip along E. Eugene Street and a “modified roadway cross section” for E Hazel Avenue.

As depicted on the applicant’s landscape plan (Sheet A114, Attachment A.1), existing trees in the E. Hazel Avenue on either side of the driveway for Lot 10 will be retained and trimmed for sight distance. Pursuant to HRMC 17.17.040(19) existing trees can be used to satisfy required street trees.

To ensure compliance with HRMC 16.12.050, a condition of approval is included to require that, depending on the final street frontage improvements required by the City Engineer, Street Trees shall be installed along the E. Hazel Avenue frontage pursuant to the provisions of HRMC 16.12.050 at a spacing of no more than 30 feet on center. Street tree species shall be selected from the City of Hood River Street Tree List and shall have a minimum caliper size at planting of 2 inches as measured 6-12 inches above the root ball. Existing mature trees may be approved by the City Engineer to meet or partially meet this requirement if the trees are retained and protected during construction.

16.12.060 Public Facilities Standards

A. Purpose and Applicability.

1. **Purpose:** The purpose of this chapter is to provide planning, engineering and design standards for public and private transportation facilities and utilities. This Chapter is also intended to implement the City’s Transportation System Plan.
2. **When Standards Apply:** Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of and adopted under this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established and adopted under this Chapter.
3. **Standard Specifications:** The City Engineer shall establish engineering standards and construction specifications consistent with the design standards of this Chapter and application of engineering principles (the “Engineering Standards”). The Engineering Standards are incorporated in this Chapter by reference and apply as if fully set forth in this Chapter.
4. **Conditions of Development Approval:** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Title and the Engineering Standards. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

FINDINGS: Pursuant to these requirements, adequate public facilities typically must be provided to the development site and public improvements must be completed or guaranteed prior to recording a subdivision plat.

The planned development is proposed to be served by two public local streets: E. Hazel Avenue and E. Eugene Street. Four of the eight proposed townhomes are proposed to be served by a private shared driveway constructed to private street standards. Private utility laterals are proposed between public utility lines and lots as depicted on the Preliminary Stormwater Plan and

Preliminary Utility Plan (Sheet A113, Attachment A.1).

The design and construction of any public facilities shall meet the requirements of the City of Hood River Engineering Standards (HRES) and requirements of the City Engineer. The City Engineering Department reviewed the application and submitted comments (Attachment C).

Conditions of approval are included that the Final Development Plan and construction plans shall demonstrate conformance with the requirements of the City Engineering Department (Attachment C) prior to preparation of the final plat.

All required improvements are roughly proportional to the impact of development because these improvements facilitate development of the subject site in a manner that is more intense than the existing use of the site. All required improvements will ensure the safety of future residents of the subject site and those traveling adjacent to it within the public right-of-way. All required improvements are consistent with the policies of the Comprehensive Plan and the standards of the Zoning Ordinance and Land Division Ordinance. As proposed and conditioned, the proposal complies with these requirements.

B. Transportation Standards.

1. **Development Standards:** No development shall occur unless the development has frontage or approved access to a public street, in conformance with the Access and Circulation standards of this chapter. The development shall comply with the Engineering Standards and the following standards:
 - a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this chapter.
 - b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county, or state jurisdiction;
 - c. New streets and drives street shall be hard-surfaced; and
 - d. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate [object] against the formation of a local improvement district in the future) in lieu of street improvements if one (1) or more of the following conditions exist:
 - (1.) A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - (2.) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 - (3.) The improvement would be in conflict with an adopted capital improvement plan; or
 - (4.) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.
2. **Modifications:** A modification to the street design standards in this section and the Transportation System Plan may be granted by the City Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.
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.

4. **Creation of Access Easements:** The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with *Vehicular Access and Circulation*, Section 16.12.020 and/or *Pedestrian Access and Circulation*, Section 16.12.030. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.
5. **Street Location, Width, and Grade:** Except as noted below, the location, width, and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, including the following:
 - a. Street grades shall be approved by the City Engineer in accordance with the City's engineering standards; and
 - b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - (1.) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter; or
 - (2.) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.
6. **Minimum Rights-of-Way and Street Sections:** Street rights-of-way and improvements shall be 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.

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.

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.

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.
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.
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).
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.
14. This section intentionally left blank.
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.
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.
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.
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.

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.
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.
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.
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.
23. **Mail Boxes:** Plans for mail boxes to be used shall be approved by the United States Postal Service.
24. **Street Light Standards:** Street lights shall be installed in accordance with City standards and shielded in a downward pattern.
25. **Street Cross-Sections:** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one (1) year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer.

FINDINGS: The site has frontage on two local streets, E. Eugene Avenue and E. Hazel Avenue. Minimum design requirements for street improvements are designated in HRMC 16.12.060(B.6), and street right-of-way and improvements widths for Local Streets are depicted in HRMC Figure 16.12-E. Modifications may be permitted by the City Engineer. E. Eugene Street has a 50-foot wide right-of-way and the width of the E. Hazel Avenue varies with a width of approximately 60 feet adjacent to the development site.

In this location, steep topography and geography make it difficult to improve streets to the extent of right-of-way width or with full improvements as anticipated for local streets in the Transportation System Plan. As provided in HRMC 16.12.060.B.2, modifications to the street design standards in this section and the Transportation System Plan may be granted by the City Engineer if a required improvement is not feasible due to topographic constraints. No additional right-of-way is required prior to final plat approval, however, as explained in comments from the City Engineering Department (Attachment C), the developer/owner will be required to provide the following street frontage improvements:

East Eugene Street: Street paving, the width of which will be determined at final Engineering review and will not be less than 20'. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.

East Hazel Avenue: Provide up to half street frontage improvements as outlined in the City's TSP (28' paved full width). However, due to topographic constraints, the City may

be willing accept a modified roadway cross section. A 28' wide roadway or an equivalent width of roadway and sidewalk may be considered. The final decision shall be determined following the site survey. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.

All retaining walls and/or driveway bridges in or supporting the right-of-way shall meet all HRES and applicable requirements.

In addition, the Engineering Department requires that the private shared driveway that provides vehicular access for Lots 5-8 is designed and constructed to meet the Six Home Private Street standards outlined in the TSP which requires two ten-foot (10') travel lanes. All private streets shall be built to public street subgrade standards.

Additional conditions of approval are included to meet the standards in HRMC 16.12.060:

- **To meet street light standards, the City Engineering department requires the applicant/owner to install a street light on E. Hazel Avenue (Attachment C).**
- **Further, in order to ensure conformance with these requirements, a condition of approval requires plans for mail boxes shall be approved by the United States Postal Service.**
- **Upon completion of a street improvement and prior to acceptance of public utilities 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.**
- **The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadway improvements 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.**

No new right-of-way dedication is required; no new streets, alleys, bicycle lanes, or cul-de-sacs are proposed or required; the site is not adjacent to an arterial street or railroad right-of-way. As conditioned the proposal is consistent with HRMC 16.12.060.

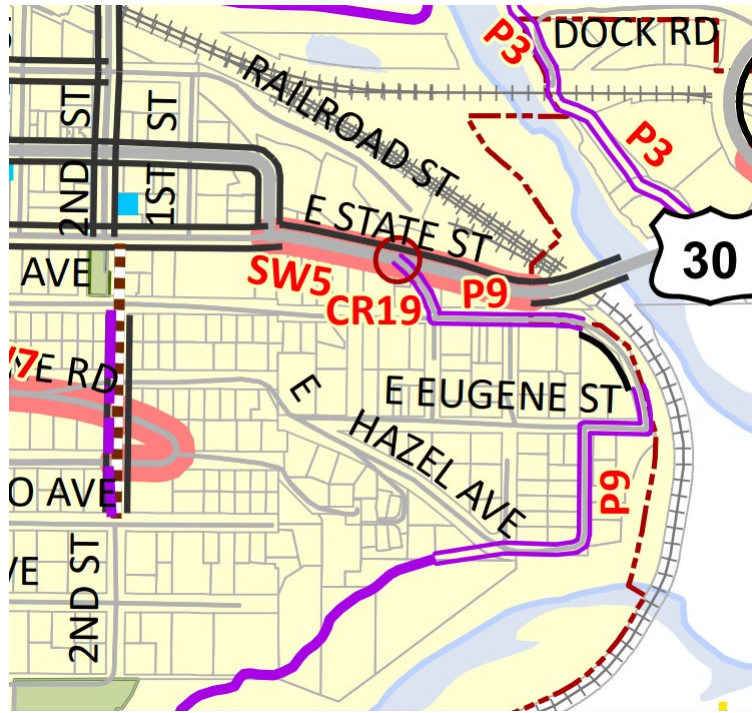
C. Public Use Areas.

1. Dedication Requirements:

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

FINDINGS: No public dedication is proposed. The Multi-Jurisdictional Parks, Recreation & Open

Space Plan (2020) does not identify future parks in the immediate vicinity. It also does not identify trails on the subject property. The recently updated City Transportation System Plan (TSP, 2021) also does not identify future trails on the site, however a public trail is identified in the vicinity – with a connection from E. Hazel Avenue to the Indian Creek Trail nearby:



Excerpt – Figure 2, Pedestrian System Plan; 2021 TSP Amendment

Comments received from the Hood River Valley Parks and Recreation District identify an opportunity on the subject development site to create a public pedestrian connection from E. Eugene St. to E. Hazel Avenue that would provide a more direct north-south walking route from E. 2nd Street to E. Hazel Avenue and then to the Indian Creek Trail (Attachment G). This potential pedestrian connection would also serve as compliance with the block length & perimeter standard in HRMC 16.12.020(I). **In order to comply with HRMC 16.12.020(I), 16.12.030, and 16.12.060(C), the developer shall provide a public access easement over a portion of the planned private access easement through the center of the site and construction of a path over the portion of the easement not hard-surfaced for the shared driveway.**

Pursuant to HRMC 16.12.060.C.2 above, if authorized by the Hood River Valley Parks and Recreation District, the public easement may be eligible as a credit toward any required system development charge for parks.

D. Sanitary Sewer and Water Service Improvements.

1. **Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.
2. **Sewer and Water Plan Approval:** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

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

FINDINGS: The applicant provided a preliminary Utility Plan (Sheet A113, Attachment A.1) with proposed water and sewer laterals depicted. The City Engineering Department submitted the following comments (Attachment C) related to City water and sanitary sewer service for the project with a condition of approval indicated in **bold**:

City water, six-inch (6") cast iron, is available in E Eugene St to serve the eight proposed townhomes. City water, eight-inch (8") PVC, is available in E Hazel Ave to serve the two proposed single-family dwellings. The applicant has performed a hydrant flow test and has confirmed adequate fire flow and duration exists (1500 gpm for two hours at 20 psi at the fire hydrant).

Public sanitary sewer, eight-inch (8") concrete, is available in E Eugene St to serve the eight proposed townhomes and in E Hazel to serve the two proposed single-family homes. **Sanitary sewer services shall serve no more than one ownership.** A sanitary sewer grinder pump pressure system may be required for this site, if required, a pressure to gravity connection is required.

No new sewer main lines are required. **A condition of approval is included to require that new sewer service lines serve no more than one ownership and that all water and sewer connections are designed and constructed consistent with the requirements of the Hood River Engineering Standards and City Engineer.** As conditioned, the proposal meets these standards.

E. Storm Drainage.

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

FINDINGS: The applicant provided a preliminary Utility Plan (Sheet A113, Attachment A.1) with a proposed preliminary stormwater plan. The project narrative (Attachment A.2) includes this description of the plan:

The project will require a Stormwater Management Plan due to size, and has access to City Stormwater System for overflow. This overflow connection will require the applicant extend a stormwater line in Eugene roughly 25', as well as require improvement to the ditch inside 2nd street ROW. Stormwater is primarily roof area, with a smaller amount at grade. Detention for a 25 year storm will be achieved through the use of "Green Roof Trays" on roofs, along with permeable paving. These systems will also treat storm water for quality.

The City Engineering Department submitted the following comments (Attachment C) related to stormwater drainage for the project with a condition of approval indicated in **bold**:

A stormwater management plan and water quality plan as described in the HRES will be required for this development. The concepts described in the preliminary stormwater management plan submitted with the application describe what appears to be a feasible method to meet the requirements.

Additionally, the Engineering Department noted that City stormwater infrastructure, open channel, is available in the E 2nd St. ROW just northwest of the proposed development.

A condition of approval is included to require the applicant to design and construct a stormwater management plan and water quality plan that addresses how all onsite and offsite stormwater, as well as street runoff, will be mitigated to meet the City's no net increase standard and all stormwater management requirements as described in the HRES. As conditioned, the proposal meets these standards.

F. Utilities.

1. **Underground Utilities:** All utility lines including but not limited to those required for electric, communication, lighting and cable television services, and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (See Section 17.04.090);
 - b. The City reserves the right to approve the location of all surface mounted facilities;
 - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. **Easements:** Easements shall be provided for all underground utility facilities.
3. **Exception to Under-Grounding Requirement:** The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

FINDINGS: The applicant provided a preliminary Utility Plan (Sheet A113, Attachment A.1) that depicts provision of underground utilities including water, sewer, and power.

The City Engineering Department submitted the following comments (Attachment C) regarding new utility lines:

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.

No new above ground utility structures will be allowed within the City ROW.

Conditions of approval are included to ensure these requirements are met.

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

FINDINGS: The applicant's preliminary plat (Sheet A116, Attachment A.1) depicts a proposed access and utility easement in the shape of a T in the location of proposed utilities and shared access. The City Engineering Department submitted the following comments (Attachment C) regarding easements:

If construction occurs on neighbor's property an easement shall be obtained from affected neighboring property owners.

A ten foot (10') public utility easement (PUE) is required along all frontage of public streets. Exceptions to this requirement must be coordinated with all appropriate utilities and documentation provided to the City.

The preliminary plat does not identify a public utility easement. Conditions of approval described above and below in **bold** are included to ensure compliance with this criterion:

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.

The final plat shall depict the location, width, and purpose of all existing and new private and public easements. Utility easements for public or franchise utilities shall be depicted on the final plat in conformance with city standards for any public or franchise utilities located on the site.

As conditioned, the proposal meets these 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.

FINDINGS: Public and private improvements are proposed. As such, **conditions of approval are included that a construction site permit shall be obtained. 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.**

I. **Installation.**

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

FINDINGS: All public improvements, or private improvements affecting public utilities, must be reviewed and approved by the City Engineer in accordance with applicable standards.

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

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

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

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

III. CONCLUSION: The subject property, approximately 26,399 square feet in area, is a steeply sloped side currently developed with a single-family dwelling. The developer proposes to replace the existing dwelling and site improvements with a Planned Unit Development of 10 dwelling units including two detached single-family dwellings, eight townhomes, common open space, shared driveways, and related site improvements and utilities. The proposal provides a comprehensive and consistent design for all landscape and units. The proposal will be designed and built by the developer, and a homeowners association will manage and maintain the consistency of the design. The proposal does not request the maximum number of units permitted, it exceeds the required minimum landscape area, and it includes upgrades to the existing adjacent streets.

The Planned Unit Development is an optional review process chosen by the owner/applicant intended to permit the use of “flexible standards” and “innovative planning designs.” The developer takes advantage of the PUD common open space provision in lieu of the lot coverage standard, flexible lot sizes, reduced setbacks on the interior of the site, a shared driveway to serve units sited in the middle of the site, and the lot frontage standard for townhomes. In addition, the applicant proposes to retain and relocate an existing site feature known as “the chapel.” The proposed site layout provides an efficient use of the steeply sloped site to achieve an overall density allowed in the R-3 zone but that is not possible for a traditional subdivision that requires 50 feet of street frontage for each 5,000 square-foot lot.

Several property owners in the vicinity of the subject property raised concerns about impacts of the proposed development – including increases in anticipated traffic, parking, stormwater, and tree preservation. The applicant submitted traffic analysis that does not identify significant safety concerns and the City Engineer concurred. The proposed parking exceeds the minimum required parking standard. A stormwater management plan is required to ensure all onsite and offsite stormwater, as well as street runoff, will be mitigated to meet the City’s no net increase standard and all stormwater management and erosion control requirements of the Hood River Engineering Standards.

Based on the findings included herein and the conditions of approval listed below to ensure compliance with city standards, The Planning Commission concluded that the proposed development meets the criteria for a Conditional Use for a Planned Unit Development and preliminary 10-lot subdivision.

IV. CONDITIONS OF APPROVAL: Based on the foregoing Findings of Fact and Conclusions of Law, application materials, preliminary site plan, preliminary elevation drawings, preliminary civil plans including stormwater plan, and all representations and statements made by the applicant, this Conditional Use for a Planned Unit Development and Preliminary Subdivision Plat for 10 dwellings including two detached single-family dwellings and eight townhomes, common open space, construction of shared driveways, utilities, and associated site improvements including retaining walls is APPROVED subject to the requirements that the applicant, owner or subsequent developer (the

“developer”) shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings:

1. The developer shall obtain a Demolition Permit prior to removing any existing buildings or structures on the subject property. Prior to any development activity a Final Development Plan shall be approved by the Planning Director and a construction site permit shall be obtained from the City Engineering Department. 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.
2. All proposed structures shall be designed, sited, and constructed in conformance with R-3 setback standards as modified by the provisions of HRMC 17.07.060(A.3). The final plat shall note the proximity of all structures to all perimeter property lines and ensure conformance with the applicable setback standards. If any structure exceeds 28 feet in height as measured pursuant to HRMC 17.03.030.E, the structure must be located no less than 8 feet from a side property line. Projections shall not exceed 3 inches for every foot of required setback in a side or rear setback.
3. All proposed structures shall be designed, sited, and constructed such that to meet the 10-foot setback required from a public right-of-way. No structures, buildings, or projections are permitted in the 10-foot setback from the E. Hazel Avenue or E. Eugene Street public right-of-way.
4. The maximum building height standards of the R-3 Zone shall apply to all structures in the Planned Development. Prior to issuance of building permits, existing grade elevations for all building corners and proposed roof peak elevations for all buildings shall be provided to evaluate and verify proposed building heights.
5. Any proposed or future accessory structures shall meet the setback provisions of HRMC 17.03.030 or HMRC 17.04.030 if applicable.
6. Future uses and accessory uses on all lots in the Planned Development shall be consistent with the provisions for uses specified in the R-3 Zone as well as the findings and conditions of this Planned Development decision. Further, the CC&Rs for the Planned Development shall include provisions for accessory uses and structures, and shall explain that uses on the site shall be consistent with the provisions of the R-3 Zone (e.g. if accessory uses and accessory structures will be permissible subject to compliance with City standards and permitting requirements, the uses shall be addressed consistently throughout the Planned Development).
7. Prior to issuance of building permits, the developer shall submit a final site plan that demonstrates conformance with parking standards. The developer shall submit materials and method of construction for all driveways and parking areas to the Engineering Department as part of the construction documents and building permit submittal for approval prior to construction. All parking areas and driveways shall be hard-surfaced prior to occupancy.
8. Construction drawings shall include retaining wall and fence construction details to ensure fences are designed, sited, and constructed in conformance with HRMC 17.04.050.
9. Details of all proposed retaining walls shall be included in the construction drawings submitted for building permits, must meet City Engineering Standards, the standards in HRMC 17.04.060, any applicable requirements identified in a Geotechnical Analysis, and may require a building permit as determined by the Building Official. Retaining walls located within a public right-of-way require a

City permit and must be stamped by a PE. Any retaining wall construction that occurs on a neighbor's property will require an easement obtained from affected neighboring property owner.

10. Pursuant to HRMC 16.12.020(I), 16.12.030, and 16.12.060(C), in lieu of a multi-use pathway, the developer shall dedicate a public pedestrian access easement over a portion of the planned north-south private access easement through the center of the site and construct a path over the portion of the easement that is not hard-surfaced for the shared driveway. The developer shall provide details of the required pathway and easement in the Final Development Plan consistent with the provisions in HRMC 16.12.030. Construction of the path shall meet the provisions of HRMC 16.12.030.A.2(b) instead of the standards in HRMC 16.12.030.B.
11. A minimum of thirty percent (30%), approximately 7,919.7 square feet, of the site shall be designated as common open space. The final subdivision plat shall identify all common open spaces areas, tracts and easements. In addition, the Declaration of Planned Community and/or CC&Rs or similar legal mechanism shall be used to ensure: a) the continued use of such land for landscaping and open space; b) continuity of property maintenance; c) when appropriate, the availability of funds required for such maintenance; d) adequate insurance protection; e) continued retention and protection of Significant Trees and Shrubs in common open space areas; and, f) recovery for loss sustained by casualty and condemnation or otherwise.
12. As a component of the Final Development Plan, the developer shall submit a draft Declaration of Planned Community and a draft set of any proposed Covenants, Conditions and Restrictions to the Planning Director including provisions for ownership and maintenance of all common areas, a mechanism for management and maintenance of shared open areas and landscaping, and management and maintenance of shared driveways and private utilities.
13. Building plans shall demonstrate that any new exterior mechanical equipment will be screened from view from adjacent rights-of-way and adjacent properties. Mechanical equipment is subject to the requirements of the city's noise ordinance. Screening of mechanical equipment shall be installed prior to occupancy.
14. Any future outdoor storage or garbage collection areas shall be designed to be screened from adjacent rights-of-way and adjacent properties through the use of vegetative materials or fencing.
15. Final Landscaping Plan shall include a mix of deciduous and evergreen trees and shrubs meeting the following standards:
 - Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting;
 - Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting;
 - Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting; and
 - Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.A watering system shall be installed to assure landscaping success.
16. The final landscaping plan shall include a plan for street trees that meets the provisions of HRMC 17.17.040. Depending on the final street frontage improvements required by the City Engineer, Street Trees shall be installed along the E. Hazel Avenue frontage pursuant to the provisions of HRMC 16.12.050 at a spacing of no more than 30 feet on center. Street tree species shall be selected from the City of Hood River Street Tree List and shall have a minimum caliper size at planting of 2 inches

as measured 6-12 inches above the root ball. Existing mature trees may be approved by the City Engineer to meet or partially meet this requirement if the trees are retained and protected during construction.

17. Prior to occupancy, all approved landscaping shall be installed or guaranteed. The owner shall be responsible for the establishment and maintenance of all landscaping in accordance with the approved landscaping plan. If plantings fail to survive, it is the responsibility of the property owner to replace them. The property owner is responsible for any future damage to a street, curb, or sidewalk caused by landscaping.
18. Protection measures for the five existing on-site mature native trees identified for retention shall be included in a tree protection plan submitted as part of the construction site permit application materials. In addition, the grading and tree protection plans shall include measures to protect existing mature trees located on the western property boundary or located on adjacent properties to the west of the site.
19. Construction fencing or other protection measures as recommended by an arborist shall be installed between Significant Trees and Shrubs that will be preserved and the portion of the site where grading and other development activities will occur.
20. All trees located within a public right-of-way shall remain and be protected during all construction activities, except as otherwise permitted by the City Engineering Department. The developer shall hire an arborist to evaluate existing trees in the E. Hazel and E. Eugene rights-of-way and produce an arborist report for the existing street trees in the ROW. The arborist report shall establish criteria for protection during construction, trimming and removal or retention. The tree protection plan shall be submitted as part of the construction site permit application materials.
21. A Geotechnical analysis shall be conducted and a Geotechnical Report, prepared by a licensed professional shall be submitted prior to the issuance of any demolition, construction site, or building permits. The Geotechnical Analysis shall to verify suitability of the site to accommodate the development and identify any area subject to ground slumping and sliding. If necessary, the site layout shall be revised and the development shall be constructed to avoid areas subject to ground slumping pursuant to HRMC 17.07.090.A.5(a)(2). Development on the site shall be consistent with the recommendations of the Geotechnical Analysis and City Engineering Standards for grading and erosion control.
22. A detailed final grading plan consistent with the Hood River Engineering Standards shall be submitted and approved by City Engineering prior to issuance of a demolition permit, construction site permit, or building permit. The final grading plan is subject to City Engineering Standards and shall depict existing and proposed grades, and the locations and heights of all proposed retaining walls. All grading activities and retaining wall construction shall be consistent with the Hood River Engineering Standards and the forthcoming Geotechnical Analysis. If construction occurs on neighbor's property an easement shall be obtained from the affected neighboring property owner.
23. A detailed final construction erosion control plan, designed in accordance with the Hood River Engineering Standards shall be submitted and approved by the City Engineering Department prior to issuance of a demolition permit, construction site permit, or building permit. Prior to any development activity on the site, approved erosion control measures and tree protection fencing shall be installed.
24. Prior to any site construction, a stormwater management plan and water quality plan, designed in

conformance with City of Hood River Engineering Standards and the requirements of the City Engineer including those specified in Attachment C, shall be submitted for review and approval by the City Engineer. The plan shall address how all onsite and offsite stormwater, as well as street runoff, will be mitigated to meet the City's no net increase standard and all stormwater management requirements as described in the HRES. In addition, stormwater facilities shall be designed to accommodate drainage resulting from improvements made to satisfy the recommendations in the Geotechnical Analysis.

25. All proposed driveways shall be designed, sited, and constructed in conformance with driveway access spacing standards, except as approved by the City Engineer through a Design Exception. Approval for any requested Design Exception shall be obtained prior to issuance of construction permits.
26. Prior to issuance of permits, any proposed Design Exception shall be submitted to the City Engineer with a written request that clearly states the code section and adequate justification as to why the exception to the code should be approved. All approved design exceptions will be clearly listed on the cover sheet of the Final Approved Plans. It will be the property owner's responsibility to build the project consistent with the HRES unless specifically noted as a design exception on the cover sheet of the Final Approved Plans.
27. The developer shall construct up to half-street frontage improvements on E. Eugene Street pursuant to the City's Transportation System Standards except as modified by the City Engineer. The developer is responsible for submitting a Design Exception for any deviations from City standards. Width of pavement required will be determined during final Engineering review. A waiver of remonstrance for future improvements will be required.
28. The developer shall construct up to half-street frontage improvements on E. Hazel Avenue pursuant to the City's Transportation System Standards except as modified by the City Engineer. The developer is responsible for submitting a Design Exception for any deviations from City standards. Width of pavement required will be determined during final Engineering review. A waiver of remonstrance for future improvements will be required.
29. Existing vegetation along the site's frontage on E. Hazel Avenue and E. Eugene Street shall be removed as necessary to achieve the required sight distance standard and new or existing vegetation shall be planted and maintained to meet the standard.
30. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadway improvements 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.
31. 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. No new above ground utility structures will be allowed within the City ROW.
32. 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. Access easements for shared driveways are included on the final plat that is recorded for the subdivision. All easements must meet the requirements of the City Engineering Standards.

33. Sanitary sewer services shall serve no more than one ownership. All water and sewer connections shall be designed and constructed consistent with the requirements of the Hood River Engineering Standards and City Engineer.
34. A ten foot (10') public utility easement (PUE) is required along all frontage of public streets. Exceptions to this requirement must be coordinated with all appropriate utilities and documentation provided to the City. No new above ground utility structures will be allowed within the City ROW.
35. To meet street light standards, the developer shall install a street light on E. Hazel Avenue in conformance with City of Hood River Engineering Standards and in coordination with the Public Works Department and Pacific Power.
36. The final plat shall be prepared after approval of the Final Development Plan and submitted within two years of the date of approval of the preliminary plat, in conformance with the requirements of HRMC 16.08.030. The final plat shall clearly identify the boundaries of all common tracts and all easements.
37. The final plat shall depict the location, width, and purpose of all existing and new private and public easements. Utility easements for public or franchise utilities shall be depicted on the final plat in conformance with city standards for any public or franchise utilities located on the site.
38. The final plat shall identify any public improvements and dedications. All proposed or required public improvements must be installed or guaranteed prior to final plat approval. It is the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments are reestablished and protected.
39. The final plat shall be filed and recorded in conformance with HRMC 16.08.040.
40. A condition of approval is included to ensure the Final Development Plans are designed and the development is constructed to meet the requirements of the Fire Chief and the standards of the Oregon Fire Code, including fire equipment access, fire lane parking restrictions, access road grade, provision of sprinklers within the homes, and compliance with the International Urban-Wildland Interface Code.
41. The conditional use permit is valid for a period of two (2) years from the date of written notice of the final decision, or the decision on an appeal, whichever is later, unless an extension is requested and granted in accordance with HRMC 17.06.040.
42. The Planned Development (PUD) approval is valid for two (2) years from the date of approval. A Final Development Plan shall be prepared and filed with the Planning Director within two years of the date of the Planning Commission's approval of the preliminary development plan, unless an extension is requested and granted in accordance with the requirements of HRMC 17.07.030.C. The final plat shall be prepared after approval of the Final Development Plan.
43. All new dwellings shall comply with the requirements of the Building Official.
44. The developer shall obtain any applicable state permits prior to any development activities on the site.
45. Plans for mailboxes shall be approved by the United States Postal Service.

46. The developer is responsible for knowledge of existing easements and property lines. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.

47. Failure to comply with these conditions will nullify this permit.

- V. **DECISION:** Commissioner Price moved and Commissioner Schlappi seconded a motion to approve a Conditional Use, Planned Development & Subdivision application for the Hazel Avenue PUD based upon the above Findings of Fact and subject to the Conditions of Approval as amended in this Final Order. The motion passed with a 3-0 vote and one (1) abstention.

APPROVED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 24th day of June, 2021.



Mark Frost, Chair

ATTEST:



Jennifer Kaden, Planner

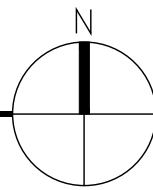
PUD SUBMITTAL

PLANNED UNIT DEVELOPMENT - HAZEL RIDGE

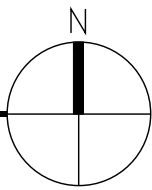
ISSUED TO: CITY OF HOOD RIVER + OWNER



PROJECT LOCATION:
TAX LOTS 6900/6903
HAZEL AVENUE
HOOD RIVER, OR 97031



1 SITE LOCATION MAP



2 EXISTING FIRE HYDRANTS

DRAWING LEGEND

LEGAL DESCRIPTION

TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 10 EAST, CITY OF HOOD RIVER WILLAMETTE MERIDIAN, HOOD RIVER COUNTY, OREGON.

PROJECT INFORMATION

OWNER CONTACT

INLAND PACIFIC OREGON II, LLC

ARCHITECT

SURROUND ARCHITECTURE, INC.
150 SW HARRISON STREET, SUITE 100
PORTLAND, OR 97201
T: 503.224.6484

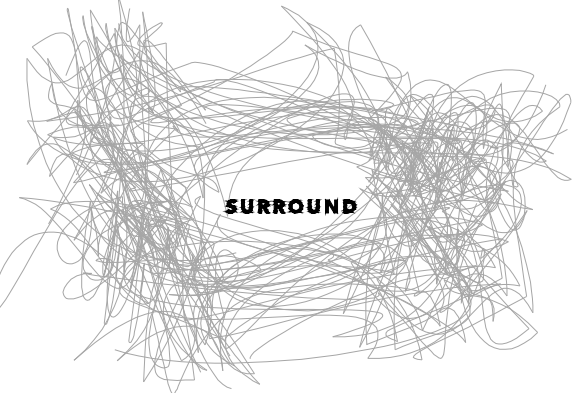
MARK VANDERZANDEN
E: mark@surroundinc.com

CIVIL ENGINEER

DRAWING REVISIONS

NO.	DATED

SITE PLAN



HAZEL RIDGE

HOOD RIVER, OR

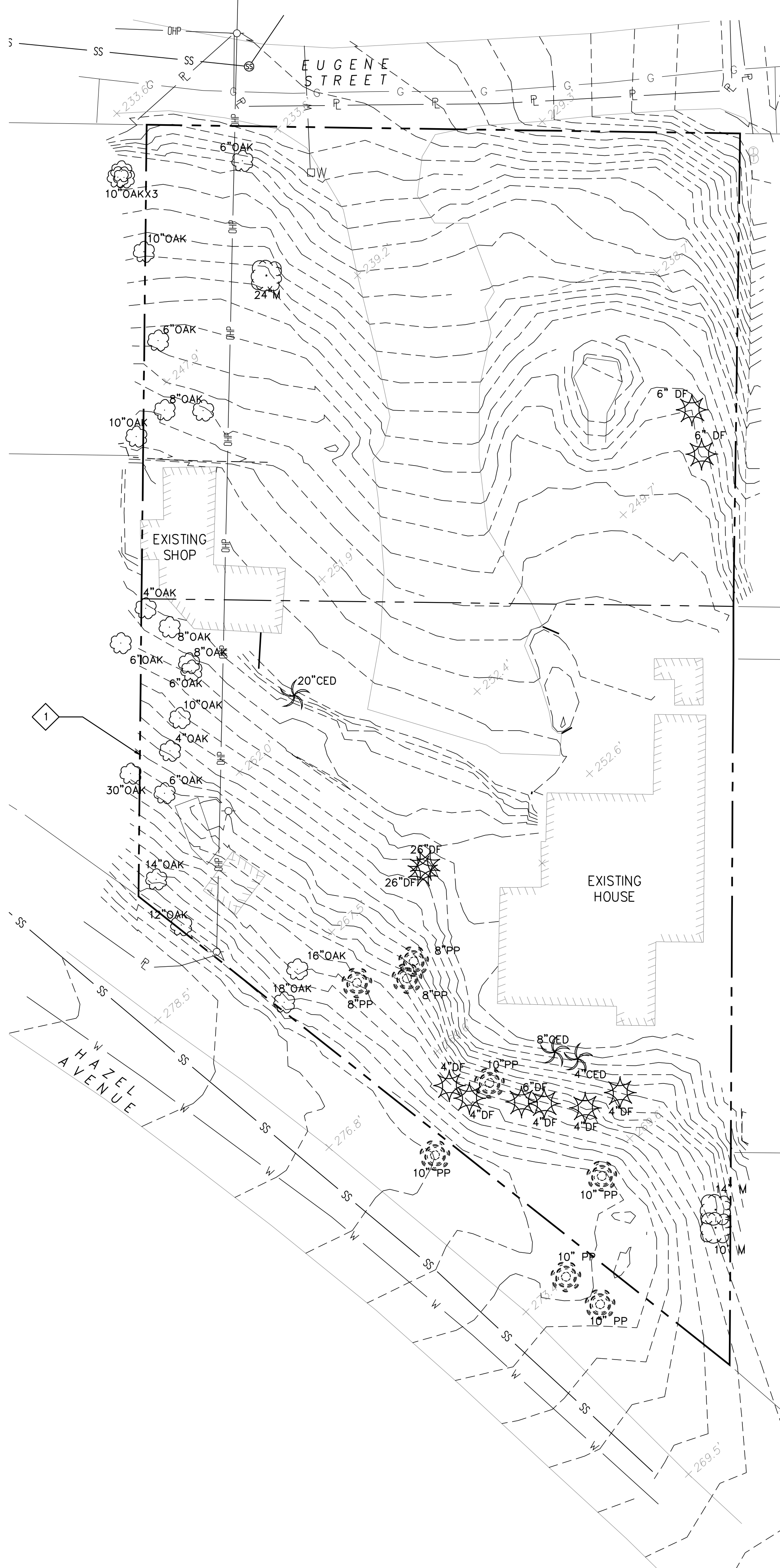
Surround Architecture, Inc.
(C) 2016 SURROUND ARCHITECTURE, INC.
150 s.w. harrison, suite 100
portland, or 97201
t 503.224.6484
f 503.224.6485

date:
03.03.2021
phase:
25% DD
drawn by:

A101

Attachment A.1
File No. 2021-07

DRAWING LEGEND



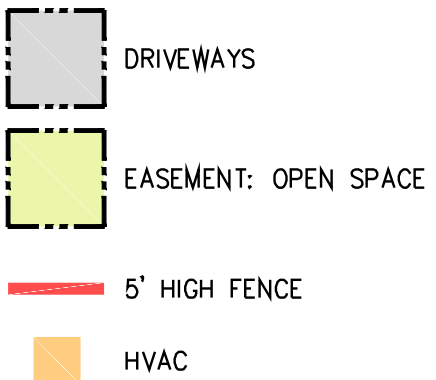
KEYNOTES

- 1 PROPERTY LINE
2 EXISTING TREES TO BE PROTECTED DURING CONSTRUCTION

TREE TYPES

- POP-POPLAR
- DEC-DECIDUOUS
- OAK
- PINE
- BIR-BIRCH
- COTT-COTTONWOOD
- MAP-MAPLE
- ALD-ALDER
- DOG-DOGWOOD
- FIR
- CED-CEDAR
- ELM

DRAWING LEGEND



KEYNOTES

- | | |
|---|---|
| 1 | PROPERTY LINE |
| 2 | 5'-0" SETBACK LINE AT ADJACENT
PROPERTY LINE |
| 3 | 10'-0" SETBACK LINE |
| 4 | UTILITY EASEMENT |
| 5 | NEW SIDEWALK |
| 6 | EXTENDED FRONTAGE IMPROVEMENTS
25' TRANSITIONS |
| 7 | HALF STREET IMPROVEMENTS |

SUMMARY

OVERALL SITE AREA: 26,343 SF
(0.6 ACRES)

TOTAL LOTS: 8 TOWNHOUSE LOTS
2 HOMESITE LOTS

DENSITY CALCULATIONS

R-3 ZONE

MINIMUM DENSITY: NONE

MAXIMUM DENSITY:

R-3 OVERALL SITE AREA: 0.6 ACRES

X .70 = .42 ACRES = 18,295 SF

- 5,000 SF = 13,295 SF

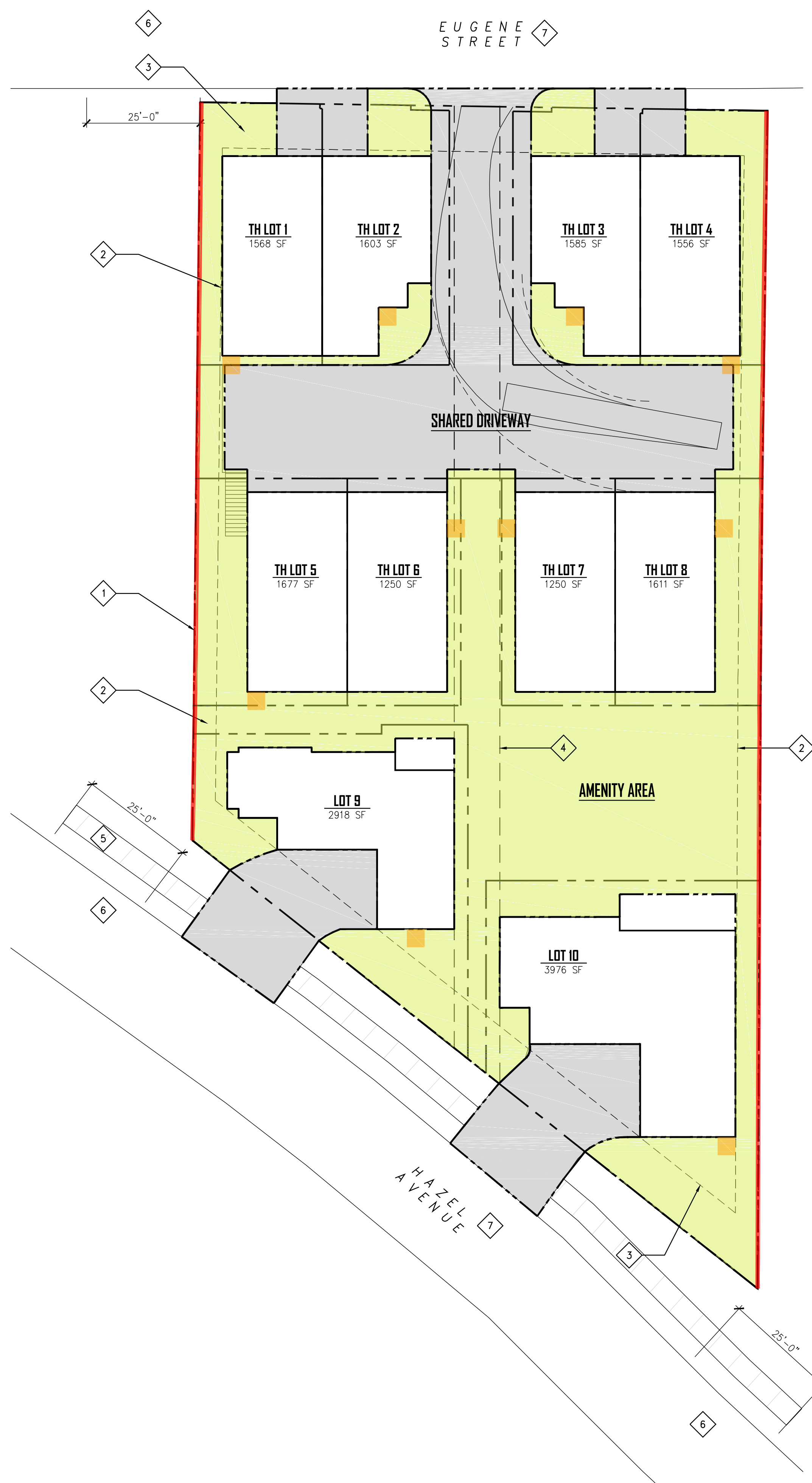
= 8 UNITS + 2 UNITS

= 10 UNITS = 10 MAX UNITS

ACTUAL DENSITY: 10 UNITS

(8 TOWNHOUSE UNITS & 2 LOTS)

DRAWING REVISIONS



SITE PLAN - DEVELOPMENT PLAN

$$1/16" = 1'-0"$$


HAZEL RIDGE
HOOD RIVER, OR

date:
03.03.2021

phase:
25% DD

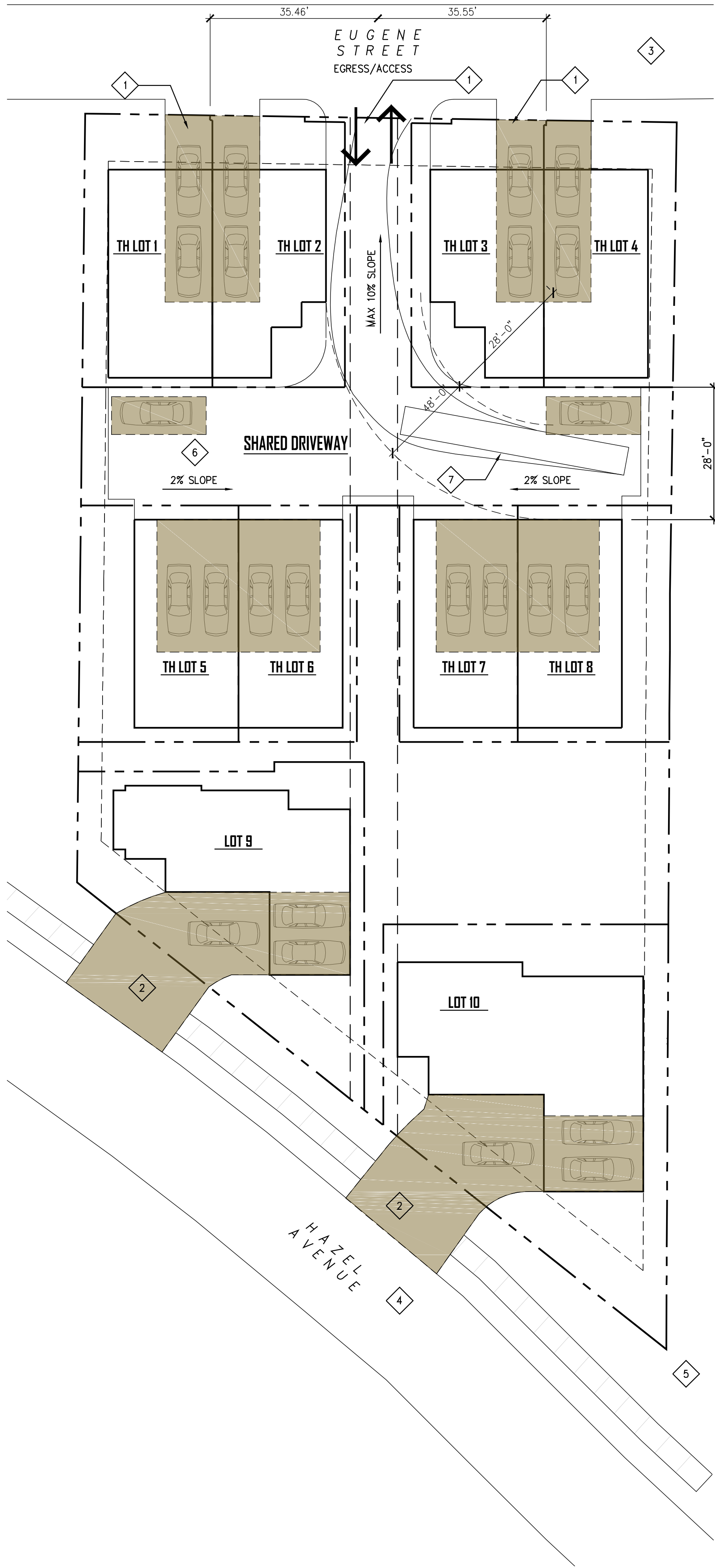
drawn by:

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f 503.274.6485

A11

A111



DRAWING LEGEND



KEYNOTES

- 1 20'-0" WIDTH DRIVEWAY
- 2 25'-0" WIDTH DRIVEWAY
- 3 20'-0" WIDTH HALF STREET PAVING
- 4 24'-0" WIDTH HALF STREET PAVING
- 5 EXISTING VEGETATION IN R.O.W. TO BE REMOVED FOR SIGHT DISTANCE PER T.A.L.
- 6 28'-0" WIDE DRIVEWAY
- 7 EMERGENCY VEHICLE 48' FIRE LADDER TRUCK TEMPLATE.

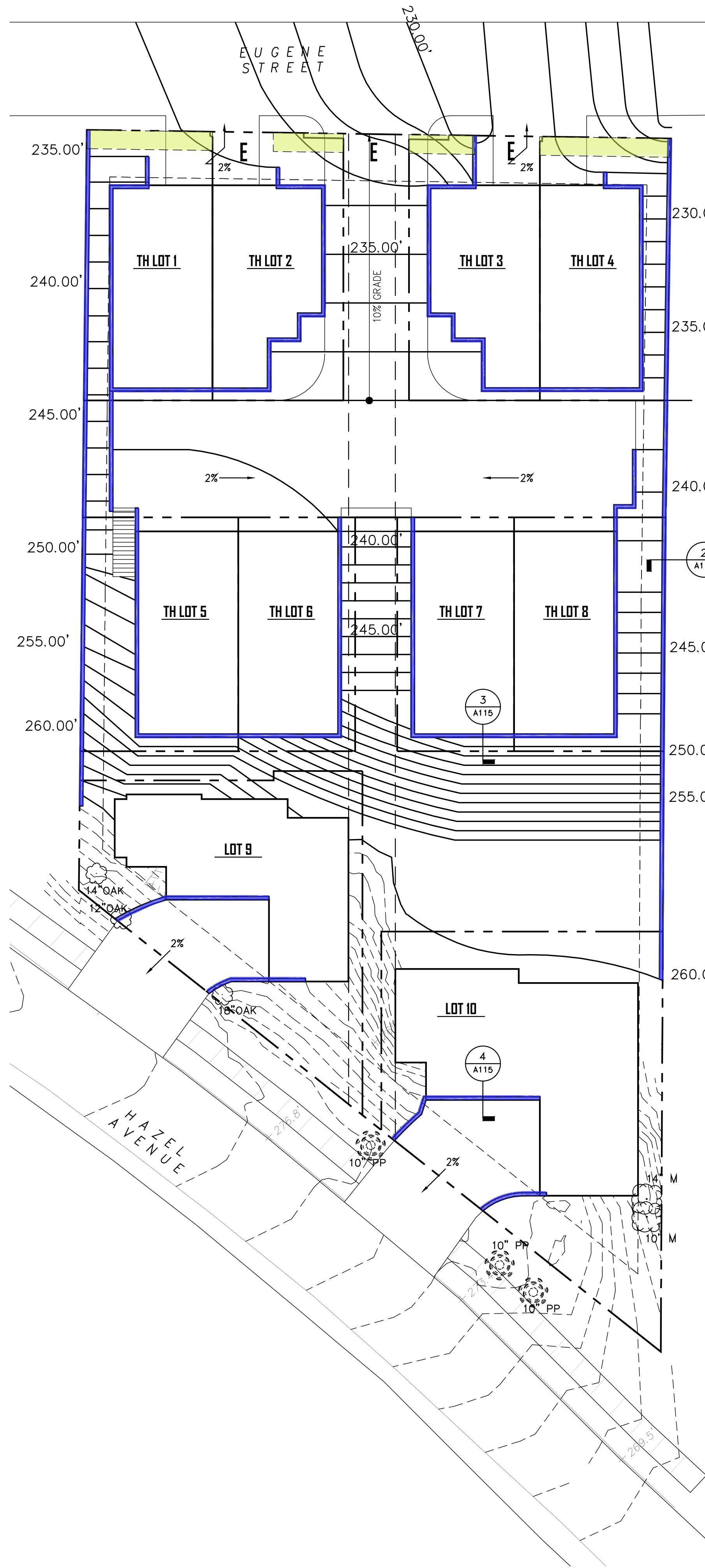
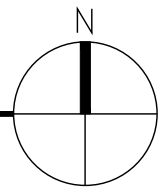
PARKING SPACES

20 SPACES REQUIRED.
24 SPACES PROVIDED.

TOWNHOUSE LOTS 1-8: EACH TOWNHOUSE UNIT WILL INCLUDE A GARAGE TO ACCOMMODATE 2 VEHICLES.

LOTS 9-10: CC&Rs WILL REQUIRE EACH HOMESITE LOT TO INCLUDE A GARAGE.

1 SITE PLAN - TRANSPORTATION PLAN
1/16" = 1'-0"



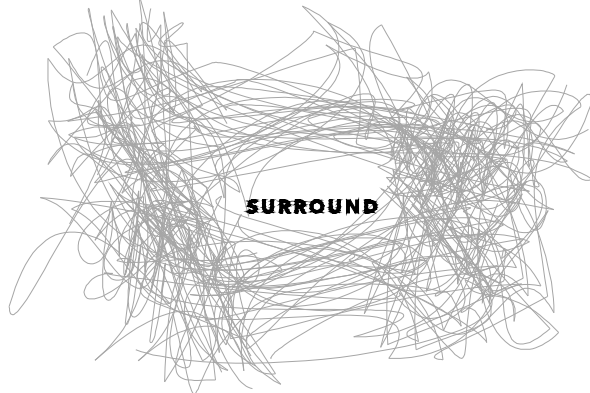
DRAWING LEGEND

- ORIGINAL TOPO LINE
- NEW TOPO LINE
- CONVENTIONAL RETAINING WALL
- EROSION CONTROL SEDIMENT BARRIERS
- E CONSTRUCTION ENTRY

DRAWING REVISIONS

NO.	DATED

SITE PLAN



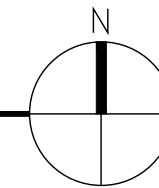
HAZEL RIDGE
HOOD RIVER, OR

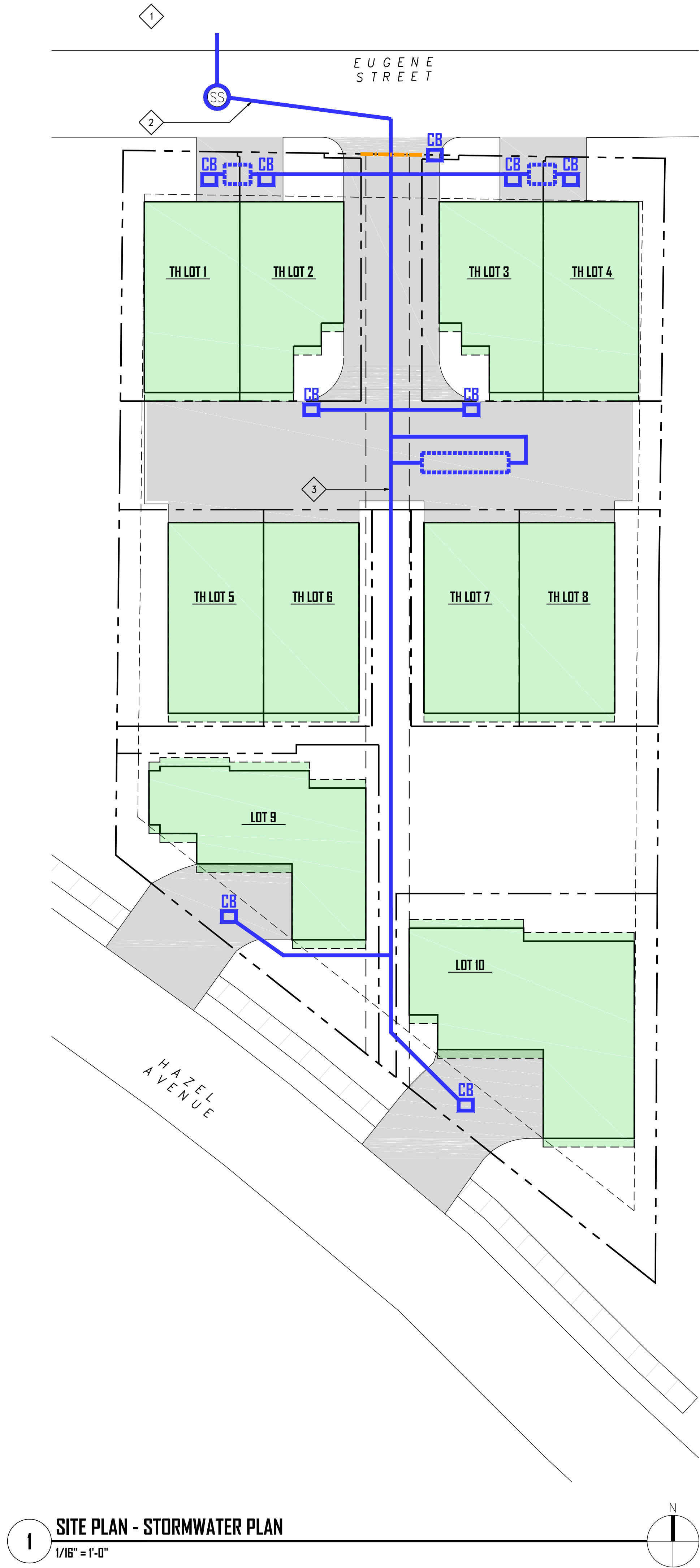
date: 03.03.2021
phase: 25% DD
drawn by:

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t 503.224.8484
f 503.224.8485

A112

2 SITE PLAN - GRADING PLAN
1/16" = 1'-0"





DRAWING LEGEND

- FILTERED CATCH BASIN
- STORM SEWER LINE
- PERMEABLE PAVERS
- GREEN ROOFS
- PERMEABLE
- DETENTION FACILITY
- TRENCH DRAIN

KEYNOTES

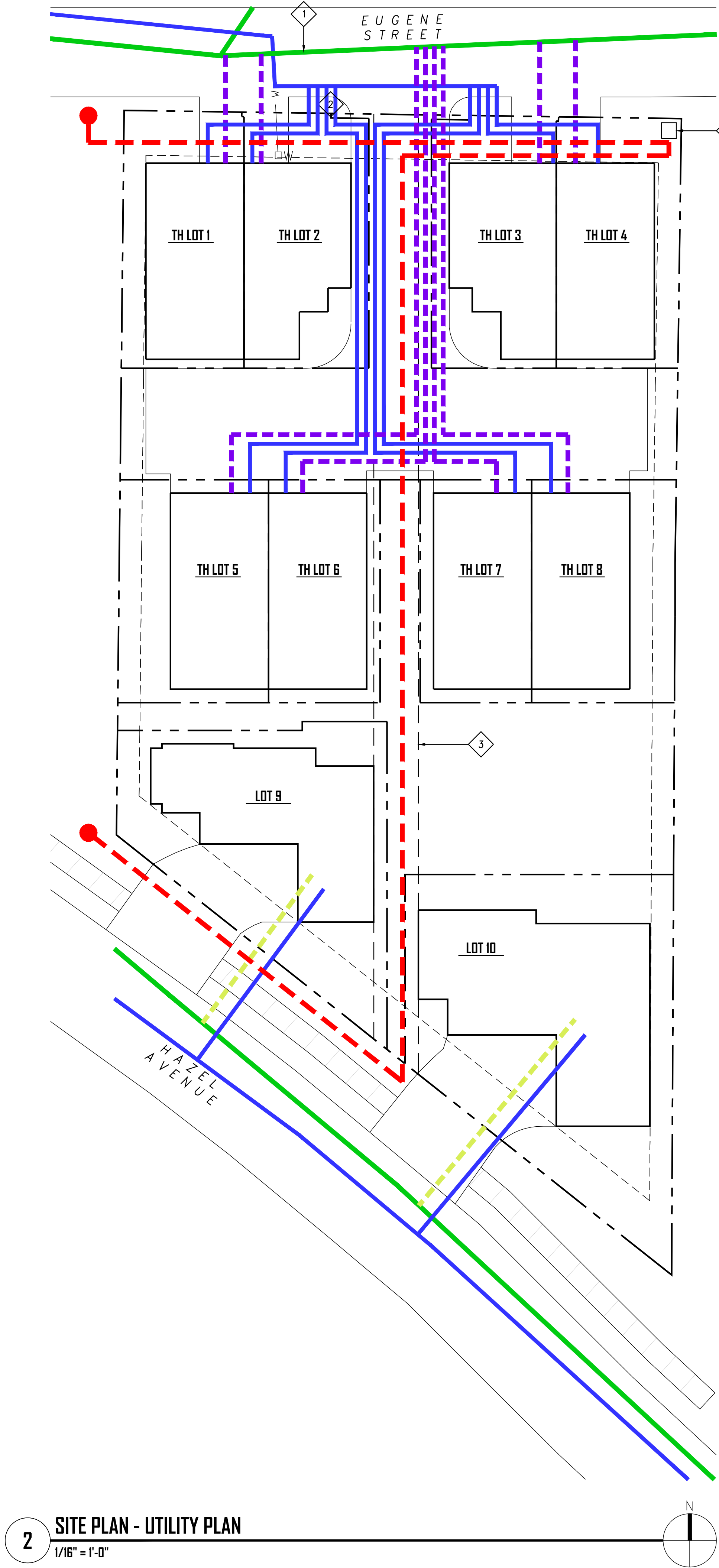
- 1 OFFSITE IMPROVEMENT TO "DITCH"
- 2 EXTEND 12" STORM WATER PIPE IN FRONTAGE
- 3 PRIVATE STORM WATER PIPE FOR OVERFLOW

STORMWATER DESIGN

ROOFS: GREENROOF TRAYS CAN DETAIN 80% OF 25 YEAR STORM. REMAINDER TO BE DETAINED IN FACILITIES SHOWN. OVERFLOW CONNECTS TO IMPROVED OFF SITE SYSTEMS.

PAVING: PERVIOUS PAVING TO BE USED IN CONJUNCTION WITH FILTERED CATCHBASINS CONNECTED TO STORAGE AND OVERFLOW.

1 SITE PLAN - STORMWATER PLAN
1/16" = 1'-0"



DRAWING LEGEND

- WATER LINE
- SANITARY SEWER LINE
- SANITARY SEWER PUMPED LINE OUT
- SANITARY SEWER GRAVITY
- UNDERGROUND POWER

DRAWING NOTES

- 1. NO NEW FIRE HYDRANTS ARE PROPOSED.

KEYNOTES

- 1 VERIFY EXISTING SANITARY SEWER
- 2 GANGED WATER METER
- 3 PROVIDE UTILITY EASEMENT FOR: POWER, NATURAL GAS, DATA.
- 4 TRANSFORMER
- 5 POWER TO BE UNDERGROUND ON SITE

DRAWING REVISIONS

NO.	DATED

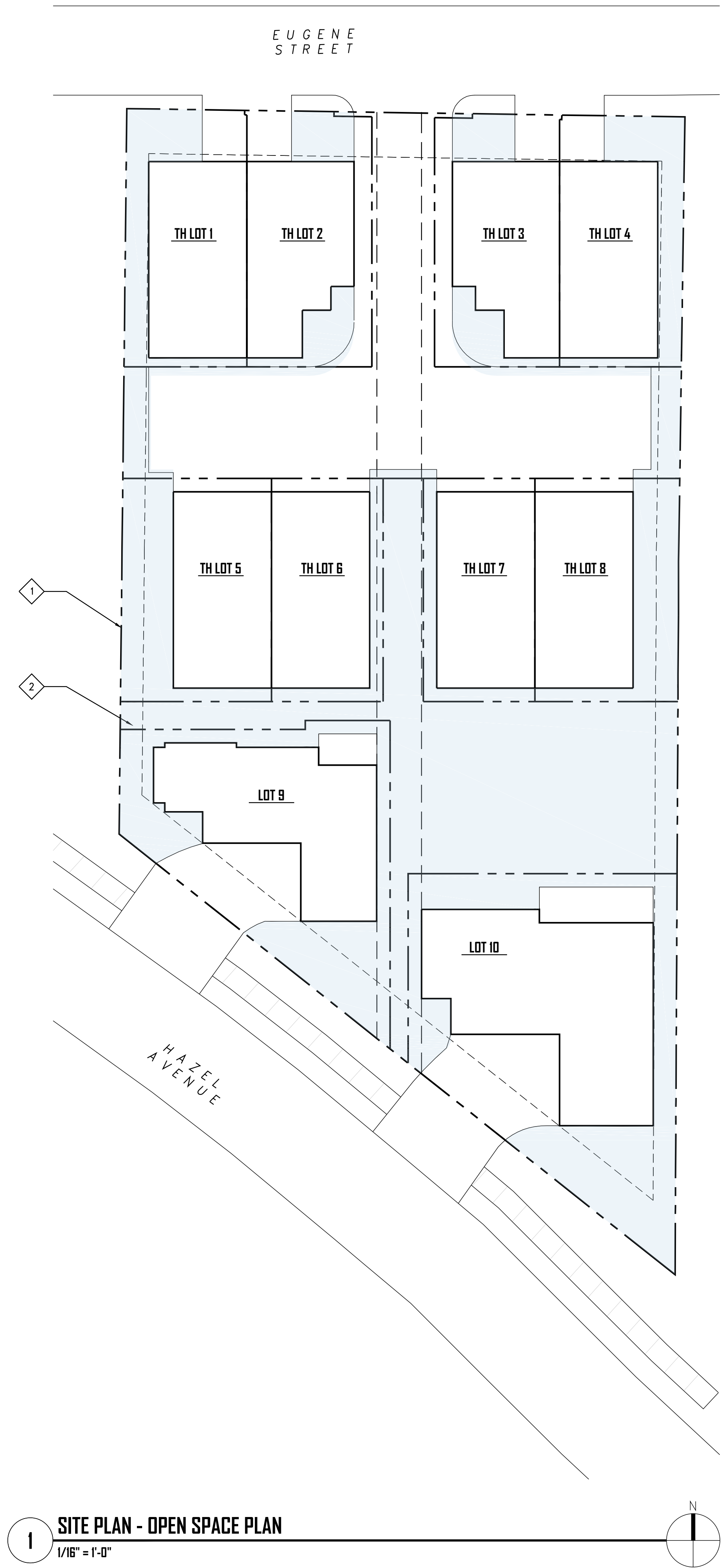
SITE PLAN

HAZEL RIDGE
HOOD RIVER, OR

date: 03.03.2021
phase: 25% DD
drawn by:

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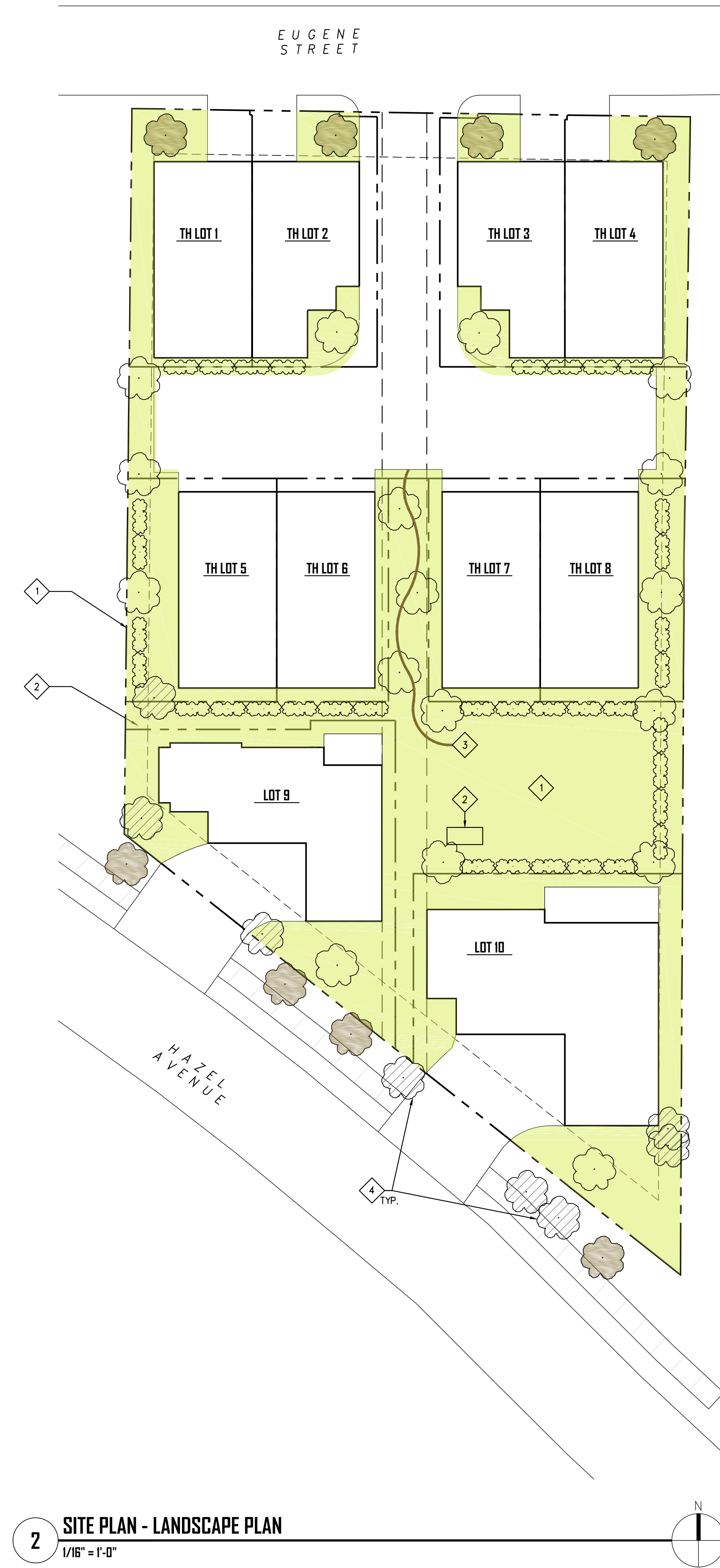
1 SITE PLAN - OPEN SPACE PLAN
1/16" = 1'-0"

DRAWING LEGEND

R-3 ZONE:
PRESERVED NATURAL OPEN SPACE

OPEN SPACE CALCULATIONS

R-3 ZONE - SITE AREA	
OVERALL R-3 SITE AREA	26,343 SF
MIN. 30% OPEN SPACE	7,902 SF
PROPOSED OPEN SPACE	9,862 SF
PROPOSED PAVING	5,556 SF



2 SITE PLAN - LANDSCAPE PLAN
1/16" = 1'-0"

DRAWING LEGEND

OREGON NATIVE SPECIES
TREE TO REMAIN
3" OREGON WHITE OAK
3" OREGON WHITE OAK
NATIVE SPECIES
PATH

LANDSCAPE KEYNOTES

- 1 AMENITY AREA
- 2 MOVE (E) CHAPEL
- 3 RELOCATED FROG POND
- 4 EXISTING TREES TO BE LIMBED TO PROVIDE SIGHT DISTANCE.

LANDSCAPE CALCULATIONS

TOTAL SITE AREA: 26,343 SF
MIN 20% NATURAL/LANDSCAPE AREA: 5,268 SF
PROPOSED NATURAL/LANDSCAPE AREA: 9,744 SF (37%)

LANDSCAPE NOTES

1. ALL ONSITE LANDSCAPE AREAS TO BE ON AN AUTOMATIC IRRIGATION SYSTEM TO ENSURE SURVIVAL.
2. SHRUBS TO MEET LANDSCAPING STANDARDS PER SIZE AND SPACING.
3. SITE IS COMPLETELY DEVELOPED TO CONTROL EROSION.

DRAWING REVISIONS	
NO.	DATED

SITE PLAN

SURROUND

HAZEL RIDGE
HOOD RIVER, OR

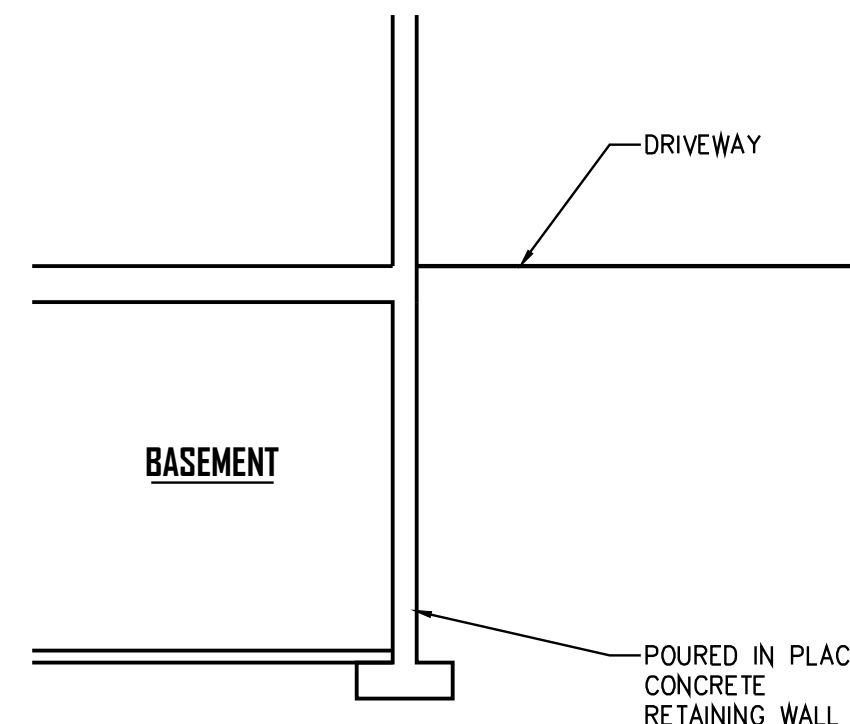
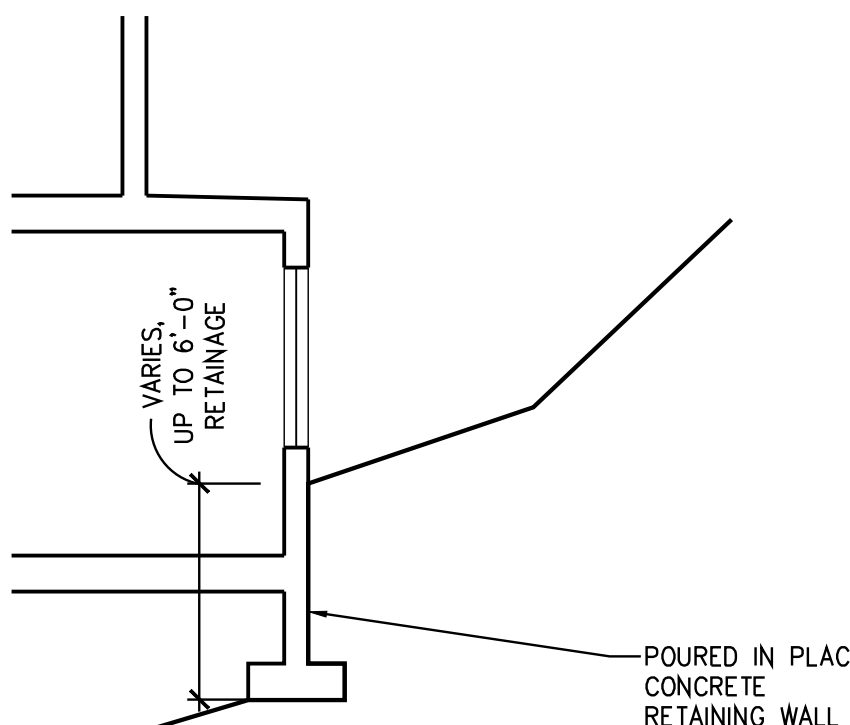
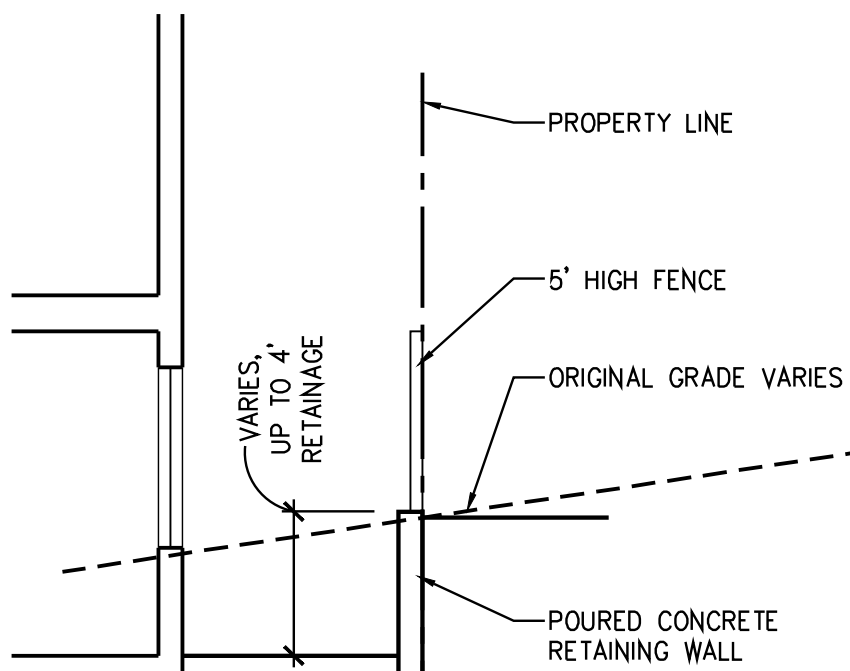
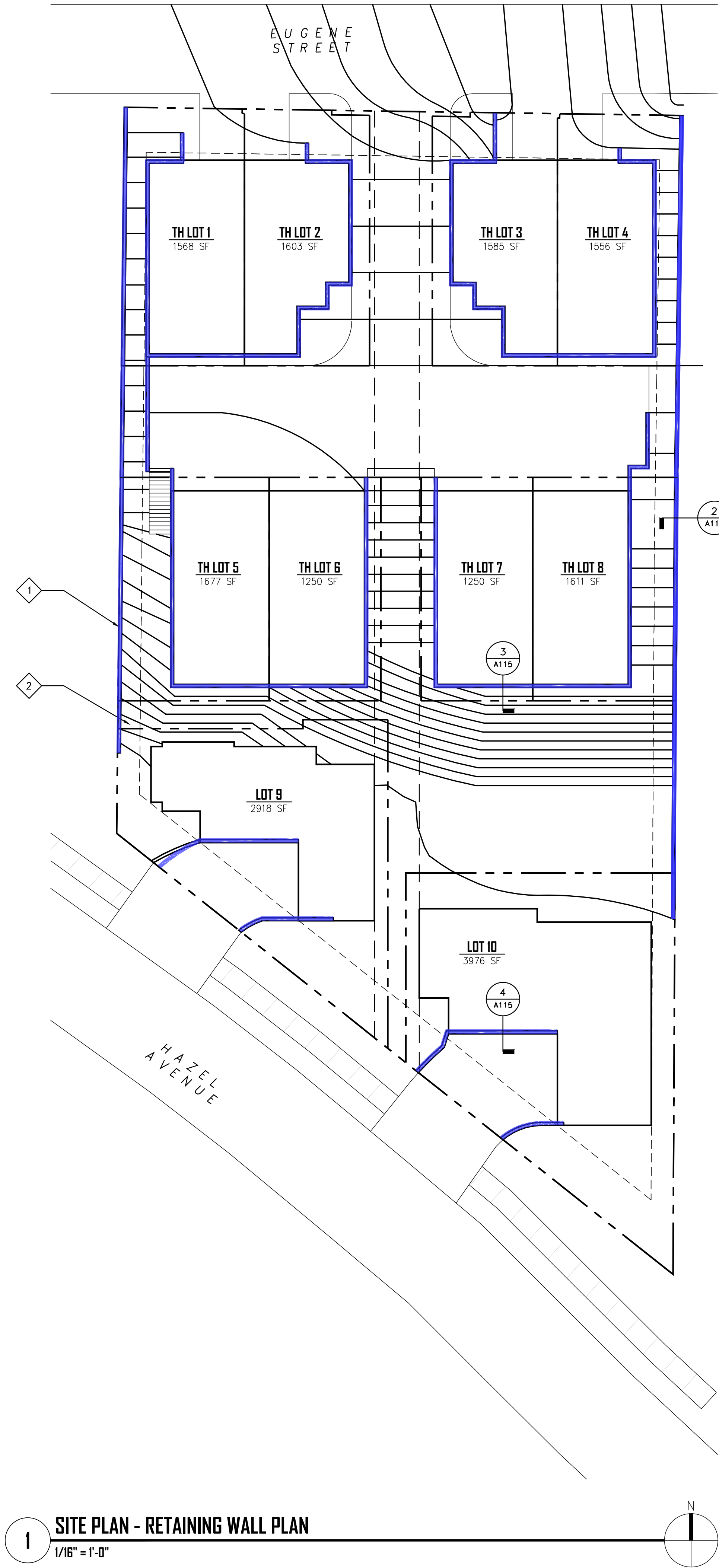
date: 03.03.2021
phase: 25% DD
drawn by:

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t 503.224.8484
f 503.224.8485

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CONVENTIONAL RETAINING WALL



DRAWING LEGEND

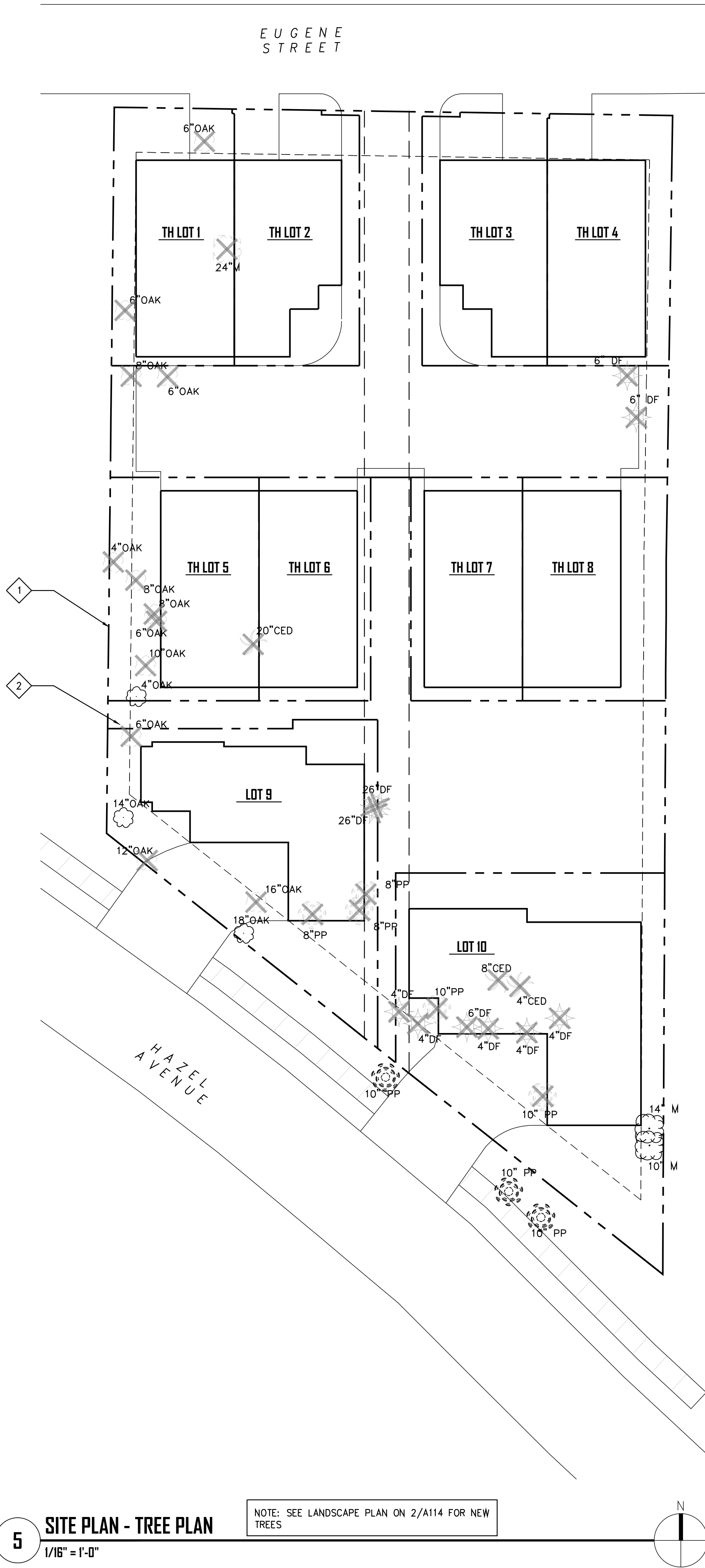
- TREE TO REMAIN
- TREE TO BE REMOVED

TREE TYPES

- POP-POPLAR
- DEC-DECIDUOUS
- OAK
- PINE
- BIR-BIRCH
- COTT-COTTONWOOD
- MAP-MAPLE
- ALD-ALDER
- DOG-DOGWOOD
- FIR
- CED-CEDAR
- ELM

DRAWING REVISIONS

NO.	DATED



SITE PLAN
SURROUND

HAZEL RIDGE
HOOD RIVER, OR

date: 03.03.2021
phase: 25% DD
drawn by:

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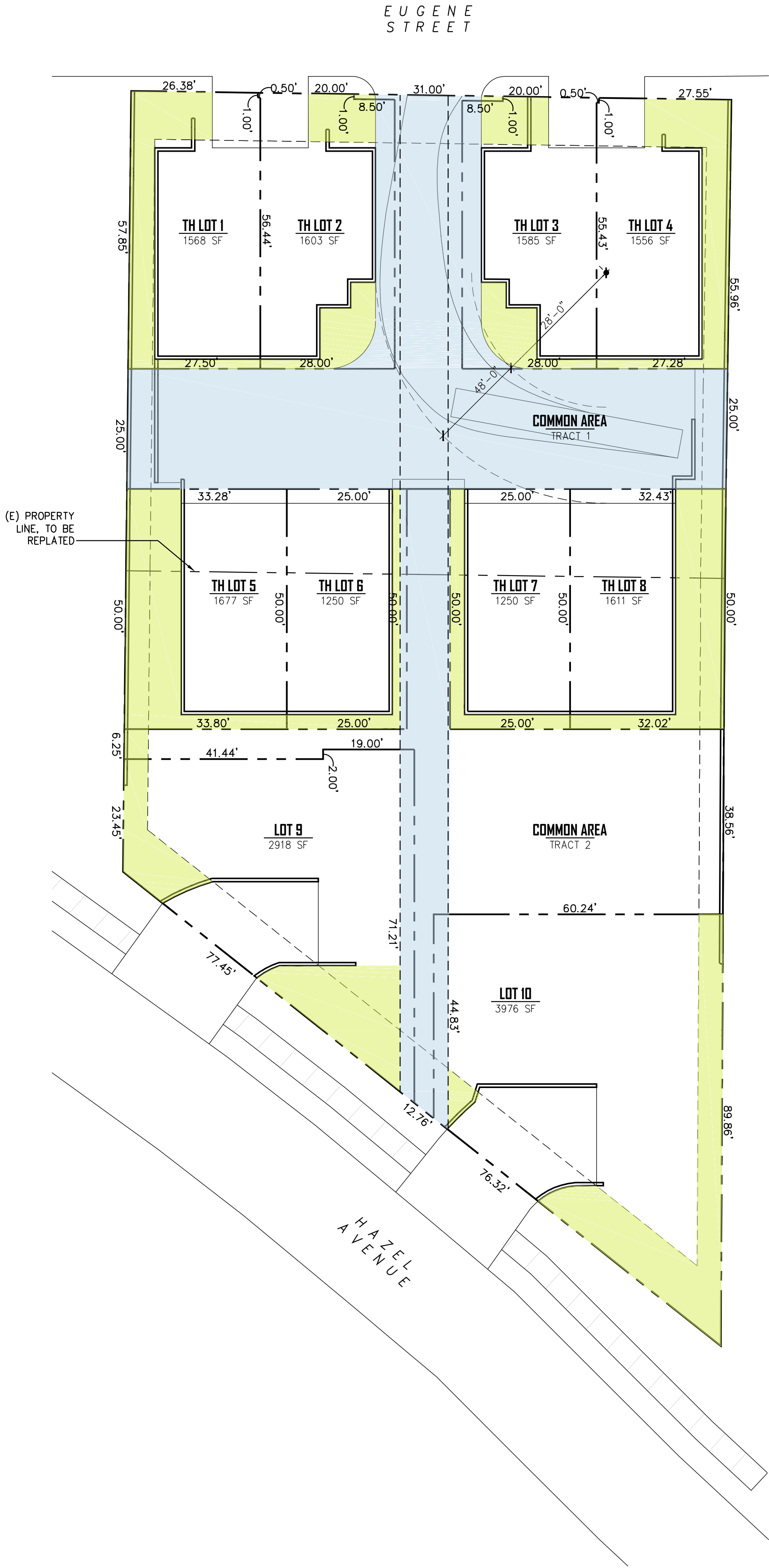
DRAWING LEGEND

- ACCESS AND UTILITY EASEMENT
- HOMEOWNERS ASSOCIATION OPEN SPACE EASEMENT
- XX'

LOT DIMENSIONS

DRAWING NOTES

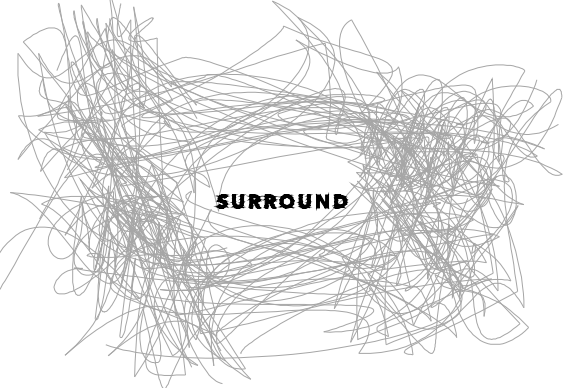
1. OPEN SPACE OWNERSHIP IS THE COMMON AREA TRACT 2 COMBINED WITH THE HOA "OPEN SPACE EASEMENT", WRITTEN TO THE BENEFIT OF THE COMMON AREA TRACT.
2. ACCESS AND UTILITY EASEMENT IS WRITTEN TO THE BENEFIT OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, & 10 AND COMMON AREA TRACTS 1 & 2.



DRAWING REVISIONS

NO.	DATED

SITE PLAN



HAZEL RIDGE

HOOD RIVER, OR

Surround Architecture, Inc.
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150 S.W. HARRISON, SUITE 100
PORTLAND, OR 97201
T 503.224.8484
F 503.224.8485

date:
03.03.2021

phase:
25% DD

drawn by:

A116

SITE PLAN - PRELIMINARY PLAT HAZEL RIDGE PUD

1/16" = 1'-0"



1 SF.1 - NORTH ELEVATION
1/16" = 1'-0"



2 SF.1 - WEST ELEVATION
1/16" = 1'-0"



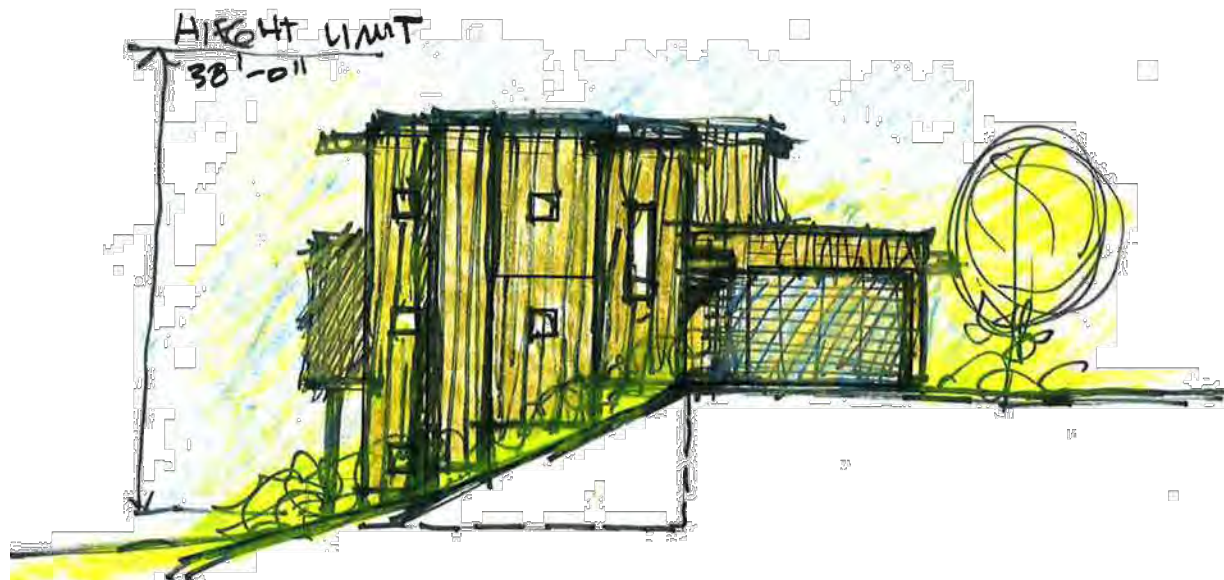
3 SF.1 - SOUTH ELEVATION
1/16" = 1'-0"



4 SF.1 - EAST ELEVATION
1/16" = 1'-0"



1 SF.2 - NORTH ELEVATION
1/16" = 1'-0"



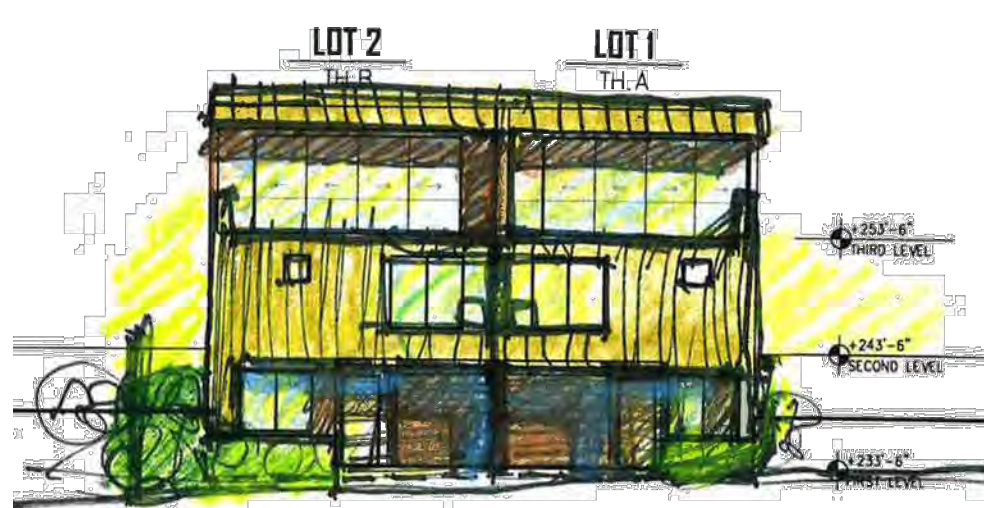
2 SF.2 - WEST ELEVATION
1/16" = 1'-0"



3 SF.2 - SOUTH ELEVATION
1/16" = 1'-0"



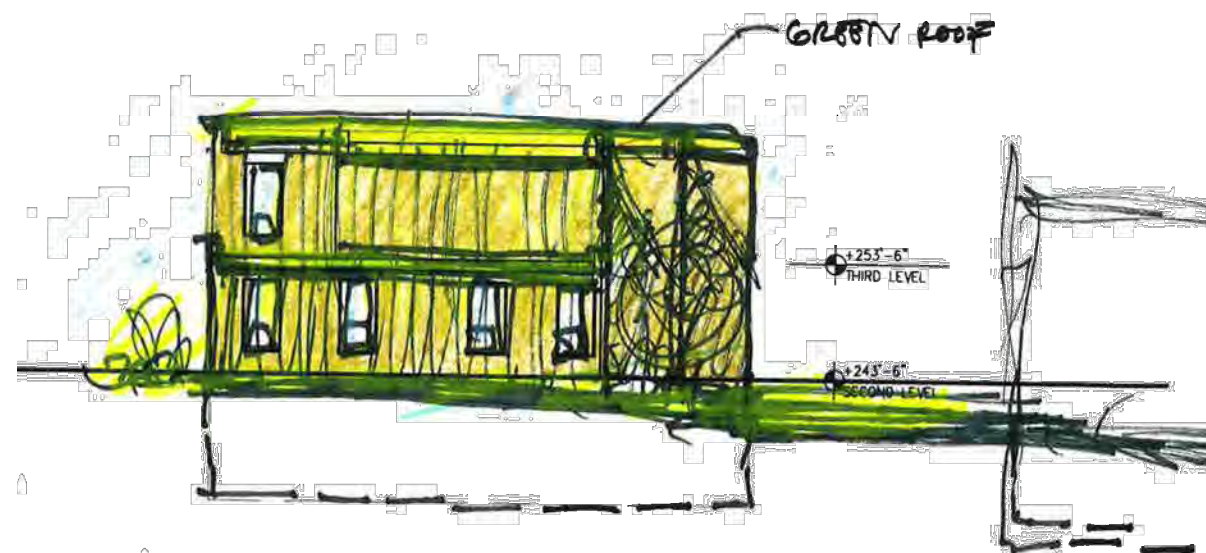
4 SF.2 - EAST ELEVATION
1/16" = 1'-0"



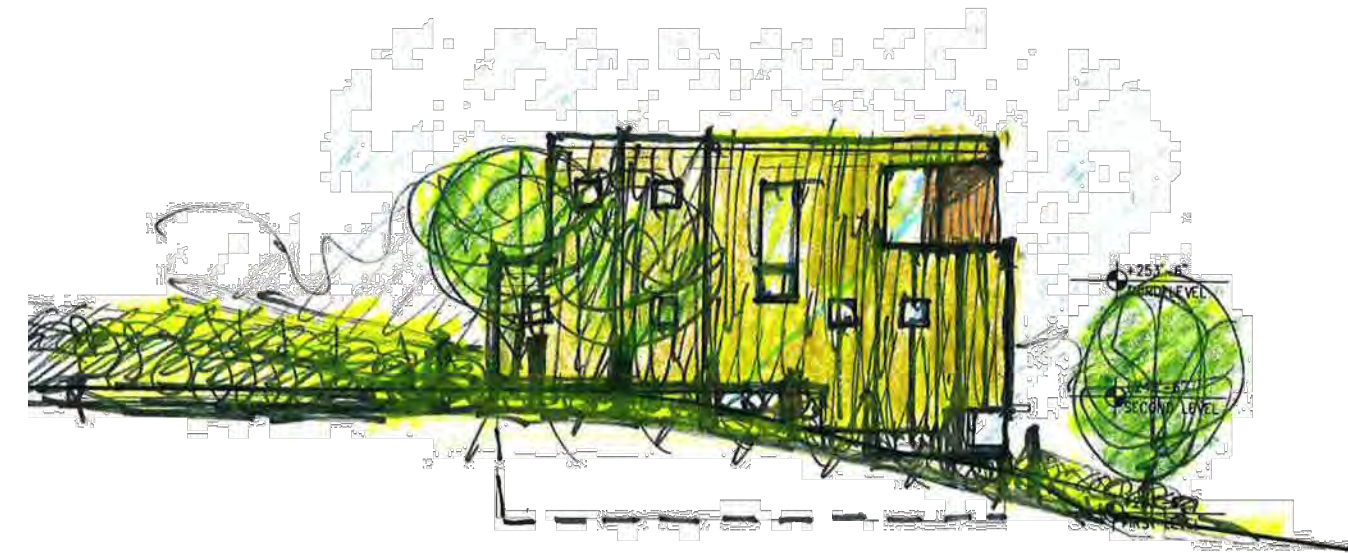
1 TH.B/TH.A - NORTH ELEVATION
1/16" = 1'-0"



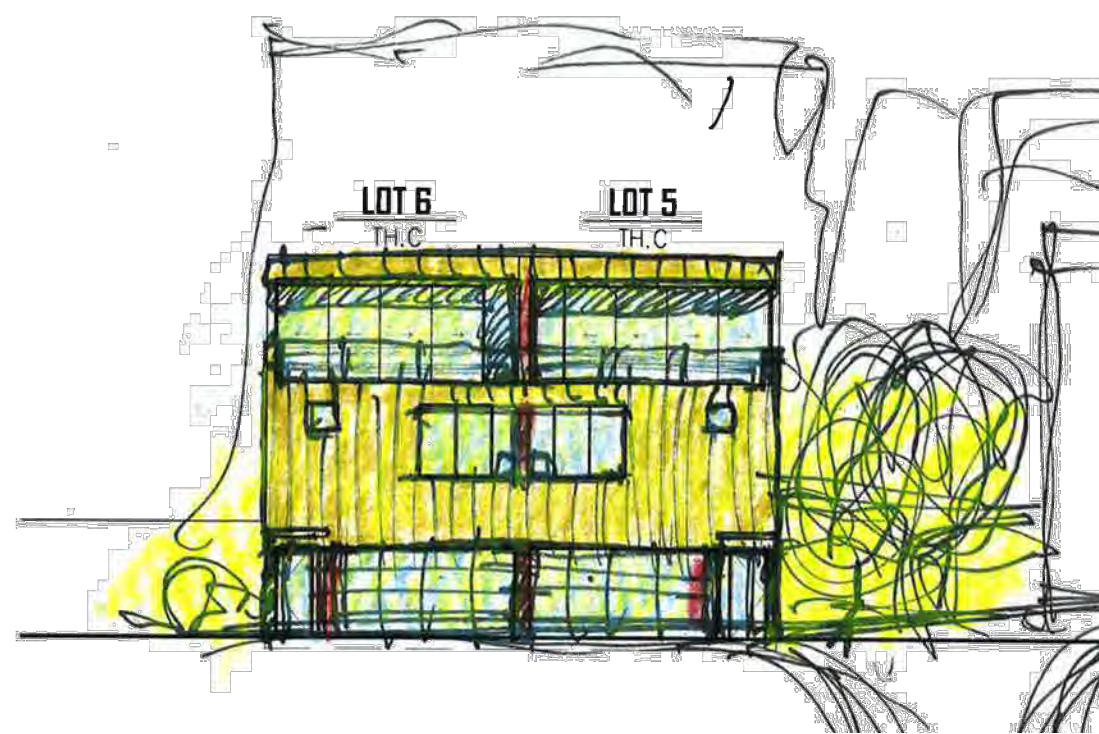
2 TH.B/TH.A - WEST ELEVATION
1/16" = 1'-0"



3 TH.B/TH.A - SOUTH ELEVATION
1/16" = 1'-0"



4 SF.2 - EAST ELEVATION
1/16" = 1'-0"



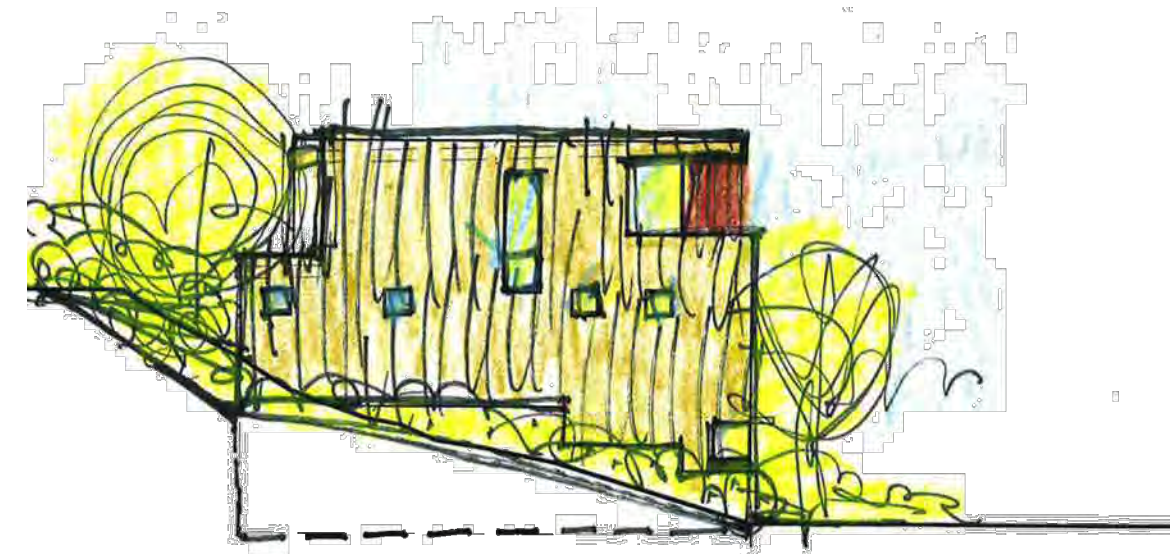
1 TH.C - NORTH ELEVATION
1/16" = 1'-0"



2 TH.C - WEST ELEVATION
1/16" = 1'-0"



3 TH.C - SOUTH ELEVATION
1/16" = 1'-0"

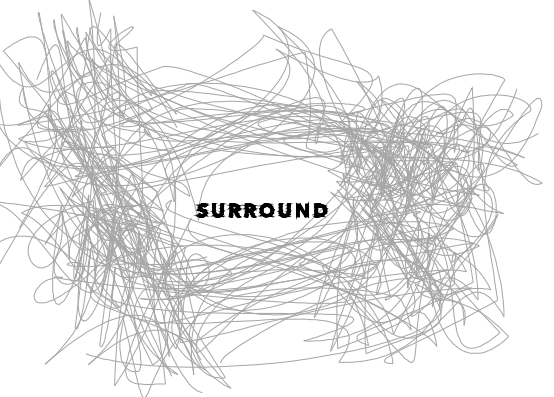


4 TH.C - EAST ELEVATION
1/16" = 1'-0"

DRAWING REVISIONS

NO.	DATED

SITE PLAN



HAZEL RIDGE
HOOD RIVER, OR
date: 03.03.2021
phase: 25% DD
drawn by:

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portland, or 97201
t 503.224.8484
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A301



TERRACED ROOF FORMS

BROKEN-DOWN MASSING

1 EAST SITE ELEVATION - LOTS 10, 8, & 4
NTS



2 NORTH SITE ELEVATION - LOTS 1-4
NTS



WINDOWS

ALTERNATING MATERIALS

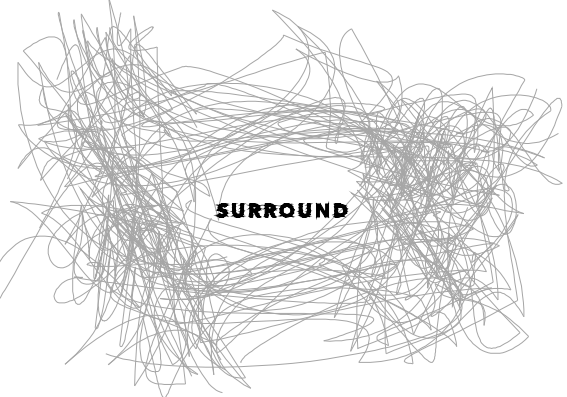
OFFSET

3 NORTH SITE ELEVATION - LOTS 5-8
NTS

DRAWING REVISIONS

NO.	DATED

SITE PLAN





1 WEST SITE ELEVATION - LOTS 1, 5, & 9
NTS



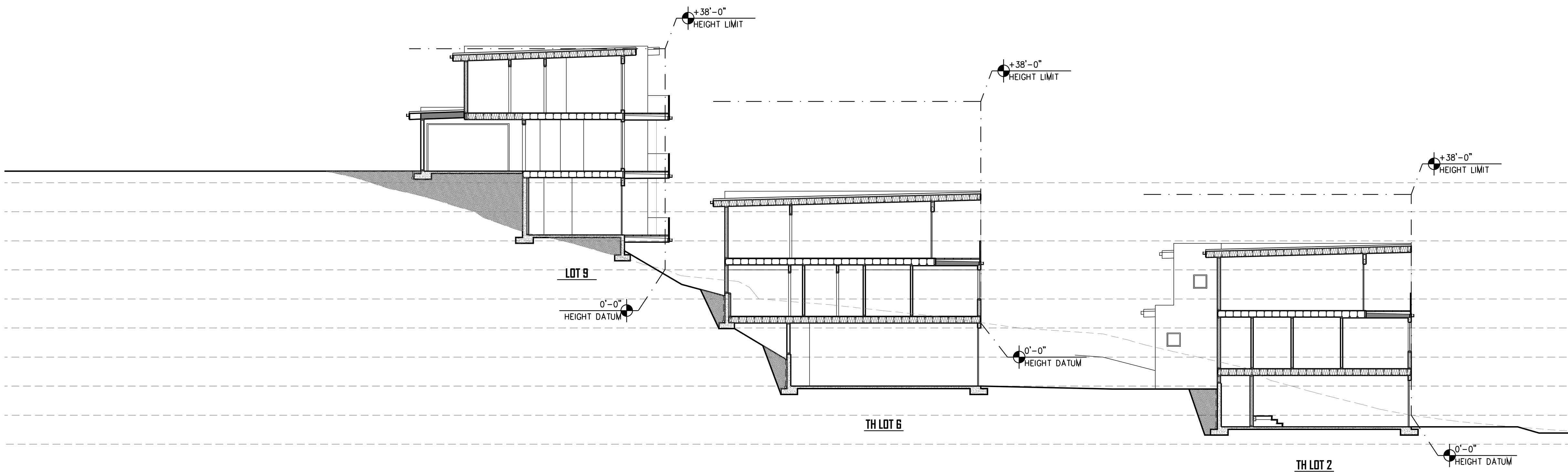
2 SOUTH SITE ELEVATION - LOTS 9-10
NTS

DRAWING REVISIONS

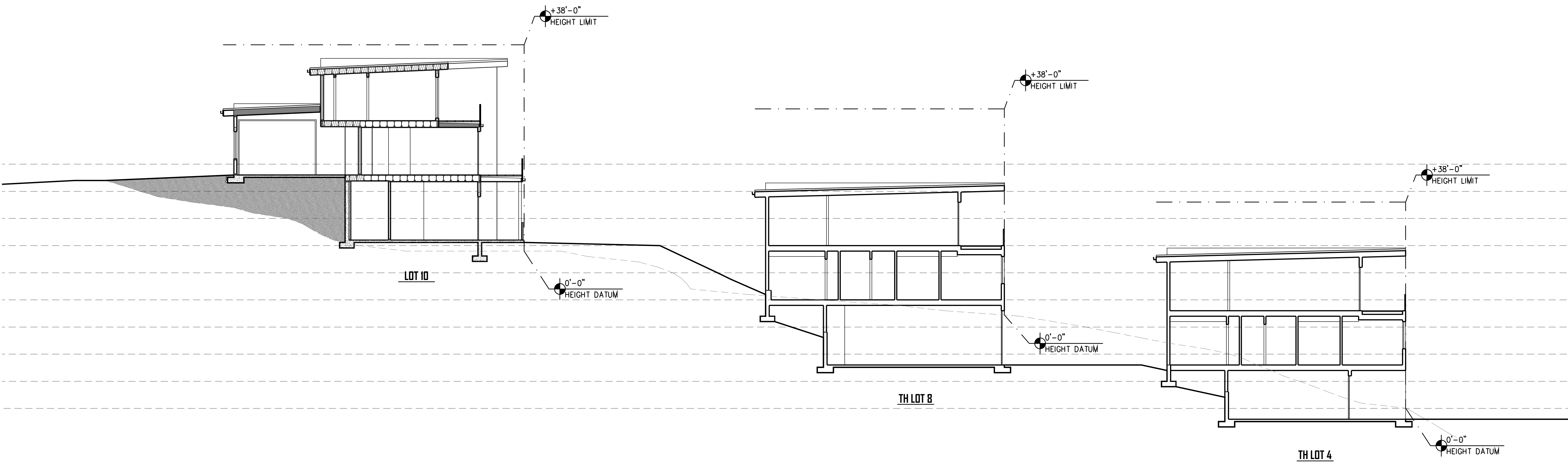
NO.	DATED

SITE PLAN





1 SITE SECTION - LOTS 9, 6, & 2
3/32" = 1'-0"



2 SITE SECTION - LOTS 10, 8, & 4
3/32" = 1'-0"

DRAWING REVISIONS	
NO.	DATED



I. BACKGROUND:

- A. **REQUEST:** A Conditional Use Permit for a Planned Unit Development including a 10-lot subdivision for 8 attached single family dwellings and 2 detached single-family dwellings. The proposal includes designation of approximately 33% of the site as common open space, construction of a shared driveway, public and private utilities, and associated site improvements including retaining walls.
- B. **APPLICANT:** Mark VanderZanden
- C. **OWNER:** Inland Pacific Oregon II, LLC c/o Tim O'Byrne
- D. **PROPERTY LOCATION:** In between E Eugene street and E Hazel Street, near the E 2nd Street ROW. Legal description:.S36,T3N,R10E, tax lots 6900 and 6903.
- E. **PROPERTY SIZE:** Tax Lots 6900 and 6903 total 25,604 Sq ft.
- F. **SITE ZONING AND LAND USE:** Both tax lots are in the Urban High Density Residential (R-3) Zone. The site currently is a single family home and accessory structures.
- G. **SURROUNDING ZONING AND LAND USES:** The surround properties are a mix of detached single family homes and attached single family homes.
- H. **APPLICABLE CRITERIA OF THE HOOD RIVER MUNICIPAL CODE (HRMC):**
- Section 17.03.030 – Urban High Density Residential (R-3) Zone
 - Chapter 17.04 – Supplementary Provisions
 - Chapter 17.06 – Conditional Uses
 - Chapter 17.07 – Planned Developments
 - Section 17.09.040 – Quasi-Judicial Actions
 - Section 17.16.040 – Site Plan Review Decision Criteria- (submitted while noting they may not be required)
 - Chapter 17.17 – Landscaping and Development Standards
 - Chapter 16.08 – Procedural Requirements for Land Divisions (Subdivision)
 - Chapter 16.12 – General Design and Improvement Standards
 - Chapter 17.20 - Transportation circulation and access management (submitted with protest)
 - Chapter 17.19- Townhouse Projects (Submitted with protest)

J. HISTORY:

1. Pre-application conference held Oct 22, 2020
2. Neighborhood meeting held January 26, 2021
3. Additional Neighborhood meeting held Feb 23, 2021
4. Application fee submitted Feb 8, 2019

K. Project Narrative:

General Project Description: Proposal is a residential development of (2) detached and (8) attached single family homes. The attached single-family homes are in (4) buildings of (2) attached homes each. The project is proposed through a planned Unit Development, which through flexible standards can provide a functional organization that is better suited to the lot shape and context. The PUD also allows the development to be better suited to the functional trends of dwellings by providing a common area and managed maintenance, in lieu of private yards.

Site- The site has been previously developed with a house, a shop, and extensive paving. A portion near the south boundary has native oak trees.

Design- The proposal provides a comprehensive and consistent design for all landscape and units. The proposal will be designed and built by the developer, and a homeowners association will manage and maintain the consistency of the design.

Equipment screening- HVAC condensers will be located on the ground in discreet locations as shown on plans and screened by a landscaping.

ADA compliance- Single family lots and dwellings, including townhomes have no ADA requirements.

Grading, Retaining Walls and Construction erosion control- Grading will be extensive to include basements in each unit. The proposal plans 4' high retaining walls at the east and west perimeter to allow for a consistent north south slope on the property. Each unit has building retaining walls that creates a basement. Erosion control during construction is achieved by using silt barriers at the bottom of the slope.

Landscape and Trees- Project Development includes a comprehensive new landscaping over the entire site, except the south areas, which will be left as a natural landscape. New landscaping will include irrigation, ground covers, shrubs and trees.

Utilities- Water, Sewer, Gas, Teledata and Power are all readily available adjacent to the project site.

Stormwater Management Summary- The project will require a Stormwater Management Plan due to size, and has access to City Stormwater System for overflow. This overflow connection will require the applicant extend a stormwater line in Eugene roughly 25', as well as require improvement to the ditch inside 2nd street ROW. Stormwater is primarily roof area, with a smaller amount at grade. Detention for a 25 year storm will be achieved through the use of "Green Roof Trays" on roofs, along with permeable paving. These systems will also treat storm water for quality.

Transportation impact Summary- Bell Design completed a Traffic Impact Letter consistent with City requirements. "The analysis provided in this report does not indicate any operational problems and the project otherwise meets operational requirements (intersection-levels-of-service) of the City". The letter also provides the findings for compliance with driveway access standards.

Parking- On site parking is provided for residential units 2 per unit as shown on plans. All units will include an enclosed garage, with units 1-4 enclosing one car, and units 5-10 enclosing 2 cars each. Units 1-4 have driveways, 20' deep that can accommodate one additional parking spot. In addition to the 2 per unit, there is locations for guest spaces within the shared driveway, and also on individual driveways for the 2 single family homes on Hazel.

Homeowners association (HOA), and individual ownership restrictions- This proposal application includes the provisions for a shared homeowners association that will own the common area tracts of the PUD, and also own the benefit of use easements for open space that are on individual lots. In addition to ownership, the purpose of the HOA is to provide a mechanism for management and maintenance of shared open space areas, shared driveways, shared utility infrastructure, and landscaping. The HOA will also provide a mechanism for shared needs like snow removal as well. In addition to management of the above, the HOA agreements will provide restrictions on uses and changes to anything exterior to a unit. Restrictions to changes to the exterior will be focused on maintaining the appearance and design of the project from its inception, and it will limit any deviations from the original design only in cases where either the original product or landscape element fails due to design. The HOA will also provide restrictions to uses that are in violation of city municipal code or city ordinances and provide a mechanism for policing such actions. Thus, the HOA will provide a long-term contract to ensure compliance with the criteria of this approval.

Neighborhood Meeting results: The neighborhood meeting held on January 26, 2021 and another on Feb 23, 2021 brought up several issues to the design team's attention. The design was generally considered to be sensitive to the surroundings. Most neighbors were concerned about traffic and the project having adequate parking. Other issues discussed included improving the existing stormwater

runoff from the existing driveway, protecting the existing trees on the north side of Eugene street, and providing an attractive roofing color/material. The design team feels that all of these sorts of concerns are addressed as needed by the design and details of the proposal.

City of Hood River Housing needs analysis. The 2015 report noted a significant lack of “single-family” housing, (actually, all housing types). This project will provide “needed housing under OR 197.303

OR 197.303 directs the City to “apply only clear and objective standards conditions and procedures”, to this Conditional Use and Planned Unit Development application. Please refer to “Hazel Ridge PUD application protest”, for additional information regarding the applicants positions on requested approval criteria and standards.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

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

A. Permitted Uses

1. Detached single-family dwellings for residential use and accessory structures
2. Duplexes and triplexes for residential use
3. Multi-family dwellings for residential use, subject to HRMC 17.16
4. Manufactured homes for residential use
5. Mobile home parks subject to HRMC 17.12
6. Residential care facilities
7. Group residential, if fifteen (15) or more persons, subject to site plan review
8. Transportation facilities subject to HRMC 17.20.050(A)
9. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
10. Accessory uses permitted when accessory to residential use:
 - a. Accessory dwelling units subject to HRMC 17.23
 - b. Bed and breakfast facilities subject to HRMC 17.04.110
 - c. Family day care subject to HRMC 17.04.100
 - d. Home Occupations to subject to HRMC 17.04.100
 - e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115
11. Townhouse projects for residential use including:
 - a. Three (3) or fewer townhouses subject to HRMC 17.19
 - b. Four (4) or more townhouses subject to HRMC 17.16 and HRMC 17.19.

FINDINGS: The applicant proposes to establish single-family detached dwellings and attached single family dwellings on the subject property through a Conditional Use and Planned Unit Development process. The lots are zoned Urban High Density Residential (R-3). As explained in the application narrative all proposed lots are for residential use including eight single-family attached residential units (Lots 1-8) and two single-family detached residential units (Lots 9-10).

B. Conditional Uses

6. Planned Unit Developments

FINDINGS: The standards and criteria for a Conditional Use are detailed below in HRMC 17.06; the standards and criteria for the Planned Development are detailed below in HRMC 17.07; and standards for townhouses are addressed below in (HRMC 17.19. included under protest)

C. Site Development Standards. Except for townhouse projects which are subject to HRMC

17.19, the minimum site development requirements are as follows:

1. The minimum lot or parcel size shall be 5,000 square feet.

2. Minimum requirement for building sites: Per detached single dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Subject to HRMC 17.04.120

FINDINGS: Applicability of development standards are addressed below in HRMC 17.07.060.

Pursuant to HRMC 17.07.060(A.1) the minimum lot size standards are not applicable in a PUD, and the minimum frontage standards are not applicable to lots on the interior of the PUD. Further, according to HRMC 17.19.020(A.5), townhouses are not required to comply with the minimum frontage standard of the zone. The lot coverage standards of HRMC 17.04.120 are not applied in a PUD because the minimum lot size standard is not applied. As such, the proposal complies with the site development standards as applicable.

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

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

FINDINGS: As addressed below in HRMC 17.07.060(A.3), setback standards for structures on the perimeter of the development shall be the same as the underlying zone but setback standards do not apply along the interior lot lines of the PUD (except that all structures must meet applicable Building Code requirements).

As depicted on the Preliminary Plan, buildings adjacent to the side yards will have 5' setbacks as required, and 10' setbacks adjacent to ROWs. Buildings facing Eugene Street are also required to have 20' setbacks for garage doors as they are perpendicular. Garage doors for units off Hazel, do not "directly face" ROW, and are not subject to the 20' setback.

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

FINDINGS:

As depicted in the Preliminary Plan Set, all proposed townhouses and single family homes are proposed to be up less than 28-feet tall, or 38' tall using the City's methodology for calculating height. All lots have more than 10' of slope across the existing topography, and thus include 10' added to the base height limit.

F. Parking Regulations.

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

FINDINGS: The application narrative explains that enclosed garages will be provided for each dwelling unit, and each will be provided with at least two parking spaces either by garage or by driveway. Designated bicycle parking is not required for single-family dwellings.

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

FINDINGS: No signs are proposed. Sign standards are specified in HRMC Title 18.

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

FINDINGS: The Preliminary Plan Set depicts proposed landscaped areas. Applicable landscaping standards are addressed below in HRMC 17.17.

2. HRMC 17.04 – SUPPLEMENTARY PROVISIONS

17.04.010 Maintenance of Minimum Ordinance Requirements. No lot area, yard, or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title. No lot area, yard, or other open space that is required by this title for one (1) use, shall be used as the required lot area, yard, or other open space for another use.

FINDINGS: There are no previous conflicting land use approvals, or ordinance requirements and this section is not applicable.

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

FINDINGS: As depicted on the Preliminary Subdivision Plat all proposed lots have 20 feet or more frontage on either a street, or a shared private driveway.. As such, the proposal is consistent with these requirements.

17.04.030 General Provisions Regarding Accessory Uses and Accessory Structures. An accessory use or structure shall comply with the requirements for a principal use or structure with the following exceptions:

- A. In the R-1, R-2, R-3 and C-1 zones, accessory structures used for non-business purposes that are

less than 10-feet tall and have a footprint less than 100-square feet in gross area (i.e. exterior dimensions) may encroach into the side and rear-yard setback areas of the underlying zoning district but shall be located no less than three (3) feet from side and rear property lines (including eaves and other projections).

FINDINGS: No accessory structures are proposed.

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

FINDINGS: No exceptions to building height are proposed.

17.04.050 Fences and Walls.

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

FINDINGS: As depicted on the Preliminary Site Plan (5-foot- tall non-combustible fences are proposed above retaining walls on side yards.

17.04.060 Retaining Walls.

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

FINDINGS: As depicted on the Preliminary Site Retaining Wall Plan, conventional retaining walls for up to four feet of retainage, complying with 17.04.060.D

17.04.090 Vision Clearance Area. Corner lots or parcels in all residential zones shall provide and maintain a vision clearance area. A "vision clearance area" is defined as a triangular area formed at a corner lot or parcel by the intersection of the street curb and a straight line joining said lines through points fifteen (15) feet back from their intersection. See Diagram "A"

The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 1/2) feet to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and tree trunks are excluded from this requirement.

FINDINGS: No corner lots are proposed on the site, and as such, this criteria is not applicable.

17.04.080 Illegal Occupancy. Any use of premises or building which deviates from or violates any of the provisions of this title shall be termed an illegal occupancy and the persons responsible therefore shall be subject to the penalties provided herein.

FINDINGS: A homeowners association agreement will provide a mechanism to monitor and police any illegal Occupancy.

3. CHAPTER 17.06 – CONDITIONAL USES

17.06.005 Purpose. A conditional use permit is a mechanism by which the city may require specific conditions of development or of the use of land to ensure that designated uses or activities are compatible with other lawful uses in the same zone and in the vicinity of the subject property.

17.06.010 Applicable Procedures. The City shall process conditional use applications in accordance with *Review Procedures* (Chapter 17.09) and the following:

1. Pre-application Conference: Prior to submittal of a conditional use permit, application, the applicant or applicant's representative shall attend a pre-application conference.
2. Application: An applicant may submit an application for a conditional use permit at any time after completion of a required pre-application conference. The applicant shall submit a complete application as specified in application and plan requirements section of this chapter.
3. Quasi-Judicial Conditional Use: Applications shall be processed as a Quasi-Judicial application as set forth in the Quasi-Judicial Actions provisions (Section 17.09.040).
4. Changes: Changes to an approved or pre-existing conditional use that does not increase the density or impact of the use may be approved by the Planning Director. Changes that the Planning Director determines will increase the density or impact of the use shall be referred to the Planning Commission for a public hearing in accordance with the provisions of this chapter. Prior to review, a plan showing the desired changes must be submitted to the Planning Department.
5. Change in Use: As used in this chapter, change in use shall include, at a minimum, expansion of the use, expansion or alteration of the structure or developed area, change in the functional nature of the use, and/or change in the type of use.

FINDINGS: The applicant attended pre-application conferences on October 22, 2020. The subject application is being reviewed through a Quasi-Judicial procedure in accordance with HRMC 17.09.040.

17.06.020 Application and Plan Requirements

- A. An application for a conditional use permit shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form prescribed by the City and accompanied by the required filing fee. The application shall include a plan or drawing meeting the requirements below and a narrative explaining how the applicable criteria are satisfied or will be satisfied through conditions.
- B. The plan or drawing accompanying the application shall include the following information:

FINDINGS: The application form, preliminary plans and accompanying application materials

generally comply with the Conditional Use Permit submittal requirements.

17.06.030 Conditional Use Approval Criteria

- 1. Conditional Uses: Conditional uses are subject to *Site Plan Review Decision Criteria* (Chapter 17.16) in addition to the following:**

FINDING: The Site Plan Review Criteria are addressed below HRMC 17.16.040.

- 2. Impact: The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area, with consideration given to:**
 - a. Any harmful effects on desirable neighborhood characteristics and livability.**
 - b. Bicycle and pedestrian circulation, access and safety.**

FINDINGS: This criterion requires reasonable compatibility between the proposed use and the lawful development of abutting properties and the surrounding area. This criterion also requires that the proposed use have a minimal adverse impact on the lawful development of abutting properties and of the surrounding area.

“Reasonably compatible” means that the location, size, design and operating characteristics of the proposed use will function harmoniously.

“Minimal adverse impact” does not require the absence of any adverse impact but does require that, to the extent that any adverse impact is identified, it is minimized. Minimization may be achieved through the imposition of conditions of approval. An “adverse impact” is an undesirable effect arising out of the location, size, design, and operating characteristics of the proposed use.

“Lawful development” modifies both “abutting properties” and the “surrounding area,” and refers to existing uses that comply with the current Zoning Ordinance and development.

At a minimum, the “surrounding area” is considered the notice area; in this case, the notice area includes all property within 250 hundred feet of the subject site. Whether an extension of the surrounding area should be made is determined by examining the area of impact of the proposed use based on its location, size, design, and operating characteristics. In some cases, the surrounding area may not extend beyond the notice area; in other cases, the surrounding area may encompass an entire neighborhood, or large portions of the City. In all cases, the surrounding area is defined geographically. With respect to this proposal, the surrounding area is the legal notice area of 250 feet around the property.

These criteria are subject to OR 197.307, which requires clear and objective standards be used, and these criteria can be construed as subjective.

This application narrative states: “This development is reasonably compatible with and will have minimal impact on abutting properties and the surrounding area. Increased residential use in this area will enhance livability, safety and encourage more pedestrian and bicycle use, greater town efficiency and sustainability through on and offsite improvements.”

The sizes of the buildings, the unit sizes and heights, are all similar and smaller to the sizes of residential units found in the immediate area. Two-unit attached single family dwelling buildings of 2000 sq ft. each are smaller than the buildings adjacent to the east, and similar in size to the building to west.

The proposal density is consistent with the density of two townhome buildings adjacent to the

east. Comments were submitted by a neighboring property owner expressing concern about parking, roof materials, stormwater runoff from development and traffic, and each concern is addressed either with improvements as noted herein. While this proposal addresses concerns for compatibility, this criterion is not particularly clear, or objective.

3. Nuisance: The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.

FINDINGS: Nuisance conditions may be public nuisances or private nuisances. A nuisance is any act or omission that is detrimental to the health safety or welfare of the public at large, in the case of a public nuisance, or of specified individuals, in the case of a private nuisance. "Significant" means noticeable to the affected person(s). The "off-site" area to be evaluated is the surrounding area as defined above.

These criteria are subject to OR 197.307, which requires clear and objective standards be used, and these criteria can be construed as subjective.

The proposed residential use will not generate odor or vibrations beyond what is normally expected with the residential uses, including traffic which is expected in R-3 zones. Construction will generate noise but construction activity is not considered a nuisance between the hours of 7 a.m. through 7 p.m. (HRMC 8.08.040.A).

4. Plan Consistency: The proposal shall be consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance.

FINDINGS: The Comprehensive Plan generally does not contain approval standards. Goals are defined by the Plan as "what is sought after;" policies are defined as "broad statements" that "provide direction;" and strategies set forth the "means for implementing the Plan." The Plan specifically states that the land use standards which are contained in the Zoning Ordinance are the standards for development. In those cases where a provision is written in mandatory approval language, the language of the provision itself will be interpreted according to its intent and applied as an approval standard.

The proposed development is for residential use.

This application narrative states: "This proposal's use of residential is consistent with the City's Comprehensive Plan and the requirements of the Zoning Code. Residential uses are allowed with R-3, and meet the City planning objectives to provide affordable housing."

Applicable goals and policies of Goal 10 (Housing) include:

- To provide for the housing needs of the citizens of Hood River.
- The City will promote and encourage the maintenance of existing housing, the rehabilitation of older housing, and the development of a mixture of sound, adequate new housing types to meet the needs of all segments of the population.
- Retention of existing trees shall be encouraged when land areas are developed.
- Developers of tracts of land which are sufficiently large enough to allow for site design for groups of structures will be encouraged to use the Planned Unit Development process as outlined in the Subdivision Ordinance.
- The application of new technology, greater freedom of design, increased population densities, and economy of land use will be encouraged.
- The City will encourage and support development of affordable housing, both publicly and privately financed, including the provision of government-subsidized housing, for households at or below 120% of the area median income, as defined by the U.S.

Department of Housing and Urban Development (HUD).

- Encourage the development of great neighborhoods by:
 - Supporting neighborhood identity.
 - Locating parks, trails, schools, daycare and churches in close proximity to residences.
 - Incorporating natural features and spaces into developments.
 - Connecting and orienting new neighborhoods.
 - Encouraging residential development that conserves energy and water.

None of these policies are written in mandatory language for use as approval standards. Therefore, consistency is met by conformance with Titles 16 and 17 of the Hood River Municipal Code. The applicable standards of Title 16 (Subdivision Ordinance) and Title 17 (Zoning Ordinance) are addressed in this decision. Scale: The site must be physically capable of accommodating the proposed use, including any needed landscaping, parking, and other requirements. The building size, shape, and/or location may be changed if needed to assure the physical capability of the site.

FINDINGS: This criterion requires that the proposed use physically fit on the site as well as requiring the site to be able to accommodate the proposed use given the natural characteristics of the site. All of the characteristics of the proposed use are considered, including any modifications resulting from conditions of approval. In addition, all of the requirements of Titles 16 and 17 must be considered.

“This site accommodates the proposed use as well as the required landscape and open space. The attached dwellings are scaled by height and mass similarly to adjacent buildings and the homesites are separated from neighboring parcels by landscaped setbacks.”

The preliminary plans indicate that the site is generally capable of accommodating the proposed development including designation of common open space in excess of minimum requirements.

5. Transportation: Adequate transportation facilities are available to serve the conditional use in terms of the function, capacity, and level of service identified in the Transportation System Plan (TSP).

FINDINGS: The applicant submitted a traffic impact letter. “The analysis provided in this report does not indicate any operational problems and the project otherwise meets operational requirements (intersection-levels-of-service) of the City”. The letter also provides the findings for compliance with driveway access standards, which has conflicting definitions. The traffic engineer could not determine any reason why the driveway standards are not met using the design and spacing proposed.

6. Landscaping: Landscaping shall be in conformance with the landscape regulations of this title.

FINDINGS: “The landscape design is in accordance with the landscape regulations of the Zoning Code. See Landscape drawings. A portion of the parcel is landscaped in a natural state.”

The Preliminary Plan Set depicts proposed landscaped areas, as well as enhanced common open space areas. Applicable landscaping standards are addressed below in HRMC 17.17.

7. Performance Bonds: When needed to ensure performance of special conditions, bonds or other acceptable securities shall be required.

FINDINGS: This provision allows the City to require security for the performance of any condition needed or imposed to ensure compliance with the Zoning Ordinance and Comprehensive Plan.

"Performance Bonds will be provided by the owner if required for any public infrastructure that is required."

- 8. Burden of Proof: The applicant shall bear the burden of showing how the proposed use does conform or can be made to conform through conditions.**

FINDINGS: The application materials are intended to demonstrate compliance with applicable standards. Findings adopted for the applicable criteria explain how the applicant has met the burden of proof. However, conditions of approval are adopted where necessary to ensure compliance with applicable standards.

- 9. Final Plans: If the conditional use is approved, detailed final plans shall be submitted which indicate conformance to the conditions. The final plans shall be subject to approval by the City.**

FINDINGS: If the application is approved, the applicant will be responsible for submitting final plans demonstrating compliance with all standards and conditions, for review and approval prior to final plat approval.

17.06.035 Appeals. Final decisions on conditional use permits may be appealed in accordance with the *Appeal Procedures* (Section 17.09.070) of this ordinance.

FINDINGS: The applicant requests preliminary approval of a Planned Unit Development and Subdivision from the Planning Commission. The applicant understands that the decision for this conditional use permit may be appealed to the City Council in accordance with HRMC 17.09.070.

17.06.040 Time Limits on a Permit for a Conditional Use. The conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

FINDINGS: If this application is approved, the applicant understands the time limitations.

17.06.050 Limitation on Reapplication. No conditional use application shall be considered by the Planning Commission within a six (6) month period immediately following a previous denial of such request. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

FINDINGS: If this application is denied, the limitations on reapplication shall be applicable, in accordance with HRMC 17.06.050.

17.06.060 Revocation of a Conditional Use Permit

- A. Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.
- B. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under *Review Procedures* (Chapter 17.09) of this title in order for the holder of a conditional use permit to show cause why the permit should not be revoked.

- C. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten (10) days after the time specified.
- D. Reapplication for a conditional use which has been revoked cannot be made within one (1) year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrants it.
- E. Abandonment of the use for over twenty-four (24) consecutive months shall void the conditional use. A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit. If part of the conditional use is still being utilized, an additional conditional use will need to be obtained in order for expansion of the use.

FINDINGS: If approved, this conditional use permit may be subject to the revocation standards of HRMC 17.06.060.

5. CHAPTER 17.07 – PLANNED DEVELOPMENTS

17.07.010 Purpose. The purposes of the planned development are:

- 1. To provide a means for creating planned environments that are equal or better than that resulting from traditional lot-by-lot land use development, through the application of flexible standards such as zero-lot lines, narrower streets, and other innovative planning practices;
- 2. To facilitate the efficient use of land;
- 3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- 4. To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site;
- 5. To encourage development that recognizes the relationship between buildings, their use, open space, and access ways, and thereby maximizes the opportunities for innovative and diversified living environments; and
- 6. To encourage commercial and industrial development that includes a mix of uses, is designed in a manner that mitigates impacts to surrounding uses, includes well designed buildings that contribute the character of Hood River, and includes a thoughtful site plan.

FINDINGS: The subject application is an example of an alternative land use process to traditional subdivision or townhouse subdivision development. The proposal features development of compact home-sites relying upon a private shared driveway for some access, with a comprehensive landscaped site area and internal shared open space. This process for needed housing, like all processes for needed housing, is subject to OR 197.307, which requires clear and objective standards. Although a PUD process may include design and appearance criteria, those criteria are only required if the applicant seeks a density bonus. In addition, the City must include a clear and objective alternative to any process that had design and appearance criteria. As Hood River only has one process for PUD established, only the clear and objective criteria must be met.

17.07.020 Applicability

- A. **Zones.** The planned development designation is applicable to all zones.
- B. **Minimum Site Size for Residential Development.** Residential development in the R-1 zone shall have a minimum parcel size of a half (½) acre to apply the planned development

process. There is no minimum size for R-2 and R-3.

C. Density Calculations for a Planned Unit Development:

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

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

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

*Prior to a project being accepted for inclusion in the 30%, the applicant's justification to include

a) how the units will not become second homes; b) how the units will be prevented from being resold at market value; c) how they will not be immediately "flipped" for a quick profit; d) what income range are the residents? shall be approved by the City and made part of the PUD approval.

FINDINGS: For a site zoned R-3, density is calculated by subtracting 30% of the site area before dividing for base density; as such, the net area zoned R-3 for density calculation will include 2 units for the first 5,000 s.f.; and an additional unit for every 1,500 s.f. thereafter. Using the standard PUD density calculation (and the area of 25,264 s.f. identified on the earlier submittal) I calculated:

$25,264 - 30\% = 17,936.8$ s.f.; subtract 5,000 s.f. (2 units) = $12,936.8 \div 1,500 = 8.6$ units for a total of 10 units.

17.07.030 Applicable Procedures

A. Approval Process.

1. Preliminary Development Plat Approval: Preliminary development plan approval shall be processed as a Quasi-Judicial Action.
2. Final Development Plan Approval: Final development plan approval shall be processed as a Ministerial Action.

FINDINGS: The subject application is being processed as a Quasi-Judicial Action in accordance with HRMC 17.09.040. The applicant requests preliminary plat approval. As addressed throughout this decision, conditions of approval are adopted to ensure compliance with applicable standards and criteria; these conditions of approval may result in design changes. The plans may be redesigned to demonstrate compliance with all applicable standards prior to final development plan approval.

B. Concurrency with Subdivision and Partition Application. If the application involves the division

of land, the applicant shall file concurrently or file for subdivision or partition approval prior to applying for Planned Development approval. If filed concurrently, preliminary plat approval shall be processed along with preliminary plan approval, and the final development plan shall be submitted for approval and filed along with the final plat.

FINDINGS: The applicant submitted an application for concurrent review of both the Planned Development and a Subdivision. The application materials include a Preliminary Subdivision Plat that includes information sufficient to review the subdivision proposal as addressed below in HRMC 16.08.

- C. **Time Limit on Filing of Final Development Plan.** Within two (2) years after the date of the Planning Commission approval of the preliminary development plan, the owner shall prepare and file with the Planning Director a final development plan. Action on the final development plan shall be ministerial by means of a Ministerial Action using following approval criteria:

1. The Planning Director shall approve the final development plan upon finding that the plan conforms with the preliminary development plan approved, or approved with conditions, by the Commission.

FINDINGS: If the subject application is approved, a condition of approval is adopted that preliminary approval shall be effective for two years from the date of approval. A Final Development Plan shall be prepared and filed with the Planning Director within two years of the date of the Planning Commission's approval of the preliminary development plan, unless an extension is requested and granted in accordance with the requirements of HRMC 17.07.030(E).

- D. **Preliminary development plan changes.** The applicant may request modifications to the preliminary development plan. Approval is based on the following the procedures and criteria:

1. **Minor Modifications:** An application for approval of a minor modification shall be reviewed as an Administrative Action, and the review shall be limited in scope to the modification requested. A minor modification shall be approved, or approved with conditions, if the preliminary development plan continues to meet the applicable standards and criteria and is not a major modification as defined below. The modification shall be processed as a minor modification(s) if the Planning Director finds that all of the following criteria are met by the proposed changes listed below:
 - a. There will be no change in land use;
 - b. There will be no increase in the number of dwelling units;
 - c. There will be no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
 - d. There will be less than a five percent (5%) change in the floor area proposed for nonresidential use where previously specified;
 - e. There will be a less than five percent (5%) change in the area reserved for common open space and/or usable open space; and
 - f. There will be a less than five percent (5%) change to specified setback requirements, provided the minimum setback standards of the land use district can still be met.
2. **Major Modification:** An application for approval of a major modification shall be reviewed as a Quasi-Judicial Action, and the review shall be limited in scope to the modification requested. A major modification shall be approved, or approved with conditions, if the preliminary development plan will continue to meet all applicable criteria. All modifications to an approved development plan that are not minor modifications as provided above, shall be reviewed as a major modification.

FINDINGS: Any changes to the preliminary development plan, if approved, will be subject to these procedures and criteria.

- E. **Extension.** Extensions shall be processed as Ministerial Actions. The Planning Director shall,

upon written request by the applicant and payment of the required fee, grant an extension of the approval period for the final development plan not to exceed one (1) year provided that

1. No changes have been made on the preliminary development plan as approved by the Planning Commission and as modified pursuant to the modification section above;
2. The applicant can show intent of applying for final development plan review within the one (1) year extension period; and
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

FINDINGS: If an extension is desired, it shall be made in accordance with these requirements.

F. Phased Development.

1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than five (5) years without reapplying for preliminary development plan review.
2. A phased development plan proposal shall be approved subject to the following conditions:
 - a. All public facilities associated with or necessary for the phase shall be constructed in conjunction with or prior to each phase; and
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
 - c. The final phase shall be completed and ready for occupancy no later than five (5) years from the date of the final development plan approval.
3. If the final phase is not completed within the five (5) year time period, the Planned Development will be in noncompliance with this chapter.

FINDINGS: The applicant's written narrative describes development as a single phase the application is consistent with these requirements.

17.07.040 Applicability in Commercial and Industrial Zones

- A. **By Election.** An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.
- B. **As Condition of Approval in Commercial and Industrial Developments.** An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

FINDINGS: The property is not within Commercial or industrial zones.

17.07.050 Allowed Uses

- A. **In Residential Zones.** Planned Developments in all residential zones may contain any of the following uses subject to the density provisions of the underlying zone and the density bonus provisions of this Chapter:
 1. All uses allowed outright or by condition in the underlying zoning district
 2. **Single-family detached and attached residential units**
 3. Duplex residential units
 4. Multi-family residential units
 5. Manufactured homes
 6. Public and institutional uses
 7. Indoor recreation facility such as athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use
 8. Outdoor recreation facility such as golf course, golf driving range, swimming pool, tennis court, or similar use
 9. Recreational vehicle storage area, for the Planned Unit Development residents only.

- B. **In Commercial Zones.** Planned Developments in all commercial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.
- C. **In Industrial zones.** Planned developments in industrial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

FINDINGS: The subject site is zoned Urban High Density Residential (R-3). The applicant proposes 2 lots for new single-family detached units and 8 lots for attached single family dwellings consistent with these provisions.

17.07.060 Applicability of Base Zone Development Standards

- A. **Compliance to specific development standards.** The provisions of the base zone are applicable as follows:

- 1. **Lot Dimensional Standards:** The minimum lot size standards shall not apply. Minimum frontage standards do not apply to building's interior to the Planned Development.

FINDINGS: Minimum lot size standards are not applicable. As noted above, All proposed dwellings will be provided access with a minimum of 20' of frontage.

- 2. **Building Height:** Qualified commercial and industrial building heights may be increased on the interior of the site when the building setback is increased. On qualified buildings, the height may be increased one (1) foot for each additional foot of setback up to a maximum of one hundred twenty percent (120%) of the base zone height standard. To qualify, a building shall have eighty percent (80%) of the building footprint more than thirty-five (35) feet from the Planned Development site boundary. See Diagram "B" below. No height increases are allowed for residential buildings.

FINDINGS: No commercial or industrial buildings are proposed. As such, these standards are not applicable.

- 3. **Structure setback provisions:**

- a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the underlying zone, unless increased in the Planned Development review process.
- b. The side yard setback provisions shall not apply except that all detached structures shall otherwise meet the Uniform Building Code requirements; and
- c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
 - (1) A minimum front yard setback of twenty (20) feet is required for any garage structure which opens facing a street.
 - (2) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

FINDINGS: Setback standards specified in the R-3 zones, addressed above in HRMC 17.03. As depicted on the Preliminary Plat, and drawing set, are shown to meet perimeter setback standards of 5' on side yards, and 10 feet on both ROW frontages. No private streets are proposed,

- B. **Other Provisions of the Base Zone.** All other provisions of the base zone shall apply except as modified by this chapter.

FINDINGS: The provisions of the base zones are addressed above in HRMC 17.03.

17.07.070 Private Streets. Private streets and shared driveways are allowed as part of a Planned Development when they conform to the following standards:

1. Private streets shall have a minimum improved width of ten (10) feet for each lane of traffic.
2. On-street parking spaces shall be improved to provide an additional eight (8) feet of street width.

FINDINGS: A shared driveway is proposed to serve all development on the site. As depicted on the Preliminary Plat and Transportation Site Plan.

The shared driveway is designed to accommodate two-way traffic as well as guest parking in specified areas that have a width of 28 feet. There are no specific standards for shared driveways, and as such the proposal complies with these standards.

17.07.080 Preliminary Development Plan Submission Requirements

- A. **Pre-Application Conference.** Prior to submittal of a Planned Development application, the applicant, or the applicant's representative, shall attend a pre-application conference.

FINDINGS: The applicant attended pre-application conferences October 22, 2020.

- B. **General Submission Requirements.** The application shall contain all of the following:
1. A statement of planning objectives to be achieved by the Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 2. A development schedule indicating the approximate dates when construction of the Planned Development and its various phases are expected to be initiated and completed. The statement should include the anticipated rate of development; the approximated dates when each stage will be completed; and the area, location, and degree of development of common open space that will be provided at each stage.
 3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development.
 4. A narrative statement documenting compliance with the applicable approval criteria contained in this Chapter.
 5. A preliminary development plan.

FINDINGS: The applicant's narrative and Preliminary Plan Set generally address these issues.

- C. **Additional Information.** In addition to the general information described in Subsection B above, the preliminary development plan, data, and narrative shall include the following information:
1. A map showing street systems, lot or partition lines, and other divisions of land for management use or allocation purposes;
 2. Areas proposed to be conveyed, dedicated, or reserve for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses;
 3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open space around building and structures;
 4. Elevation and perspective drawings of proposed structures with enough detail to show design features;
 5. The following plans and diagrams:
 - a. An off-street parking and loading plan;
 - b. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the Planned Development and to and from thoroughfares. Any

- special engineering features and traffic regulation devices shall be shown;
- c. A landscaping and tree plan; and
- 6. A copy of all existing or proposed restrictions or covenants.

FINDINGS: The preliminary plan set generally provides this additional information. The nature of the homeowner's association (HOA) and the purpose, Restrictions and easements are noted within this narrative which will become the basis for CCand R's as part of a homeowners association agreement. This narrative describes how the HOA will own the open space requirements, manage the common areas and maintain the elements of the PUD needed for this approval.

17.07.090 Approval Criteria.

A. Specific Planned Development Approval Criteria. The following approval criteria shall apply to the planned development:

1. All the provisions of the land division provisions, Title 16, shall be met.

FINDINGS: This Planned Development is being reviewed concurrently with a preliminary subdivision plat. The Land Division provisions of Title 16 are addressed below.

2. Except as noted, the Conditional Use Decision Criteria (Chapter 17.06) shall be the approval criteria. A Planned Development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Planning Commission, that promote the purpose of this section. In each case, the applicant must provide findings to justify the modification of the approval criteria in the *Conditional Use* chapter (Chapter 17.06). The developer may choose to provide, or the Commission may require, additional amenities, landscaping, or tree planting.

FINDINGS: The Conditional Use Decision Criteria are addressed below. The applicant is NOT requesting any alternatives to the PUD Decision Criteria, and this application should not require any special conditions of approval that would address any shortcoming in those approval criteria.

- 3 A minimum of thirty (30%) percent of a Planned Development site area shall be reserved as common open space. The thirty percent (30%) open space requirement shall be exempt in the Central Business district and the Heights Business District. Open space means an area intended for common use either privately owned and maintained or dedicated to the City. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, patios, open landscaped areas, or greenbelts with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas.

FINDINGS: As shown on the plan set, the applicant has set aside 33% of the site to be dedicated for landscaped open space. This area, which doesn't not include any parking, loading, or driveways, is set aside for common use as a consistent landscape. Portions of this landscape are to be landscaped buffer areas to maintain privacy and visual consistency and a portion is for active and passive shared outdoor recreation. The site is generally sloped, but the one area that has a level area is set aside for recreation, as shown on the plan set. The small "chapel", which is currently located on the southwest corner of the parcel, will be moved and preserved within this open space.

The owner proposes to set up a Homeowners association (HOA) that will be responsible for maintaining all owned common areas and portions of properties with an easement for use by the homeowners association, and bylaws will provide restrictions and requirements for maintenance.

Oregon Revised Statutes (ORS) 94.550-94.783, the Oregon Planned Community Act, addresses issues associated with Planned Communities including homeowners associations, bylaws and CC&Rs. As such, a condition of approval can be adopted that as a component of the Final Development Plan the applicant shall submit a draft Declaration of Planned Community and a draft set of proposed Covenants, Conditions and Restrictions (CC&Rs) addressing, among other issues, ownership and maintenance responsibilities of common open space areas and landscaping, private streets, and private utilities including stormwater facilities by the residents of the Planned Development. As conditioned, the application exceeds these requirements.

- 4 Unless authorized below, residential density shall be governed by the density established in the underlying zoning district. The Planning Commission may further authorize a residential density bonus not to exceed thirty-three (33%) percent as an incentive to enhance the architectural character of the development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase that the Planning Commission may approve according to the following:

FINDINGS: The applicant does not elect to increase the density beyond the base zone by implementing architectural elements that would subject this process to appearance and aesthetic standards. Please note that this optional code section addresses appearance and aesthetic criteria which are an exception to OR197.307, however, as noted above the applicant does not elect to include this alternative and optional process as part of the application.

5. The following criteria shall apply to all Planned Unit Developments unless otherwise specified as applicable only to certain specific uses:
 - a. Relationship to the natural and physical environment:
 - (1.) The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible.

FINDINGS: The Existing Conditions map depicts existing topographical elevations, trees with a diameter of at least 6 inches, and the existing site description notes that the landscape has been developed previously, and little “natural Landscape” still exists. While much of the site is regraded and redeveloped in this application, an area on the south roughly 30-50’ of the parcel will be preserved as natural to the extent possible, while constructing homes there. These criteria are subject to OR 197.307, which requires clear and objective standards be used, and these criteria can be construed as subjective.

- (2.) Structures located on the site shall not be in areas subject to ground slumping and sliding.

FINDINGS: The applicant has provided a geotechnical report which provides evidence and confirmation by a registered Engineer that site is suitable for its proposed development.

- (3.) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.

FINDINGS: As depicted on the preliminary plans, all structures are proposed to be at least five feet from the site’s perimeter property lines in conformance with required setback standards. Within the development, homes are proposed to be constructed in close proximity to one another. All homes will be no greater than 28-feet tall. The proposed layout provide adequate

air circulation, but the site is not expected to receive a great deal of sun exposure due to topography and its north-facing slope aspect. These criteria are subject to OR 197.307, which requires clear and objective standards be used, and these criteria can be construed as subjective.

(4.) The structures shall be oriented with consideration for the sun and wind directions, where possible.

FINDINGS: As depicted on the preliminary plans (, the subject site slopes from a high elevation of approximately 270 feet at the northern end, to a low elevation of approximately 230 feet at Eugene street. Due to the site's topography, the applicant has limited opportunities to orient homes with consideration to solar exposure.

The applicant submitted renderings of the 2 proposed single-family attached homes. These images illustrate extensive use of windows and balconies. As such, the proposed structures are oriented with consideration for the sun and wind directions to the degree possible given the site's existing characteristics. These criteria are subject to OR 197.307, which requires clear and objective standards be used, and these criteria can be construed as subjective.

b. Private outdoor area – multi-family use: (1) Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than forty- eight (48) square feet. (2) Wherever possible, private outdoor open spaces should be oriented toward the sun. (3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

FINDING: The Hood River Zoning Ordinance defines “multi-family dwelling” as “a building design or used exclusively for the occupancy of four or more families living independently of each other and having separate housekeeping facilities.” A multi-family use is not proposed. As such, these standards are not applicable.

c. Shared outdoor recreation areas – multi-family use: (1) Each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows: (a) Studio units up to and including two (2) bedroom units shall provide 200 square feet per unit. (b) Three or more bedroom units shall provide 300 square feet per unit. (2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety. (3) The required recreation space may be provided as follows: All outdoor space; (a) Part outdoor space and part indoor space (e.g. an outdoor tennis court and indoor recreation room); (b) All public or common space; or (c) Part common space and part private (e.g. an outdoor tennis court, indoor recreation room, and balconies on each unit). Where balconies are added to units, the balconies shall not be less than forty- eight (48) square feet.

FINDING: A multi-family use is not proposed. As such, these standards are not applicable.

d. Parking: All of the required off-street parking spaces may be provided in one or more common parking lots within the Planned Development.

FINDING: According to the Preliminary Plan Set a garage or driveway parking will be provided on site for each unit.

- e. Drainage: All drainage provisions shall be subject to review and approval by the City Engineer and shall comply with all applicable provisions of the ORS and HRMC.

FINDING: The applicant submitted a Preliminary Utility Plan that includes stormwater facility information. The plan states the system will be designed in accordance with the City's design manual (min. slopes, sizes, etc.);

The application narrative also states: "Grading - The site will be graded and built out so that there will be no adverse affect on the public right of way on the north side. Retaining walls will be required, as shown. These walls will be less than 4 ' tall. The areas not covered by new building and driveways will be planted landscaping or left in a mostly natural state. A subsurface, continuous drainage system will be installed at the building perimeter. Planting will be done immediately after construction is complete. A comprehensive erosion control plan will be put in place during construction."

On-site drainage provisions are subject to review and approval by the City Engineer and shall comply with all applicable provisions of the Oregon Revised Statutes and Hood River Municipal Code. Oregon Revised Statute (ORS) Chapter 468b regulates water quality and water pollution control.

- f. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the one hundred (100) year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

FINDING: According to the Federal Emergency Management Agency Flood Insurance Rate Map (Panel #410088 005 B, September 24, 1984), no portion of this parcel is subject to flooding.

B. **Additional Criteria for Commercial and Industrial Development.** In addition to the specific Planned Development approval criteria above, Planned Developments with commercial and industrial uses shall meet the following criteria:

1. Commercial and industrial uses that abut existing residential zones shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise.
2. Commercial projects are encouraged to include housing as a secondary use, as appropriate.
3. All commercial buildings shall contribute to the storefront character and visual relatedness of surrounding buildings. This criterion is met by providing all of the architectural features listed below along the front building elevation (i.e., facing the street), as applicable.
 - (1) Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
 - (2) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
 - (3) Large display windows on the ground-floor (nonresidential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground-floor from second story, as shown below).
 - (4) Decorative cornice at top of building (flat roof), or eaves provided with pitched roof.

- C. Industrial developments shall be oriented on the site to minimize adverse impacts (e.g. noise glare, smoke, dust, exhaust, vibration, etc.) The following standards shall apply:
 - 1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings shall be located away from residential areas, schools, parks, and other non-industrial areas to the maximum extent practicable; and
 - 2. A landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), maybe required to mitigate adverse impacts that cannot be avoided through building orientation standards alone.
- D. Industrial buildings oriented to the street shall have architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials, or similar features to break up and articulate large building surfaces and volumes.
- E. Industrial buildings shall have pedestrian-scale building entrances by including recessed entries, canopies, and/or similar features.

FINDINGS: No commercial or industrial uses are proposed or approved on the site.

17.07.100 Shared Open Space. The following requirements shall apply to common open space in each planned Development:

- 1. The open space area shall be shown on the final development plan.
- 2. The open space shall be conveyed in accordance with one of the following methods:
 - a. By dedication to the City as publicly-owned and maintained as open space. Open space proposed for dedication must be acceptable to the City with regard to the size, shape, location, improvement, and budgetary and maintenance limitations; or
 - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
 - (1) The continued use of such land for the intended purposes;
 - (2) Continuity of property maintenance;
 - (3) When appropriate, the availability of funds required for such maintenance;
 - (4) Adequate insurance protection; and
 - (5) Recovery for loss sustained by casualty and condemnation or otherwise.
 - c. By any method which achieves the objectives set forth above.

FINDINGS: According to the Preliminary Plan Set the applicant proposes to designate approximately (33%) as common open space.

The application narrative states: “The proposal includes common areas and common area landscaping and the developer will set up a Homeowners Association that will own and be responsible for maintaining all common areas, and shared driveways and any private utilities.

Open space areas are owned by the home owners association is 2 ways. 1. By deeded common area tract 2, and by easements made to the benefit of the home owners association. That ownership could be entirely transferred if needed to another entity including the city.

Bylaws will provide restrictions and requirements for maintenance and require any replacements of exterior materials be the same as original.

This development will not be gated.

17.07.110 Noncompliance and Bonding

- A. **Noncompliance.** Noncompliance with an approved final development plan shall be a violation of this chapter.
- B. **Issuance of Occupancy Permits.** The development shall be completed in accordance with the approved final development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Planning Director determines that immediate execution of any feature of an approved final development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the occupancy permit may be issued on condition that the applicant post a performance bond or other surety acceptable to the City to secure execution of the feature at a time certain not to exceed one (1) year.

FINDINGS: If approved, the proposed PUD will be subject to the Noncompliance and Bonding requirements of HRMC 17.07.110.

6. CHAPTER 17.16 – SITE PLAN REVIEW

17.16.040 Decision Criteria. These **criteria apply to all site plan review** except Multi-Family and Group Residential projects which are subject to HRMC 17.16.050, Townhouse projects with townhouse buildings of 4 or more townhouses in the R-3 and C-1 Zones or townhouse projects in C-2 Zone which are subject to HRMC 17.16.053, and Large Scale Light Industrial Uses which are subject to HRMC 17.16.055.

Findings: Site plan review applicability has several exceptions, noted in 17.16.010 B. including B.5

“ **All residential development**, except multi-family and group residential, as provided above. (Ord. 2053 § 3, 2020) “. Clearly, the criteria for site plan review are not intended for single family homes as is noted within the exceptions. Normally any use that is exempted from review would be exempted from criteria, even when directed from another chapter. While this applicant would posit that these criteria are intended for other uses and should be excluded, we have addressed these criteria below:

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

FINDINGS: The site has been previously developed and has little natural landscape as such, however an area of natural features of the site will be maintained and enhanced by this proposal. The natural topography will be maintained at the south end near Hazel Street,. several existing trees will be maintained, as shown in the attached drawings.

- B. **Air Quality:** The use shall have minimal or no adverse impact on air quality. Possible impacts to consider include smoke, heat, odors, dust, and pollution.

FINDINGS: Pollution generally does not refer to normal vehicle use, and the proposed use will not create any smoke, odor, dust, or other pollution after construction has been completed. As such, the proposal is consistent with this criterion.

- C. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded

areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

FINDINGS: The Preliminary Grading Plan depicts grading associated with construction of the proposed private driveway and utilities. In addition, the Preliminary Plan Set, "Site Plan – Retaining Wall/Fences, depicts the location of proposed site walls up to 4-feet tall, constructed with landscaping block.

- D. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required.

Other types of on-site and off-site public facilities shall be included if necessary to serve the proposed use. "Public facilities" are defined by HRMC 17.01.060 and include that which is necessary for the public, health, safety and welfare. The factors listed in HRMC 17.09.100 are used to evaluate what public facilities are necessary to serve the proposed use.

FINDINGS:

The Preliminary Utility Plan depicts the location of proposed public facilities. The adequacy of public facilities to serve the site is addressed below in HRMC 16.12.060.

- E. **Traffic and Circulation:** The following traffic standards shall be applicable to all proposals:
1. **Traffic Impact Analysis:** The applicant will be required to provide a Traffic Impact Analysis prepared by an Oregon licensed traffic engineer or a Transportation Assessment Letter pursuant to Section 17.20.060.

FINDINGS: HRMC 17.20.060 requires a Traffic Impact Analysis if development will generate 250 or more Average Daily Trips, or 25 or more AM or PM Peak Hour Trips. For development that generates less traffic, a Traffic Assessment Letter (TAL) may be required pursuant to HRMC 17.20.060(D). This project required a TAL which has been provided as part of the application

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

FINDINGS: "Screened" does not mean that the storage and garbage collection areas must be blocked from view. "Screened" means they must be shielded from view and visually unobtrusive. "Appropriate fencing" means fencing that provides screening, such as a wood fence, or wood slats in a cyclone fence.

No outdoor storage or garbage collection areas are proposed.. As such, the proposal complies with this criterion.

- G. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet, at a minimum, the requirements of the noise ordinance.

FINDINGS: The location of mechanical equipment has been shown on site plans, and is adequately screen from view by location and landscaping.

- H. **Compatibility:** The height, bulk, and scale of buildings shall be compatible with the site and buildings in the surrounding area. Use of materials should promote harmony with surrounding

structures and sites.

FINDINGS: This provision requires compatibility between the height, bulk, and scale of the buildings proposed with the site and buildings in the surrounding area. "Compatibility" means that the height, bulk, and scale of the buildings are harmonious and fit in with the height bulk and scale of the site and buildings in the surrounding area. Height is measured per the provisions of Title 17. "Bulk" means the size, mass, and/or volume of the building. "Scale" means the proportionality of the proposed building's height and bulk to the site and buildings in the surrounding area.

"Compatibility" means that the height, bulk, and scale of the buildings are harmonious and fit in with the height, bulk, and scale of the site and buildings in the surrounding area. Height is measured per the provisions of Title 17. "Bulk" means the size, mass, and/or volume of the building. "Scale" means the proportionality of the proposed building's height and bulk to the site and buildings in the surrounding area.

Exterior building materials promote harmony if they fit in with the design, texture, and other visual qualities of the surrounding structures and sites. While harmony is not strictly required, it is desired and therefore some degree of harmony must be achieved. (Note the use of the word "structure" and placement of the word "sites" in the criterion; the analysis is made not just with respect to buildings in the surrounding area, but structures and sites in the surrounding area).

This criterion is subject to OR 197.307 which requires clear and objective standards for land use reviews. This criteria can be considered subjective.

neighborhood and community by featuring a mix of single family detached homes and townhouses located in close proximity to commercial services. As such, the proposal is consistent with this criterion.

- I. **Design:** Variety of detail, form, and siting should be used to provide visual interest. A single uninterrupted length of facade shall not exceed 100 feet. Buildings shall utilize at least three (3) of the following architectural elements to provide architectural variety:
1. Massing
 2. Offsets
 3. Materials
 4. Windows
 5. Canopies
 6. Pitched or terraced roof forms
 7. Other architectural elements

FINDINGS: Detail, form and siting are reviewed to ensure visual interest. The design requirements listed above typically are applied to commercial and industrial buildings, as well as multi-family buildings, which are required to go through a Site Plan Review process. In this case the requirements are applicable because a Planned Development is proposed which requires a Conditional Use Permit, and because the Conditional Use Permit criteria refer to these Site Plan Review criteria.

The project proposal does include the following architectural elements:

1. Massing- massing is varied as shown on drawings
2. Offsets- each building includes offset planes
3. Materials- each building includes multiple materials
4. Windows- each building includes windows
5. Terraced roof forms- each building includes terraced roof forms

This criteria is difficult to understand as the code description are limited. But the design of the buildings is of a very high quality designed by Hood Rivers premier architect, Surround Architecture Inc, who is uniformly known for projects that are of the highest value, and highest sales prices due to their skill and experience in Hood River.

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

FINDINGS: "Orientation towards the street" means that the entrance to the structure faces the street. Usually, this is the street from which the property is accessed as opposed to a street on which the property simply has frontage.

These orientation requirements are typically applied to commercial and industrial buildings, as well as multi-family the purposes of Planned Developments.

The applicant submitted renderings of the proposed townhomes. All proposed homes will be oriented toward a street or a shared driveway and will take advantage of views to the north.

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

FINDINGS:

These parking requirements are typically applied to commercial and industrial buildings, as well as multi-family buildings, which are required to go through a Site Plan Review process. As we've noted, the criteria of site plan review are exempted from this type of residential development as noted in the applicability section of its title. And normally in the R3 zone, parking for 1 of two vehicles can be within the front yard setback. This proposal meets the requirements of parking in the R# zone. In this proposal, parking has been located within buildings where-ever physically possible. Due the constraints of the site, the locations of 4 of the required 20 spaces are located in front of buildings, which generally this meets the criteria. Additionally, the terms "whenever possible" are not clear and objective, and this criterion is subject to OR197.307 which requires only clear and objective criteria be used in review of needed housing.

17.16.053 Townhouse Project Decision Criteria. Decision Criteria for townhouse projects for residential use with 4 or more townhouses in the R-2, R-3, and C-1 Zones:

- A. Compliance with Townhouse Standards: The proposed townhouse project complies with the townhouse standards in HRMC 17.19, the requirements of the applicable zone and other applicable requirements of this Title.
- B. Grading: Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall be in accordance with the Grading and Erosion Control provisions of the City's adopted Engineering Standards. Graded areas shall be replanted as soon as possible after construction to prevent erosion.
- C. Transportation Circulation and Access Management: The application is in compliance with the applicable requirements of Chapter 17.20 including provision of a Traffic Impact Analysis or a Transportation Assessment Letter pursuant to Section 17.20.060 unless waived by the City Engineer.
- D. Storage: All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

FINDINGS: This application is for attached single family dwelling and doesn't include a townhome process requirement, nor would this proposal meet the requirements of "buildings with 4 or more townhomes". no "townhouse approval criteria are required.

These criteria are duplicative of the general site plan review criteria; The townhouse standards of HRMC 17.19 are addressed below. Grading is addressed above in HRMC 17.16.040(C)

7. CHAPTER 17.17 – LANDSCAPING AND DEVELOPMENT STANDARDS

17.17.010 Scope

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

FINDINGS: The proposed Planned Development is a Conditional Use. As such, the landscaping requirements of this section apply to the proposal.

17.17.020 Procedure

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

FINDINGS: The Preliminary Plan Set Site Plan –Landscape, and application narrative describe the proposed landscaping concept.

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

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

FINDINGS: The Preliminary Plans specify proposed plant or tree species, or the method of irrigation to ensure they can be established and maintained. However, the applicant has noted that they will provide native trees and shrubs, and ground cover, meeting the sizes and spacing requirements of this chapter, provide an irrigation system to be used permanently, and that Street trees will be selected from the City's preferred tree species list. These descriptions are sufficient to satisfy the contents of a preliminary plan. Compliance with all requirements of section HRMC 17.17 must be shown at the time of submittal for building permits.

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

- 1. The property owner shall be responsible for any future damage to a street, curb, or sidewalk caused by landscaping.
- 2. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail

- erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.
3. Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.
 4. Plants that minimize upkeep and maintenance shall be selected.
 5. Plants shall complement or supplement surrounding natural vegetation and fit the climate.
 6. Plants chosen shall be in scale with building development.
 7. Minimum landscaping as a percent of gross site area shall be as follows:

<u>ZONE/USE</u>	<u>PERCENT</u>
Conditional Use – Residential Zones	20%
Conditional Use – All other zones	15%

8. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting.
9. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
10. Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting.
11. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.
12. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
13. Trees shall not be planted closer than twenty-five (25) feet from the curb line of intersections of streets or alleys, and not closer than ten (10) feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
14. Street trees shall not be planted closer than twenty (20) feet to light standards. Except for public safety, no new light standard location should be positioned closer than ten (10) feet to any existing street tree, and preferably, such locations will be at least twenty (20) feet distant.
15. Trees shall not be planted closer than two and one-half (2½) feet from the face of the curb except at intersections, where it should be five (5) feet from the curb in a curb return area.
16. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
17. Trees shall not be planted within two (2) feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four (4) feet by four (4) feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.
18. Trees, as they grow, shall be pruned to their natural form to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above street roadway surfaces.
19. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.
20. Vision clearance hazards shall be avoided. Refer to Diagram "A" – Vision Clearance, Section 17.09.040.
21. City or State right-of-way(s) can not be used to satisfy the required landscaping requirement.
22. Landscaping in the Central Business district and the Heights Business District can include street amenities such as park benches and planter boxes.

FINDINGS: a conditional use in a residential zone requires 20% landscaped area. As noted in the Preliminary Plan Set, 33 percent of the site will be designated as common landscaped open space.

Most common open space areas will be landscaped and other portions of the site will remain undisturbed with native trees and vegetation. As such, with conditions, this application can meet these requirements.

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

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

8. HRMC 17.19 – TOWNHOUSE PROJECTS

Findings: this application is for a PUD which includes attached single family dwellings. While the term “Townhouse” can be assumed to be describing an attached single family home, in the context of the HRMC the terms mean different things. In the HRMC, “Townhouse Projects” means a land use process, distinct from PUDs that can create subdivided land on which attached single family homes are built. There’s no indication either within the PUD process descriptions, or within this title that a PUD would need to also apply the process or standards of chapter 17.19 However, City Planning has requested we address these criteria. We provide these findings to address this chapter:

17.19.010 Applicable Zones.

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

FINDINGS: The subject site is zoned Urban High Density Residential (R-3) The application is being reviewed through a Planned Development process which requires a Conditional Use Permit for attached dwellings, instead of using this chapter.

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

- A. Site Development Standards. The following site development standards apply to all townhouse projects.
 - 1. Townhouse projects require a minimum lot or parcel size of 5,000 square feet.
 - 2. Each townhouse building shall contain:
 - a. No more than two (2) attached townhouses in the R-2 zone;
 - b. No more than four (4) attached townhouses in the R-3 and C-1.

FINDINGS: The subject property is greater than 5,000-square feet. The proposed attached dwellings buildings that are located in the R-3 Zone, are in groups of 2 unit attached dwellings. The provisions of HRMC 17.07.050(A.2) permit attached single-family residential subject to the density provisions of the R-3 Zone, without limitation on the number of attached units.

- 3. Maximum residential density is calculated as follows:
 - a. In the R-2 zone, a minimum of 5,000 square feet per townhouse building.
 - b. In the R-3 and C-1 Zones, a minimum of 5000 square feet for the first two (2)

townhouses and a minimum 1500 square feet for each additional townhouse.

FINDINGS: Density calculation is addressed above in HRMC 17.07.020(C). The 10 proposed units comply with density standards.

4. The minimum lot size permitted per townhouse:
 - a. In the R-2 zone, no townhouse lot may be less than 2,100 square feet.
 - b. In the R-3, C-1, and C-2 zones, there is no minimum townhouse lot size.

FINDINGS: Based on the site's existing zoning designations, these standards do not require a minimum townhouse lot size. Similarly, minimum lot size is not applicable in a Planned Development pursuant to HRMC 17.70.060(A.1).

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

FINDINGS: Minimum lot size is not applicable on the interior of a Planned Development pursuant to HRMC 17.70.060(A.1). Lots 9 and 10 are single family homes with a frontage of roughly 65' each. Lots 1, 4, 5 and -8 are located on the perimeter of the development site and, because it will be developed with attached dwellings as part of a PUD, this provision does not require conformance with the minimum frontage standard of the R-3 Zone.

6. Lot Coverage: Subject to HRMC 17.04.120.

FINDINGS: The lot coverage standards of HRMC 17.04.120 are not applied in a PUD because minimum lot size standards are not applicable.

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

FINDINGS: The applicant does not request an exception to the standards of HRMC 17.04.020.

- B. Setbacks. The setback requirements of the applicable zone shall be applied to the townhouse building(s) except that the setback for the common wall on a townhouse is reduced to zero (0).
- C. Maximum Building Height. The maximum building height requirements of the applicable zone shall be applied to the townhouse building(s).
- D. Parking Regulations. The parking requirements of the applicable zone shall be applied to the townhouse building(s).

FINDINGS: Standards for setbacks, maximum building height and parking are addressed above in HRMC 17.03 and 17.07.060.

E. Additional Standards.

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

FINDINGS: The application is for attached dwellings, as part of a PUD, which has its own criteria for building damage and replacement. The application includes concurrent review of a subdivision and the provisions of Title 16 are addressed below in this decision.

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

FINDINGS: This is not a Townhouse projects process, but is a PUD and the land division is processed as a subdivision. The provisions of Title 16 are addressed below in this decision. resource.

10. CHAPTER 16.08 – GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS

16.08.010 Approval Process for Subdivisions and Partitions

- A. **Subdivision and Partition Approval through Three-Step Process.** Applications for subdivision or partition approval shall be processed through a three-step process.
1. **Pre-Application Conference:** A pre-application conference with City staff is required for all partitions and subdivisions prior to submittal of the preliminary plat application unless waived by the Planning Director. The applicant shall provide information and materials of a sufficient level of detail to clearly explain the proposed land division.
 2. **Preliminary Plat:** The preliminary plat shall be approved before the final plat can be submitted for approval consideration.
 - a. Partitions. Review of a preliminary plat for a partition shall be processed by means of an Administrative action, as governed by Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).
 - b. Subdivisions. Review of a preliminary plat for a subdivision shall be processed by means of a Quasi-Judicial action, as governed by Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040). All preliminary plats shall be reviewed using approval criteria for preliminary plats contained in this Title. An application for subdivision may be reviewed concurrently with an application for a Planned Development under Title 17.
 3. **Review of Final Plat:** The final plat shall include all conditions of approval of the preliminary plat. Review of a final plat for a subdivision or partition shall be processed by means of a Ministerial procedure under Title 17 Ministerial Actions in the Review Procedures chapter (Section 17.09.020), using the approval criteria for final plats in this title. Filing and recording of the final plat shall be in compliance with the requirements of 16.08.050.

FINDINGS: The applicant attended pre-application conference on October 22, 2020. The applicant submitted a Preliminary Plat and proposes to divide the existing parcel into 10 lots as well as one or more tracts for common open space. This subdivision application is being reviewed concurrently with the request for a Planned Unit Development.

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

FINDINGS: If the proposal is approved, a Final Development Plan for the PUD will need to be submitted within two years of the date of the planning commission approval as specified in HRMC 17.07.030(C).

16.08.020 Preliminary Plat Submission Requirements and Approval Criteria

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;

FINDINGS: The Preliminary Plat generally includes the information required for a Preliminary Subdivision Plat including the location of proposed property lines and dimensions. The provisions of Title 17 are addressed above, and the provisions of Chapter 16.12 are addressed below. Conditions of approval are adopted where necessary to ensure compliance with applicable ordinances and regulations. As conditioned, the proposal complies with this criterion.

FINDINGS: The proposal is for a Planned Development that includes a Subdivision to establish 10 lots. The final subdivision name will be subject to approval by the County Surveyor and will be verified prior to recording a plat.

2. 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: No existing streets or walkways are considered for extension into this development.

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

FINDINGS: The Preliminary Plan Set depicts the location of private shared driveways, common landscaping, and common open space including on easements over portions of lots. However, the common open space that is not located in an easement over lots, as well as rights-of-way for the private street improvements and landscaping, are to be designated as separate Tracts.

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

FINDINGS: The City of Hood River currently provides water, sanitary sewer, storm sewer, streets, police and fire protection to properties surrounding the subject site. Half street Improvements to streets and off site storm water systems are proposed to offset limitations as reviewed by City staff. The drawing set and storm water report, details those improvements.

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

FINDINGS: The Preliminary Utility Plan depicts the location of proposed public and private utility lines. The City water and sanitary sewer systems are available for extension into the site. Other utilities such as natural gas are expected to be provided by franchise utility companies. The site is not located near a floodplain and stormwater facilities are proposed to connect to the City structures

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

FINDINGS: Stormwater control improvements will be required in conformance with City standards, and may also be regulated by the Department of Environmental Quality.

7. **Underground utilities are provided;**

FINDINGS: As addressed below in HRMC 16.12.060(F) a condition of approval can be adopted that all utilities shall be placed underground. As conditioned, the application complies with this criterion.

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

FINDINGS: Proposed development is NOT located adjacent to, or inside a 100-year floodplain according to FEMA's Flood Insurance Rate Map. T

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

FINDINGS: Proposed development is NOT located adjacent to, or inside a 100-year floodplain according to FEMA's Flood Insurance Rate Map. T.

16.08.030 Final Plat Submission Requirements and Approval Criteria

- A. **Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with the County. The applicant shall submit the final plat within two (2) years of the

approval of the preliminary plat as provided by this chapter. Specific information about the format and size of the plat, number of copies, and other detailed information can be obtained from the Planning Director.

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

FINDINGS: In order to ensure compliance with these requirements a condition of approval can be adopted that the final plat shall be submitted within two years of the date of approval of the preliminary plat, in conformance with the requirements of HRMC 16.08.030 including provision of a preliminary title report.

16.08.040 Filing and Recording

- A. **Filing Plat with County.** Within sixty (60) days of the City approval of the final plat, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and County Ordinance. For purposes of ORS 92.100(1)(f), a partition plat is subject only to the approval of the County surveyor.
- B. **Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City two (2) paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.
- C. **Prerequisites to Recording the Plat.**
 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;

2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.
- D. **Parcels in Excess of 80 Acres.** Parcels in excess of 80 acres do not need to be shown on a partition plat. However, the plat shall show all shared boundaries between the parcel in excess of 80 acres and the other parcel(s) on the plat and include a notation on the plat indicating which parcel(s) is not shown in its entirety pursuant to this provision.

FINDINGS: In order to ensure compliance with these requirements a condition of approval is adopted that the final plat(s) shall be filed and recorded in conformance with HRMC 16.08.040.

16.08.050 Variances and Penalties

- A. **Variances.** Adjustments to the standards of this Chapter shall be processed in accordance with the procedures and findings prescribed in the City's zoning ordinance for variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted.
- B. **Penalties.** An offer to sell, contract to sell, sale or deed of conveyance of a subdivision or partition or any part thereof, before a final plat thereof in full compliance with the provisions of this title has been duly recorded shall be considered an offense. Offenders who violate or cause violation of any provision of this title shall be deemed guilty of an offense and shall be subject to punishment as prescribed in Title 17 of the Municipal Code.
- C. **Compliance with Oregon Real Estate Regulations.** Prior to the sale of or contract to sell any lot within the subdivision, a final subdivision plat shall be recorded and the subdivider shall file a "Notice of Intent" with the Oregon State Board of Real Estate.
- D. **Certification Conflicts.** When any provision of Oregon state law or of this title requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or any agent or employee thereof, such certificate or affidavit may be executed or such act may be performed by some other person duly qualified therefor and designated so to act by the Council.

FINDINGS: No variances are proposed to the standards of Chapter 16.08. It is incumbent upon the developer and associated parties to avoid actions that result in penalties, to comply with Oregon real estate regulations and avoid certification conflicts.

11. CHAPTER 16.12 – GENERAL DESIGN AND IMPROVEMENT STANDARDS

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.

FINDING: Standards of HRMC 16.12 that are not applicable to the proposed Planned Development may be omitted from the following 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.

- 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: The applicant prepared a Traffic Impact Analysis Letter that provides detail showing compliance with these standards. The drawing set shows the design configuration that matches the TIA

- E. **Conditions of Approval.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
- F. **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten [10] feet per lane is required). These methods are “options” to the developer/subdivider, unless a method is specifically required by the City Engineer.
1. **Option 1:** Access is from an existing or proposed alley or mid-block lane.
 2. **Option 2:** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A private street may only be developed as part of a Planned Unit Development. A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
 3. **Option 3:** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.

FINDINGS: As depicted on the preliminary plan, 6 lots will take access off public streets consistent with option 3, and 4 lots will take access via the private shared driveway consistent with Access Option 2.

- G. **Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:
1. **Local Streets:** A minimum of twenty-two (22) feet separation (as measured from the sides of the **driveway/street**) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.
 2. **Arterial and Collector Streets:** Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City’s Transportation System Plan. Access to state highways shall be subject to the requirements of the Oregon Highway Plan and OAR Chapter 734, Division 51.

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

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

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

^a Exceptions may be made by the City Engineer

^b Measured centerline to centerline

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

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

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

Table 16.12-B Oregon Highway Plan Access Management Spacing Standards

Facility	Access Spacing Standard ^a per Posted Speed (Urban Area ^b)				
	>= 55 mph	50 mph	40 & 45 mph	30 & 35 mph	<= 25 mph
District Highway ^c	700 feet	550 feet	500 feet	350 feet	350 feet

^a Measurement of the approach road spacing is from center to center on the same side of the roadway.

^b The Urban standard applies within UGBs unless a management plan agreed to by ODOT and the local government(s) establishes a different standard.

^c OR 281 and US 30 are currently classified as District Highways

FINDINGS:. No driveways are proposed adjacent to any other public streets as identified in G-1, so only “driveways to other driveways” spacing applies, as noted clearly in table 16.12-A. Access separation for proposed “driveways to other driveway” shown on the plan set comply with minimum spacing requirements for local streets as noted on table 116.12A, using local streets and footnote b. Measurements range from a minimum of 32’ for the 3 driveways on Eugene street to 70’ for the 2 driveways on Hazel.

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

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

FINDINGS: Shared driveways for all units accessing Eugene street are proposed to limit access requirements on the local streets. 3 driveways, that meet the “driveways to driveways” standard in table; 16.12.A, serving 8 units is a very efficient use of access.

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

FINDINGS: The proposed private shared driveways are not designed to be extended to adjacent properties. There are no future street plans affecting the site, and the Transportation System Plan does not anticipate construction of any public roads through the site.

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

FINDINGS: Due to the presence of slopes, as well as existing development on adjacent properties,

a future street plan was not required to be prepared for the subject property.

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

FINDINGS: Most proposed homes are expected to be located within 150 feet of a street. In addition, the shared driveway is designed with proper width and turning radii to provide apparatus access for an aerial ladder truck and has a hammer head turn around, as shown in the plan set.

16.12.030 Pedestrian Access and Circulation

- A. **Pedestrian 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/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.

FINDINGS: This requirement is intended for subdivisions generally, and this case most residences connect directly to city streets. the shared driveway, is used to provide the multiuse connections for the 4 inner attached dwellings.

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

Section 16.12.060 Public Facilities Standards:

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

FINDINGS: No public pathways are proposed.

16.12.040 Landscape Conservation

- A. **Applicability.** All subdivision and partition developments containing significant trees and shrubs, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
- B. **Significant Trees and Shrubs.** Individual native trees and shrubs with a trunk diameter of six (6) inches or greater, as measured four (4) feet above the ground (DBH – "diameter, breast, height"), and all plants within the drip line of such trees and shrubs, shall be protected. Except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for the County.
- C. **Mapping and Protection Required.** Significant trees shall be mapped individually and identified by species and size (diameter at four (4) feet above grade, or DBH). A "protection" area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.
- D. **Protection Standards.** All of the following protection standards shall apply to significant trees and shrubs areas:
 1. **Protection of Significant Trees and Shrubs:** Significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zone.
 2. **Conservation Easements and Dedications:** When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.

- E. **Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.
- F. **Exemptions.** The protection standards in Section D shall not apply in the following situations:
1. **Dead, Diseased, and/or Hazardous Vegetation:** Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
 2. **Emergencies:** Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director. The Planning Director shall prepare a notice or letter of decision within fourteen (14) days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

FINDINGS: As depicted on the Preliminary Plan Set, Site Plan - Existing Conditions, Sheet A101), the property is has a few native trees The applicant proposes to remove most trees that are located within developed areas as required for development, but preserve some native trees as shown near the south boundary.

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. 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.
3. **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.
4. **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.

5. **Street Tree List:** A recommended street tree list is available at the Planning Office.

FINDINGS: The applicant proposes to install trees as depicted on the Preliminary Plan Set Site Plan, Landscaping, and renderings. Tree species will be selected from the City's list. All other requirements must be met for permit review.

16.12.060 Public Facilities Standards

A. Purpose and Applicability.

1. **Purpose:** The purpose of this chapter is to provide planning, engineering and design standards for public and private transportation facilities and utilities. This Chapter is also intended to implement the City's Transportation System Plan.
2. **When Standards Apply:** Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of and adopted under this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established and adopted under this Chapter.
3. **Standard Specifications:** The City Engineer shall establish engineering standards and construction specifications consistent with the design standards of this Chapter and application of engineering principles (the "Engineering Standards"). The Engineering Standards are incorporated in this Chapter by reference and apply as if fully set forth in this Chapter.
4. **Conditions of Development Approval:** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Title and the Engineering Standards. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

FINDINGS: Pursuant to these requirements, adequate public facilities typically must be provided to the development site and public improvements must be completed or guaranteed prior to recording a subdivision plat. The planned development is proposed to be served by a private driveway that connect to the public street network. The Preliminary Plan Set Site Plan depicts A shared driveway

ranging from 20- to 28-feet wide. Private sanitary sewer and water lines are proposed to be extended from Eugene street into the site, and private utility laterals are proposed between public utility lines and lots as depicted on the Preliminary Utility Plan). Stormwater facilities are proposed to be private. As noted previously, street improvements, and stormwater system improvements have been identified, and are shown on the plan set, as required for this approval.

B. Transportation Standards.

1. **Development Standards:** No development shall occur unless the development has frontage or **approved access to a public street, in conformance with the Access and Circulation standards of this chapter.** The development shall comply with the Engineering Standards and the following standards:
 - a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this chapter.
 - b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public

- streets shall be dedicated to the applicable city, county, or state jurisdiction;
- c. New streets and drives street shall be hard-surfaced; and
- d. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate [object] against the formation of a local improvement district in the future) in lieu of street improvements if one (1) or more of the following conditions exist:
 - (1.) A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - (2.) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 - (3.) The improvement would be in conflict with an adopted capital improvement plan; or
 - (4.) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.
- 2. **Modifications:** A modification to the street design standards in this section and the Transportation System Plan may be granted by the City Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.
- 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.
- 4. **Creation of Access Easements:** The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with *Vehicular Access and Circulation*, Section 16.12.020 and/or *Pedestrian Access and Circulation*, Section 16.12.030. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.
- 5. **Street Location, Width, and Grade:** Except as noted below, the location, width, and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, including the following:
 - a. Street grades shall be approved by the City Engineer in accordance with the City's engineering standards; and
 - b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - (1.) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter; or
 - (2.) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.
- 6. **Minimum Rights-of-Way and Street Sections:** Street rights-of-way and improvements shall be 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.
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.
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.
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.
 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.
 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).
 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.
 14. This section intentionally left blank.
 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.
 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.
 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.
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.
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.
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.
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.
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.
23. **Mail Boxes:** Plans for mail boxes to be used shall be approved by the United States Postal Service.
24. **Street Light Standards:** Street lights shall be installed in accordance with City standards and shielded in a downward pattern.
25. **Street Cross-Sections:** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one (1) year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer.

FINDINGS: Vehicular access to all proposed lots is from a public streets. The City's Transportation System Plan (Figure 7, Local Street Connectivity) does not anticipate a public street through the subject property. A TIA letter details compliance with city standards. As shown in drawings and described previously, this proposal meets the **requirements of this chapter.**

C. **Public Use Areas.**

1. **Dedication Requirements:**

- a. Where a proposed park, playground, or other public use shown in a plan adopted by the City or the Hood River Valley Parks and Recreation District is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.

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

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

D. Sanitary Sewer and Water Service Improvements.

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

FINDINGS: No improvements are required for Sanitary sewer and water systems.

E. Storm Drainage.

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

FINDINGS: The City Engineering Department required improvements to the downstream stormwater system, by extending a 12" storm water pipe within Eugene street, and also improving the capacity and flow of the storm water ditch that is within the 2nd street ROW. These improvements are shown conceptually on the planset as well as within the preliminary stormwater management report.

F. Utilities.

1. **Underground Utilities:** All utility lines including but not limited to those required for electric, communication, lighting and cable television services, and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (See Section 17.04.090);
 - b. The City reserves the right to approve the location of all surface mounted facilities;
 - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. **Easements:** Easements shall be provided for all underground utility facilities.
3. **Exception to Under-Grounding Requirement:** The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

FINDINGS: The applicant has provided a plan showing underground utilities, and this requirement can be added as a condition of approval.

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

FINDINGS: There are no public facilities proposed outside of ROW, and on Private property. Private utilities are shown on the preliminary plat as utility easement, or an access and utility easement.

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

FINDINGS: Public and private improvements are proposed, a site permit will be required and the applicant assumes the requirements of assurances will be met.

I. Installation.

1. **Conformance Required:** Improvements installed by the developer either as a requirement of

these regulations or at their own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

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

FINDINGS: All public improvements, or private improvements affecting public utilities, must be reviewed and approved by the City Engineer in accordance with applicable standards.

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

FINDINGS: The City Engineer will determine if a performance guarantee is required, and the applicant assumes that responsibility.

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

FINDINGS: The City Engineer will determine if a warranty guarantee is required and the applicant assumes that responsibility..

Chapter 17.20 - Transportation circulation and access management

Findings: This PUD for residential development is subject to chapter 17.20, but we note that most of the specific standards and processes do not apply as noted below.

Chapter 17.20.030 - Transportation circulation and access management

"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.”

Findings: This section has specific applicability as noted above. PUD application is not abutting an arterial or collector street, nor does it apply the process of site plan review, nor is it located within the IAMP overlay, and thus 17.20.030 doesn’t apply to this proposal.

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.

Findings: This PUD application does it apply the process of site plan review, and thus 17.20.040 doesn’t apply to this proposal.

17.20.050 Standards for transportation improvements.

Findings: This PUD application does not include “transportation Improvements” as is loosely defined within the title, except 17.20.050.A.7 “ (frontage improvement) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.” Which is allowed outright”. Thus, the application meets this standard.

17.20.060 Traffic impact analysis.

Findings: A traffic impact analysis has been completed and proved as part of the application, and it shows compliance with applicable standards.

TRAFFIC ASSESSMENT LETTER

Hazel Ridge PUD

Prepared by:



PO Box 308
900 West Steuben
Bingen, WA 98605

Phone: (509) 493-3886
Fax: (509) 493-3885

www.belldesigncompany.com
rev - 6/14/2021

Attachment A.3
File No. 2021-07

Engineering Report



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Appendices

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Appendix B – Site Plan

Appendix C – Site Distance Field Measurements

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TO: Mark Vanderzanden
Surround Architecture
150 SW Harrison, Suite 100
Portland, OR 97201
(503) 224-6484
mark@surroundinc.com

FROM: Stoner W. Bell, PE
Bell Design Company
PO Box 308
Bingen, WA 98605
(509) 493-3886
stonerb@belldesigncompany.com

PREPARED BY: Riston Andrews, EIT
Bell Design Company
PO Box 308
Bingen, WA 98605
(509) 493-3886
ristonandrews@belldesigncompany.com

OWNER: Inland Pacific Oregon II, LLC

DATE: Rev – June 3, 2021

SUBJECT: Traffic Assessment Letter, Hazel Ridge PUD

PROJECT: Bell Design Project #21B004

MAP & TAX LOT: 03N10E36AB06900 & 6903

Introduction

This report provides a summary of the traffic study conducted for the proposed Hazel Ridge Planned Unit Development (PUD) consisting of two (2) single family detached housing units and eight (8) multi-family housing units. The City of Hood River Municipal Code (HRMC) section 17.07 – Planned Developments requires that all provisions of Title 16 be met for PUD developments. Section 16.12.020(D) of the HRMC requires a traffic study pursuant to 17.20.060(C) – Traffic Impact Analysis (TIA), which requires that a TIA be completed as part of the application, if threshold criteria is met. It was determined that the proposed development does not meet the requirements for a TIA, a summary of these findings is provided in the analysis section of this report. If a TIA is not required as determined by Section 17.20.060(C), a Transportation Assessment Letter (TAL) is required. Thus, it was determined that the Hazel Ridge PUD will require a TAL to be completed that addresses the trip generation estimates and distribution assumptions for the proposed action and verifies that driveways and roadways accessing the site meet the sight distance, spacing, and roadway design standards of the agency with jurisdiction of these roadways, in addition to any other information as determined by the City Engineer. As requested by the City Engineer, an analysis of the East Eugene Street and East Hazel Avenue intersection has been included in this report. This report is written to address the TAL requirements previously stated and outlined in section 17.20.060(D) of the HRMC and the scoping of the East Eugene Street and East Hazel Avenue intersection analysis.

Site & Project Description

The proposed PUD is located at 209 East Eugene Street in Hood River, Oregon and is comprised of map and tax lot 03N10E36AB06900 & 6903. See Appendix A for Project Location Map. The subject property is bound by East Eugene Street to the north and East Hazel Avenue to the south. Speed limits vary in the general project vicinity from 10, 15, and 25 mph. Travelling eastbound on East Hazel Avenue the speed limit is posted 25 mph until you approach the East Eugene Street and East Hazel Avenue intersection and then it is posted 10 mph. Similarly, travelling westbound on East Hazel Avenue the speed limit is posted 15 mph until transitions to a posted speed of 10 mph at the East Eugene Street and East Hazel Avenue intersection. East Eugene Street is posted 15 mph. See Appendix D for photos of traffic control devices.

Table 1 – Adjacent Street Characteristics shows the characteristics of the adjacent streets.

Table 1: Adjacent Street Characteristics

Street	Classification	Jurisdiction	Travel Lanes	Lane Width (ft)	Speed (MPH)	Curbs/ Sidewalks	Bicycle Lanes	On-Street Parking
E. Eugene St.	Local	City of Hood River	2	7.5	15	No/No	No	No
E. Hazel Ave.	Local	City of Hood River	2	10	15/25	No/No	No	No

The existing site has one single family detached dwelling unit accessed from East Eugene Street that will be removed with the development. The two proposed single family detached dwelling units will each be accessed from individual driveways from East Hazel Avenue. The four proposed townhomes consisting of two multifamily dwelling units each will all be accessed from East Eugene Street. Two of the four townhomes will have frontage on East Eugene Street and each townhome will have a shared driveway. The remaining two townhomes will be setback from the East Eugene Street frontage and accessed via a shared driveway from East Eugene Street. In addition to the construction of the single family and multifamily dwelling units, the proposed development includes frontage improvements to both East Eugene Street and East Hazel Avenue as well as utilities. See Appendix B for the Proposed Site Plan.

Existing Conditions

East Eugene Street & East Hazel Avenue Intersection – Overview

This intersection functions as a T-intersection where East Eugene Street meets East Hazel Avenue at a 45° angle. Westbound traffic on East Eugene Street is restricted from making left-hand turns onto East Hazel Avenue and traffic is required to yield before making a right hand turn onto East Hazel Avenue. Westbound traffic on East Hazel Avenue is uncontrolled with through traffic continuing west on East Hazel Avenue and right turns uncontrolled onto East Eugene Street. However, due to the intersection geometry right hand turns onto East Eugene Street from vehicles travelling westbound on East Hazel Avenue is not a common occurrence. Eastbound traffic on East Hazel Avenue is uncontrolled with through traffic continuing east on East Hazel Avenue and uncontrolled left-hand turns permitted onto East Eugene Street. The posted speed limit on East Hazel Avenue travelling both eastbound and westbound is reduced to 10 mph as you approach the intersection, requiring vehicles to slow down as they approach the intersection. Vehicles travelling westbound on East Eugene Street are required to slow down as they approach the intersection due to the yield control on the intersection.

East Eugene Street & East Hazel Avenue Intersection – Crash History

Crash data was obtained for the East Eugene Street & East Hazel Avenue intersection from the Oregon Department of Transportation (ODOT) Crash Data System. There have been no recorded crashes at the East Eugene Street & East Hazel Avenue intersection during the 9 year period of available ODOT data. The data report is provided in Appendix E.

East Eugene Street & East Hazel Avenue Intersection – Sight Distance

Available Sight Distance was observed by Bell Design Company for the East Eugene Street & East Hazel Avenue intersection on Wednesday, June 2, 2021. For the purposes of this analysis, sight distance is a measure of how far a driver can see up and down a road from the stopped approach to an intersection. Three scenarios were evaluated for this intersection; 1) Vehicles travelling westbound on East Eugene Street making a right-hand turn onto East Hazel Avenue.

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2) Vehicles traveling westbound on East Hazel Avenue making a right-hand turn onto East Eugene Street. 3) Vehicles traveling eastbound on East Hazel Avenue making a left-hand turn onto East Eugene Street.

Scenario 1: Right-hand turns onto East Hazel Avenue from East Eugene Street must take into consideration sight distance looking back to the east and the ability to see vehicles traveling westbound on East Hazel Avenue. Sight distance is limited to the east by vegetation and topography. However, sight distance is available to the intersection of East Point Court and East Hazel Avenue approximately 250 feet away. Therefore, sight distance is determined to be adequate but could be improved by trimming of vegetation within the right-of-way. See Appendix C, Figure 6C.

Scenario 2: Right-hand turns onto East Eugene Street from East Hazel Avenue must take into consideration sight distance looking to the west and the ability to see oncoming vehicles traveling eastbound on East Hazel Avenue. Adequate sight distance was observed to be available for approximately 190 feet before East Hazel Avenue makes a left turn. See Appendix C, Figure 7C.

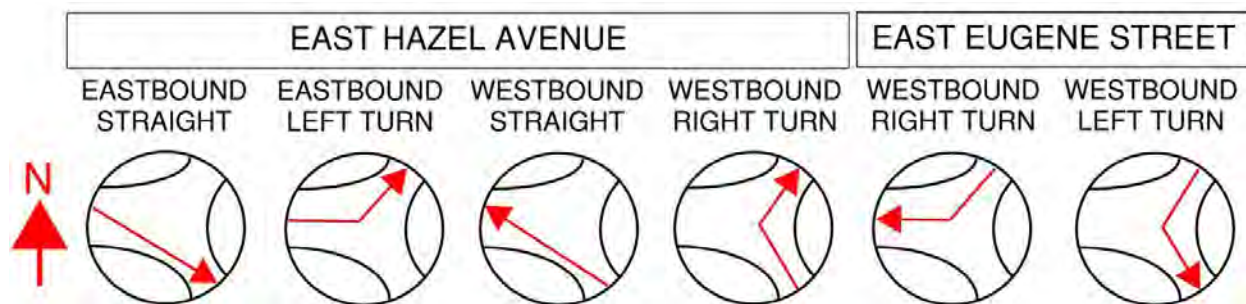
Scenario 3: Left-hand turns onto East Eugene Street from East Hazel Avenue must take into consideration sight distance looking uphill to the east and the ability to see oncoming vehicles traveling westbound on East Hazel Avenue. Adequate sight distance was observed to be available for approximately 190 feet before East Hazel Avenue makes a left turn. See Appendix C, Figure 8C.

East Eugene Street & East Hazel Avenue Intersection – Traffic Counts

Morning (AM) and evening (PM) peak period traffic counts were conducted by Bell Design Company on Wednesday, June 2, 2021 at the East Eugene Street and East Hazel Avenue intersection. Traffic flow data was collected in 15 minute intervals between 7:00 am and 9:00 am to obtain the AM peak period and 4:00 pm and 6:00 pm to obtain the PM peak period traffic counts. *Table 2 – Peak Period Traffic Count Summary* shows the full AM and PM Peak Period Traffic Counts for the East Eugene Street and East Hazel Avenue intersection.

Engineering Report**Table 2: Peak Period Traffic Count Summary (Wednesday, June 2, 2021)**

Time AM/PM	East Hazel Avenue				East Eugene Street		TOTAL
	Eastbound Straight	Eastbound Left Turn	Westbound Straight	Westbound Right Turn	Westbound Right Turn	Westbound Left Turn	
7:00 – 7:15	0	1	0	0	1	0	2
7:15 – 7:30	1	0	1	0	3	0	5
7:30 – 7:45	1	1	0	0	0	0	2
7:45 – 8:00	0	2	3	0	0	0	5
8:00 – 8:15	0	0	1	0	2	0	3
8:15 – 8:30	1	1	0	0	0	0	2
8:30 – 8:45	1	0	2	0	1	0	4
8:45 – 9:00	2	3	1	0	1	0	7
7:00 – 9:00 AM TOTAL	6	8	8	0	8	0	30
4:00 – 4:15	2	1	1	0	1	0	5
4:15 – 4:30	2	2	2	0	3	0	9
4:30 – 4:45	4	2	4	0	4	0	14
4:45 – 5:00	1	1	1	0	2	0	5
5:00 – 5:15	4	3	1	0	6	0	14
5:15 – 5:30	2	1	3	0	2	0	8
5:30 – 5:45	3	0	2	0	2	0	7
5:45 – 6:00	0	0	1	0	0	0	1
4:00 – 6:00 PM TOTAL	18	10	15	0	20	0	63



The AM Peak Hour traffic count for the East Eugene Street and East Hazel Avenue intersection was found to be 16 trips occurring between 8:00 am and 9:00 am. The PM Peak Hour traffic count for the East Eugene Street and East Hazel Avenue intersection was found to be 42 trips occurring between 4:15pm and 5:15pm. A general rule of thumb is that the peak hour volume is typically close to 10% of the average daily traffic (ADT). Therefore, converting the known PM Peak hour traffic volume of 42 trips, it can be estimated that ADT is approximately 420 trips. *Table 3 – Peak Hour Traffic Count Summary* shows the traffic count totals for each hourly

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increment for the East Eugene Street and East Hazel Avenue intersection used to determine when the peak hour traffic occurred.

Table 3: Peak Hour Traffic Count Summary (Wednesday, June 2, 2021)

Time AM/PM	East Hazel Avenue				East Eugene Street		TOTAL
	Eastbound Straight	Eastbound Left Turn	Westbound Straight	Westbound Right Turn	Westbound Right Turn	Westbound Left Turn	
7:00 – 8:00	2	4	4	0	4	0	14
7:15 – 8:15	2	3	5	0	5	0	15
7:30 – 8:30	2	4	4	0	2	0	12
7:45 – 8:45	2	3	6	0	3	0	14
8:00 – 9:00	4	4	4	0	4	0	16
4:00 – 5:00	9	6	8	0	10	0	33
4:15 – 5:15	11	8	8	0	15	0	42
4:30 – 5:30	11	7	8	0	14	0	40
4:45 – 5:45	10	5	7	0	12	0	34
5:00 – 6:00	9	4	7	0	10	0	30

Trip Generation

Future vehicle trips of the proposed PUD were forecast using the trip rates documented in the standard reference *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers (ITE). For this development, ITE Land Use Category 210 – Single Family Detached Housing and 220 – Multifamily Housing (Low Rise) are the appropriate categories to apply. The trip generation rates include consideration of trips such as postal service, deliveries, garbage pick-up, and general services. *Table 4 – Trip Generation Rates* shows the trip generation rates for these ITE Land Uses.

Table 4: Trip Generation Rates

ITE Land Use	ITE Code	Ind. Variable	Trip End Rate			In/Out Split (Percent)		
			AM Peak Hour	PM Peak Hour	Daily	AM Peak Hour	PM Peak Hour	Daily
Single Family Detached Housing	210	Dwelling Units	0.74	0.99	9.44	25/75	63/37	50/50
Multifamily Housing (Low-Rise)	220	Dwelling Units	0.46	0.56	7.32	23/77	63/37	50/50

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The proposed PUD will generate new trips on both East Eugene Street and East Hazel Avenue. The proposed development will consist of the removal of the one existing single family dwelling unit with access from East Eugene Street and the construction of four townhomes equivalent to eight multifamily dwelling units that will take access from East Eugene Street.

The proposed development will generate a total of three (3) trips during the morning peak hour, three (3) trips during the evening peak hour, and 50 average daily trips onto East Eugene Street. *Table 5 – Trip Generation Forecast East Eugene Street* summarizes the trip generation forecast for the existing and proposed development on East Eugene Street.

Table 5: Trip Generation Forecast East Eugene Street

EXISTING CONDITIONS								
ITE Land Use	Size (Units)	AM Peak Hour Trip Ends			PM Peak Hour Trip Ends			Daily
		In	Out	Total	In	Out	Total	Total
210 Single Family Detached Housing	1	0	1	1	1	0	1	9
PROPOSED CONDITIONS								
ITE Land Use	Size (Units)	AM Peak Hour Trip Ends			PM Peak Hour Trip Ends			Daily
		In	Out	Total	In	Out	Total	Total
220 Multifamily Housing (Low-Rise)	8	1	3	4	3	1	4	59
NET NEW TRIPS								
		AM Peak Hour Trip Ends			PM Peak Hour Trip Ends			Daily
		In	Out	Total	In	Out	Total	Total
		1	2	3	2	1	3	50

The proposed PUD will consist of the construction of two single family dwelling units that will take access from East Hazel Avenue. The proposed development will generate a total of one (1) trip during the morning peak hour, two (2) trips during the evening peak hour, and 19 average daily trips onto East Hazel Avenue. *Table 6 – Trip Generation Forecast East Hazel Avenue* summarizes the trip generation forecast for the proposed development on East Hazel Avenue.

Engineering Report**Table 6: Trip Generation Forecast East Hazel Avenue**

EXISTING CONDITIONS								
ITE Land Use	Size (Units)	AM Peak Hour Trip Ends			PM Peak Hour Trip Ends			Daily
		In	Out	Total	In	Out	Total	Total
N/A	-	-	-	-	-	-	-	-
PROPOSED CONDITIONS								
ITE Land Use	Size (Units)	AM Peak Hour Trip Ends			PM Peak Hour Trip Ends			Daily
		In	Out	Total	In	Out	Total	Total
210 Single Family Detached Housing	2	0	1	1	1	1	2	19
NET NEW TRIPS								
		AM Peak Hour Trip Ends			PM Peak Hour Trip Ends			Daily
		In	Out	Total	In	Out	Total	Total
		0	1	1	1	1	2	19

Overall, the proposed PUD will generate a total of four (4) trips during the morning peak hour, five (5) trips during the evening peak hour, and 69 average daily trips onto the City transportation system.

Trip Distribution & Assignment

The trip assignment for the proposed development assumes that 35% of the trips generated are distributed eastbound on East Eugene Street and East Hazel Avenue and 65% of the trips are distributed westbound on East Eugene Street and East Hazel Avenue. These assumptions are determined based likely destinations/originations of traffic and the location of the development in relation to nearby City streets. Serpentine Road, a collector street west of the development, provides direct access to the Heights Commercial District, West Hood River, and downtown Hood River. Similarly, east of the development Bluff Road, a local street, provides direct access to downtown Hood River and US 35.

Peak hour trips and average daily trips generated from the access points on East Eugene Street were distributed and assigned to the East Eugene Street and East Hazel Avenue intersection. A total of two (2) trips during the morning peak hour, two (2) trips during the evening peak hour, and 33 average daily trips will be added to the East Eugene Street and East Hazel Avenue intersection due to this development.

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Peak hour trips and average daily trips generated from the access points on East Hazel Avenue were distributed and assigned to the East Eugene Street and East Hazel Avenue intersection. A total of one (1) trip during the morning peak hour, one (1) trip during the evening peak hour, and 13 average daily trips will be added to the East Eugene Street and East Hazel Avenue intersection due to this development.

Overall, the proposed PUD will generate a total of three (3) trips during the morning peak hour, three (3) trips during the evening peak hour, and 46 average daily trips through the East Eugene Street and East Hazel Avenue intersection.

Analysis

The following sections address applicable transportation standards for the proposed development which are referenced in the Hood River Municipal Code.

Sight Distance

The Stopping Sight Distance (SSD) required for this project was determined using the criteria in the American Association of State Highway and Transportation Officials (AASHTO), *A Policy for Geometric Design of Highways and Streets, 6th Edition*. SSD is dependent on the brake reaction time and the distance to brake the vehicle to a stop. The grade of the roadway greatly effects SSD; distances for upgrades are shorter and longer for downgrades compared to level roadways. For East Eugene Street and East Hazel Avenue, the posted speed limits vary from 10, 15, and 25 mph. For this analysis, a speed limit of 25 mph was used to evaluate sight distance. It is anticipated that the majority of the access to the site will consist of passenger cars. Using these parameters, the required SSD can be found in Table 3-2 – Stopping Sight Distance on Grades of the *A Policy for Geometric Design of Highways and Streets*, page 3-5.

The grade of East Eugene Street falls from the west to the east across the property frontage. To the west of the proposed project the grade of the street falls at an approximate 6% slope giving an SSD of 165 feet for vehicles traveling downhill eastbound. To the east of the proposed project the grade of the street steepens to approximately 9% resulting in an SSD of 140 feet for vehicles travelling uphill westbound.

The grade of East Hazel Avenue falls from the west to the east across the property frontage. To the west of the proposed project the grade of the street falls at an approximate 3% slope giving an SSD of 158 feet for vehicles traveling downhill eastbound. To the east of the proposed project the grade of the street steepens to approximately 6% resulting in an SSD of 143 feet for vehicles travelling uphill westbound.

The stopping sight distance at the proposed site access intersections on both East Eugene Street and East Hazel Avenue were field measured and compared to the minimum acceptable AASHTO standards described above. Field measurements were conducted by Bell Design

Engineering Report

Company on January 25, 2021 to determine if the AASHTO sight distance requirements are met. Existing vegetation within the right-of-way east of the proposed driveways was observed to obstruct sight lines to less than 143 feet on East Hazel Avenue. Provided the vegetation is trimmed and/or removed during construction, adequate SSD will be available to the east on East Hazel Avenue. Adequate SSD of 158 feet was observed to be available to the west on East Hazel Avenue. Existing topography and vegetation along East Eugene Street was observed to limit sight lines to less than 140 feet looking east and 165 feet looking west. It was determined that if the site is graded as proposed during construction, adequate SSD will be available to the east and west on East Eugene Street. It is recommended that all vegetation within the sight distance triangles be maintained on a routine basis. Additionally, the sight distance triangles should remain clear of any obstructions that would obscure the driver's sight distance. See Appendix C for field observations and site distance triangles.

Roadway Design

The Roadway Design Standards are outlined in Chapter 3 of the City TSP based on street functional classification. Local Street typical roadway cross sections are provided in Figure 6E of the City TSP. Local street cross sections generally consist of five foot sidewalks, five foot planting strips, curb and gutter, and 28 feet of paved width.

East Eugene Street is classified as a local street and existing conditions are not compliant with the City standard cross section due to substandard street width and lack of sidewalks, planting strip, and curb and gutter. Steep slopes in the area have limited the ability to construct the facilities. Existing pavement width is approximately 15 feet accommodating two way traffic and no on-street parking. The proposed development will widen the existing street to 20 feet of pavement to achieve two ten foot travel lanes. As required by the City, the preservation of the existing mature oak trees within the right-of-way will ultimately dictate the extent the street can be widened to the north. Due to the narrow street width, no on-street parking is recommended to remain. No sidewalk, curb and gutter, or planter strip is proposed as part of this development. Street trees will be provided on private property along the frontage of East Eugene Street.

East Hazel Avenue is classified as a local street and existing conditions are not compliant with the City standard cross section due to substandard street width and lack of sidewalks, planting strip, and curb and gutter. Steep slopes in the area have limited the ability to construct the facilities. Existing pavement width is approximately 20 feet in width accommodating two way traffic and no on-street parking. The proposed development will widen the existing street by 2 feet to achieve a 14 foot travel lane on the north side of the street and no on-street parking is recommended to remain. No curb and gutter is proposed as part of this development. A 5 foot separated sidewalk and planting strip with street trees is proposed along the frontage of East Hazel Avenue.

Access Spacing

The Access Management Spacing Standards per the HRMC 16.12.020(G), Table 16.12-A, requires a minimum of 22 feet separation between driveways and other driveways or public streets, as measured from centerline to centerline, on local streets. However, it is understood that City staffs interpretation of the intent of the City code is to require the separation between driveways to be applied as measured from edge of throat to edge of throat (or straight curb to straight curb).

The development proposes shared driveways with a 20 foot throat width for each of the townhomes fronting East Eugene Street. The development also proposes an additional shared driveway with a 20 foot throat width and 10 foot radius connection to East Eugene Street to be centered along the frontage to access the two townhomes setback from the right-of-way. Access spacing between the three proposed shared driveways on East Eugene Street is 22 feet or greater as measured from centerline to centerline. As measured from edge of throat to edge of throat, access spacing between the three proposed shared driveways on East Eugene Street is only 14 feet. Based upon City staffs' interpretation of the City's driveway separation requirement on local streets, the proposed driveway separation requires a design exception.

Generally, Access Management strategies are intended to limit access to arterial and collector streets to maximize capacity and reduce traffic conflicts. Unless site specific safety hazards exist, spacing standards for local streets are largely aesthetically driven to reduce curb cuts, increase on-street parking availability, allow for ADA compliant driveway wings, and provide an area for general services such as mailbox placement or garbage pickup locations. In this unique circumstance, due to the topographical constraints and intent by the City to preserve the existing mature oak trees within the right-of-way, it is reasonable to assume that additional widening of the street to allow for on-street parking will likely not occur. It is also reasonable to assume that sidewalks will likely not be constructed for similar reasons, thus removing the necessity for the required spacing between driveways to accommodate for driveway approach wings to meet ADA requirements. Additionally, the proposed driveways all meet the required SSD and their relative spacing does not affect the safety of traffic flow on East Eugene Street. Therefore, in this unique situation, it is recommended that the City allow a design exception to reduce the required driveway separation from 22 feet down to 14 feet as measured from edge of throat to edge of throat.

Alternatively, an optional development layout could be proposed which includes three driveways from East Eugene Street and three driveways from East Hazel Avenue to serve the development, all of which would achieve 22 feet or greater separation, as measured from edge of throat to edge of throat. However, this alternative ultimately increases the total number of driveways from five (5) to six (6) to ultimately achieve the same number of units. See Appendix B for the proposed and alternative site plan.

Engineering Report

The development proposes driveways with a 25 foot throat width for each of the single family dwellings fronting East Hazel Avenue. Access spacing between the proposed driveways on East Hazel Avenue is 22 feet or greater as measured from centerline to centerline. As measured from edge of throat to edge of throat, access spacing between the proposed driveways on East Hazel Avenue is 22 feet or greater, thus no design exception is required. Additionally, the proposed driveways meet the required SSD and their relative spacing does not affect the safety of traffic flow on East Hazel Avenue.

Vehicular Access & Circulation

From East Eugene Street and Hazel Avenue, vehicle trips generated by the site are provided multiple routes of travel between the proposed development and the rest of Hood River. Traveling east from the development, access to Sherman Avenue and other intermittent local streets provides access to the downtown commercial district and collector streets such as State Street and 2nd Street as well as minor arterial Oak Street. Oak Street provides a direct connection between the east and west side of Hood River. 2nd Street provides direct access to Interstate I-84 and the Port of Hood River. Traveling west from the development access to a collector street, Serpentine Road, provides north-south access to two collector streets, State Street and May Street, respectively. May Street provides access to Heights commercial district and direct access to arterial streets 12th Street and 13th Street.

Internal circulation to the townhouse portion of the development from East Eugene Street is provided via a 20 foot north-south shared driveway with a 10 foot radius connection. The north-south portion of the shared driveway comes to a "T" within the development that transitions to a 26 foot width east-west shared driveway, as directed by the fire chief for access to the 3-story buildings. The north-south and east-west sections of the shared driveway are connected via 20 foot radius to provide adequate turning space within the development for passenger vehicles, delivery trucks, and emergency vehicles.

Access to the townhomes fronting East Eugene Street are provided via shared driveway and access to the single family dwellings fronting East Hazel Avenue are provided via individual driveways. Adequate parking facilities for the development are available onsite.

East Eugene Street & East Hazel Avenue Intersection

The net impact of the proposed development on the East Eugene Street and East Hazel Avenue intersection resulted in a net increase of three (3) morning peak hour trips for a 19% increase, three (3) evening peak hour trips for a 7% increase, and 46 average daily trips for a 11% increase. Therefore, the proposed increase in traffic on the intersection compared to current existing conditions is deemed insignificant.

Engineering Report

With no recorded crash data in the past 9 years of ODOT data it is reasonable to assume that the existing intersection functions safely. Additionally, the 10 mph posted speed limit as vehicles approach the intersection travelling both eastbound and westbound on East Hazel Avenue effectively slow traffic approaching the intersection decision points. Similarly, the yield control for vehicles travelling westbound on East Eugene Street approaching the intersection also effectively reduces vehicle speeds and limits conflict.

The minimal increase in traffic due to the proposed development is not expected to significantly increase the chance of vehicle collisions. It is Bell Design Company's opinion that the proposed development will not have an adverse impact on the safety or function of the intersection of East Eugene Street and East Hazel Avenue. The development will in no way create circumstances that do not currently exist.

Summary & Conclusion

The following are the findings of the traffic analysis completed for the Hazel Ridge PUD.

1. The proposed PUD will generate a total of four (4) trips during the morning peak hour, five (5) trips during the evening peak hour, and 69 average daily trips onto the City transportation system. This level of traffic flow would not create a significant impact on the surrounding transportation system. Additionally, the project generates less than 25 peak hour trips and less than 250 average daily trips.
2. Based on the sight distance measurements conducted by Bell Design Company, adequate sight distance will be available at the proposed site access intersections on both East Eugene Street and East Hazel Avenue provided vegetation is removed and/or trimmed, the site is graded as proposed, and the sight distance triangles are properly maintained.
3. Frontage improvements will consist of widening both East Eugene Street and East Hazel Avenue as well as sidewalk and planter strip on East Hazel Avenue, as directed by Public Works.
4. A design exception to the Access Management Spacing Standards per the HRMC 16.12.020(G) is required for the three proposed driveways on East Eugene Street. As explained in detail above, it is recommended that the City allow a design exception to reduce the required driveway separation from 22 feet down to 14 feet, as measured from edge of throat to edge of throat, for the three proposed driveways on East Eugene Street to accommodate the unique circumstances of this development.
5. The Access Management Spacing Standards per the HRMC 16.12.020(G) are met for the two proposed driveways on East Hazel Avenue.
6. The proposed PUD does not significantly increase traffic to the intersection of East Eugene Street and East Hazel Avenue and does not pose an adverse impact to the safety or function of the intersection.
7. The proposed development meets all standard criterion and code requirements of HRMC section 17.20.060.C&D, therefore no further analysis is required beyond this TAL.

Appendix A – Project Location Map

Traffic Assessment Letter for Hazel Ridge PUD

Engineering Report



Appendix B – Site Plan

Traffic Assessment Letter for Hazel Ridge PUD

Engineering Report



Appendix C – Site Distance Measurements



Figure 1C – SSD looking east on East Hazel Avenue. Vegetation in right-of-way to be trimmed and removed as necessary.



Figure 2C – SSD looking west on East Hazel Avenue



Figure 4C – SSD Looking west on East Eugene Street



Figure 5C – SSD looking east on East Eugene Street



Figure 6C – SSD looking east on E. Hazel Ave. @ E. Eugene St. & E. Hazel Ave. Intersection



Figure 7C - SSD looking west on E. Hazel Ave. @ E. Eugene St. & E. Hazel Ave. Intersection



Figure 8C - SSD looking east on E. Hazel Ave. @ E. Eugene St. & E. Hazel Ave. Intersection

Appendix D – Site Photos



Figure 1 D – Yield control @ E. Eugene St. Intersection w/ E. Hazel Ave.



Figure 2D – Posted Speed eastbound on E. Hazel Ave.



Figure 3D – Posted Speed westbound on E. Hazel Ave.



Figure 4D – Posted Speed east of development westbound on Bluff Rd.



Figure 5D – Posted Speed east of development eastbound on Bluff Rd.



Figure 6D – Posted Speed west of development near intersection of Serpentine Rd. & Hazel Ave.

Appendix E – Crash Data

CUT SIDE LINE

NEW ROCK RETAINING WALL

1'-2' DIA., STACKABLE.

USE TRACK HOE WITH THUMB.

2.66V:1H FRONT SIDE BATTER.

4:1 BACK SIDE BATTER.

FILL VOIDS W/ COMP NATIVE FILL

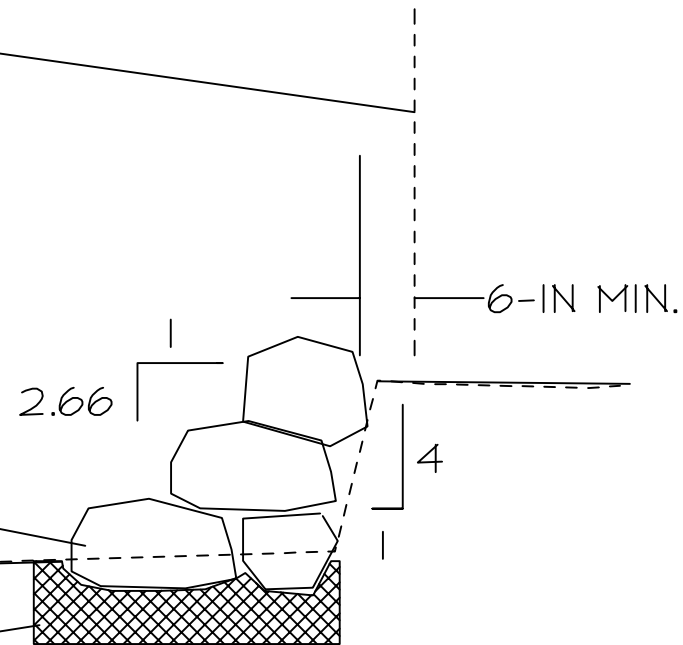
4' MAX HEIGHT.

FINISH GRADE

6" MIN COM. DEPTH OF

2" MINUS CRUSHED

GRAVEL BASE.



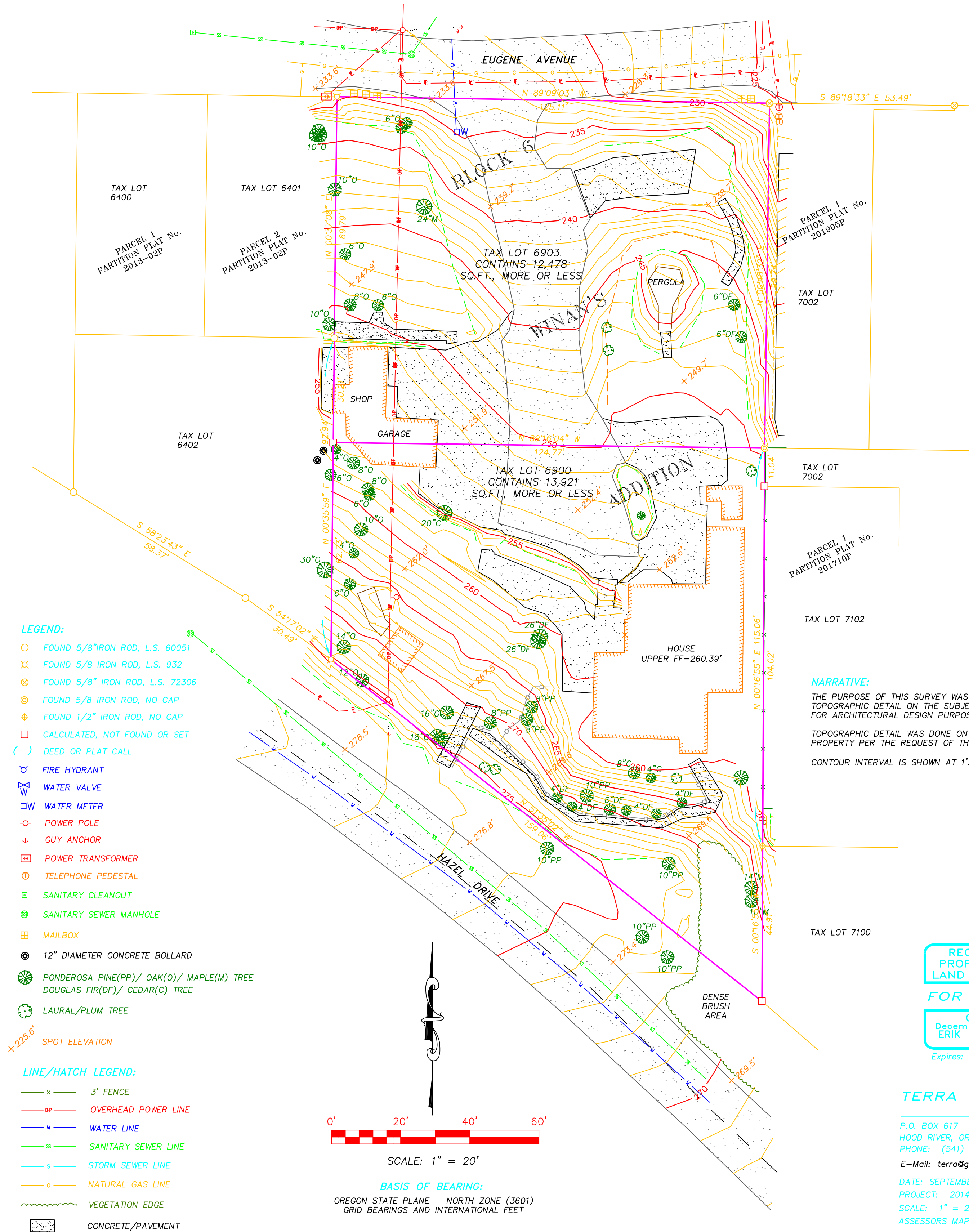
1. MAINTAIN A 6-IN MIN OFFSET FROM PROPERTY LINE.
2. PROVIDE SUITABLE SURFACE RESTORATION AND EROSION CONTROL.
3. DO NOT DISTURB ADJACENT PROPERTY. VERIFY OFFSET TO LOT LINES.
4. CONTRACTOR TO BE RESPONSIBLE FOR MAINTAINING LOT LINE MARKERS.
5. SEGEMENTAL RETAINING WALL SYSTEM MAY BE SUBSTITUTED.
FOLLOW ALL MANUFACTURE'S RECOMMENDATIONS. STEEPER WALL
BATTER MAY BE PERMITTED AS ALLOWED BY THE MANUFACTURER.

TERRA SURVEYING
TOPOGRAPHIC SURVEY
for
MARK VANDERZANDEN

PROPERTY ADDRESS:
209 EAST EUGENE AVENUE
HOOD RIVER, OREGON
97031

ZONING:
R-3
URBAN HIGH DENSITY RESIDENTIAL

LOCATION:
TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 10 EAST, CITY OF HOOD RIVER
WILLAMETTE MERIDIAN, HOOD RIVER COUNTY, OREGON.



Zoe Lynn Powers
zpowers@radlerwhite.com
971-634-0215

March 30, 2021

City of Hood River
Jennifer Kaden, Planner
211 2nd Street
Hood River, OR 97031
J.Kaden@cityofhoodriver.gov

**RE: Hazel Ridge PUD, File No. 2021-07 (the “Project”)
by Mark VanderZanden for Inland Empire Oregon II, LLC (the “Applicant”)**

Dear Jennifer,

I am writing in response to your March 10, 2021 letter titled Re: Incomplete Application; File No. 2021-07 – Hazel Ridge PUD. In that letter, you stated:

“Please provide a comprehensive, detailed written analysis that explains how the subject proposed development complies with all applicable approval standards and criteria Additionally, please note that the narrative should provide analysis for all PUD, Conditional Use and Site Plan Review criteria, including those you consider discretionary or subjective. Housing developed through an elective process such as a PUD is not considered “needed housing” under state law and, thus, not exempt from discretionary or subjective criteria.”

I understand that the Applicant has already done as you requested and provided analyses for all Planned Unit Development (“PUD”), Conditional Use and Site Plan Review criteria, including those which are discretionary or subjective, under the Hood River Municipal Code (“HRMC”). However, we disagree that the Project is not “needed housing” under state law and further disagree that the City of Hood River (the “City”) may apply discretionary or subjective criteria as approval criteria in this case. We are submitting this letter in order to make our protest of the application of those requirements part of the record of this land use review.¹

We ask that you determine that the Project is housing subject to the requirements of ORS 197.307(4) and, as required by state law, only apply “clear and objective standards, conditions and procedures” to the application.

¹ See *Recovery House IV v. City of Eugene*, 150 Or App 382, 384, 946 P2d 342 (1997); *aff’d* 156 Or App 509, 965 P2d 488 (1998) (applicant has the right to submit an application under one set of standards while at the same time challenging whether those standards even apply to the proposed development).

I. The Project is Housing to Which ORS 197.307(4) Applies

The Project is needed housing, but that is irrelevant under the current version of the statute. The “clear and objective” requirement of ORS 197.307(4), as amended in 2017, provides:

(4) Except as provided in subsection (6) of this section, a **local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing**, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

ORS 197.307(4) (emphasis added).

The statute is no longer limited to “needed housing” on buildable lands, but instead applies to all “development of housing, including needed housing.”

The Project is clearly the development of housing – as well as clearly the development of needed housing under ORS 197.303 – as it will provide ten new dwelling units, in two single-family detached homes and four 2-unit attached single family buildings. Therefore, ORS 197.307(4) requires the City to “apply only clear and objective standards, conditions and procedures” to the application.

II. The PUD Process Does Not Meet the Requirements for the Exemption in ORS 197.307(6)

In referring to the “elective process” in the March 10 letter, I believe you were referring to the only exception² to the clear and objective requirement, found in ORS 197.307(6). That subsection provides:

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply **an alternative approval process** for applications and permits **for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics** that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

² See *Group B LLC v. City of Corvallis*, 72 Or LUBA 74 (2015) (slip op at 5), *aff'd* 275 Or App 577 (2015), *rev den* 359 Or 667 (2016) (noting that subsection (6) is the “sole exception” to the requirement of subsection (4)).

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

ORS 197.307(6) (emphasis added).

The City's PUD process does not comply with the requirements for an "alternative approval process" exception under ORS 197.307(6) and therefore cannot be used to avoid the City's obligation to apply only clear and objective standards, conditions and procedures regulating the development of housing, including the Project.

A. There is no approval process based on clear and objective standards.

First, the alternative under subsection (6) must be "[i]n addition to" and the Applicant must have the "option of proceeding under" an approval process based on clear and objective standards under subsection (4). Here, there is no such option to process the Project under an approval process with clear and objective standards.

The other option available to the Applicant for the Project, other than a PUD, would be a subdivision process.³ The general approval criteria for subdivisions in the City are found at HRMC 16.08.020(C) and include (without limitation) the following particularly problematic criteria:

- The plat "complies with ... the applicable sections of the Comprehensive Plan"
- Streets "have been considered in relation to ... public convenience and safety, and the proposed use of the land to be served by the streets and walkways"
- The street layout "proposes an adequate traffic circulation system"
- There are "adequate" public facilities and utilities

It is the City's burden to "demonstrate that the approval standards, conditions and procedures are **capable of being imposed only** in a clear and objective manner." ORS 197.831 (emphasis added). Furthermore, the standards, conditions, and procedures "must be clear and objective **on the face of the ordinance.**" ORS 227.173(2) (emphasis added).

As LUBA recently explained, "approval standards are not clear and objective if they impose subjective, value-laden analyses that are designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community." *Nieto v. City of Talent*, ___ Or LUBA ___, ___ (Mar 10, 2021, LUBA No. 2020-100) (slip op at 9). The City's subdivision approval criteria do exactly what is prohibited by state law – most clearly in explicitly requiring the layout of streets be "considered in relation to" inherently subjective factors, such as the "public convenience." The City's subdivision approval criteria require interpretation (for example, what is "adequate"? Which are the

³ See *Nieto v. City of Talent*, ___ Or LUBA ___, ___ (Mar 10, 2021, LUBA No. 2020-100) (analyzing approval criteria for a subdivision for compliance with ORS 197.307(4) and reversing based on application of an "ambiguous" code standard).

“applicable sections of the Comprehensive Plan”?)⁴ and plainly fail to provide “the certainty of application required to qualify as clear or objective.” *Id.* (internal quotation marks omitted). These and other subdivision approval criteria fail on their face to meet the requirements of clear and objective standards and the City cannot meet its burden to demonstrate otherwise.

For this reason alone, the City cannot avail itself of the subsection (6) exception in order to impose approval criteria on the Project which are not clear and objective.

B. The PUD approval criteria do not solely regulate appearance or aesthetics.

Second, even if there were a path provided by the City’s code meeting the requirements of subsection (4), the “alternative approval process” under subsection (6) may only be “based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective.”

That is, subsection (6) does not allow *any and all* non-clear and objective standards, but only those “regulating, in whole or in part, appearance or aesthetics.” The many subjective approval criteria for the Project go well beyond regulating appearance or aesthetics, including (without limitation) approval criteria requiring:

- “The ... operating characteristics of the proposed use [to be] reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area...”
- “The proposal shall be consistent with the Comprehensive Plan”
- The Project to provide “adequate light and air circulation”
- The Project be designed to “be oriented with consideration for ... wind directions”

HRMC 17.07.090 (including provisions of HRMC 17.06.030 incorporated by reference). The City may not apply these and other subjective approval criteria to the Project, both because they fail to fulfil ORS 197.307(4)’s “clear and objective” standard and because they would not be allowed even under an alternative process under ORS 197.307(6).

C. The PUD approval criteria do not authorize a higher density than under a clear and objective alternative.

Third, the alternative approval process under subsection (6) must “authorize a density at or above the density level authorized in the zone under the” clear and objective approval process in order to qualify as an exception.

⁴ See *Group B LLC*, 72 Or LUBA at ____ (slip op at 11, 18) (a standard that is ambiguous, *i.e.* capable of more than one plausible interpretation, is not clear and objective, and the fact that a city must interpret a standard means it is not clear and objective – it is the city’s burden to demonstrate otherwise).

As you know, the parcel for the Project is 25,604 square feet (.61 acres) and is located in the Urban High Density Residential (R-3) zone. Accordingly, under the possible approval processes for the Project:

Approval Process	Standard	Resultant Units
Subdivision (base R-3 zone standard)	Minimum requirement for building sites: Per detached single dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet. HRMC 17.03.030.C.	15 units
Townhouse Projects	Maximum residential density: minimum of 5000 square feet for the first two (2) townhouses and a minimum 1500 square feet for each additional townhouse. HRMC 17.19.020.A.	16 units
PUD	Subtract 30% from total area before dividing for base density. HRMC 17.07.020. Potential for residential density bonus not to exceed 33%.	11 units Possibility of 13 units total

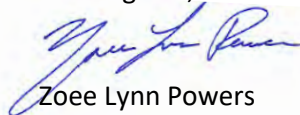
Therefore, a PUD process provides less density than allowed though the alternative process of a subdivision. This is another reason that the City's PUD process does not comply with the requirements for an "alternative approval process" exception under ORS 197.307(6) and therefore cannot be used to avoid the City's obligation to apply only clear and objective standards, conditions and procedures regulating the development of housing.

III. Request

We ask that you determine that the Project is housing subject to the requirements of ORS 197.307(4) and, as required by state law, only apply "clear and objective standards, conditions and procedures" to the application.

We appreciate your time and attention to this matter.

Best regards,



Zoee Lynn Powers

cc via email: Mark VanderZanden (mark@surroundinc.com)
Daniel H. Kearns (dan@reevekearns.com)

Design exception application
Hazel Ridge PUD application

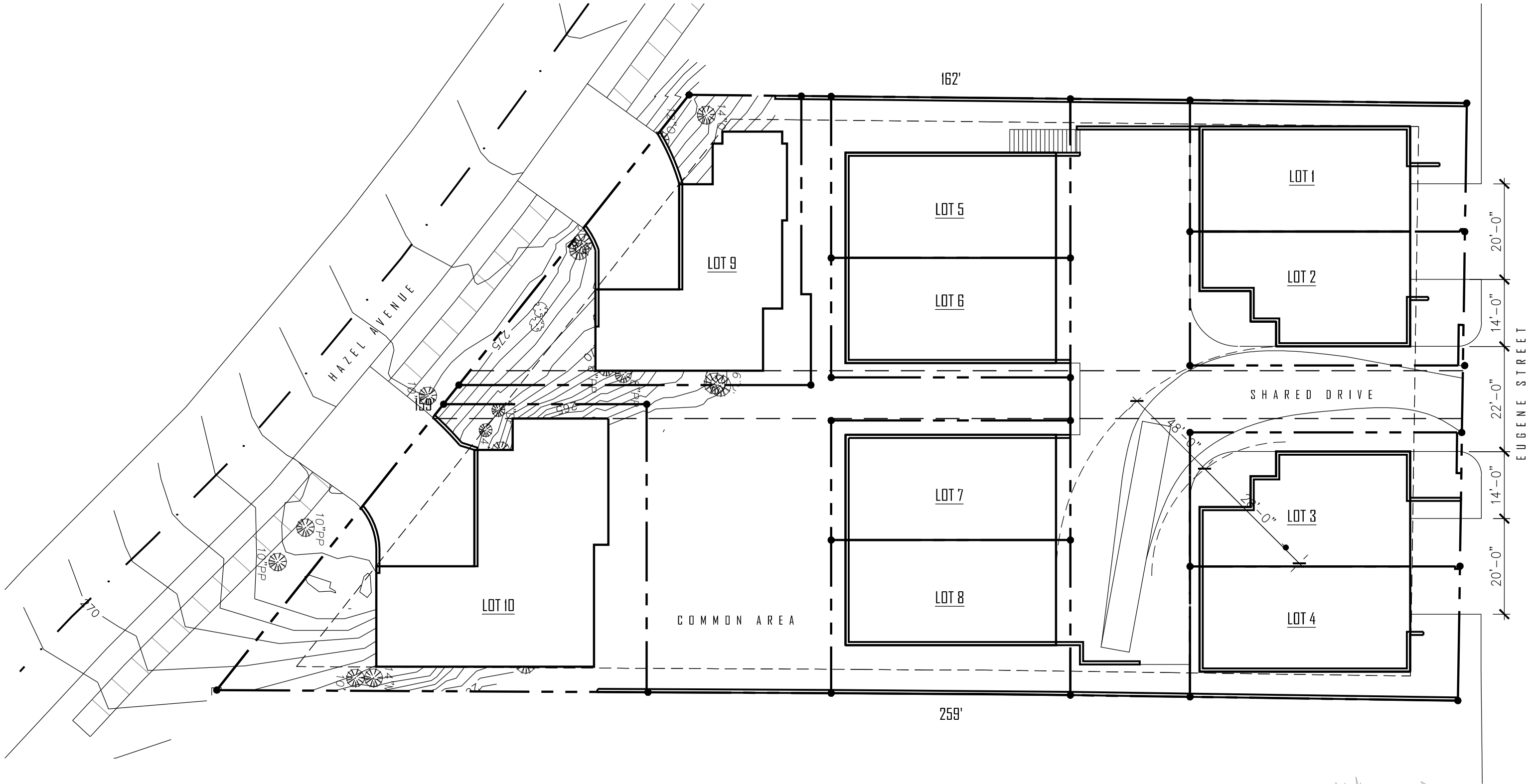
Code section: City of Hood River Engineering standards for driveway separations on local streets.

Proposal: allow 3 driveways on East Eugene Street, with 14' of separation between driveways (as shown on the attached option A), instead of the engineering standard of 22' + curb ramps.

Reasons for the proposal: This design exception proposal is part of a PUD application for 8 townhomes and 2 single family dwellings, and the proposal includes several shared driveways to serve the units while trying to minimize the number of driveways. The proposal has 5 driveways serving the 10 units, but with this, there are 3 driveways serving the 8 townhomes off of Eugene street, within a 125' of street frontage. We have also proposed an alternative (see attached option B) which provided 22' of spacing between driveways on Eugene street, but that option included 6 total driveways.

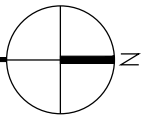
Existing conditions that mitigate engineering requirements: East Eugene Street is unimproved, a roughly 10 % grade and narrow due to topography and mature protected Oak trees within the Eugene Street ROW. It is understood that the reasons for the engineering standard separation requirement on local streets is the preservation of on-street parking spaces between driveways as well as the provisions of ADA for parking spaces, and access requirements. Due to the constraints of topography, and the policy of preservation of trees, there is no reason to believe that Eugene Street could be widened and improved to the extent that on street parking would be added to that street profile. In addition, with an existing 10% grade, on street parking would be sub optimal, and could not meet ADA requirements ever. Thus, there is no engineering-based reason to maintain the 22' + curb ramps spacing, and that dimension can be reduced. Please also see the attached TAL which describes the operational characteristics of the proposed driveways

Conclusion: The design proposed would provide the same level of engineering operations and safety as that required by the standards, and because parking and ADA aren't going to be issues in the future, the proposed design exception is better than other option which includes more driveways.



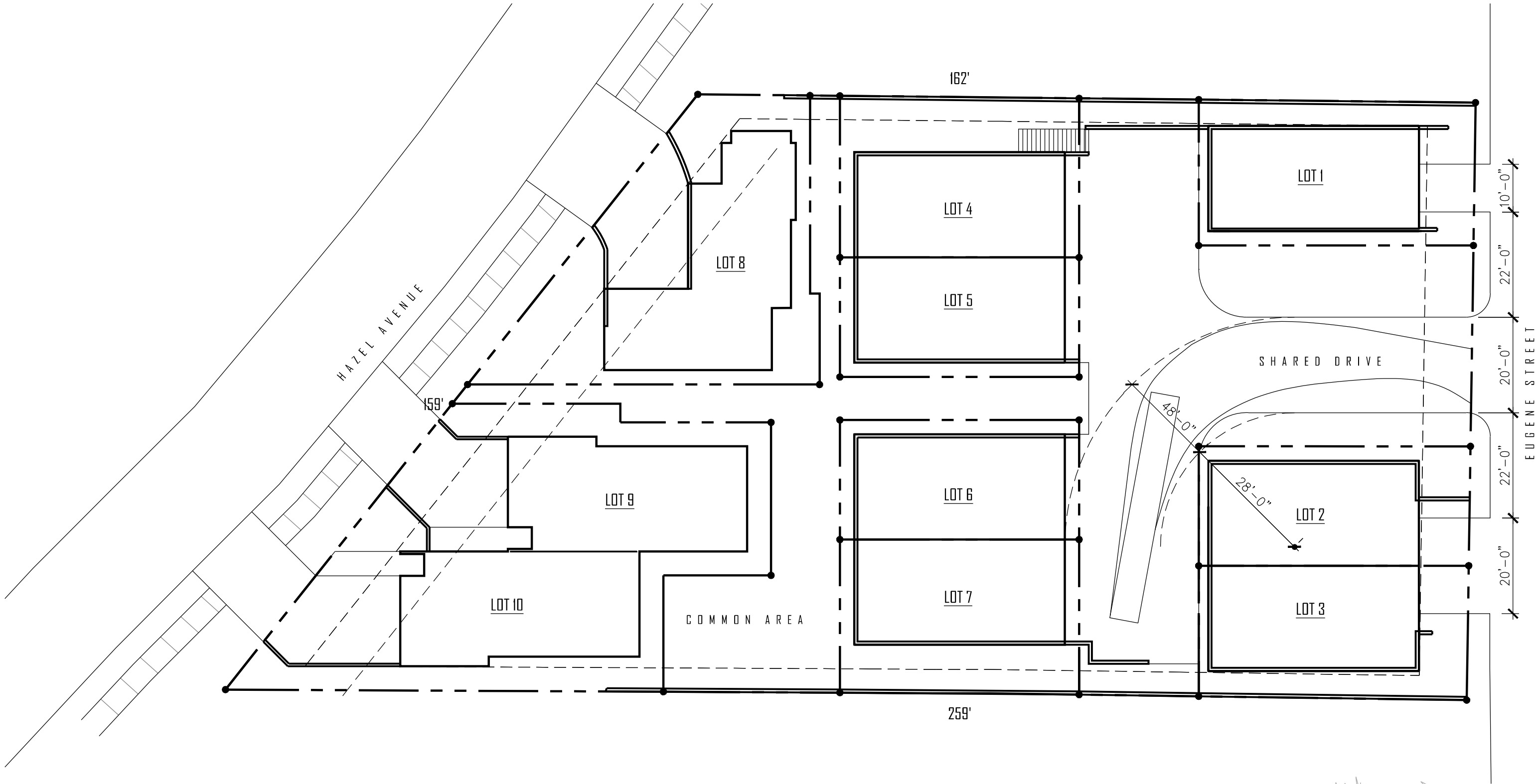
UNIT DEVELOPMENT LAYOUT

1" = 20'-0"



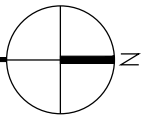
project	HAZEL RIDGE
issue date	05.04.2021
phase	SCHEMATIC
surround architecture, inc. - portland, or - 503.224.6484 (c) 2020 surround architecture, inc.	





ALTERNATIVE UNIT DEVELOPMENT LAYOUT

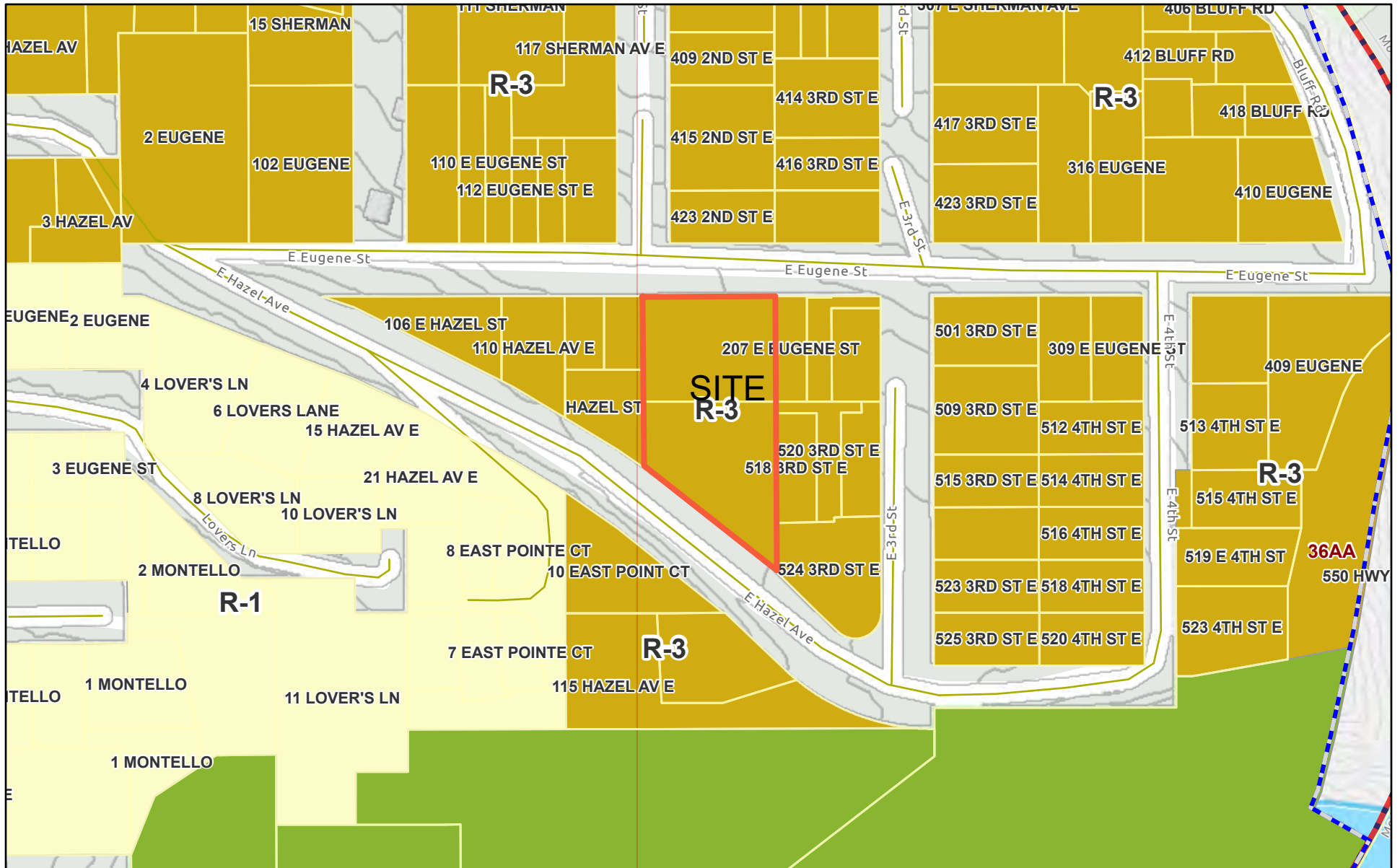
1" = 20'-0"



project	HAZEL RIDGE
issue date	03.26.2021
phase	SCHEMATIC
surround architecture, inc. - portland, or - 503.224.6484 (c) 2020 surround architecture, inc.	



Location Map - File 2021-07



5/27/2021, 9:05:27 AM

UGB_BuildingOutlines2016
 City Limits
 Urban Growth Boundary

Hood River SITUS Addresses
 QuarterQuarterGRID

City Zoning
 R-1
 R-3

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Esri Community Maps Contributors, State of Oregon GEO, WA State Parks

Attachment B
File No. 2021-07



CITY OF HOOD RIVER

Engineering Department | (541) 386-2383

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

ENGINEERING DEPARTMENT COMMENTS

THIS IS NOT A PERMIT

June 10, 2021

Applicant: Surround Architecture, Inc.
Owner Name: Inland Pacific Oregon II, LLC
Site Address: 209 E Eugene Street
Legal Description: 03N10E36AB Tax Lots 6900 & 6903
Subject: Planning Review
File #: 2021-07

Based on the submittal materials, the Engineering Department and Public Works have the following items to address:

1. **General:** These comments cover planning requirements for adequate public facilities and do not include engineering specifications or other more specific requirements of the City of Hood River (COHR).
2. **General:** A geotechnical report shall be required for all developments that propose significant structures, stormwater infiltration, the construction of public or private streets, are located in a geographic hazard zone, or in the opinion of the City Engineer soil conditions warrant geotechnical analysis.
3. **General:** All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services, and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.
4. **General:** A ten foot (10') public utility easement (PUE) is required along all frontage of public streets. Exceptions to this requirement must be coordinated with all appropriate utilities and documentation provided to the City. No new above ground utility structures will be allowed within the City ROW.
5. **General:** All retaining walls and/or driveway bridges in or supporting the right-of-way shall meet all HRES and applicable requirements.
6. **Transportation:** Driveways on Eugene Street as submitted do not meet HRMC 13.28.040(A) and 16.12.020G(1) access spacing. Per HRMC 13.28.040(A) and 16.12.020.G(1), a minimum of twenty-two (22) feet is required on local streets. Per HRES 7.2C, intersection spacing (offsets) shall be determined by HRMC Table 13.28-A: City of Hood River Access Management Spacing Standards (except for local street driveway spacing). A design exception for 14-foot driveway spacing on E Eugene St would be required for this development as submitted.

Attachment C
File No. 2021-07

7. **Transportation:** A revised TAL dated 6/3/2021 has been received. The TAL estimates trip generation and distribution, evaluates sight distances, and summarizes posted speed limits, collision data and functional classifications. Traffic counts were provided for the E. Hazel / E. Eugene intersection. The TAL presented crash data from the ODOT Crash Analysis and Reporting Unit indicating no reported collisions at the E. Hazel / E. Eugene intersection from 2010-2019. The TAL indicates a relatively minor increase in daily traffic (11%) through the E. Hazel / E. Eugene intersection. The TAL also presents valid arguments for a design exception to the driveway spacing requirements discussed previously, namely the parking restrictions in place on E. Eugene and the fact that without the design exception one additional driveway would be required to serve the development.
8. **Frontage Improvements:** The City's TSP classifies E Eugene St as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is 50 feet. The Applicant is required to provide up to half street frontage improvements as outlined in the City's TSP. However, due to topographic constraints, the City is willing to decrease the full paved width and not require curb & gutter, planter strip, or sidewalk. The width of pavement required will be determined at final Engineering review and will not be less than 20'. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.
9. **Frontage Improvements:** The City's TSP classifies E Hazel Ave as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is variable width (approx. 60 feet in this location). The Applicant is required to provide up to half street frontage improvements as outlined in the City's TSP (28' paved full width). However, due to topographic constraints, the City may be willing accept a modified roadway cross section. A 28' wide roadway or an equivalent width of roadway and sidewalk may be considered. The final decision shall be determined following the site survey. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.
10. **Driveway Width:** Two lots for single family dwellings are proposing access off E Hazel Ave. The two lots have approximately 75-feet of property frontage. Per HRMC 13.28.020(B), property frontage 51 to 75 feet are allowed one curb cut with a maximum driveway approach of 25 feet, including wings. The proposed 25-foot-wide driveway approaches on E Hazel Ave appear to meet City standards.
11. **Private Streets:** At a minimum, the interior private street shall be designed as the Six Home Private Street, which can be used for up to six homes. The City's standards outlined in the TSP require two ten-foot (10') travel lanes. All private streets shall be built to public street subgrade standards. The private street / shared driveway provides a large hammerhead style turnaround. Backing onto E. Eugene from the private street will not be allowed.
12. **Street Standards:** Public and private streets shall also conform to criteria in Public Facilities Standards (HRMC 16.12.060).
13. **Frontage Improvements:** Per HRMC 13.12.110, all trees within the ROW shall remain and be protected during all construction activities. The applicant shall hire an arborist to consult

and produce an arborist report for the existing street trees in the ROW. The arborist report shall establish criteria for protection during construction, trimming and removal or retention.

14. **Frontage Improvements:** Per the HRMC 16.12.60 and HRES, street lighting is required at intersections, mid-block, and at a maximum spacing of 300 feet. Streetlight shielding, and intensity shall comply with the City of Hood River Standards. Contractor to install Pacific Power standard base. Applicant to coordinate purchase and installation of streetlight with the Public Works Department and Pacific Power. A streetlight will be required on E Hazel Ave.
15. **Geologic Hazard Zone:** The site lies in a Geological Hazard Overlay Zone, therefore a geotechnical report is required for this development. All requirements and standards for the underlying zone designation (R-3) shall be met.
16. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. The proposed retaining walls along property lines need to be constructed without affecting neighboring properties. If construction occurs on neighbor's property an easement shall be obtained from affected neighboring property owners. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required. The applicant has provided a preliminary detail for retaining walls that appears to meet this requirement.
17. **Stormwater:** A stormwater management plan and water quality plan as described in the HRES will be required for this development. The concepts described in the preliminary stormwater management plan submitted with the application describe what appears to be a feasible method to meet the requirements.
18. **Water:** City water, six-inch (6") cast iron, is available in E Eugene St to serve the eight proposed townhomes. City water, eight-inch (8") PVC, is available in E Hazel Ave to serve the two proposed single-family dwellings. The applicant has performed a hydrant flow test and has confirmed adequate fire flow and duration exists (1500 gpm for two hours at 20 psi at the fire hydrant).
19. **Sanitary Sewer:** Public sanitary sewer, eight-inch (8") concrete, is available in E Eugene St to serve the eight proposed townhomes and in E Hazel to serve the two proposed single-family homes. Sanitary sewer services shall serve no more than one ownership. A sanitary sewer grinder pump pressure system may be required for this site, if required, a pressure to gravity connection is required.

Thank you,

Wade Seaborn, PE
City Engineer

Andrey Chernishov, PE, CWRE
City of Hood River Engineering



CITY OF HOOD RIVER

FIRE & EMERGENCY MEDICAL SERVICES

1785 Meyer Pkwy, Hood River, OR 97031 | HoodRiverFire.com



April 30, 2021

Jennifer Kaden
Planning Department
City of Hood River
211 2nd Street
Hood River, OR 97031

Re: Haze Ridge PUD; File No. 2021-07

Dear Mrs. Kaden,

Thank you for the opportunity to review the proposed site plan surrounding the above-named development project. These notes are provided in regards to the plans received April 22, 2021. There may be more or fewer requirements needed based upon the final project design. However, Hood River Fire & EMS recommends conformance with the following requirements of the Oregon Fire Code (OFC), 2019 edition:

FIRE APPARATUS ACCESS:

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:**
Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)
2. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1)
3. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)
 - The access roadway between Lot 2 and Lot 3 shall be NO PARKING – FIRE LANE
 - HRMC 17.04.130 – meets requirements for access of emergency vehicles
 - HRMC 16.12.020.K – meets requirements for access of approved fire equipment

**Attachment D
File No. 2021-07**

4. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)
 - Provide these painted curbs at the access roadway between Lot 2 and Lot 3
5. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced as to provide all-weather driving capabilities. (OFC 503.2.3)
6. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%.
7. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)
 - The grade for the angle of approach off Eugene Street to Lots 5-8 or "shared driveway" shall be as flat as possible and have a maximum of 5% grade at the angle of approach.
8. **AERIAL APPARATUS OPERATING GRADES:** Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.
9. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational before any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)

FIRE SAFETY DURING CONSTRUCTION:

10. **PORTABLE FIRE EXTINGUISHERS:** Structures under construction, alteration or demolition, shall be provided with not less than one approved portable fire extinguisher. (OFC 3315)
11. **GENERAL PRECAUTIONS AGAINST FIRE (Chapter 3):** Open burning of construction materials is prohibited in the City of Hood River. Combustible Waste material, trash and rubbish shall not be burned. Accumulations of such material shall be removed from the site as often as necessary to minimize the hazards. (OFC 307)

FIREFIGHTING WATER SUPPLIES:

12. **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons

per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)

13. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)

- Work with City Engineering to confirm availability and consistency with HRMC 17.16.040

INTERNATIONAL WILDLAND-URBAN INTERFACE CODE

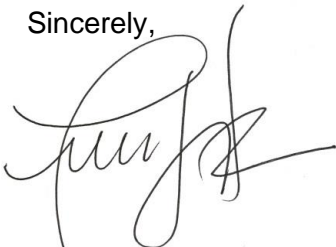
The project is located within the City's Urban Wildland Interface and therefore the project must comply with City WUI regulations and construction standards applicable to siting, construction and access. A condition of approval is required that prior to the issuance of building permit, the applicant shall demonstrate compliance with the INTERNATIONAL URBAN-WILDLAND INTERFACE CODE, HRMC Chapter 15.42 as adopted

BUILDING ACCESS AND FIRE SERVICE FEATURES

14. **FIRE PROTECTION SYSTEMS:** Fire Sprinkler Systems (required) An automatic fire sprinkler is required to be installed in accordance to NFPA 13D, in all residential buildings.
15. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)

If you have questions or need further clarification, or would like to discuss any alternate methods and materials, please feel free to contact me at (541) 386-9458 or l.damian@hoodriverfire.com

Sincerely,



Leonard Damian
Fire Chief

Jennifer Kaden

From: County Surveyor <surveyor@co.hood-river.or.us>
Sent: Monday, May 3, 2021 8:54 AM
To: Jennifer Kaden
Subject: Re: Request for Comments: Hazel Ridge PUD; File No. 2021-07
Attachments: image001.png

Nothing specific, your typical wording on the approval letter about the plat being prepared by a licensed surveyor and submitted to my office for review will work.

Brad Cross
Hood River County Surveyor
918 18th Street, Hood River, OR 97031
541-386-2616

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Monday, May 3, 2021 8:38 AM
To: County Surveyor
Subject: RE: Request for Comments: Hazel Ridge PUD; File No. 2021-07

Thanks, Brad -

The applicant labeled the attached as the preliminary plat. If you have comments about revisions/additions you will need on the final plat, that would be helpful.

Thanks,

Jennifer

Jennifer Ball Kaden • Planner

City of Hood River • cityofhoodriver.gov

211 2nd Street • Hood River, OR 97031 • P 541-387-5215

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Attachment E
File No. 2021-07

DISCLAIMER: This e-mail is a public record of the City of Hood River and is subject to public disclosure unless exempt from disclosure under the Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

-----Original Message-----

From: County Surveyor <surveyor@co.hood-river.or.us>

Sent: Monday, May 3, 2021 8:29 AM

To: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>

Subject: Re: Request for Comments: Hazel Ridge PUD; File No. 2021-07

Hi Jennifer,

I have no comments at this time for this one. I look forward to receiving the PUD plat for review.

Thanks.

Brad Cross

Hood River County Surveyor

918 18th Street, Hood River, OR 97031

541-386-2616

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov<mailto:J.Kaden@cityofhoodriver.gov>>

Sent: Thursday, April 22, 2021 2:10 PM

To: County Surveyor; Duane Ely; Brian Beebe; Mark VanVoast

Cc: #Building

Subject: Request for Comments: Hazel Ridge PUD; File No. 2021-07

Greetings,

This is a Request for Comments on Conditional Use (CUP), Planned Development (PUD), and Subdivision applications submitted for a residential development with two single-family detached homes and four 2-unit townhome buildings on property located between E. Hazel Avenue and E. Eugene Street in Hood River (3N10E36AB Tax Lots 6900 & 6903). This proposed development is referred to as Hazel Ridge PUD (File No. 2021-07). Attached are the preliminary project plans, including preliminary plat, for your reference.

The site is zoned Urban High Density Residential (R-3) in a Geological Hazard Overlay zone and in the Wildland Urban Interface area (WUI). Vehicular access to the site from E. Hazel Avenue is proposed via two driveways each serving a detached single-family dwelling; vehicular access from E. Eugene Street is proposed via three shared driveways – one each for 2-unit townhouse buildings on the north side of the site, and a third to serve two 2-unit townhomes in the interior of the site. The project includes designation of common open space, installation of public and private utilities, and construction of associated site improvements including retaining walls.

To assist with review of the land use applications, please provide comments regarding any concerns you have about the proposal. Please provide any written comments you have on the proposal by Friday, May 14th. Please let me know if you have questions or need additional information.

Thank you,

Jennifer

Jennifer Ball Kaden • Planner

City of Hood River • cityofhoodriver.gov

211 2nd Street • Hood River, OR 97031 • P 541-387-5215

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Jennifer Kaden

From: Brumley, Tonya <Tonya.Brumley@nwnatural.com>
Sent: Friday, April 23, 2021 12:42 PM
To: Jennifer Kaden
Cc: Hart, William; Westfall, Aaron
Subject: Request for Comments: Hazel Ridge PUD; File No. 2021-07

Thank you Jennifer-

Please note for developer that the gas main is in Eugene, but not on the portion of Hazel which is adjacent to the south side of this project. I see that the PUD has common space with easements designed for use at the center of the project. When the developer is ready to design out the gas infrastructure we can see what will be approved by our engineering department.

Best,

Tonya Brumley

NW Natural – Community Affairs Manager
Columbia Gorge Region

1125 Bargeway Rd, The Dalles Or 97058

w: 503-610-7954 m: 541-993-8889

toll free: 800-422-4012

f: 503-721-2500 email: tib@nwnatural.com

**** Please note NEW OFFICE PHONE NUMBER****

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Thursday, April 22, 2021 2:04 PM
To: Brumley, Tonya <Tonya.Brumley@nwnatural.com>
Cc: Hart, William <william.hart@nwnatural.com>; Westfall, Aaron <aaron.westfall@nwnatural.com>
Subject: [External]Request for Comments: Hazel Ridge PUD; File No. 2021-07

CAUTION: This email originated outside NW Natural. Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings Tonya –

This is a **Request for Comments** on Conditional Use (CUP), Planned Development (PUD), and Subdivision applications submitted for a residential development with two single-family detached homes and four 2-unit townhome buildings on property located between E. Hazel Avenue and E. Eugene Street in Hood River (3N10E36AB Tax Lots 6900 & 6903). This proposed development is referred to as **Hazel Ridge PUD** (File No. 2021-07). Attached are the preliminary project plans for your reference.

The site is zoned Urban High Density Residential (R-3) in a Geological Hazard Overlay zone and in the Wildland Urban Interface area (WUI). Vehicular access to the site from E. Hazel Avenue is proposed via two driveways each serving a detached single-family dwelling; vehicular access from E. Eugene Street is proposed via three shared driveways – one each for 2-unit townhouse buildings on the north side of the site, and a third to serve two 2-unit townhomes in the interior of the site. The project includes designation of common open space, installation of public and private utilities, and construction of associated site improvements including retaining walls.

To assist with review of the land use applications, please provide comments regarding any concerns you have about the proposal. **Please provide any written comments you have on the proposal by Friday, May 14th.** Please let me know if you have questions or need additional information.

From: [Mark Hickok](#)
To: [Jennifer Kaden](#)
Subject: 2021-07 – Hazel Ridge CUP/PUD/SUB
Date: Thursday, June 10, 2021 5:12:08 PM

Dear Jennifer,

I am writing to comment on File No: 2021-07 – Hazel Ridge CUP/PUD/SUB. Hazel Ave/E Hazel is heavily used by pedestrians walking between the E Hazel Indian Creek Trailhead and the 2nd Street Stairs. The streets in this neighborhood are narrow with blind corners and nearly no sidewalks. Any opportunity we have to create safe pedestrians connections should be explored. I recommend requiring the developer to create a public path to connect pedestrians from East Hazel Ave to E Eugene St.

Please let me know if you have any questions or would like more information from me.

Sincerely,

Mark

Mark Hickok, Director
Hood River Valley Parks & Recreation District
hoodriverparksandrec.org

Attachment G
File No. 2021-07

Jennifer Kaden

From: Christie Bradley <hrcbradley@gmail.com>
Sent: Wednesday, February 24, 2021 6:10 AM
To: Planning
Subject: Proposed Hazel Ridge high density PUD at 209 Eugene St.

I have many concerns about this proposal of the Hazel Ridge high density PUD at 209 Eugene St. The first and foremost is the infrastructure. Those are tiny, narrow, poorly kept roads with blind spots. In the winter, especially, those roads can be a nightmare. Getting more people down there on bicycles and walking around, etc., this seems like a tragedy waiting to happen.

In addition, the parking does not seem adequate for the number of homes. This will add to the congestion.

The second is that we really need more low income housing and, from what I understand, this does not address that.

I have fewer issues with high density - we may well need that to accommodate growth. But this is not addressing needs of housing lower income residents in Hood River.

Thank you for listening to my concerns.

Jennifer Kaden

From: Krystyna Bednarz <krystyna.p.bednarz@gmail.com>
Sent: Sunday, February 21, 2021 2:39 PM
To: Planning
Cc: Dustin Nilsen; Sue Powers; Bill Irving; Tina Lassen; Amy Schlappi; Megan Ramey; Erika Price
Subject: Proposed Hazel Ridge high density PUD concerns

Hello,

I live at 7 East Pointe Ct., Hood River and recently became aware of the proposed Hazel Ridge PUD at 209 Eugene St. Based on the information gained from the last community zoom meeting, the developers plan to place two homes and 8 townhomes on a lot that is barely over 0.5 of an acre (26,000 sq feet). The townhomes will have single car driveways and the garages will be able to hold 1.5 of a car based on their own drawings. Considering that an average household has two cars we can expect a minimum of 20 cars needing parking. The developers are proposing only 2 additional parking spots for guests. This development will have driveways both on Eugene St and Hazel Ave.

I have 3 concerns with regard to the impact of this development on the neighborhood. I currently oppose this development and would like to ask the city to give thoughtful consideration to the following:

- 1.) Increased traffic on these two very narrow streets, Eugene St and Hazel Ave. In portions, these roads are currently single lane and requires us to back up to pass each other. They are not build to accommodate more traffic and large road improvements are necessary if additional development is to occur.
- 2.) Inadequate parking on the property and the difficulty of parking tandem will result in multiple cars being parked on Eugene St and Hazel Ave which are already very narrow.
- 3.) Lastly, I believe this development is simply too dense. Placing 10 residencies on a 26,000 lot does not lend itself to a living arrangement that considers privacy, noise, green space, and livability. It is also far more dense than the existing neighborhood.

Thank you.

Sincerely,
Krystyna Bednarz

Attachment H.2
File No. 2021-07

Jennifer Kaden

From: Dustin Nilsen
Sent: Monday, March 1, 2021 8:15 AM
To: Jennifer Kaden
Subject: FW: Hazel Ridge Development

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



From: mastroud@charter.net <mastroud@charter.net>
Sent: Monday, March 1, 2021 7:48 AM
To: Dustin Nilsen <D.Nilsen@cityofhoodriver.gov>
Cc: Mark Frost <M.Frost@cityofhoodriver.gov>; Sue Powers <S.Powers@cityofhoodriver.gov>; Bill Irving <B.Irving@cityofhoodriver.gov>; Tina Lassen <T.Lassen@cityofhoodriver.gov>; Megan Ramey <M.Ramey@cityofhoodriver.gov>; Erika Price <E.Price@cityofhoodriver.gov>; Amy Schlappi <A.Schlappi@cityofhoodriver.gov>
Subject: Hazel Ridge Development

Hello Director Nilsen,

I'm contacting you to share concerns about the proposed Hazel Ridge development between E. Hazel and E. Eugene Streets.

My greatest concern is not so much about the development itself, but rather how the immediate neighborhood road infrastructure will be able to effectively and safely be able to accommodate it. Over the last ten years or so, several new single family and multi-unit developments have been approved in the area without any notable improvements to effectively and safely accommodate the corresponding increase in vehicle and pedestrian traffic. If approved as proposed, the new Hazel Ridge development will be the most significant to date. As I understand it, the minimum zoning requirement for this proposed development assumes at least two automobiles for each unit. Hence, a minimum of twenty (20) additional vehicles housed for residents of Hazel Ridge, plus the added vehicle traffic from their guests, delivery and service vehicles etc. It is conceivable that the average added quantity of vehicles entering/exiting the immediate neighborhood would be over 30-35 a day.

As it is, the increased residential development within the boundaries of E. Hazel Ave., North to E. Sherman St., and Serpentine Rd., East to Bluff Rd., and E. 4th St., has made vehicle and especially pedestrian travel often hazardous, especially in the winter months. Given the exponential increase in daily vehicle trips and the even greater potential increase in pedestrian travel the Hazel Ridge development would cause, I am very interested to learn about how the City and the Planning Dept., are going to mitigate this problem.

Attachment H.3
File No. 2021-07

Specifically, the intersections of E. Eugene & E. Hazel, E. 4th & E. Hazel, E. Eugene and Bluff Rd., are practically *single lane* roads with no space for pedestrians to travel safely let alone two automobiles to safely pass by each other. Additionally, there is no pedestrian crossing on E. State St where it intersects with E. 2nd St.

FWIW, I understand and support the spirit of R3 high-density zoning in this neighborhood. I do not, however, believe it is sustainable without compromising the neighborhood's safety and quality unless The City makes corresponding improvements to its infrastructure. I know that many of neighbors have similar concerns.

I look forward to your thoughts,

Mike Stroud 🇺🇸

(541) 386-5477

mastroud@charter.net

Jennifer Kaden

From: Dustin Nilsen
Sent: Monday, March 1, 2021 9:54 AM
To: Jennifer Kaden
Subject: FW: Hazel Ride PUD - 209 East Eugene

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



From: Mary M. Blosser <marymblosser@gmail.com>
Sent: Monday, March 1, 2021 9:48 AM
To: Dustin Nilsen <D.Nilsen@cityofhoodriver.gov>
Subject: Hazel Ride PUD - 209 East Eugene

Hello Dustin,

I attended the neighborhood Meeting for Hazel Ridge PUD on February 23 and there were many remaining concerns and questions. During the Neighborhood Meeting the Architect for Hazel Ridge said that the City was evaluating their PUD application presently.

I realize that there will be a public comment period and a planning commission hearing, but there were several questions that will take the neighborhood members some time to evaluate. We would like the following information at this time.

1) Can we please have a copy of the Geotechnical Report by Bell Engineering, a copy of the Traffic Study Report and a copy of the PUD application, everything outlined in 17.07.80 B General Submission Requirements and C. Additional Information.

Thank you!

Respectfully,

Margo Blosser
423 East 3rd
Hood River, Oregon

Attachment H.4
File No. 2021-07

Jennifer Kaden

From: Krystyna Bednarz <krystyna.p.bednarz@gmail.com>
Sent: Wednesday, June 9, 2021 10:50 PM
To: Jennifer Kaden
Subject: Objection to the development of Hazel Ridge PUD file no# 2021-07
Attachments: Hazel and Eugene intersection.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear members of the Planning Commission,

Thank you for this opportunity to address my concerns with regard to the proposed Hazel Ridge CUP/PUD/SUB. My name is Krystyna Bednarz and I live at 7 E Point Court, Hood River. My street is a small lane off of Hazel Ave just east of the intersection of Hazel Ave and Eugene St. I object to the building of this subdivision for the following reasons. My concerns center on the negative impact upon traffic in the setting of insufficient infrastructure, street parking and additional negative impact to bikers and pedestrians. Both Hazel Ave and Eugene St have very narrow, single lane, segments. Both streets are at their narrowest when they intersect. Furthermore, the narrow, single lane segment of Hazel is quite long and includes a blind corner. If you drive or walk these segments as they are today the conditions are already dangerous. Two cars moving in opposite directions are not able to pass each other and one car has to back up and wait. This situation is even more dangerous in the winter during periods of snow and ice. Furthermore, with the existing residences, Hazel Ave already has multiple cars parked along the north side of the street on a regular basis. The proposed PUD has 10 residences and therefore we can expect an additional 20 cars to impact traffic and parking based on the average number of cars/household per US Dept of Transportation data. The proposed townhomes have single car garages and propose a tandem parking system at these homes. We all know that folks who live in Hood River store sports equipment in their garages and are rarely able to park their cars in them and that tandem parking is very inconvenient and cumbersome. This will inadvertently result in multiple additional cars being parked on the street. These streets serve as areas for kids to play, pedestrians to walk and bicyclists to ride. If we narrow and obstruct them further with cars without improving the streets, building sidewalks or adding bike lanes it will rob us of these activities and diminishes the livability of our neighborhood. Please see below a picture of the intersection of Hazel Ave and Eugene St. I took this picture while waiting in my car for my turn to drive the narrow segment of Hazel Ave. The blind corner is just beyond the garbage truck in this image. The red car is coming up Eugene St and the garbage truck wants to go down Eugene St. I believe this image speaks for itself. Please do not vote to increase traffic on these streets without a clear plan for infrastructure improvement.

Thank you for your time,

Krystyna Bednarz [Hazel and Eugene intersection.pdf \(1,909K\)](#)

Attachment H.5
File No. 2021-07



From: [CREW - Jan & Terri Buskop](#)
To: [Jennifer Kaden](#)
Subject: Comment 2021-07-Hazel Ridge CUP/PUD/SUB
Date: Thursday, June 10, 2021 4:42:30 PM

To whom it may concern-

We are very concerned that parking will become a serious issue once the 8 new units are built along E. Eugene St. The developer is planning to provide a tandem garage; one car per garage with one car in the driveway. However, we find that many homes in Hood River use their garages for storage rather than parking. In this case, many cars will be pushed onto the street. In addition, many parts of the street along E. Eugene St. are extremely narrow. The street going through the current property location is one of those extremely narrow parts making it very difficult to get cars, trucks and emergency vehicles up and down the road. We recommend the planning commission require the developer to provide sufficient space along the street for additional parking and the street be wide enough to provide proper access along E. Eugene St.

Thank you,

Jan & Terri Buskop

Attachment H.6
File No. 2021-07

From: [Chris Gardner](#)
To: [Jennifer Kaden](#)
Subject: Hood River planning commission
Date: Thursday, June 10, 2021 9:37:22 AM

Hello there. I live at 410 E Eugene st and Bluff. I would like to go on record to express my concern with the 10 units being considered on East Eugene st for the Hazel Ridge PUD. Having seen the proposed plan and seeing that I live on this street. I would like to ask. WHAT ON EARTH ARE YOU ALL THINKING ? This is a very old part of town, very narrow streets/ WITH power polls, children playing, Blind corners and a very long HILL. Considering adding 12 or 10 units to this street is insane ! Adding 20 more cars moving up and down this OLD street WILL impact everyone living on this East side of the stars ! ADD 4 nice units COULD be tolerated. Besides all the Water and drainage problems. STOP AND TAKE A LONG LOOK AT WHAT YOUR THINKING OF DOING TO THE SAFTY AND QUALITY OF LIFE HERE. Thank you. Chris Gardner

From: [christine.parker](#)
To: [Jennifer Kaden](#)
Subject: Comments on Hazel Ridge PUD
Date: Thursday, June 10, 2021 4:27:04 PM

Hello Ms. Jennifer Kaden,

I am writing to offer comments on the development project planned for Hazel Ridge PUD between E. Eugene and E. Hazel streets for 10 units.

I own the house at 415 East 2nd street and also the lot at the corner of E. Eugene and E 2nd (which I own with my Parents).

My main concern is appropriate management of the uphill run off. Every year since 2000, I have had water pouring over E. 2nd creating a few challenges: 1) flooding issues in my basement from the fall to the spring; 2) the water freezes in the cold weather months making access more difficult; and 3) the repeated water runoff down E. 2nd street has undermined the road surface, despite the very limited traffic.

Over the years I have dealt with the issues on my own as best as possible. With each subsequent uphill construction project, the issues got worse. I have called the city many times over the years to come help me when the situation was overwhelming and they would dispatch a crew to clear blackberries, dig the drainage ditch deeper, pile on sandbags, etc. Yet, the problems remained and got worse as uphill development increased.

Last fall the city added a pipe along the very upper part of the drainage ditch, after another big storm flooded myself and other downhill neighbors. I am grateful for this improvement (thank you), but am concerned this will not be adequate to address heavy rains or heavy snow melts. And, despite this welcomed improvement, I still get a fair amount of water down the driveway on heavy rains which I still manage.

I would ask that the city ensure that the run-off and drainage issues are well considered for us folks downstream.

Another concern is the number of access points to E. Eugene. Is it possible to create one access point? With people trying to avoid traffic downtown and increased development, E. 2nd street has become busier with pedestrians, cyclists and cars. One access point would be a safer way to manage in/out traffic from the new development for all involved.

Attachment H.8
File No. 2021-07

I appreciate the plan to keep the trees along the north side of E. Eugene, and also to include some green space and tree planting within the development. This old neighborhood is especially known for its big trees and forested, wild feel; and it's great to preserve the elements that actually make this neighborhood so nice.

Regards,

Christine Parker

415 E. 2nd Street

503-504-8280

From: [Brad Schell](#)
To: [Jennifer Kaden](#)
Subject: Hazel Ridge comments
Date: Thursday, June 10, 2021 3:38:57 PM

Hello,

Thank you for accepting public comments on the proposed Hazel Ridge project.

I live down the hill directly North of the project. Obviously the project is going to have quite an impact on the traffic and parking on E Eugene. The plans call for 3 access points for cars along Eugene. I was wondering if it would be safer to have one access point similar to the triplex that was recently built directly to the East? In part because E Eugene drops fairly quickly to the East making it difficult to see traffic coming down the street from the West. If there were one access point it would likely mean residents would be driving out facing forward and not backing directly onto the street. Backing out potentially would be difficult (maybe even dangerous) with the lack of visibility. FYI, E Eugene is a bit of a highway for cyclists. During the warmer months, many cyclists come blasting down E Eugene daily as a way to avoid downtown traffic and make their way East.

I'd also like to thank the City and all involved for making a commitment to preserve the many oak trees on the N side of the street. Myself and all of the neighbors I've communicated with are very relieved to know they will not be disturbed.

Thank you.
Warm regards,
-Brad Schell
423 E. 2nd Street

Attachment H.9
File No. 2021-07

Comments for Hazel Ridge PUD

Margo Blosser

423 East 3rd, Hood River

1) Site Plans are missing required information

Municipal Code 17. 16. 030 submittal requirements state that the following items are required on a site plan.

2. Location and Heights of buildings and structures both existing and proposed. Scaled elevation drawings and photographs shall be required.

10. Contours map at 2 foot intervals 5 foot Contours maybe allowed on steep slopes.

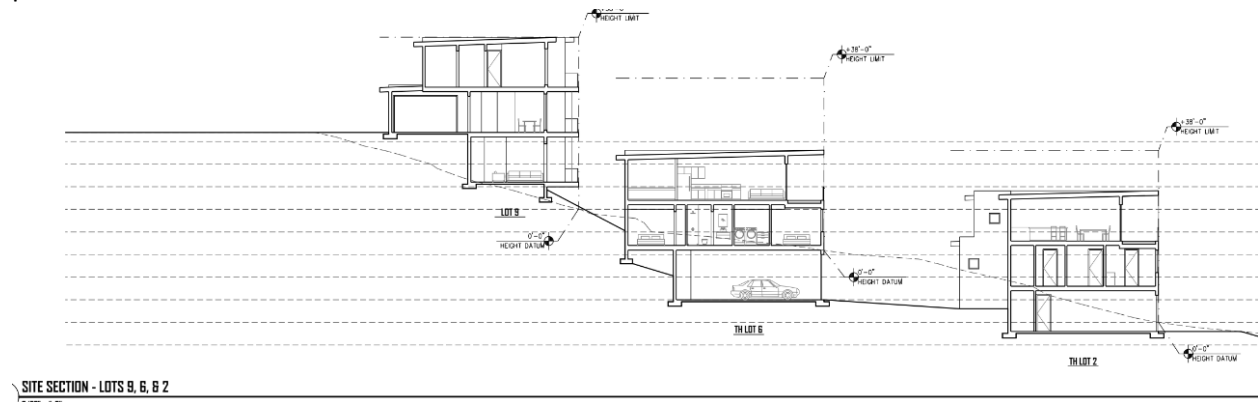
17. Grading and drainage plan.

18. Other site element that will assist in the evaluation of site development.

Drawing number one "Site Plan Existing Conditions" Contour intervals are not shown on the map, nor are there any guide contour intervals that contour interval can be inferred. Without appropriate contour interval information a comparison of the existing grade to what is proposed in the grading plan is not possible.

Drawing number 112 "Site Plan Grading" has limited existing contours and without the contour interval on the contour map, it is impossible to evaluate how much slope will be removed

Drawing "Site Section 1 + 2, A401". The vertical profiles do not have any indication of height except for the 38-foot height limit. There is no indication of where the 28-foot height limit is. Although code allows for buildings to be over 28ft, setbacks are different between a 28-foot height building and over 28 feet. There isn't any indication or way to tell what the height of the buildings will be except for Lot 10 and Lot 8. The vertical axis does not indicate what the interval is in the profile.



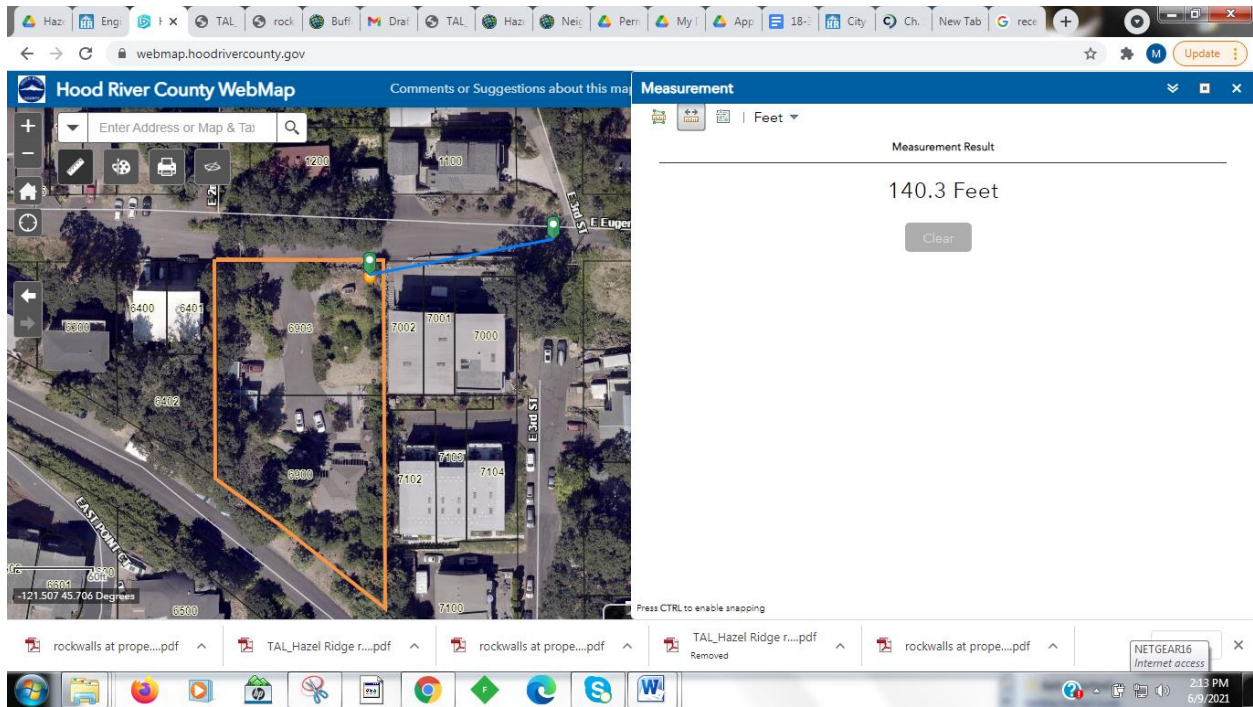
Drawing 111A "Site Plan Development Plan" does not show the setback required for the garage facing East Eugene.

- 2) **Side Setbacks should be 8 feet for Single Family Houses on East Hazel.** Municipal Code 17.03.030 Section 3, item b, side yard/rear yard setbacks "Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.". Lot 9 and lot 10 are shown on the site plan to be 38 feet and should have a setback of 8 feet.
- 3) **Side Setbacks for townhomes cannot be determined because height information not presented in the plan documents.** Although the applicant states that the townhouses are 28 feet in height the burden of proof is on the applicant and cannot be verified in the site plans.
- 4) **20 foot Setback for Garages not shown.** The front yard setbacks for the townhouses are shown to be 10 feet on the "Site Plan –Development Plan". It is possible that the garage doors are recessed 10 feet, but the site plans should show how the 20 foot setback for the garage is achieved.
- 5) **East Eugene Street Safety.**

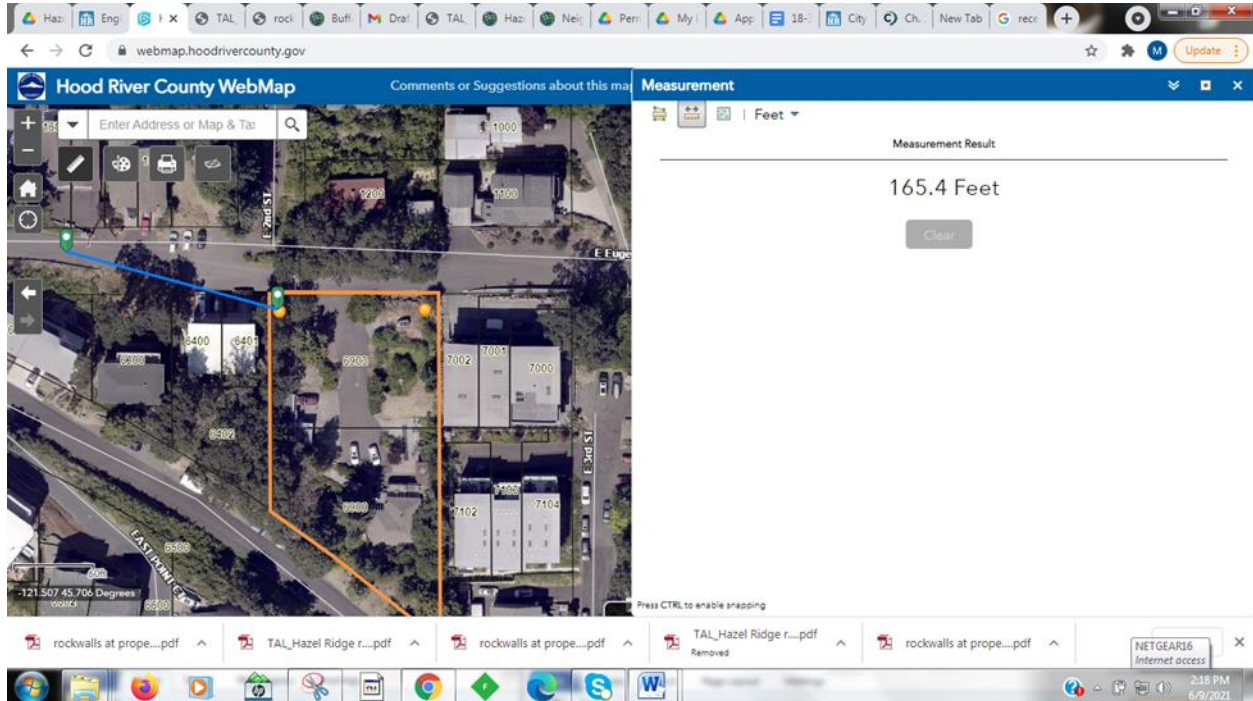
Site Distances Evaluated only for Shared Driveway and not Townhouse Driveways.

As shown on the site plan document A111 from Surround Architecture, there are 3 vehicle access points on East Eugene; two separate driveways for the townhouses facing East Eugene and one shared driveway to provide access to townhouses at the back of the development. In the Traffic Assessment Letter(TAL) from Bell Engineering dated 6.3.21, the site map and attached pictures only show an evaluation of site distances for the center shared driveway. A "planning level" evaluation using the County Web map and 2020 aerial imagery show that the driveways may have inadequate site distances to allow for drivers to see oncoming traffic. In the images below from the CountyGIS Web Map, a line was drawn from 15 feet back from the property boundary (distance TAL used), for a distance of 140 feet (Stopping Site Distance from TAL), to the approximate center of the East Eugene Travel Lane. The 2020 imagery shows the retaining wall on the adjacent property and indicates that the retaining wall may be blocking a driver's ability to see the road and/or other vehicles. A more detailed analysis based on the new grade at the townhouse locations would be required to definitively determine if there is sufficient visibility from the driveways to the East Eugene Travel Lane.

Ability of Driver to see Traffic from Townhouse Driveway - East Edge of Property



Ability of Driver to see Traffic from Townhouse Driveway -West Edge of Property.



The same process was described above as used to evaluate a driver's ability to see the road and/or other vehicles for the West side Townhouses using the Stopping Site Distance of 165 feet from the TAL . Visibility from the driveway locations to the East Eugene travel lane could be blocked by trees and cars parked on the roadway.

Turning Site Distance for Intersections Not Used

In a TAL(August 30th 2018 –File 2018-39) done by Ferguson and Associates for Surround Architecture for the property at 316 East Eugene one block East of the Hazel Ridge PUD, both stopping and turning site distances were used. The Ferguson Study states:

“Sight Distance - Sight distance is a measure of how far a driver can see the road and/or other vehicles from various points in the roadway. Sight distance is measured in different ways and acceptable sight distance varies, depending on the type of sight distance that is important for a particular segment of road or intersection, as discussed in A Policy on Geometric Design of Highways and Streets (AASHTO).”

The Ferguson TAL used intersection site distances for both right and left turns to evaluate issues with the driveway located at 316 East Eugene and East Eugene. From the AASHTO Table from the Ferguson TAL for a 25 mile speed limit an intersection sight distance for a left turn would be 280 feet, for a right turn it would be 240 feet.

Additionally Mr. Ferguson States:

“At the intersection of the driveway and E. Eugene Avenue, sight distance to the right is hindered by plantings on the slope between the parallel driveway and E. Eugene Avenue. It appears that if the Oregon grape growing on this slope were cut back to the ground, intersection sight distance for left-turns would be met for speeds up to 20 miles per hour. Further down E. Eugene Avenue there

are trees with low branches (also in the public right-of-way) which could be trimmed back, allowing intersection sight distance to be met at a speed of 25 miles per hour.”

TABLE 4 – AASHTO GUIDELINES FOR STOPPING AND INTERSECTION SIGHT DISTANCE

DESIGN SPEED	STOPPING SIGHT DISTANCE (FT.)	INTERSECTION SIGHT DISTANCE FOR LEFT-TURNS FROM STOP (FT.) (1)	INTERSECTION SIGHT DISTANCE FOR RIGHT- TURNS FROM STOP AND CROSSING MANEUVER (FT.) (2)
15	80	170	145
20	115	225	195
25	155	280	240
30	200	335	290
35	250	390	335
40	305	445	385
45	360	500	430
50	425	555	480
55	495	610	530
60	570	665	575
65	645	720	625
70	730	775	670
75	820	830	720
80	910	885	765

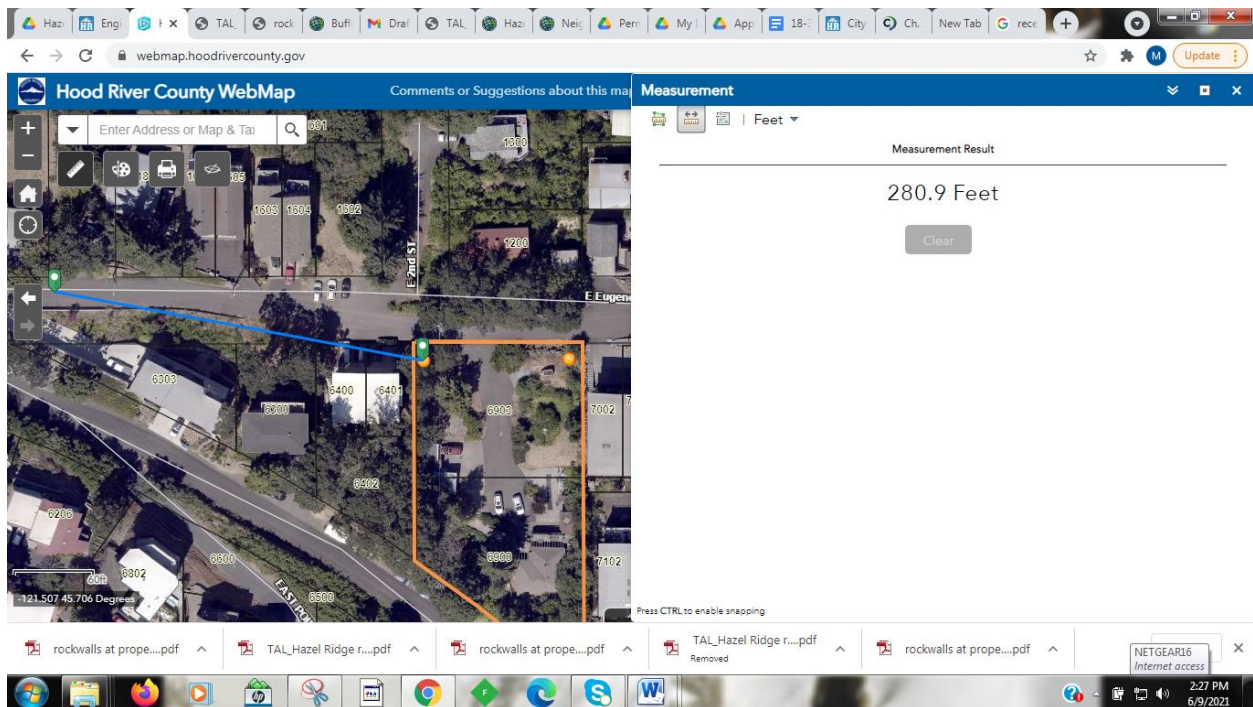
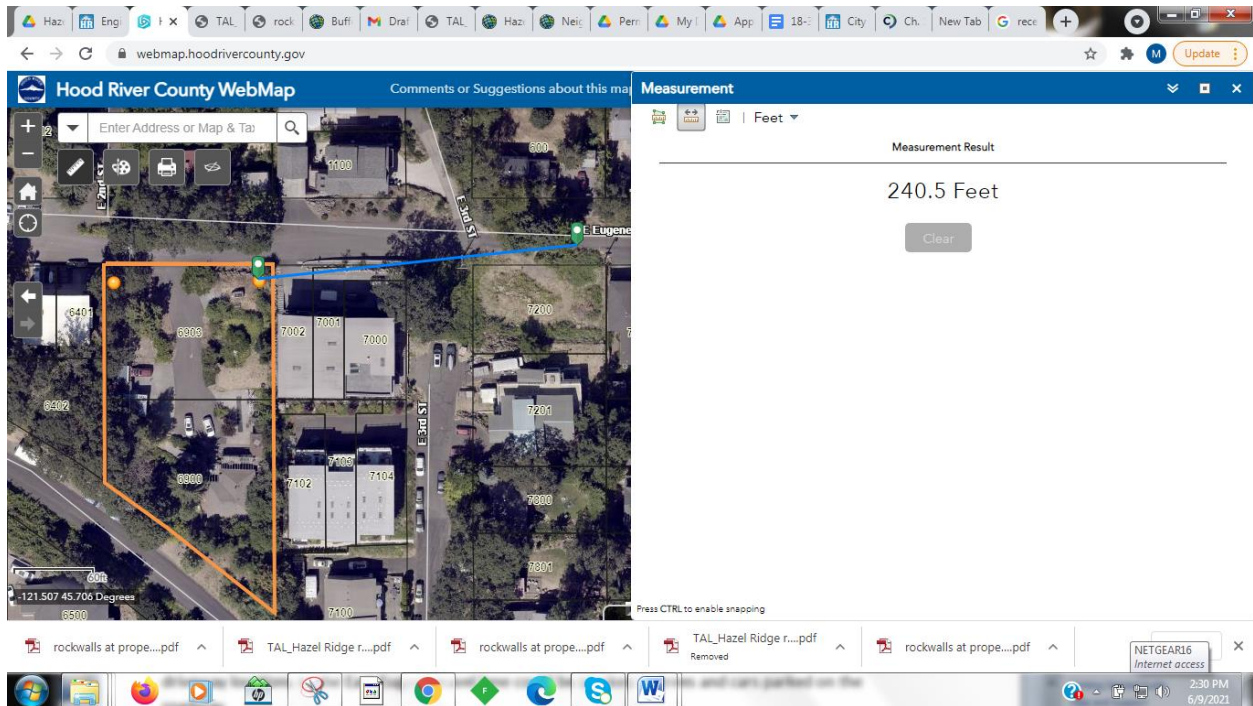
Source: A Policy on Geometric Design of Highways and Streets, AASHTO 2004

(1) Minimum distance to the right from the stopped approach

(2) Minimum distance to the left for the right turn movements and in both directions for the stopped movement.

Table from AASHTO from Ferguson TAL

Ability of Driver to see Traffic from Townhouse Driveway – Intersection Sight Distance



Given the number of cars that will be accessing East Eugene from the 8 Townhouses and the complexity of the roadway (neighboring retaining walls) and the grade(6% and 9 % Bell Engineering) of East Eugene, intersection sight distances should be required by the City, as was done in the TAL at 316 East Eugene by Ferguson.

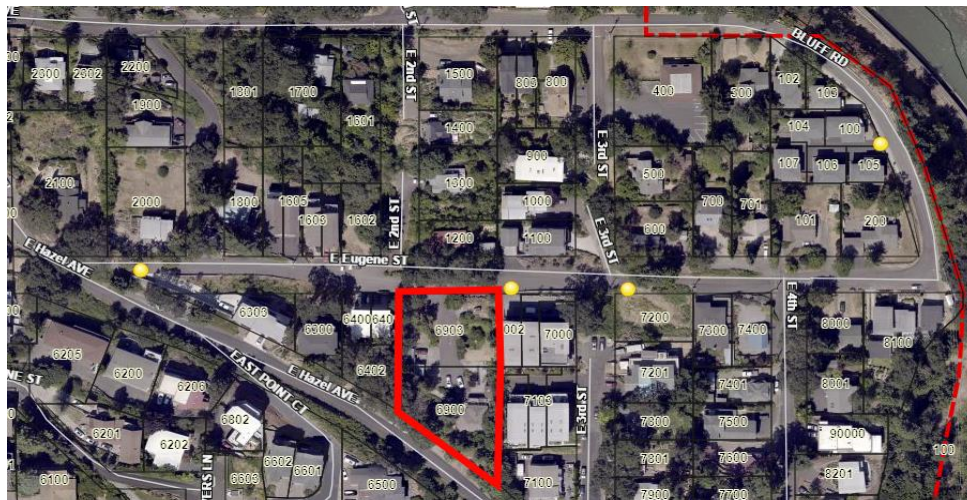
6) Cars Backing onto East Eugene Travel Lane

The two access points for the four Townhouses facing east Eugene is configured to require backing out onto East Eugene. This issue was raised at the neighborhood meeting to Surround Architecture. Although there are many driveways that have to pull in/back out on East Eugene, they do not have stopping sight distance issues and are on relatively flat sections of the roadway. It should be noted that 4 driveways (shown below on the map with a yellow circle) in the East Eugene neighborhood have been built with only one access point to the travel lane. Cars can enter headfirst into the travel lane. Dwelling types include a PUD, townhouses, and a duplex.

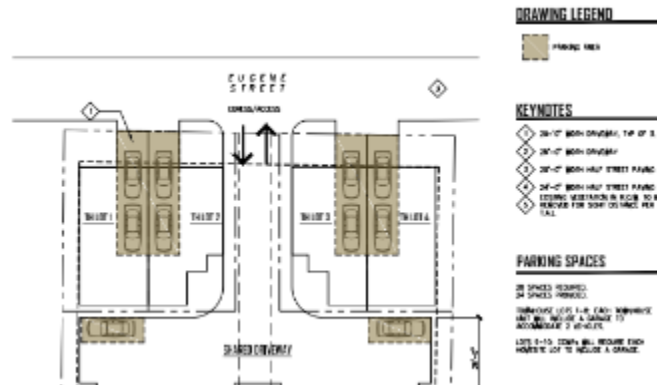
The townhouses to the East of Hazel Ridge have one access point that allows for cars to pull onto the travel lane headfirst.

Additionally, in a conversation with City Engineering, the staff stated the property at 501 East Eugene that has not yet developed, will be required to have only one access point to East Eugene that would be designed in a similar manner as the built townhouses to the West of 501 East Eugene.

The Bluff Road PUD also has one access point that allows cars to enter into the Bluff PUD head first.



Additionally Hood River Municipal code 16.12.020 states that “Access to and from off-street parking areas shall not permit backing onto a public street”. The garages as shown in the site plans Drawing A112 – Site Plan Transportation, are only large enough for one car. Common sense would indicate that the parking for the additional car will occur in the driveway of the townhouses, making it functionally off-street parking.



7) **Geo Technical Report.** In the applicant's project narrative deemed complete by City Planning Staff, on page 30 item **"2. Structures located on the site shall not be in area subject to ground slumping and sliding"**. In the findings it states that a Geotechnical Report has been provided. The City Planning department, in an email stated that they had not received a geotechnical report. Given the grading that will occur on the site and that the site is predominantly in a Geo Hazard Zone, neighboring property owners need to see what the Geotechnical Report says.

8) **Sight Distances for Intersection of East Hazel and East Eugene from TAL by Bell Engineering.**

It is not clear as to which sight distance measurement is being used and for what speed. Is stopping sight distance used or turning sight distance used? At an intersection turning sight distance would seem to be appropriate as was done in the Ferguson TAL.

Scenario 1: Right-hand turns onto East Hazel Avenue from East Eugene Street must take into consideration sight distance looking back to the east and the ability to see vehicles traveling westbound on East Hazel Avenue. Sight distance is limited to the east by vegetation and topography. However, sight distance is available to the intersection of East Point Court and East Hazel Avenue approximately 250 feet away. Therefore, sight distance is determined to be adequate but could be improved by trimming of vegetation within the right-of-way. See Appendix C, Figure 6C.

Scenario 1. It appears that the evaluation of the sight distance looking to the West/Right from the intersection of East Eugene and East Hazel was overlooked. Scenario 1. Additionally, looking to the east from this intersection, visibility is severely limited if a driver only looks over their shoulders. Looking to the east from this intersection, it is possible to see East Point Court, but a driver must turn their body almost 180 degrees to see East Point Court. This intersection is perilous, and I will not drive through it with the current traffic let alone after 10 new Units are added.



Picture of Road segment visible from the intersection of East Eugene and East Hazel, if a driver looks over their shoulder

Scenario 2. A Right hand turn onto East Eugene from East Hazel is not a likely scenario because of the grade change. It would be ill advised to make such a turn and in the over twenty years I have lived in the neighborhood I never seen it done.

From: [Samantha Westra](#)
To: [Jennifer Kaden](#)
Subject: File # 2021-07 Hazel Ridge CUP/PUD/SUB
Date: Thursday, June 10, 2021 5:38:02 PM

We are concerned about parking and traffic. There is no room to park on East Eugene street and it appears most of the proposed units will have to use Eugene street access. East Eugene street is practically a single lane and this project will impact the safety of pedestrians and bicyclists.

We would prefer less units and/or access to the lower units from Hazel Street.

Igor and Samantha Westra
215 E Eugene St.

From: [Mary M. Blosser](#)
To: [Jennifer Kaden](#)
Subject: Additional Comments for Hazel Ridge PUD
Date: Wednesday, June 16, 2021 10:31:55 AM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

Hi Jenifer,

I had a dog emergency on the last day to submit comments and had to take my dog to the Veterinary Hospital in Portland. I was unable to finish my comments. I would like to send my additional comments to the Planning Commission for their consideration.

Thank you!

Review of adverse impacts insufficient.

The burden of proof is on the applicant, and there are too many unanswered questions about the application to be able to say that there will not be any "adverse effects" from this development to adjacent properties or the surrounding area.

On page 8 of the Project Narrative, it states that:

Section 17.06.0, 030 Page 8, Conditional Use Criteria

2. **Impact: The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area, with consideration given to:**
 - a. Any harmful effects on desirable neighborhood characteristics and livability.
 - b. Bicycle and pedestrian circulation, access and safety.

"Minimal adverse impact" does not require the absence of any adverse impact but does require that, to the extent that any adverse impact is identified, it is minimized. Minimization may be achieved through the imposition of conditions of approval. An "adverse impact" is an undesirable effect arising out of the location, size, design, and operating characteristics of the proposed use.

As previously noted in comments submitted on June 10th, 2021, the lack of critical site plan information makes evaluating an "adverse impact" difficult and impossible in some instances.

The two East Eugene townhouse access points (driveways) were not evaluated for stopping site distances or intersection sight distances, making adverse impacts for East Eugene street safety unknown. I believe that the driveway design was driven by the Fire Departments' requirement for adequate space on the internal driveway, but this does not mean that the only acceptable driveway design is for cars to back onto the street. The townhouses on East Bluff were built with a single access point to East Bluff that allows drivers to exit head first. Safe fire access and head-first access onto the street are possible. The East Eugene townhouse driveway design with vehicles backing into the travel lane is an accident waiting to happen.

The analysis of the East Hazel and East Eugene Intersection in the TAL *defies common sense*. If a driver traveling West on East Eugene stops at the intersection with Hazel, the only way for a driver to see oncoming traffic, traveling West on East Hazel is for the driver to move into the East Hazel Travel Lane, which puts them at risk from Eastbound traffic coming around the blind corner on East Hazel.

The TAL states that there is adequate sight distance at this intersection and that a driver can see the oncoming traffic all the way to the intersection of East Point Court and East Hazel; from my experience with this intersection, this is not true. The inclusion of Figure 7C is misleading in that it is referencing the vegetation to be trimmed but does not show what a driver would see from this intersection.

Scenario 1: Right-hand turns onto East Hazel Avenue from East Eugene Street must take into consideration sight distance looking back to the east and the ability to see vehicles traveling westbound on East Hazel Avenue. Sight distance is limited to the east by vegetation and topography. However, sight distance is available to the intersection of East Point Court and East Hazel Avenue approximately 250 feet away. Therefore, sight distance is determined to be adequate but could be improved by trimming of vegetation within the right-of-way. See Appendix C, Figure 6C.

The applicant on page 6 of the project narrative states that:

FINDINGS:

As depicted in the Preliminary Plan Set, all proposed townhouses and single family homes are proposed to be up to 28-feet tall.

Drawing A301 and A401 are lacking any indication of 28-foot building height; building heights can not be verified. Without the 28-foot building height being shown in the Preliminary, Plan set it is impossible to evaluate "adverse impacts" due to size.

Without the contours being labeled at a specific interval and a stated contour interval, for drawing A11 Site Plan -Existing Conditions, a comparison to the Grading Plan, drawing A112 is not possible. The grading plan only has minimal existing contour information and no clear contour values. As mentioned in my comments from June 10, 2021, there is not a Geotechnical Report in the conditional use application. The Hazel Ridge PUD is predominately located in a Geologic Hazard Zone. The "adverse impacts" from site grading cannot be determined without the Geotechnical Report and adequate grading information.

As has been noted in Neighborhood comments, East Eugene is used by many cyclists. The applicant has not addressed how the Hazel Ridge PUD will not be harmful to cyclists flying down the hill on East Eugene - will they be able to stop when a car backs out of the townhouse driveways?

The site plan drawing A115 - Site Plan Retaining Walls shows a poured concrete wall for the perimeter of the property. The applicant submitted a new document to the City planning department after the application was deemed complete, titled "Rockwall's at Property Edge," showing a stacked rock retaining wall. The property to the East of Hazel Ridge also has a stacked rock retaining wall. Hazel Ridge PUD is located in a Geologic hazard zone; the GeoTechnical Report has not been provided as part of the application deemed complete. The applicant has not addressed the addition of the stacked rock wall in the project narrative.

Although the side setbacks for a PUD differ from those for other types of development, it is hardly fair that adjoining properties are required to have an 8-foot setback if they are over 28-

feet and a PUD development is not.

The burden of proof is on the applicant, and there are too many unanswered questions to be able to say that there will not be any "adverse effects" from this development.

Jennifer Kaden

From: Mary M. Blosser <marymblosser@gmail.com>
Sent: Friday, June 18, 2021 10:40 AM
To: Jennifer Kaden
Subject: Additional Comments Hazel Ridge PUD

Jennifer,
After reading the Staff Report, I have one final comment.

Thank you!

Margo Blosser
423 East 3rd
Hood River, Or

Storm Water

Neighbors on East 2nd street that are adjacent to the open channel ditch have written comments regarding problems with run-off occurring on their property. The City Engineering standards state in section 8.4 Channels, "All channels shall be designed for the 25-year storm with 0.5-foot freeboard. ***These channels will also be required to contain the 100-year storm when overtopping of the channel could result in flooding of any structures or excessive damage to private property.***"

In the Hazel Ridge PUD – Conceptual Stormwater Management Plan dated February 5, 2021, all discussions of stormwater management are based on a 25-year event. At the Hazel Ridge neighborhood meeting, it was stated that runoff that can not be mitigated by on-site methods would be channeled to the East 2nd open drainage channel, through a pipe system.

Given the history of the 2nd Street open channel overtopping, and that the City code directly addresses this issue, a 100-year design storm event would seem to be required for the final storm water design.

Jennifer Kaden

From: Dustin Nilsen
Sent: Sunday, June 20, 2021 9:16 PM
To: Jennifer Kaden
Subject: Fwd: File - 2021-07 Hazel Ridge new developments.

Dustin Nilsen, AICP

Begin forwarded message:

From: Lesley Vos <lesley.vos@icloud.com>
Date: June 20, 2021 at 8:07:17 PM PDT
To: Dustin Nilsen <D.Nilsen@cityofhoodriver.gov>
Subject: File - 2021-07 Hazel Ridge new developments.

Good morning,

My family and I live at 114 east Eugene . When we pull out of our driveway and drive west, like our neighbours, we drive slowly. East Eugene connects at a point to east Hazel and the posted traffic sign is accurate when it says "blind corner speed limit 10 mile" there is a mirror to see around the corner. It's one way only and sketchy for pedestrians and pets.

We all manage . Waiting patiently and taking turns, driving really slowly. However, we are at the maximum traffic limit and it wouldn't easily support emergency vehicles.
Our concerns about the new development are as follows:

1. Traffic- all the local roadways in every direction are single lane. In fact, the garbage truck goes up east Eugene (no room for even a pedestrian) and then needs to back up east Hazel because it's a corner that no car can turn.
2. Parking- there is currently extremely limited street parking (2 spots in front of a currently undeveloped lot) and no room for roadside parking) and this development doesn't have any provision for guest and additional household parking. Each unit needs room for a minimum of 2 cars plus .
3. Density- our neighbourhood is made up of local families and we all agree that the increased density is not supported by the current infrastructure.
4. These townhouses are a proposed 22 feet wide, and give an unfair competitive advantage vs the local builders who are constrained to build 16 or 20ft in width given the set-backs on most lots.

We feel very strongly that this development is not in keeping with the neighborhood and are concerned that the city is not taking residents concerns seriously.

Should our concerns not be adequately addressed we will be forced to seek legal action to address the situation.

Thank you for considering our interests.

Regards
Lesley vos

Jennifer Kaden

From: Arthur Babitz <arthurb66@icloud.com>
Sent: Monday, June 21, 2021 2:40 PM
To: Jennifer Kaden
Subject: Testimony on file 2021-07

Jennifer— Please accept this testimony on file #2021-07. Consider this to be testimony neither for nor against the application.

As a resident of this neighborhood and a former city council and planning commission member I'd like to share my perspective on this application. The fundamental issue which my neighbors have eloquently described is that while our zoning is R3, our infrastructure and terrain does not make it easy to site true R3 developments. I believe the city needs to take specific actions to address the cumulative effects of development in this corner of town. Most of the parcels in this neighborhood are still developed far below the allowable uses, so each redevelopment will add to the problem. Project by project we're edging our way towards an unacceptable situation for congestion and public safety.

The problem:

1) Substandard roads: Streets don't come anywhere near the city street standards, with several pinch points that don't even count as a one lane road. Many times a year vehicles (including the city fire department tower truck) have gotten stuck in the drainage ditches next to the road as they attempt to move over for passing traffic. My driveway serves as a *de facto* pullout for vehicles to pass on a blind, narrow corner of Hazel Street. It is used this way many times per hour. While this is fine for a rural road, traffic levels have grown to the point people are having trouble untangling the knots when they do happen.

2) Lack of bike/pedestrian infrastructure: Our neighborhood provides access to the very popular Indian Creek Trail, so the streets are always full of pedestrians and dog walkers. It is also a good way for cyclists to climb from downtown to the Heights, so the streets frequently have clusters of cyclists. Blind corners and streets full of pedestrians and cyclists creates an obviously dangerous situation.

3) Lack of street parking, pullouts for deliveries or construction vehicles: The haphazard nature of street parking and deliveries in this neighborhood frequently creates obstructions which would detain city emergency equipment. Every construction project means repeated instances of the streets being blocked without notice. Even someone getting a cable hookup can mean access to a part of the neighborhood is blocked for a half hour. Since there are only two entrances/exits to this neighborhood and few turnaround spots, the disruption is a real hardship.

My request:

1) It is time for the city engineer to prepare a list of options to address the pinch points in our neighborhood. I recognize it is not feasible or desirable to bring the neighborhood up to city street standards, and I don't think it is necessary. What is necessary is to identify solutions to the following pinch points: Hazel at Serpentine, narrow blind corner of Hazel, E. Hazel at E. Eugene, Bluff Road, E. 2nd at Sherman, E. 2nd at State Street. Addressing these pinch points, even partially, will go a long way to making these streets safer and easier to navigate at busy times.

2) The city needs to step up its regulation and enforcement of construction and parking in this neighborhood. The city needs to require development projects to address worker parking, deliveries, material storage and construction vehicles in a way which minimizes neighborhood disruption. City staff need to visit construction sites regularly to make sure streets are kept open and safe during development. Our neighborhood has been in an almost continuous state of construction for the 25+ years I have lived here and the city has done little to police construction. We also need parking

to be clearly identified so people know where it is legal to park and where it is not. Seasonal housing means every summer there are people parking in a way which would prevent emergency vehicles from accessing an area the city fire marshal has described as a serious risk to wildfire.

I recognize these are not problems the applicant has created and it is not reasonable to expect the applicant to solve them. I would like the city engineer and city public works director to take a good hard look at this neighborhood, and start designing and executing solutions to address a problem which will only get worse with subsequent development.

Thank you.

—Arthur

Arthur Babitz
arthur.babitz@icloud.com
Hood River, OR, USA

Jennifer Kaden

From: Dustin Nilsen
Sent: Monday, June 21, 2021 5:16 PM
To: Jennifer Kaden
Subject: FW: File No. 2021-07 Hazel Ridge CUP/PUD/SUB

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



From: Allan Schmidt <Allan.Schmidt@oregonmetro.gov>
Sent: Monday, June 21, 2021 4:57 PM
To: Dustin Nilsen <D.Nilsen@cityofhoodriver.gov>
Subject: File No. 2021-07 Hazel Ridge CUP/PUD/SUB

Hello

I was too late to enter a request to speak but please add my comments to the record. I live at 318 E Eugene St below the development – we have big known drainage issues on our street and request the development do all it can to protect our homes from further focused stormwater drainage issues. The street cannot be the discharge point for the stormwater/overflows. It should be taken to a sanitary sewer. My home gets flooded directly from this property currently.

Thank you!

Allan Schmidt
Senior Parks & Nature Planner & Designer
Mobile: (503) 473-7341
Allan.Schmidt@oregonmetro.gov
(he / his)

"Life is hard by the yard but a cinch by the inch"



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Attachment H.16
File No. 2021-07

From: [Dustin Nilsen](#)
To: [Jennifer Kaden](#)
Subject: FW: Hazel Ridge
Date: Tuesday, June 22, 2021 10:30:49 AM
Attachments: [image.png](#)
[image001.png](#)

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



From: Brad Schell <itswindy@gmail.com>
Sent: Monday, June 21, 2021 2:46 PM
To: Dustin Nilsen <D.Nilsen@cityofhoodriver.gov>
Subject: Hazel Ridge

Hi Dustin,

I know there is a meeting later today regarding Hazel Ridge. I also noticed that if you want to make a comment or ask a question you need to inform you two hours before? Maybe you can give me some guidance regarding the highlighted sentence below. There are about 18 oak trees on the N side of the street across from the development. We were told the trees would be preserved. This final engineering review implies they could be in jeopardy if Engineering wants them gone. Is that correct? And if so, is that something all of us in the neighborhood would be informed of prior to any potential removal? We are all pretty adamant that they not be removed. If that is the case please put me down for a potential public comment.

Thank you!

-Brad Schell

423 E 2nd

Frontage Improvements: The City's TSP classifies E Eugene St as a local street. The existing conditions are not compliant with the City Standards for local streets. The existing ROW is 50 feet. The Applicant is required to provide up to half street frontage improvements as outlined in the City's TSP. However, due to topographic constraints, the City is willing to decrease the full paved width and not require curb & gutter, planter strip, or sidewalk. The width of pavement required will be determined at final Engineering review and will not be less than 20'. A waiver of remonstrance for future improvements will be required. A design exception will be required by the City Engineer for deviations from City standards.

Attachment H.17
File No. 2021-22