CITY OF HOOD RIVER CITY COUNCIL

DATE: July 21st, 2025

TO: Honorable Mayor Paul Blackburn and City Council

FROM: Dustin Nilsen, Director of Planning and Zoning
Kevin Liburdy, Senior Planner

SUBJECT: Development Code Update (Phase 2) – Module 2

CITY COUNCIL GOAL:

- ☒ Equitable and Diverse Housing Inventory
- ☒ Equitable and Inclusive Community
- ☒ Well-Maintained and Safe Community
- ☒ Efficient and Safe Transportation System for all users
- ☒ Environmentally Sustainable and Resilient Community
- ☒ Adequate Parks and Open Space
- ☒ Healthy Organization

BACKGROUND: The City Council's 2023-2024 and 2025-2026 Work Plans include an Audit & Update of the City's Development Code (Titles 16 and 17 of the Municipal Code) on the Critical Projects list. The purpose of this project is not to address policy issues but to improve the useability of the code, make the standards and objectives of the code easier to understand, and ensure consistency with state law. In September of 2023, the Department of Land Conservation and Development (DLCD) awarded the City a Housing Planning Assistance grant to support updates to the code that affect development of housing.

In 2024, a Code Audit (Phase 1) was performed to identify potential inconsistencies with state land use law and existing City Comprehensive Plan policies, identify internal conflicts as well as grammatical- and formatting errors, and include a framework to amend development code provisions that are in need improvement or clarification. In addition, a Diversity, Equity and Inclusion Assessment was prepared for use throughout the project to ensure equity is considered in decision-making processes, code analyses and in making recommendations for code amendments.

The Project Management Team (PMT), including City staff and Matt Hastie of the consulting firm MIG, presented an overview of the Code Audit to the Planning Commission and City Council in July of 2024. The overview summarized the goals, tasks, timeline, suggestions from meetings with interested parties, and initial Code Audit findings. The main suggestions for code improvements include updating definitions, middle housing standards, parking standards, landscaping standards and application review processes; adding provisions for affordable housing development and wireless communication facilities; as well as updating the formatting and organization of the code.

After discussing the Code Audit findings with the Planning Commission and Council, the PMT attended subsequent meetings with Council to discuss the community engagement plan for the Code Update (Phase 2) including objectives, interested parties and activities; and, contracting with MIG to complete portions of the Phase 2 Code Update work that will not be funded by DLCD. Community engagement activities for Phase 2 include sharing documents through the project website (https://cityofhoodriver.gov/planning/development-code-audit-and-update/); work sessions and briefings with the City Council and Planning Commission; meetings with interested parties including to Spanish speaking community members; social media communications; online surveys; and, publishing short explanatory videos. The City Council supported the Code Audit findings and approved the community engagement plan and MIG contract for the Code Update process.

The Code Update process (Phase 2) will be ongoing through Spring of 2026, prior to scheduling public hearings to consider adoption of code amendments. The consultant is drafting code amendments in four batches, or modules. The modules are being organized to follow the structure of the State of Oregon's

Model Development Code for Small Cities, which represents the base outline for the City's reorganized Code. The Model Code, developed by Oregon's Transportation and Growth Management Program (TGM), addresses a wide variety of necessary code elements, and it is being updated concurrently to ensure consistency with state law.

The City Planning Commission and City Council each held a work session in June, 2025 to review and comment on Module 1 materials which included an organizational memo and table, and the first draft of an Introduction and General Provisions for the Development Code.

DISCUSSION: The purpose of this work session is to obtain feedback from City Council on the Module 2 code draft. Module 2 materials focus on zoning and land division Application Review Procedures and Approval Criteria. These draft procedures and criteria merge the Model Code format with existing municipal code, including the City's Planned Unit Development process (aka Master Planned Development Procedures) and Historic Preservation review process.

Consolidation of the various review procedures in a single section of the development code is intended to minimize repetition, improve consistency and make the code easier to use. As standards and criteria in Modules 3 and 4 are reviewed, refinements to approval processes will be required. And, the table of contents, chapters and section numbers will be updated after a numbering and naming system is established for the revised development code.

The draft Application Review Procedures and Approval Criteria also will be discussed in a work session with the Planning Commission in August, 2025. Council's comments will be shared with the Commission as part of the PMT's presentation.

Several questions and discussion items are noted in the Module 2 code draft, and are listed below to help facilitate Council discussion.

Hood River Code Update Module 2 – CC/PC Questions:

1. Type I (aka Ministerial Actions) Process Applicability: The current Hood River Title 17 does not have a Type I process, however staff currently perform ministerial reviews for permits that rely on clear and objective standards such as fence permits, minor home occupations, duplexes and single dwellings on established lots. Based on state legislation, most housing developments will be reviewed under a Type I process in the updated code. Type I reviews have no discretion and do not require public notices prior to approval and issuance of permits.

   Type II reviews (aka Administrative Actions), are conducted by staff and require the publication of findings of fact, which often can be 40 pages or more, public notice of the application, the full documentation of codes and grounds on which the staff made its decision, rights to appeal the decision, and recording of comments provided as part of the process. However, those that involve housing can only be based on clear and objective standards still require public notices and public facing land use approval process.

   <u>Question:</u> Does Council have recommendations for land use or land division actions that should require public notice and written findings of fact (Type II), even if there is no discretion in approval standards? (See pages 4-6 of the draft Application Review Procedures and Approval Criteria.)

2. Public Notice-Radius: The current Hood River Code requires a notice area of 250 feet from a development site. State statute requires 100 feet at minimum for certain types of procedures.

Question: *Where notice is required, does Hood River want to retain the expanded notice area when a smaller radius is allowed by state law? (See pages 4-7 of the draft Application Review Procedures and Approval Criteria.)*

3. Notice-Site Posting: The current Hood River Code, and state law, does not require a sign to be posted on property to advertise a public hearing for a proposed development application. Some local governments choose to require signage to be posted on or adjacent to a development site.

   Question: *Given the City's current larger notice requirements for applications and decisions, does Hood River also want to require signage to be posted for Type III (aka quasi-judicial) actions? (See pages 4-12 of the draft Application Review Procedures and Approval Criteria.)*

4. Neighborhood Meeting Requirements: The current Hood River Code requires developers to hold neighborhood meetings before submitting applications for subdivisions, Planned Unit Developments and other development actions as determined by the Planning Director.

   Question: *Does Hood River want to expand the requirements for applicants to host a neighborhood meeting?*

   Options to Consider: Neighborhood meetings could be required for Type II Site Plan Review applications over a certain acreage, Type III Site Plan Review applications, Conditional Use Permit applications, or for any application that requires a public hearing . (See page 23 of the draft Application Review Procedures and Approval Criteria.)

5. Change of Use Review: Changes in Commercial uses, including new tenants in existing buildings, can trigger land use review requirements even when no construction is proposed. The City's current definition states: *CHANGE OF USE means any use that substantially differs from the previous use of a building, structure, or land. Factors to consider when identifying a change of use include the effects on parking, drainage, circulation, landscaping, building arrangements, and nuisance factors including, but not limited to, traffic, lighting, and noise*. The current code gives the Planning Director discretion to determine if a development proposal is a Change of Use subject to land use review.

   Question: *At what thresholds should 'change in use' requests require land use review, and does Council support a Type I process and threshold to allow staff to approve tenant and use changes with no public notice?*

   Options to consider: *Valuation of the change. Type of change (e.g., commercial retail to commercial personal services, or to restaurant or professional office). Impacts associated with the change in terms of intensity of use or impact (ITE traffic category and vehicle trip generation). Compliance with parking standards (or payment of in-lieu fee). Building code use or occupancy change. SDC payment status. Impact to transportation facilities. Location within special districts (urban renewal). Non-conforming status.*

6. Site Plan/Design Review Exemption: The current code includes a valuation threshold that allows exterior improvements to an existing commercial or industrial building without triggering a review process. The exemption should be revisited to confirm whether updates are appropriate and if there are opportunities to allow for minor exterior improvements through a discretionary process.

   Question and options: *At what threshold should improvements to the exterior of a building require land use approval and, at what threshold can staff approve changes with no notice through a Type I or ministerial process?*

<u>Options to consider:</u> Percentage of expansion by square feet. Valuation of the change. Type of change (e.g., commercial retail to commercial personal services, or to restaurant or professional office). Impacts associated with the change in terms of intensity of use or impact (ITE category and vehicle trip generation). Compliance with parking standards. Building code use or occupancy change. SDC status. Impact to transportation facilities. Location within special districts (urban renewal). Non-conforming status? (See pages 25-26 of the draft Application Review Procedures and Approval Criteria.)

7. Final Plat Review: The current Hood River Title 16 has final plat review as a ministerial (aka Type I) process. The City Attorney suggests using a Type II process including notice of the approval in order to limit the exposure of an appeal.

   <u>Question:</u> Does the Hood River want to make Final Plat reviews a Type II process (i.e., public notice of final plat approval)?

8. Annexations: The current Hood River Title 17 outlines the City's Annexation policy and requires Annexations to have public hearings before the Planning Commission to provide a recommendation to the City Council. The Model Code and many jurisdictions do not have Annexations addressed in the Development Code or heard by the Planning Commission. Annexations are legislative processes that can be heard by the City Council only

   <u>Question:</u> Does Hood River want to retain the Annexation Policy in the development code? Note: If removed from the land use process, any associated land division or development applications for the areas being annexed would still follow a separate Type II, Type III or Type IV process as applicable. (See page 4 of the draft Application Review Procedures and Approval Criteria.)

9. Adjustments: Other than its Variance process, the current Hood River Title 17 does not have an Adjustment process. An Adjustment process can be used to deviate from land use standards. Section 38 of SB 1537 (2024) requires local governments grant adjustments to specific development and design standards applied to the development of housing, if an application meets certain conditions. The mandatory adjustments sunset in 2032. Other adjustments allowable in Hood River's code are at the discretion of the City.

   <u>Question</u>: Does Hood River want to include or not include the mandatory adjustments provision within its code or direct apply the adjustments as prescribed by the state until 2032? (See pages 65-66 of the draft Application Review Procedures and Approval Criteria.)

10. Planned Unit Developments (PUDs): The state requires application of only clear and objective standards for the development of housing, except local governments can also have a separate discretionary process. PUDs are Hood River's discretionary path of approval for housing development. PUDs can include discretionary criteria and standards to improve design flexibility. *(See pages 68-85 of the draft Application Review Procedures and Approval Criteria.)*

    Exterior Alterations of Historic Landmarks and Within Historic Districts: A frequently encountered situation with planning staff is a request for minor exterior alterations to buildings within the Historic District. Currently historic buildings and non-historic buildings within the historic district are required to follow the same review process. Often the requests are minor in nature, but are not included in the list of exemptions from review and a most trigger a hearing before the Landmarks Board.

    <u>Question:</u> Could the City's list of minor exterior alterations be expanded to preserve the historic landmark but offer opportunities for building owners to maintain or improve a building located within

the historic district? (See pages 91-92- of the draft Application Review Procedures and Approval Criteria.)

STAFF RECOMMENDATION: Council is asked to comment on the attached materials including the issues that are highlighted in the draft Application Review Procedures and Approval Criteria.

FISCAL IMPACT: Phase 1 of the project was completed with approximately $58,500 in grant funds from DLCD's Housing Planning Assistance program. Phase 2 of the project is estimated to cost approximately $204,012. The City's share is $111,697, and the remaining $92,315 will be paid by DLCD. The City Planning Department budgeted $167,000 for contract services in FY24-25 (largely carried forward from previous budget cycles for this project).

ATTACHMENT:

1. Application Review Procedures and Approval Criteria
2. Application Type Table

ARTICLE 4 – APPLICATION REVIEW PROCEDURES AND APPROVAL CRITERIA 4-3

Chapter 4.1 – General Review Procedures **4**
4.1.010 Purpose and Applicability 4
4.1.020 Type I Procedure (Staff Review and Zoning Checklist) 6
4.1.030 Type II Procedure (Administrative Review With Notice) 8
4.1.040 Type III Procedure (Quasi-Judicial Review – Public Hearing) 12
4.1.050 Type IV (Legislative Decisions) 18
4.1.060 Time Limit, Consolidated Review, and City Planning Director's Duties 23
[4.1.070 Neighborhood Contact] 24

Chapter 4.2 - Site Design Review **26**
4.2.010 Purpose 26
4.2.020 Applicability 26
4.2.030 Review Procedure 27
4.2.040 Application Submission Requirements 28
4.2.050 Approval Criteria 32
4.2.060 Assurances 32
4.2.070 Compliance With Conditions, Permit Expiration, and Modifications 33

Chapter 4.3 - Land Divisions and Property Line Adjustments **34**
4.3.010 Purpose 34
4.3.020 General Requirements 34
4.3.030 Preliminary Plat Approval Process 36
[4.3.040 Pre-planning for Large Sites] 39
[4.3.050 Lot Size Averaging, Flag Lots, and Infill Development] 40
4.3.060 Preliminary Plat Submission Requirements 42
4.3.070 Preliminary Plat Approval Criteria 45
4.3.080 Land-Division-Related Variances 45
4.3.090 Final Plat Submission Requirements and Approval Criteria 46
4.3.100 Filing and Recording 48
4.3.110 Re-platting and Vacation of Plats 48
4.3.120 Property Line Adjustments 49

Chapter 4.4 - Conditional Use Permits **52**
4.4.010 Purpose 52
4.4.020 Approvals Process 52
4.4.030 Application Submission Requirements 53
4.4.040 Criteria, Standards, and Conditions of Approval 54

Chapter 4.5 - Modifications to Approved Plans and Conditions **57**
4.5.010 Purpose 57
4.5.020 Applicability 57
4.5.030 Major Modifications 57
4.5.040 Minor Modifications 58

Chapter 4.6 – Amendments to Zoning Map or Code **59**
4.6.010 Purpose 59
4.6.020 Procedure 59
4.6.030 Criteria 59
4.6.040 Record of Amendments 60

4.6.050 Transportation Planning Rule Compliance 60

Chapter 4.7 - Adjustments and Variances 65
4.7.010 Purpose 65
4.7.020 Intent 65
4.7.030 Adjustments 65
4.7.040 Variances 67
4.7.050 Expiration 67

Chapter 4.8 - Planned Unit Developments 68
4.8.010 Purpose 68
4.8.020 Applicability 68
4.8.030 Review and Approvals Process 68
4.8.040 Modifications to Development Standards 69
4.8.050 Concept Plan Submission 73
4.8.060 Concept Plan Approval Criteria 74
4.8.070 Concept Plan and Expiration 82
4.8.080 Detailed Development Plan Submission 84
4.8.090 Detailed Development Plan Criteria 84
4.8.100 Subsequent Development Reviews 84

Article 4 – Application Review Procedures and Approval Criteria

4.1 General Review Procedures and Zoning Checklist
4.2 Site Design Review
4.3 Land Divisions and Property Line Adjustments
4.4 Conditional Use Permits
4.5 Modifications to Approved Plans
4.6 Amendments to the Zoning Map or Code
4.7 Adjustments and Variances
4.8 Planned Unit Developments
4.9 Historic Preservation

Chapter 4.1 – General Review Procedures

4.1.010 Purpose and Applicability

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010 lists the City's land use and development approvals and corresponding review procedure(s).

1. **Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Director, or their designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).

2. **Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Director, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Director may refer a Type II application to the Planning Commission for its review and decision in a public meeting. These decisions also are made using standards and criteria that do not require discretion but allow for a higher level of public notice and review.

3. **Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council[; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission]. Quasi-Judicial decisions involve discretion but implement established policy.

4. **Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

Table 4.1.010 – Summary of Approvals by Type of Review Procedure		
Approvals*	**Review Procedures**	**Applicable Regulations**
Zoning Checklist Review **User's Guide:** See comments on page 4-6.	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 4.1.020.
Access to a Street	Type I	Chapter 3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 4.6
Comprehensive Plan Amendment	Type IV	Chapter 4.6
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation	No permit, except when required by Chapter 4.7.	
Legal Lot Determination	Type I	Chapter 1.3
Master Planned Development Concept Plan Detailed Plan	 Type III Type *[I /III]*	 Chapter 4.8 Chapter 4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 4.5
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	 Type III Type *[I /III]*	 Chapter 4.3 Chapter 4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.3
Site Design Review	Type II or III	Chapter 4.2
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	 Type III Type *[I /III]*	 Chapter 4.3 Chapter 4.3
Variance Zoning District Map Change	Type III Type III or IV	Chapter 4.7 Chapter 4.6

* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

4.1.020 Type I Procedure (Staff Review and Zoning Checklist)

A. Type I Procedure (Staff Review). The City Planning Director, or their designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., only clear and objective standards are used in the review and decision-making process).

> Note to Decision Makers: The current Hood River Title 17 does not have a Type I process. This would be a new process in the Hood River code. Staff currently performs similar ministerial reviews for simple approvals that have clear and objective standards such as fence permits, minor home occupations, and others. Due to state legislation, most housing will be reviewed under a Type I process in the updated code. Type I reviews have no discretion and do not have notice requirements. Type II reviews are conducted at a staff level and are also based on clear and objective standards, but also require public notice. ***Question: What types of reviews should have notice (Type II) even if there is no discretion?***

B. Zoning Checklist. The City Planning Director reviews proposals requiring a Type I review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Article 2 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

C. Application Requirements.

1. **Application Forms.** Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.

2. **Application Requirements.** When a Zoning Checklist is required, it shall:

   a. Include the information requested on the application form;

   b. Address the criteria in sufficient detail for review and action; and

   c. Be filed with the required fee.

D. Requirements. The City shall not act upon an application for land use approval, and a building permit shall not be issued, until the City Planning Director has approved a Zoning Checklist for the proposed project.

E. Criteria and Decision. The City Planning Director's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.

F. Effective Date. A Zoning Checklist decision is final on the date it is signed by the City Planning Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state

Land Use Board of Appeals. See also, Section 1.2.090, Zoning Checklist and Building Permits.

4.1.030 Type II Procedure (Administrative Review With Notice)

The City Planning Director, or their designee, performs Administrative Staff Reviews through the Type II procedure. Type II decisions are made by the City Planning Director with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the City Planning Director may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

A. Application Requirements.

1. **Application Forms.** Applications for projects requiring Administrative Review shall be made on forms provided by the City Planning Director.

2. **Pre-Application Conference.** A pre-application conference may be required at the discretion of the Director prior to filing an application for an administrative action or may be requested by the applicant. Pre-application conference requirements and procedures are found in Section 17.09.120 of this Chapter.

3. **Submittal Information.** The City Planning Director shall advise the applicant on application submittal requirements if information beyond the minimal requirements is needed. At a minimum, the application shall include all of the following information:

   a. The information requested on the application form;

   b. Plans and exhibits required for the specific approval(s) being sought;

   c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

   d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and

   e. The required fee.

B. Procedure.

1. The City Planning Director shall mail notice of a pending Type II decision to the following individuals and agencies listed in subsection (2)(a-c) no fewer than 14 days prior to making the Type II decision.

2. The purpose of the Administrative decision notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Director issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:

   a. All owners of record of real property within a minimum of 250 feet of the subject site;

Note to Decision Makers: The current Hood River Code has a notice area of 250 feet from the subject site. State statute requires 100 feet at minimum for certain types of procedures. ***Question: Does Hood River want to retain the expanded notice area where a small radius is allowed?*** *(Note: This situation is repeated throughout this section.)*

b. Any person who submits a written request to receive a notice; and

c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Director shall notify the road authority if different than the City of Hood River. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

3. The notice of pending Administrative Decision, at a minimum, shall contain all of the following information:

   a. The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled Planning Commission meeting date where an application is referred to the Commission for review;

   b. A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable code requirements;

   c. The address and City contact person for submitting written comments; and the date, time, and location the City Planning Director or Planning Commission, as applicable, is scheduled to make a decision on the application;

   d. The street address or other easily understandable reference to the location of the proposed use or development;

   e. Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the applicable appeals body on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

   f. Statement that all evidence relied upon by the City Planning Director or Planning Commission, as applicable, to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained electionically or at a reasonable cost from the City; and

   g. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

4. At the conclusion of the comment period, the City Planning Director shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the City Planning Director may transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review

and decision at its next regularly scheduled meeting.

5. Where the City Planning Director refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the Commission makes a final decision within the 120-day period prescribed under state law (ORS 227.178) and as described in Section 4.1.060 of this Code. Alternatively, the applicant may voluntarily waive their right to a final decision within the 120-day timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to Section 4.1.040; in which case, a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.

6. Within seven days of a Type II (Administrative) decision, the City Planning Director shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The City Planning Director shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

7. The Administrative Notice of Decision shall contain all of the following information:

   a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

   b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);

   c. A statement of where the City's decision can be obtained;

   d. The date the decision shall become final, unless appealed; and

   e. A statement that all persons entitled to notice may appeal the decision to City Council pursuant to subsection 4.1.030.D.

C. Effective Date of Decision. Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 4.1.030.D.

D. Appeal of Type II (Administrative) Decision. A Type II Administrative Decision made by the City Planning Director may be appealed to the City of Hood River Planning Commission; and a Type II Administrative Decision made by the Planning Commission may be appealed to the City Council, as applicable, pursuant to the following:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:

a. The applicant or owner of the subject property;

b. Any person who was entitled to written notice of the Type II decision; and

c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

2. Appeal filing procedure.

a. *Notice of appeal*. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures.

b. *Time for filing*. A Notice of Appeal shall be filed with the City Planning Director within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.

c. *Content of notice of appeal*. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

(1) An identification of the decision being appealed, including the date of the decision;

(2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

(3) A statement explaining the specific issues being raised on appeal; and

(4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type II Administrative Decision shall be a hearing de novo, either before the Planning Commission, where the contested decision was made by the City Planning Director, or before the City Council, where the Planning Commission made the contested decision. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Administrative Decision, but may include other relevant evidence and arguments. The hearing appeal body may (or shall?) allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.

4. Appeal Hearing Procedure. Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 4.1.040. Section 4.1.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

4.1.040 Type III Procedure (Quasi-Judicial Review – Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

1. **Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Director.

2. **Pre-Application Conference.** A pre-application conference may be required at the discretion of the Director or requested be the applicant prior to filing an application for a quasi-judicial action. Pre-application conference requirements and procedures are found in Section 17.09.120 of this Chapter.

3. **Submittal Information.** The City Planning Director shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:

   a. The information requested on the application form;

   b. Plans and exhibits required for the specific approval(s) being sought;

   c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;

   d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;

   e. The required fee*; and*

   f. Evidence of neighborhood contact, as applicable, pursuant to Section 4.1.070.

B. Procedure.

1. **Mailed and Posted Notice.**

   a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Director shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. Notice shall be mailed to:

      (1) All owners of record of real property located within a minimum of *250* feet of the subject site;

(2) Any person who submits a written request to receive a notice; and

(3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Director shall notify the road authority if different than the City of Hood River. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

b. At least 14 days before the first hearing, the *[applicant or applicant's representative / City Planning Director or designee]* shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the City Planning Director. *[The applicant shall submit an affidavit of notice using a form provided by the City, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.]*

> Note to Decision Makers: The current Hood River Code does not have a site posting requirement. ***Question: Does Hood River want to add this to the noticing procedure for quasi-judicial actions?***

c. At least 14 days before the first hearing, the City shall publish notice of the hearing on the City website,

2. Content of Notice. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:

a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;

b. The date, time, and location of the scheduled hearing;

c. The street address or other clear reference to the location of the proposed use or development;

d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the designated appeal body, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Director, and that copies shall be provided electronically or at a reasonable cost;

f. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request electronically or at a reasonable cost;

g. A general explanation of the requirements to submit testimony, and the procedure for conducting

public hearings; and

h. A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

C. Conduct of the Public Hearing.

1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or their designee, shall state to those in attendance all of the following information and instructions:

   a. The applicable approval criteria by Code chapter that apply to the application;

   b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

   c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;

   d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and

   e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.

2. The public is entitled to an impartial hearing body.. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

3. Presenting and receiving evidence.

   a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and

c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

   a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

   b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives their right to a final decision being made within 120 days of filing a complete application; and

   c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

   a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

   b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);

   c. A statement of where the City's decision can be obtained;

   d. The date the decision shall become final, unless appealed; and

   e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

C. Effective Date of Decision. Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 10 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 4.1.040.D.

D. Appeal of Planning Commission Decision. The Planning Commission's decision may be appealed to the City Council as follows:

1. Who may appeal. The following people have legal standing to appeal:

   a. The applicant or owner of the subject property; and

   b. Any other person who testified orally or in writing during the subject public hearing before the close of the public record.

2. Appeal filing procedure.

   a. *Notice of appeal*. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the procedures in this section.

   b. *Time for filing*. A Notice of Appeal shall be filed with the City Planning Director within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.

   c. *Content of notice of appeal*. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

      (1) An identification of the decision being appealed, including the date of the decision;

(2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

(3) A statement explaining the specific issues being raised on appeal; and

(4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type III Quasi-Judicial Decision shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The hearing appeal body shall allow additional evidence, testimony, or argument concerning any applicable standard, criterion, condition, or issue.

E. Record of the Public Hearing.

1. The official public hearing record shall include all of the following information:

   a. All materials considered by the hearings body;

   b. All materials submitted by the City Planning Director to the hearings body regarding the application;

   c. The minutes of the hearing;

   d. The final written decision; and

   e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.

2. The meeting minutes shall be filed in hardcopy form with the City Planning Director. The minutes and other evidence presented as a part of the hearing shall be part of the record.

3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

F. Effective Date and Appeals to State Land Use Board of Appeals. A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter shall be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.

4.1.050 Type IV (Legislative Decisions)

A. Timing of Requests. The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

B. Application Requirements.

1. **Application forms.** Legislative applications shall be made on forms provided by the City Planning Director.

2. **Pre-Application Conference.** A pre-application conference may be required at the discretion of the Director or by the applicant prior to filing an application for a legislative amendment. Pre-application conference requirements and procedures are found in Section 17.09.120 of this Chapter.

3. **Submittal Information.** The application shall contain all of the following information:

   a. The information requested on the application form;

   b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

   c. The required fee, except when City of *Hood River* initiates request;

   d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards*; and*

   e. Evidence of neighborhood contact, pursuant to Section 4.1.070.

C. Procedure. Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

1. The City Planning Director shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. Notice will be filed using procedures established by DLCD..

2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

   a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change

from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;

b. Any affected governmental agency;

c. Any person who requests notice in writing; and

d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.

4. For each mailing and publication of notice, the City Planning Director shall keep an affidavit of mailing/publication in the record.

D. Public Hearings.

1. The Planning Commission and/or Landmarks Review Board shall hold at least one (1) legislative public hearing to review legislative actions and make a recommendation to the Council to approve, approve with conditions, or deny.

2. The City Council shall hold a legislative hearing on legislative actions within thirty (30) days of the date it receives the Planning Commission's recommendation.

E. Final Decision and Effective Date. A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Planning Director. The City shall also provide notice to all persons as required by other applicable laws.

17.09.060 Type III Quasi-judicial and Type IV Legislative public hearings.

A. *Quasi-Judicial Hearing Procedure.* All quasi-judicial hearings shall be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710. The following rules shall apply to all quasi-judicial hearings:

1. Any questions concerning the conduct of a hearing shall be addressed to the Chair with a request for a ruling. Rulings from the Chair shall be made in light of the stated purpose of these procedures and supplemental rules. Any ruling made by the Chair may be modified or reversed by a majority of those members of the hearing body present and eligible to vote on the application before the hearing body.

2. The rules of procedure for the conduct of hearings under this section are as follows:

a. At the commencement of the hearing, the Chair, or the Chair's designee, shall ascertain whether a quorum

is present. A quorum is necessary to conduct the hearing and to deliberate. The Chair shall explain the nature of the application and list the substantive criteria of Title 16 or Title 17 of the Hood River Municipal Code, the Comprehensive Plan, and/or state statute that apply to the decision before the hearing body.

b. The Chair shall then request abstentions by members of the hearing body. Prior to abstaining, the member shall explain the basis for his/her abstention. No member of the hearing body shall participate in discussion of the application or vote on the application when

1. Any of the following has a direct or substantial financial interest in the proposal:

   a The member of the hearing body or his/her spouse, brother, sister, child, parent, or like relative of his/her spouse has a direct or substantial financial interest in the proposal, or

   b A business in which the member of the hearing body or any spouse or relative is then serving, or has served within the previous two (2) years has a direct or substantial financial interest in the proposal; or

   c Any business, that has a direct or substantial financial interest in the proposal, that the member, spouse, or relative is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;

2. He/she owns property within the area entitled to receive notice of the public hearing; or

3. He/she has a direct personal interest in the proposal.

c. The Chair shall then request that all hearing body members disclose any significant pre-hearing or ex parte contact regarding the application. No member shall participate in any proceeding in which the member has an actual conflict of interest or in which the member, or those persons or businesses described in ORS 244.135, has a direct or substantial financial interest. If the member refuses to disqualify him or /herself for conflict of interest, ex parte contact, or bias, the hearing body shall have the power to disqualify the member by majority vote of those present for that proceeding.

d. The Chair shall then provide an opportunity for questioning of the hearing body members by interested persons as to a hearing body member's qualifications to hear the application or appeal. Based upon the disclosures of the hearing body members or any challenges by interested persons, the Chair shall then entertain motions by any member of the hearing body to disqualify any of its members. A member may be disqualified if a majority of the hearing body determines that a member is biased in favor of or against the applicant or proposal.

e. The Chair shall then request presentation of the City Planning Department's report. The Chair shall then state the rules of conduct for the hearing as follows:

1. No person shall testify without first being recognized by the Chair and stating his/her full name and

residence address.

2. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.

3. There shall be no audience demonstrations such as applause, cheering, display, signs, or conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing by the hearing body.

4. No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.

5. Testimony and evidence must be directed toward the applicable substantive criteria. Failure to raise an issue with sufficient specificity to afford the hearing body and the parties an opportunity to respond to the issue precludes appeal to the board based on that issue.

6. The Chair; members of the hearing body; and with the approval of the Chair, the City Attorney; and any other officer or employee of the City may question and cross-examine any person who testifies.

7. No other officer or employee of the City who has a financial or other private interest or has previously participated in a hearing on the application shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.

8. The hearing body may set such time limitations for hearings provided that proponents and opponents are provided equal time for presentation of evidence and argument.

g. The Chair shall then request:

1. The proponent's case;

2. Other testimony or evidence in support of the application;

3. The opponent's case;

4. Other testimony or evidence against the application;

5. Testimony or evidence concerning the application, which by its nature is neither in favor nor against; and

6. Rebuttal, which should shall be limited to comments on evidence in the record.

h. The Chair shall then close the hearing and the hearing body shall commence deliberations. The hearing body's deliberations may include questions directed to City staff, comments from City staff, or inquiries directed to any person present. If new evidence, conditions, or modifications not presented in the staff report are raised after the close of the hearing, an opportunity shall be provided for any person to comment on or

rebut that evidence or information.

i. When the hearing body reopens a record to submit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony, or criteria for decision making that apply to the matter at issue.

j. Prior to the conclusion of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Commission shall grant the request (a "continuance") by continuing the public hearing or leaving the record open for additional evidence or testimony in accordance with the provisions of ORS 197.763.

k. The hearing body shall, within thirty days (30) after closing the hearing, adopt a written decision, which specifically sets forth the basis for that decision. The hearing body's final decision shall be based on adequate findings of fact presented during the hearing. If a finding is challenged by a Commissioner or Councilor, a vote may be taken on the finding singly, apart from the motion. A proposed order may be submitted by the Planning Director, or the Planning Commission or City Council may request the applicant or appellant to submit a proposed order.

B. *Legislative Hearing Procedure.* The Historic Landmarks Boards, Planning Commission, and Council each have the authority to hold legislative hearings. All legislative hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, "Public Meetings".

1. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearings body wishes to make any disclosure, or abstain from participating or voting on the matter being heard because of possible financial gain resulting from the legislative action.

2. A member with an actual conflict of interest shall not participate as a member in the hearing, but may vote if the member's vote is necessary to meet the minimum number of votes required to take official action.

4.1.060 Time Limit, Consolidated Review, and City Planning Director's Duties

A. Time Limit - 120-day Rule. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the City Planning Director deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)

B. Time Periods. In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

C. Consolidated Review of Applications. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall (or may?) be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

D. City Planning Director's Duties. The City Planning Director, or their designee, shall perform all of the following duties with regard to administration of this Code:

1. Prepare application forms based on the provisions of this Code and applicable state law;

2. Prepare required notices and process applications for review and action;

3. Assist the Planning Commission and City Council in administering the hearings process;

4. Answer questions from the public regarding the City's land use regulations;

5. Prepare staff reports summarizing pending applications, including applicable decision criteria;

6. Prepare findings consistent with City decisions on land use and development applications;

7. Prepare notices of final decisions, file the notices in the City's records, and mail a copy of the notices to all parties entitled to notice under this Code; and

8. Maintain and preserve the file and public record for each application.

4.1.070 Neighborhood Contact

A. Purpose and Applicability. Applicants for Planned Unit development, subdivision, or site design review on projects involving parcels or lots larger than [one acre] [and located adjacent to any residential zone], and property owner-applicants for zone changes, are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

Note to Decision Makers: The current Hood River Code requires neighborhood meetings for PUDs and subdivisions only. ***Question: Does Hood River want to expand the requirements to any Site Design Review applications for projects over a certain acreage amount?***

B. Notice. Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners whose property is located within 250 feet of the site, at their addresses of record at the Hood River County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the City. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.

C. Meeting place, date, and time. The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.

D. Conduct of meeting. At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, must make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.

E. Filing requirements. Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.

17.09.120 Pre-Application Conferences.

A. When a pre-application conference is required or requested, the applicant shall schedule a meeting with the Planning Department. When the proposed action is located adjacent to a state roadway or the proposed action may have an impact on a state roadway, ODOT shall be invited to participate in the pre-application conference and review of the application. At the conference, the City may address the following:

1. The comprehensive plan policies, and map designations applicable to the proposal;
2. The ordinance provisions, including substantive and procedural requirements applicable to the proposal;
3. Availability of technical data and assistance which will aid the applicant; and
4. Other governmental policies and regulations that relate to the application.

B. *Disclaimer*. Failure of the City to provide any of the information required by this section does not constitute a waiver of any of the standards, criteria, or requirements for the application.

C. Pre-application comments expire one year from the date of the pre-application meeting.

Chapter 4.2 - Site Design Review

4.2.010 Purpose

The purpose of this chapter is to advance all of the following objectives in the public interest:

A. Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;

B. Promote the public health, safety, and general welfare;

C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and

D. Encourage efficient use of land resources and public services, and the provision of transportation options.

4.2.020 Applicability

A. A site design review shall be required for the following circumstances:

1. New non-residential construction.
2. Expansion, remodel, or exterior alteration of any building or other structure for a non-residential use.
3. Change of use.
4. Manufactured Home Parks .
5. Removal or fill of over 5,000 cubic yards of land.
6.

B. Exemptions from site design review are as follows:

1. Any activity that does not require a building permit and is not considered by the Director to be a change in use.

2. Any activity on the exterior of a building that does not exceed ten percent (10%) of the structure's total cost, fair market value, or $75,000, whichever is less, as determined by the building official.

3. Interior work which does not alter the exterior of the structure or affect parking standards by increasing floor area.

4. Normal building maintenance including the repair or maintenance of structural members.

5. All residential development, including residential mixed-use development

6. Home occupations; except for uses requiring a Conditional Use Permit.

4.2.030 Review Procedure

Site Design Review shall be conducted using the Type II procedure in Section 4.1.030, except that proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in Section 4.1.040:

A. The proposed use's estimated vehicle trip generation exceeds *[100 average daily trips],* based on the latest edition of the Institute of Transportation Engineers (ITE) Manual *[This is the equivalent of approximately 10 dwelling units or a 1,000-square-foot bank with a drive-through window.];*

B The use exceeds *[5,000 square feet of gross leasable floor area; or the project involves more than one acre total site area];*

C. The proposal involves a Conditional Use (new or expanded);

D. The proposal involves a variance under Chapter 4.7;

E. The proposal involves expansion of a non-conforming use; or

F. The City Planning Director determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.

G. Change of Use:

Note to Decision Makers: The current Hood River Code states: A frequently encountered situation by staff is requests for change of use***. Question and Options: At what thresholds should 'change in use' requests require a site design review and a what threshold should it be a Type I, Type II, or Type III review? Options to consider: Percentage of expansion by square feet? Valuation of the change? Type of change (commercial retail to commercial personal services)? Impacts associated with the change in terms of intensity of use or impact on parking or transportation facilities?***

4.2.040 Application Submission Requirements

All of the following information is required for Site Design Review application submittal, except where the City Planning Director determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements

1. Information required for Type II or Type III review, as applicable (see Chapter 4.1).

2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(4).

B. Site Design Review Information. In addition to the general submission requirements an applicant for Site Design Review shall provide the following information, as deemed applicable by the City Planning Director. The City Planning Director may request any information that they need to review the proposal and prepare a complete staff report and recommendation to the approval body prior to the application being deemed complete.

1. Site analysis map. The site analysis map shall contain all the following information, as the City Planning Director deems applicable:

a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;

b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;

c. Identification of slopes greater than 15 percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);

d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, county, or state as having a potential for geologic hazards;

f. Areas subject to overlay zones;

h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;

i. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade;

j. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed and

k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

2. Proposed site plan. The site plan shall contain all the following information:

a. The proposed development site, including boundaries, dimensions, and gross area;

b. Features identified on the existing site analysis maps that are proposed to remain on the site;

c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;

d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;

e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;

f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);

h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

i. Loading and service areas for waste disposal, loading, and delivery;

j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

k. Location, type, and height of outdoor lighting;

l. Location of mail boxes, if known;

m. Name and address of project designer, if applicable;

n. Locations of bus stops and other public or private transportation facilities; and

o. Locations, sizes, and types of signs.

3. **Architectural drawings.** Architectural drawings shall include, as applicable:

   a. Building elevations with dimensions;

   b. Building materials, colors, and type; and

   c. Name and contact information of the architect or designer.

4. **Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.6.040.

5. **Landscape plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 3.4:

   a. The location and height of existing and proposed fences, buffering, or screening materials;

   b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;

   c. The location, size, and species of the existing and proposed plant materials (at time of planting);

   d. Existing and proposed building and pavement outlines;

   e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and

   f. An arborist's report may be required for sites with mature trees that are proposed to be retained and protected.

6. **Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.050.

8. **Traffic Impact Analysis,** when required by Section 3.6.020.A(5).

9. **Other information**, The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

4.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The Planning Director or Planning Commission, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.

A. The application is complete, in accordance with Section 4.2.040, above;

B. The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including, but not limited to, building and yard setbacks, lot area and dimensions, building design standards, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;

C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 1.4 Non-Conforming Uses and Development;

D. The proposal complies with all of the Development and Design Standards of Article 3, as applicable, including, but not limited to:

   1. Chapter 3.3 Access and Circulation;

   2. Chapter 3.4 Landscaping, Fences and Walls, Outdoor Lighting;

   3. Chapter 3.5 Parking and Loading;

   4. Chapter 3.6 Public Facilities.

E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and

F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

4.2.060 Assurances

Public improvement required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of Section 3.6.090, as applicable.

4.2.070 Compliance With Conditions, Permit Expiration, and Modifications

Development shall not commence until the applicant has received all applicable land use and development approvals. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require bonding or other assurances for improvements. Site Design Review approvals are subject to all of the following standards and limitations:

A. Approval Period. Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or

2. Construction on the site is in violation of the approved plan.

B. Extension. The City Planning Director, upon written request by the applicant, may grant a written extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;

2. The applicant can show intent of initiating construction on the site within the one-year extension period;

3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new Site Design Review shall be required; and

4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

C. Modifications to Approved Plans and Developments. Modifications to approved plans are subject to City review and approval under Chapter 4.5.

Chapter 4.3 - Land Divisions and Property Line Adjustments

4.3.010 Purpose

The purpose of this chapter is to implement the objectives in subsections A-E, below:

A. Provide rules, regulations. and standards governing the approval of subdivisions, partitions, and property line adjustments as follows:

1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one (1) calendar year.

2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract within one calendar year.

3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).

B. Carry out the City's development pattern, as envisioned by the City's comprehensive plan.

C. Encourage efficient use of land resources and public services, and to provide transportation options.

D. Promote the public health, safety, and general welfare through orderly and efficient urbanization.

E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

4.3.020 General Requirements

A. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Note: Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to Section 4.3.120; they are not subject to 4.3.020 through 4.3.110.

B. Compliance With Oregon Revised Statutes (ORS) Chapter 92. All subdivision and partition

proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92 Subdivisions and Partitions.

C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The applicant shall submit a future re-division plan, or shadow plan, indicating how re-division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. (See also, Section 4.3.040 Pre-Planning for Large Sites.)

D. Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant to Chapter 3.6. These systems shall be located and constructed underground where feasible.

E. Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to Chapter 3.6.

F. Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 3.3.

4.3.030 Preliminary Plat Approval Process

A. Review of Preliminary Plat.

1. Type I Land Division (Property Line Adjustment). Property line adjustments shall be a Type I procedure if the resulting parcels comply with standards of the zoning district and this chapter.

2. Type I Land Division (Minor Partition). A partition shall be a Type I procedure if the land division does not create a street and the resulting parcels comply with the standards of the zoning district and this chapter.

3. Type II Land Division (Major Partition or Subdivision). A partition or subdivision shall be a Type II procedure when a street is extended, satisfactory street conditions exist, the resulting parcels/lots comply with the standards of the zoning district, and the criteria for partitions and subdivisions in this chapter. Satisfactory street conditions exist when the Director determines all of the following are met:
   a. Existing streets that are stubbed to the property boundaries are connected and extended through to the property boundaries of the subject property.
   b. The land division does not create traffic volumes that exceed average daily traffic (ADT) standards for local streets as detailed in XXX
   c. The proposed street layout provides collector and arterial streets substantially as depicted in the 2021 City of Hood River Transportation System Plan, Figure xx. "Substantially as depicted" means that the streets' proposed location is within 100 feet of the depicted location in any direction.
   d. The proposed partition or subdivision provides, as applicable, a street pattern that meets the dimensional standards for blocks as required in XXXX and provides street cross-sections that meet the width requirements as detailed in XXXX.

4. Type II Land Division (Minor Replat). A minor replat of an existing platted subdivision shall be a Type II procedure when the street(s) are existing and no extension or reconstruction/realignment is necessary, the replat does not increase the allowable density, the resulting parcels comply with the standards of the zoning district and this chapter, and the replat involves no more than six lots. Regardless of the number of lots, any replat involving the creation, extension, or modification of a street shall be processed as a major replat.

5. Middle Housing Land Division. A middle housing land division is a land division for a duplex built in accordance with ORS 197A.420. A middle housing land division results in the creation of separate units of land for each dwelling unit of the duplex, or to create a separate unit of land for an Accessory Dwelling Unit. Following the land division, the units of land resulting from a Middle Housing Land Division shall collectively be considered a single lot along with the parent lot for all planning and zoning purposes except platting and property transfer.

6. Type III Land Division (Major Partition or Subdivision). A partition or subdivision shall be a Type III procedure if unsatisfactory street conditions exist, the resulting parcels/lots do not comply with the standards of the zoning district, the partition or subdivision does not meet the criteria in this chapter, or

the applicant is requesting one or more variances. The Director shall determine that unsatisfactory street conditions exist if one or more of the following are proposed:

a. Existing streets that are stubbed to the property boundaries are not connected and extended through to the property boundaries of the subject property.
b. The land division creates traffic volumes that exceed average daily traffic (ADT) standards for local streets as detailed in XXXX.
c. The proposed street layout does not provide collector and arterial streets substantially as depicted in the 2021 City of Hood River Transportation System Plan, Figure XX. "Substantially as depicted" means that the streets' proposed location is within 100 feet of the depicted location in any direction.
d. The proposed partition or subdivision does not provide a street pattern that meets the dimensional standards for blocks as required in XXXX and/or does not provide street cross-sections that meet the width requirements as detailed in XXXX.

7. Type III Land Division (Major Replat). A major replat involves the realignment of property lines involving more than six lots, even if the major replat does not increase the allowable density. All parcels resulting from the replat must comply with the standards of the zoning district and this chapter. Any replat involving the creation, extension, or modification of a street shall be processed as a major replat.

16.08.010 Approval process for subdivisions and partitions.

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 or site plan under Title 17.

c. An expedited land division partition, consolidation, or subdivision as described in Oregon Revised Statute (ORS) 197.360, not a land use decision or a limited land use decision under ORS 197.015 and may be processed as a ministerial application*. *Associated land use decisions such as conditional uses, site plans, and variances cannot be concurrently reviewed as an expedited land division. (Ord. 2053 § 2, 2020)

B. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to Section 4.3.090, within the two-year period. The Planning Commission may approve phased subdivisions, pursuant to subsection 4.3.030.D, with an overall time frame of more than two years between preliminary and final plat approvals.

C. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.5. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written

extensions of the approval period not to exceed one year per extension, provided that all of the following criteria are met:

1. Any changes to the preliminary plat follow the procedures in Chapter 4.5;

2. The applicant has submitted written intent to file a final plat within the one-year extension period;

3. An extension of time will not prevent the lawful development of abutting properties;

4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and

5. The extension request is made before expiration of the original approved plan.

D. Phased Subdivision. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant's proposal meets all of the following criteria:

1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one year;

2. Public facilities shall be constructed in conjunction with or prior to each phase;

3. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;

4. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and

5. Planning Commission approval is required for modifications to phasing plans.

[4.3.040 Pre-planning for Large Sites

A. Purpose. *Section 4.3.040 requires the pre-planning of large sites in conjunction with [requests for annexation, and] applications for [phased] subdivisions and master plan developments; the purpose of which is to avoid piecemeal development with inadequate public facilities.*

B. Applicability. *This section applies to land use applications and annexations affecting more than 40 acres of land under the same contiguous ownership, even where only a portion of the site is proposed for subdividing. For the purposes of this section, the same contiguous ownership means the same individual, or group of individuals, corporations, or other entities, controls a majority share of ownership.*

C. Area Plan Required. *Prior to submittal of an [annexation petition or] land division application for an area subject to Section 4.3.040, a conceptual master plan shall be submitted to the City Planning Director with the required pre-application materials for the project or proposal. The conceptual master plan shall illustrate the type and location of planned streets, utility corridors, parks, open spaces, and land uses for the ultimate buildout of the subject property and all lands under contiguous ownership. The plan shall demonstrate how future development, including any proposed phasing, can meet all the guidelines under subsection D, below.*

D. Criteria. *The conceptual plan required under subsection C, above, is not required to be engineered but shall have a sufficient level of detail so that the City officials can determine that it meets the following design guidelines:*

1. *Streets are interconnected to the extent practicable; blocks are walkable in scale (generally 200-600 feet in length), except where topography, existing development, or other physical features require longer blocks, in which case pedestrian access ways connect through long blocks;*

2. *Water, sewer, and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans. Where a public facility plan identifies a need for new capacity-related improvements (e.g., water storage, sewage treatment, pump stations, etc.) in the future, the plan shall describe conceptually how such improvements can be accommodated;*

3. *Overall, the plan achieves a housing density that is [within 80% - 100% of planned densities,] consistent with the Comprehensive Plan and Development Code; and*

4. *The plan reserves land needed for public use (e.g., schools, parks, fire stations, and other facilities), in accordance with the Comprehensive Plan and to the extent allowed under applicable law.*

E. Implementation. *The City will review the conceptual master plan required by this section and provide input to the applicant during the pre-application meeting for the land use application or annexation petition, as applicable. The City may also refer the plan to outside agencies with jurisdiction for their input. The master plan is not binding, but the applicant is encouraged to refine the plan based on City input before submitting a land use application or annexation petition for the subject property. The applicant is also required to contact adjacent property owners and solicit their input prior to submitting a land use application, pursuant to Section 4.1.040.B.]*

16.08.020.

D. *Future Re-Division Plan.* When subdividing or partitioning tracts into large lots (i.e., greater than two (2) times or two hundred percent (200%) the minimum lot size allowed by the underlying land use zone), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zone and this Title.

1. A re-division plan shall be submitted which identifies

   a. Potential future lot division(s) in conformance with the housing and density standards of Title 17;

   b. A Future Street Plan consistent with the Local Street Connectivity standards of the Transportation System Plan and, for major partitions and subdivisions in compliance with Section 16.12.020(J) which identifies potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.

2. The re-division plan shall also include a disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation. Additionally, if the Planning Director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the preliminary plan approval.

[4.3.050 Lot Size Averaging, Flag Lots, and Infill Development

A. Lot Size Averaging. *To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant a [10-20] percent modification to the lot area and/or lot dimension (width/depth) standards in Chapter 2.3, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that all of the following are met:*

1. Granting the modification is necessary to achieve planned housing densities, as allowed by the underlying zone, or to improve development compatibility with natural features or adjacent land uses;

2. Where a proposed subdivision would abut an existing subdivision with standard-, or larger-, sized lots, the perimeter of the proposed subdivision shall contain standard-, or larger-, sized lots; except that this provision does not apply where the existing lots are larger than 20,000 square feet; and

3. The Planning Commission may require screening, buffering, or other transitions in site design where substandard lots are proposed to abut standard-, or larger-, sized lots.

B. ***Flag Lots.*** *Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") shall serve not more than [two / four] dwelling units, including accessory dwellings and dwellings on individual lots. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed so that future street connections can be made as adjacent properties develop, to the extent practicable, and in accordance with the transportation connectivity and block length standards of Section 3.6.020.D.*

C. ***Infill Development and Mid-Block Lanes.*** *Where consecutive flag lot developments or other infill development could have the effect of precluding local street extensions or pedstrian or bike connections, the Planning Commission may require the improvement of a mid-block lanes through the block. Mid-block lanes are a private drives serving more than [two / four] dwelling units with reciprocal access easements; such lanes are an alternative to requiring public right-of-way street improvements where physical site constraints preclude the development of a standard street. Mid-block lanes, at a minimum, shall be paved, have adequate storm drainage (surface retention, where feasible, is preferred), meet the construction standards for alleys, and conform to the standards of subsections D through E.*

D. ***Emergency Vehicle Access.*** *A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure, or other obstacle shall be placed within the drive area. Where required, emergency vehicle apparatus lanes, including any required turn-around, shall conform to applicable building and fire code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).*

E. ***Maximum Drive Lane Length.*** *The maximum length of a drive serving more than one dwelling is subject to requirements of the Uniform Fire Code, but in no case shall it exceed [X] feet or serve more than [Y] dwelling units without providing secondary access/egress.]*

4.3.060 Preliminary Plat Submission Requirements

Applications for Preliminary Plat approval shall contain all of the following information:

A. General Submission Requirements.

1. Information required for a Type I (see Section 4.1.010), Type II (see Section 4.1.030), or Type III review (see Section 4.1.040) depending on the application; and

2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study, which shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for subdivisions and planned unit developments of 20 or more dwelling units); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City standards under adopted ordinances and facility master plans. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(5).

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

1. **General information:**

   a. Name of subdivision (partitions are named by year and file number), which shall not duplicate the name of another land division in *Hood River* County (check with County Surveyor);

   b. Date, north arrow, and scale of drawing;

   c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;

   d. Zoning of parcel to be divided, including any overlay zones;

   e. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and

   f. Identification of the drawing as a "preliminary plat."

2. **Existing Conditions.** Except where the City Planning Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site:

   a. Streets: Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site;

   b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;

   c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;

   d. Ground elevations shown by contour lines at two-foot vertical intervals. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Planning Commission may waive this standard for partitions when grades, on average, are less than 6 percent;

   e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

   f. The Base Flood Elevation, per FEMA Flood Insurance Rate Maps, as applicable;

   g. North arrow and scale; and

   h. Other information, as deemed necessary by the City Planning Director for review of the application. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. **Proposed Development.** Except where the City Planning Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:

   a. Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

   b. Easements: location, width and purpose of all proposed easements;

   c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;

d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;

e. Proposed public street improvements, pursuant to Chapter 3.6;

f. On slopes exceeding an average grade of 10 percent, as determined by the City Engineer, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;

g. Preliminary design for extending City water and sewer service to each lot, per Chapter 3.6;

h. Proposed method of storm water drainage and treatment, if required, pursuant to Chapter 3.6;

i. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

j. Evidence of compliance with applicable overlay zones, including but not limited to City of Hood River Environmental hazard zone; and

k. Evidence of contact with the applicable road authority for proposed new street connections.

4.3.070 Preliminary Plat Approval Criteria

A. Approval Criteria. The Planning Director or Planning Commission may approve, approve with conditions, or deny a preliminary plat. The Planning Director or Planning Commission decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of Chapter 4.3;

2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Article 2 (Zoning)*[, except as modified by the provisions of Chapter 4.3 (e.g., lot size averaging)]*;

3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer, and streets, shall conform to Article 3 (Development and Design Standards);

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

5. The proposed streets, utilities, and surface water drainage facilities conform to City of *Hood River* adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

8. Evidence that improvements or conditions required by the City, road authority, Hood River County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

B. Conditions of Approval. The Planning Commission may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

4.3.080 Land Division-Related Variances

Variances shall be processed in accordance with Chapter 4.7. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted; when practical, the applications shall be reviewed concurrently.

4.3.090 Final Plat Submission Requirements and Approval Criteria

Final plats require review and approval by the Planning Director prior to recording with Hood River County. The final plat submission requirements, approval criteria, and procedure are as follows:

Submission Requirements. The applicant shall submit the final plat within two years of the approval of the preliminary plat as provided by Section 4.3.070.

B. Approval Process and Criteria. By means of a Type II Review, the Planning Director shall review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:

Note to Decision Makers: The current Hood River Title 16 has final plat review as a Type I process. The City Attorney has advised that it be a Type II process in order to provide notice. The criteria for approval is clear and objective and based on the conditions of approval for the preliminary plat. ***Question: Does the Hood River want to make Final Plat reviews a Type II review?***

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, rights-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City or applicable service provider if different than the City of Hood River (e.g., road authority), or otherwise bonded in conformance with Section 3.6.090;

3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;

4. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;

5. The plat and deed contain a dedication to the public of all public improvements, including, but not limited to, streets, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;

6. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R's); easements; maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat;

7. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat; and

8. 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, indicating the initial point of the survey, and giving the dimensions and kind of each monument and its reference to some corner approved by the Hood River County Surveyor for purposes of identifying its location.

4.3.100 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot is recorded. Requests to validate an existing lot created through means other than a final plat ("lot of record") shall follow the procedures set forth in ORS 92.010 to 92.190. The final plat filing and recording requirements are as follows:

A. Filing Plat with County. Within 60 days of City approval of the final plat, the applicant shall submit the final plat to Hood River County for signatures of County officials, as required by ORS Chapter 92.

B. Proof of Recording. Upon final recording with the County, the applicant shall submit to the City a mylar copy and three 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 the County Surveyor approves it in the manner provided by ORS Chapter 92.

4.3.110 Re-platting and Vacation of Plats

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS Chapter 271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable City standards.

4.3.120 Property Line Adjustments

A Property Line Adjustment is the modification of a lot boundary when no lot is created. The City Planning Director reviews applications for Property Line Adjustments pursuant to the Type I procedure under Section 4.1.020. The application submission and approval process for Property Line Adjustments is as follows:

A. Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I review, pursuant to Section 4.1.020. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, location of lands subject to the City of Hood River Environmental hazard zone, existing fences and walls, and any other information deemed necessary by the Planning Director or Planning Commission for ensuring compliance with City codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.

B. Approval Criteria. The City Planning Director shall approve or deny a request for a property line adjustment in writing, based on all of the following criteria:

1. **Parcel Creation.** No additional parcel or lot is created by the lot line adjustment;

2. **Lot standards.** All lots and parcels conform to the applicable lot standards of the zoning district (Article 2) including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform the City of Hood River Environmental hazard zone: and

3. **Access and Road authority Standards.** All lots and parcels conform to the standards or requirements of Chapter 3.3 Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made less conforming by the property line adjustment.

C. Recording Property Line Adjustments

1. **Recording.** Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with *[County name]* County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

2. **Time limit.** The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to any application being filed for a building permit on the re-configured lots.

4.3.130 Middle Housing Land Divisions.

A. Applicability. When land which has been, or is proposed to be, developed for middle housing is proposed to be partitioned or subdivided so that each dwelling unit will be located on its own separate

lot, the partition or subdivision shall be processed as a middle housing land division pursuant to this section, in-lieu of the standards and procedures otherwise applicable to partitions and subdivisions included under this chapter.

B. Procedure. Unless an applicant requests a middle housing land division shall be processed as an expedited land division as provided under ORS 197.360 through ORS 197.380, the application be reviewed as a Type II administrative review,

C. Submittal Requirements. An application for a middle housing land division shall include the following:

1. The information required under Section 17.18.30;
2. List and two sets of mailing labels for property owners within 100 feet of the subject property;

D. Approval Criteria.

The Director shall review middle housing land division applications based on the procedure set forth for Type II applications in 4.1.030 and the following approval criteria:

1. A proposal for development of middle housing shall be in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420(5);
2. Separate utilities are provided for each dwelling unit;
3. The following easements are shown for each dwelling unit on the tentative plan:
   a. Easements necessary for locating, accessing, replacing and servicing all utilities;
   b. Easements for pedestrian access from each dwelling unit to a public road;
   c. Easements necessary for any common use areas or shared building elements; and
   d. Easements necessary for any dedicated driveways or parking.
4. The middle housing land division results in exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels, or tracts used as common areas;
5. The application demonstrates that buildings or structures on the middle housing lots created by the middle housing land division will comply with applicable building code provisions relating to new property lines, and, notwithstanding the creation of new lots or parcels, that structures or buildings located on the middle housing lots will comply with the Oregon Residential Specialty Code;
6. The final plat shall include a notation indicating that the land division was approved through a middle housing land division and that the lots shall not be further divided;
7. The final plat shall include a note indicating that neither a Homeowners Association nor Covenants, Conditions, and Restrictions can prohibit middle housing land division;
8. The deed shall contain a reference to the final plat, which includes a notation that the land division was approved though a middle housing land division and that the lots shall not be further divided; and

9. The proposal shall include street frontage improvements where a resulting lot or parcel abuts the street consistent with the 2023 Transportation System Plan.

E. Conditions of Approval. Conditions may not be placed on the approval of a middle housing land division except to:

1. Prohibit further division of the resulting lots;
2. Prohibit the construction of an accessory dwelling unit on any of the resulting lots;
3. Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of Section 17.10.30;
4. Require boundary street improvements when an existing street abutting the property does not conform to the requirements of the adopted street section consistent with the 2023 Transportation System Plan; and
5. Require a notation on the final plat indicating that the approval of the land division was given under ORS 92.031.

F. Submission of Final Plat. The applicant shall survey the middle housing land division and prepare a final plat in conformance with the tentative plat approval and the requirements of ORS Chapter 92.

G. Information on Plat. In addition to information required for the tentative plat or otherwise specified by state law, the following information shall be shown on the final plat for the middle housing land division:

1. Tract boundary lines, right-of-way lines of streets, and property lines with dimensions, bearings, or deflection angles and radii, arcs, points of curvature, and tangent bearings. All bearings and angles shall be shown to the nearest one-second and all dimensions to the nearest 0.01 foot. If circular curves are proposed in the plat, the following data must be shown in table form: curve radius, central angles, arc length, and bearing of long chord.
2. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded references. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the plat, it shall be properly referenced in the owner's certificates of dedication.
3. Any building setback lines if more restrictive than the City zoning ordinance.
4. Location and purpose for which sites, other than residential lots, are dedicated or reserved.
5. Easements and any other areas for public use dedicated without any reservation or restriction.
6. A copy of any deed restrictions and restrictive covenants written on the face of the plat or prepared to record with the plat with reference on the face of the plat.
7. The following certificates that may be combined where appropriate:
   a. A certificate signed and acknowledged by all parties having any recorded title interest in the land, consenting to the preparation and recording of the plat.
   b. A certificate signed and acknowledged as above, dedicating all land intended for public use except land that is intended for the exclusive use of the lot owners in the plat, their licensees, visitors, and

tenants.

c. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final plat.
d. Other certificates now or hereafter required by law.

8. *Supplemental Information with Plat.* The following data shall accompany the final plat:
   a. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the land.
   b. Sheets and drawings showing the following:
      i. Traverse data including the coordinates of the boundary of the plat and ties to section corners and donation land claim corners, and showing the error of closure, if any.
      ii. The computation of distances, angles, and courses shown on the plat.
      iii. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
   c. A copy of any deed restrictions or recorded covenants applicable to the partition or replat.
   d. A copy of any dedication requiring separate documents.
   e. A list of all taxes and assessments on the land which have become a lien on the land.
   f. A certificate by the applicant's engineer that the applicant has complied with the improvement requirements.
9. Certification by the Public Works Director or by the owner of a privately owned domestic water supply system that water will be available to the property line of each and every lot depicted in the final plat.

H. Expiration. Tentative plan approval for a middle housing land division shall expire in three years, unless a final plat is approved within that timeframe.

Chapter 4.4 - Conditional Use Permits

4.4.010 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Conditional uses are identified in Chapter 2.2 Zoning District Regulations. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

4.4.020 Approvals Process

The Planning Commission using a Type III procedure, per Section 4.1.040, reviews conditional use applications. The Planning Commission may require annual, or less frequent, renewal of Conditional Use Permits. Modifications to conditional use permits are subject to Chapter 4.5 Modifications.

4.4.030 Application Submission Requirements

In addition to the submission requirements for a Type III review under Section 4.1.040, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 4.4.040.

4.4.040 Criteria, Standards, and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in A. and B., below.

A. Use Criteria

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Article 2; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place, and/or manner of operation;

2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;

3. Requiring larger setback areas, lot area, and/or lot depth or width;

4. Limiting the building or structure height, size, lot coverage, and/or location on the site;

5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;

6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;

7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

8. Limiting the number, size, location, height, and/or lighting of signs;

9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;

10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location, and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;

13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and

14.

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.

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.

Chapter 4.5 - Modifications to Approved Plans and Conditions

4.5.010 Purpose

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

4.5.020 Applicability

This chapter applies when an applicant proposes to modify an approved application or condition of approval.

4.5.030 Major Modifications

A. Major Modification. The Planning Commission reviews applications for major modifications through the Type III (Quasi-Judicial) procedure under Section 4.1.040. Any one of the following changes constitutes a major modification:

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, an estimated increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is *[10-20]* percent or more, provided the standards of Article 2 and Article 3 are met;

2. An increase in floor area in a commercial or industrial development, or an increase in the number of dwelling units in a multifamily development, by *[10-20]* percent or more, provided the standards of Article 2 and Article 3 are met;

3. A reduction in required setbacks, or an increase in lot coverage, by *[10-20]* percent or more, provided the standards of Article 2 and Article 3 are met;

4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic when the roadway authority determines the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation);

5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by *[10-20]* percent or more;

6. Change to a condition of approval, or a change similar to items 1-5, above, that could have a detrimental impact on adjoining properties. The City Planning Director shall have discretion in determining detrimental impacts triggering a major modification; or

7. Other changes similar to those in subsections 1-6, above, in scale, magnitude, or impact to adjacent properties, as determined by the City Planning Director.

B. Major Modification Applications; Approval Criteria. Requests for major modifications shall conform to all of the following procedures and criteria:

1. The applicant shall submit an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The City may require other relevant information, as necessary, in evaluating the request;

2. The application shall be subject to the same approval criteria used for the initial project approval; except that a modification adding a conditional use to a project approved without a conditional use shall require findings in conformance with Chapter 4.4;

3. The scope of review shall be limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with Chapter 4.1; and

4. The Planning Commission shall approve, deny, or approve with conditions an application for major modification based on written findings on the applicable Code criteria (e.g., subdivision, Site Design Review, conditional use, etc.).

4.5.040 Minor Modifications

A. Minor Modification. The City Planning Director through a Type I or II procedure, depending on whether the proposal involves the exercise of discretion, shall review proposals for Minor Modifications. Minor modifications include technical corrections to comply with codes and regulations, and changes that fall below the thresholds in 4.5.030, as determined by the City Planning Director. A minor modification is a change to an approved plan or condition of approval that does not meet any of the thresholds for a major modification listed in Section 4.5.030.A.

B. Minor Modification Applications; Approval Criteria. An application for minor modification shall include an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The City Planning Director may require other relevant information, as necessary, in evaluating the request.

C. Minor Modification Approval Criteria. The Planning Commission shall approve, deny, or approve with conditions an application for minor modification based on findings of compliance or noncompliance with the applicable requirements of the Development Code and the conditions of approval of the original decision.

Chapter 4.6 – Amendments to Zoning Map or Code

4.6.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

4.6.020 Procedure

A. Except for corrections, amendments to Development Code text are Legislative (Type IV).

B. Amendments to the Zoning Map that affect more than one parcel, or more than one-half of an acre, whichever is greater, are Legislative (Type IV) actions.

C. Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are Legislative (Type IV) actions.

D. Amendments that do not meet the criteria under subsections 4.6.020.A, 4.6.020.B, or 4.6.020.C may be processed as Quasi-Judicial amendments, pursuant to the Type III procedure.

4.6.030 Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);

C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and

D. The amendment must conform to Section 4.6.050 Transportation Planning Rule Compliance.

4.6.040 Record of Amendments

The City Planning Director shall maintain a record of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

4.6.050 Transportation Planning Rule Compliance

Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant affect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

17.08.050 Transportation planning rule (legislative and quasi-judicial).

A. Zone changes and amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;

2. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule;

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes;

4. Amending the Transportation System Plan to modify the planned function, capacity or performance standards of the transportation facility.

B. A plan or land use regulation amendment significantly affects a transportation facility if it

1. Changes the functional classification of an existing or planned transportation facility;

2. Changes standards implementing a functional classification system;

3. As measured at the end of the planning period identified in the adopted transportation system plan or, when evaluating highway mobility on state facilities, as measured at the end of the 20 year planning horizon or a planning horizon of 15 years from the proposed date of the amendment adoption, whichever is greater:

   a. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility;

   b. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan; or

   c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

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

Chapter 17.15
ANNEXATION POLICY
17.15.010 Introduction.

It is the policy of the City of Hood River to promote orderly, efficient, and fiscally responsible annexation of territories in conjunction with urban growth or expected or desired urban growth within the urban growth area. Accordingly, the City shall annex property where.

Note to Decision Makers: The current Hood River Title 17 has this Annexation policy and requires Annexations to have a process with hearings before the Planning Commission with a recommendation to City Council. The Model Code and many jurisdictions do not have Annexations addressed in the Development Code or heard by the Planning Commission. Annexations are legislative processes heard by the City Council only and are not a land use actions (appealable to LUBA). ***Question: Does Hood River want to retain the Annexation Policy in their development code?*** *Note: Any land division or development applications for the areas being annexed would still follow the Type II, Type III or Type IV process as applicable.*

1. The proposed annexation represents the natural extension of the existing City boundary consistent with urban growth;

2. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs and the financial capabilities of the City, as determined by the City;

3. The proposed annexation would not cause the City to pledge extension of services beyond its resources so as to result in a deficit operation of the service;

4. The proposed annexation would serve the interests of the entire community and not solely the interests or convenience of those within the territory proposed to be annexed.

17.15.020 Application.

An annexation may be proposed by the City of Hood River, landowners, or a group of residents and shall include the following elements.

1. Preliminary plans and specifications, drawn to scale, showing the actual shape and dimensions of the property to be annexed and the existing and proposed land uses and residential density. City and County zoning in the proposed territory, as shown on a vicinity map, and contiguous lands must also be indicated.

2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.

3. Completed certifications of property ownership, registered voter status, map, and legal description.

17.15.040 Review Process

The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the Type IV (Legislative Procedures (Section 4.1.050).

1. The Planning Commission shall hold at least one (1) legislative public hearing to review legislative actions and make a recommendation to the Council to approve, approve with conditions, or deny.

2. The City Council shall hold a legislative hearing on legislative actions within thirty (30) days of the date it receives the Planning Commission's recommendation.

17.15.050 Evaluation criteria – Developed land.

Prior to approving a proposed annexation of developed land, affirmative findings shall be made relative to the following criteria.

1. The territory is contiguous to the city limits and within the Urban Growth Area;

2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;

3. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;

4. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River because of existing development;

6. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and

7. The annexation conforms to the Comprehensive Plan.

17.15.060 Evaluation criteria – Undeveloped land.

Prior to approving a proposed annexation of undeveloped land, affirmative findings shall be made relative to the following criteria.

1. The territory is contiguous to the city limits and within the Urban Growth Area;

2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;

3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;

4. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits;

5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;

6. The annexation meets the City's urban growth needs, and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use, and the level and timing of necessary facilities and services;

7. If the criteria in 17.15.060(6) does not apply, the annexation provides a solution for existing problems resulting from insufficient sanitation, water service, needed routes for utility or transportation networks, or other service-related problems;

8. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and

9. The annexation conforms to the Comprehensive Plan.

17.15.070 Evaluation criteria – Fiscal impact.

The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not be limited to:

1. The additional revenues, if any, available to the City as a result of the annexation;

2. Whether any unusual or excessive costs will be incurred as a result of the annexation; and

3. The impact on the City's tax base, if any, as a result of the annexation.

17.15.080 Evaluation criteria – Urban service capabilities.

A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.

B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

Chapter 4.7 - Adjustments and Variances

4.7.010 Purpose

Chapter 4.7 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

4.7.020 Intent

Adjustments are variances that are intended to provide relief from code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the intent of the Code.

A. Adjustments. Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements. Adjustments are allowed in limited situations pursuant to Section 4.7.030.

B. Variances. Variances provide greater flexibility to code standards than adjustments, where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

4.7.030 Adjustments

Adjustments are minor modifications to Code standards that are intended to provide reasonable flexibility for planned land uses and development. Adjustments are subject to the following standards and procedures. Permitted uses, as provided in Article 2, shall not be adjusted.

A. Applicability. The City Planning Director, through a Type II procedure, may adjust the following standards:

> Note to Decision Makers: The current Hood River Title 17 does not have an adjustment process. ***Question: How does Hood River want to include or not include adjustments and at what thresholds should apply?*** *Note: The State Legislation (SB 1537) requires adjustments for housing in a prescriptive manner and will be addressed in this section when there is clarity form the DLCD provided. The mandatory adjustments sunset in 2032. Other adjustments allowable in Hood River's code are at the discretion of the city. Adjustments could help reduce barriers to the development of housing.*

1. **Setbacks:** Up to a *[10-20]* percent reduction to a minimum setback.
2. **Lot Coverage:** Up to a *[10-20]* percent increase to the maximum lot coverage.

3. **Lot Dimensions:** Up to a *[10-20]* percent decrease to a minimum lot dimension.

4. **Lot Area:** Up to a *[10-20]* percent decrease in minimum lot area.

5. **Other Dimensional Standards:** Up to a 10 percent increase or decrease in a quantitative (numerical) standard not listed above. This option is limited to standards in Article 2 (Table 2.2.030 and Chapter 2.3 Special Uses) and Article 3; it does not include building code requirements, engineering design standards, public safety standards, or standards implementing state or federal requirements, as determined by the City Planning Director.

B. Approval criteria. The City may grant an Adjustment only upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. The Adjustment allows for a building plan that is more compatible with adjacent land uses, or it does not create a conflict with adjacent uses;

2. The Adjustment is necessary to allow for normal interior building functions, such as mechanical equipment/utility closets, heating and ventilation systems, restrooms, stockrooms, shelving, and similar interior building functions;

3. Approval of the Adjustment does not create (a) violation(s) of any other adopted ordinance or code standard, and does not create the need for a Variance;

4. An application for an Adjustment is limited to one lot per application;

5. Requests for more than one Adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;

6. Not more than three Adjustments may be approved for one lot or parcel in a continuous 12-month period; and

7. All applicable building code requirements and engineering design standards shall be met.

4.7.040 Variances

A. Applicability. A Variance is an adjustment that does not otherwise meet the criteria under Section 4.7.030.

B. Approval Criteria. The Planning Commission, through a Type III procedure, may approve a Variance upon finding that it meets all of the following criteria:

1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance;

2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;

3. The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);

4. The Variance does not conflict with other applicable City policies or other applicable regulations;

5. The Variance will result in no foreseeable harm to adjacent property owners or the public; and

6. All applicable building code requirements and engineering design standards shall be met.

4.7.050 Expiration

Approvals granted under Chapter 4.7 shall expire if not acted upon by the property owner within one year of the City approving the variance. Where the owner has applied for a building permit or final plat, has made site improvements consistent with an approved development plan (e.g., Site Design Review or preliminary subdivision plan), or provides other evidence of working in good faith toward completing the project, the City Planning Director may extend an approval accordingly.

Chapter 4.8 - Planned Unit Developments

4.8.010 Purpose

The purposes of Chapter 4.8 are to:

> Note to Decision Makers: With the state requirement for clear and objective standard for the development of housing, PUDs will become the voluntary discretionary path of approval for housing development. PUDs allow the use of discretionary standards by the city and allows for design flexibility for the developer. It is an elective process for the applicant, however, where a project cannot meet the clear and objective standards a PUD will allow a development to deviate from the standard with approval by the Planning Commission. (*No question posed*.)

A.. 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;

B.. To facilitate the efficient use of land;

C. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

D. 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;

E. 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

F. 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.

4.8.020 Applicability

The lanned Unit development designation may be applied over any of the City's zoning districts. It is an option available to developers of land.

4.8.030 Review and Approvals Process

A. Review Steps. There are three required steps to Planned Unit development approval, which may be completed individually or combined for concurrent review:

1. Application for Planned Unit development concept plan approval;

2. Application for detailed development plan approval, which may include a preliminary subdivision plan; and

3. Application(s) for final development plan (e.g., final plat and/or site design review) approval.

B. Approval Process.

1. The Planned Unit development concept plan shall be reviewed pursuant to the Type III procedure in Section 4.1.040, the submission requirements in Section 4.8.050, and the approval criteria in Section 4.8.060.

2. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 4.1.030 to ensure substantial compliance with the approved concept plan.

3. Site design review applications for approved planned developments shall be reviewed using a Type II procedure in Section 4.1.030 to ensure substantial compliance with the approved concept plan.

4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows the above order. Notification and hearings may be combined.

4.8.040 Modifications to Development Standards

The standards of Article 2 and Article 3 may be modified through the master plan development process without the need for variance under Chapter 4.7. In evaluating this criterion, the Planning Commission shall consider whether the proposal, on balance, exceeds the City's minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the Planning Commission shall apply the following criteria; the City may deny an application for Planned Unit Development concept plan approval that does not meet all of the following criteria:

A. Comprehensive Plan. The modification does not conflict with the Comprehensive Plan. A Planned Unit Development may exceed the maximum residential density (minimum lot size) permitted by the underlying zone, provided that the overall density of the project (average of total dwelling units per acre) is not greater than *[110]* percent of the density permitted by the underlying zone.

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:

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.

B. Purpose and Intent of Development Code. The modification equally or better meets the purpose and intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.

C. Public Benefit. The modification provides a net benefit to the public by one or more of the following:

1. Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;

2. More open space or more usable open space than would be required under the base Development Code standards;

4. Greater protection of natural features than would be required under the base Development Code standards;

5. Avoidance of natural hazards (e.g., geological hazards, river resources, or flood hazards); and

6. Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.

D. Engineering Design Standards. Modifications to the City's Engineering Design Standards require separate variance to such standards approved by the City Engineer. The City may grant such variances concurrently with the Planned Unit development.

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.

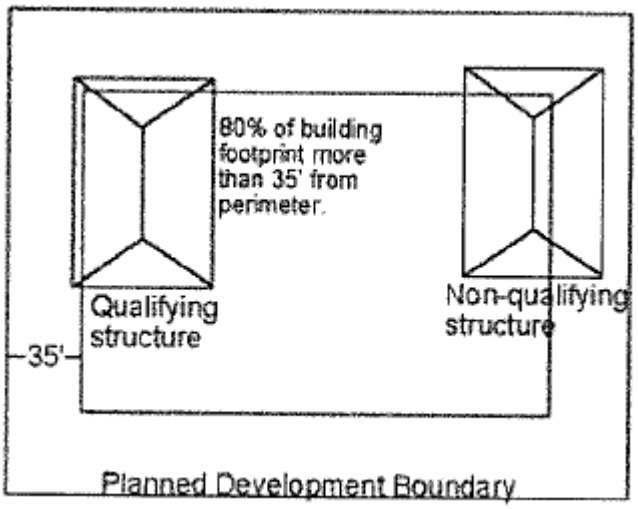
17.07.060 Applicability of the base zone development standards.

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.
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.

Diagram "B" – Planned Development Boundary



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.

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

4.8.050 Concept Plan Submission

A. General Submission Requirements. An application for a Concept Development Plan shall follow the submission requirements for a Type III review under Section 4.1.040, and shall include all of the following:

1. Statement of planning objectives to be achieved by the Planned Unit 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. Development schedule indicating the approximate dates when construction of the project and its various phases, if any, including public facilities, are expected to be initiated and completed;

3. Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development;

4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 4.8.060;

5. Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple; and

6. Additional reports or studies prepared by qualified professionals, as required by the City Manager, to determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.

B. Additional Information. In addition to the general information described in subsection A, above, the concept plan, data, and narrative shall include all of the following exhibits and information:

1. Existing conditions map, as defined in Section 4.2.040 Site Design Review Application Submission Requirements;

2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);

3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);

4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);

5. Architectural concept (e.g., plans illustrate architectural styles, building heights, and general materials);

6. Sign concept plan (e.g., locations, general size, style, and materials of signs), as applicable; and

7. Copy of all existing covenants and restrictions, and a general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

4.8.060 Concept Plan Approval Criteria

The City, in approving or approving with conditions a Concept Plan, shall make findings that all of the following criteria are met. The City must deny an application where not all of the criteria are met.

A. Comprehensive Plan. The proposal conforms to the Comprehensive Plan;

B. Land Division Chapter. Except as may be modified under Section 4.8.040, all of the requirements for land divisions, under Chapter 4.3, are met;

C. Article 2 and Article 3 Standards. Except as may be modified under Section 4.8.040, all of the requirements of Article 2 and Article 3 are met;

D. Open Space. Master plans shall contain a minimum of *[20]* percent open space, which may be public, private, or a combination of public and private open space. Such open space shall be integral to the master plan and connect to a majority of the proposed residential lots. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, pathways/trails, natural areas, plazas, and play fields. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:

1. By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or

2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational needs pursuant to the Comprehensive Plan.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.

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.

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.

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:

a. A maximum of ten (10%) percent is allowed for the inclusion of at least six (6) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.

b. A maximum of twenty (20%) percent is allowed for the inclusion of at least nine (9) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.

c. A maximum of thirty-three (33%) percent is allowed for the inclusion of at least twelve (12) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate. See the following Diagram “C” for examples of architectural features.

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas or towers
6. Pillars or posts
7. Eaves (min. 18-inch projection)
8. Off-sets in building face or roof (minimum 16 inches)
9. Window trim (minimum 4-inches wide)

10. Bay windows

11. Balconies

12. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)

13. Decorative cornices and roof lines (e.g., for flat roofs)

14. Façade articulation (siding materials should only be changed along horizontal lines)

15. High quality exterior siding material. High quality means that there should be a single, clearly dominant material for all exterior walls. Brick, stucco, and stone front facades shall return at least eighteen (18) inches around sidewalls. Lap siding and shingles shall be exposed a maximum of five (5) inches. Heavier materials shall appear only below lighter appearing materials.

16. An alternative feature providing visual relief, similar to options (1)-(15) above.

5. The following criteria shall apply to all Planned 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.

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

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.

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

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.

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).

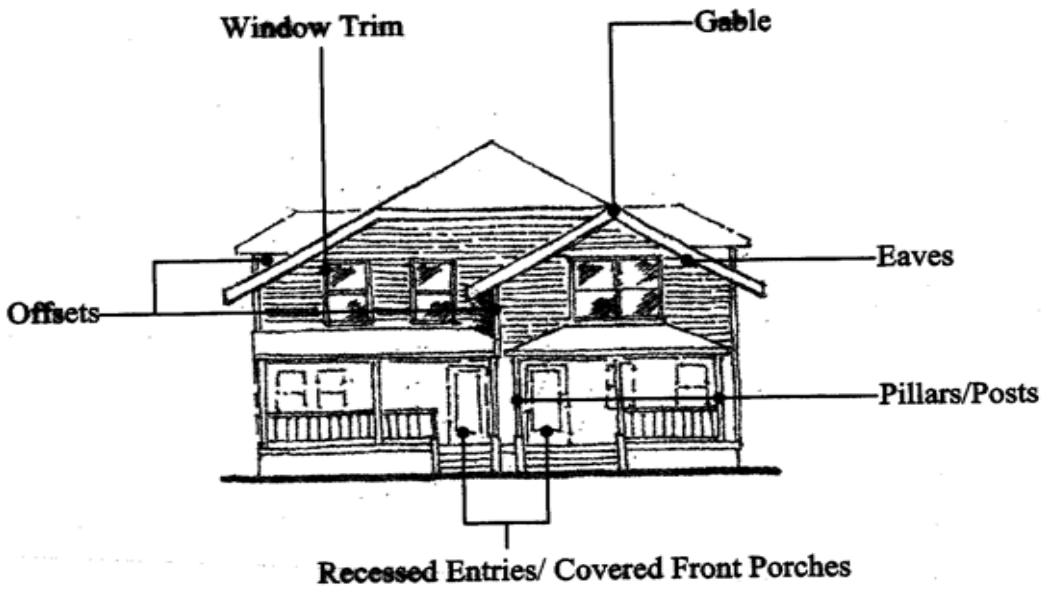
i Where balconies are added to units, the balconies shall not be less than forty-eight (48) square feet.

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

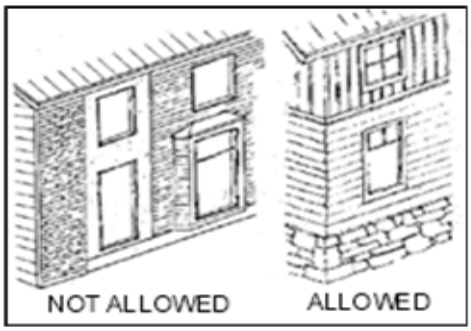
e. Drainage: All drainage provisions shall be subject to review and approval by the City Engineer and shall comply with all applicable provisions of the ORS and HRMC.

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.

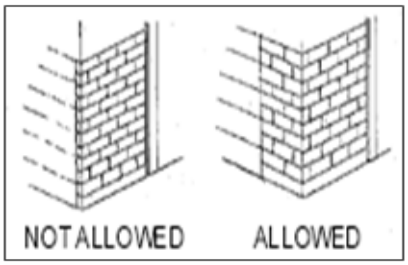
Diagrams "C" – Examples of Architectural Features

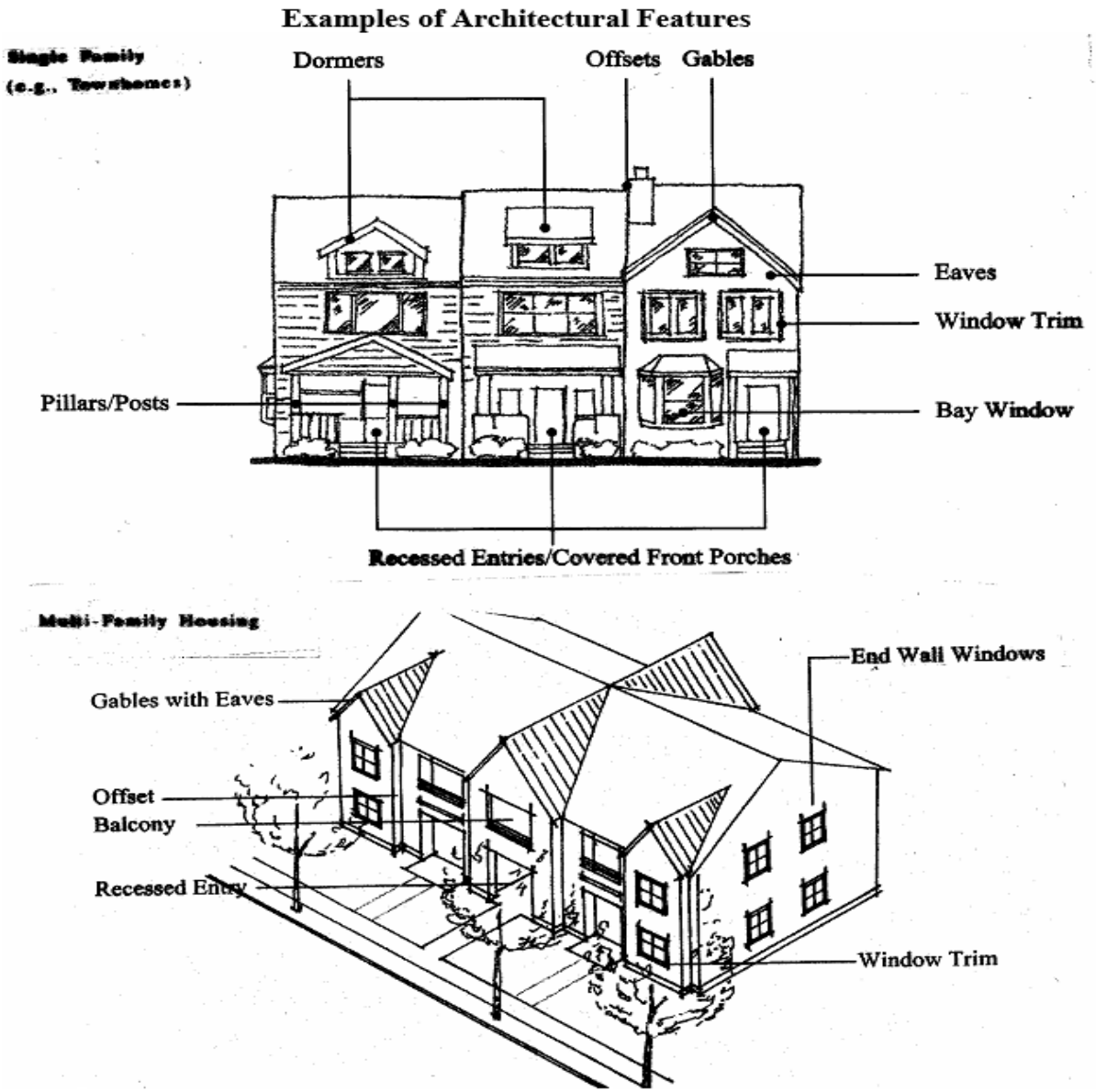


Example of Façade Articulation



Example of Exterior Siding Material





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.

[Note: the example shown below (Diagram "D" – Building Design Elements) is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

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:

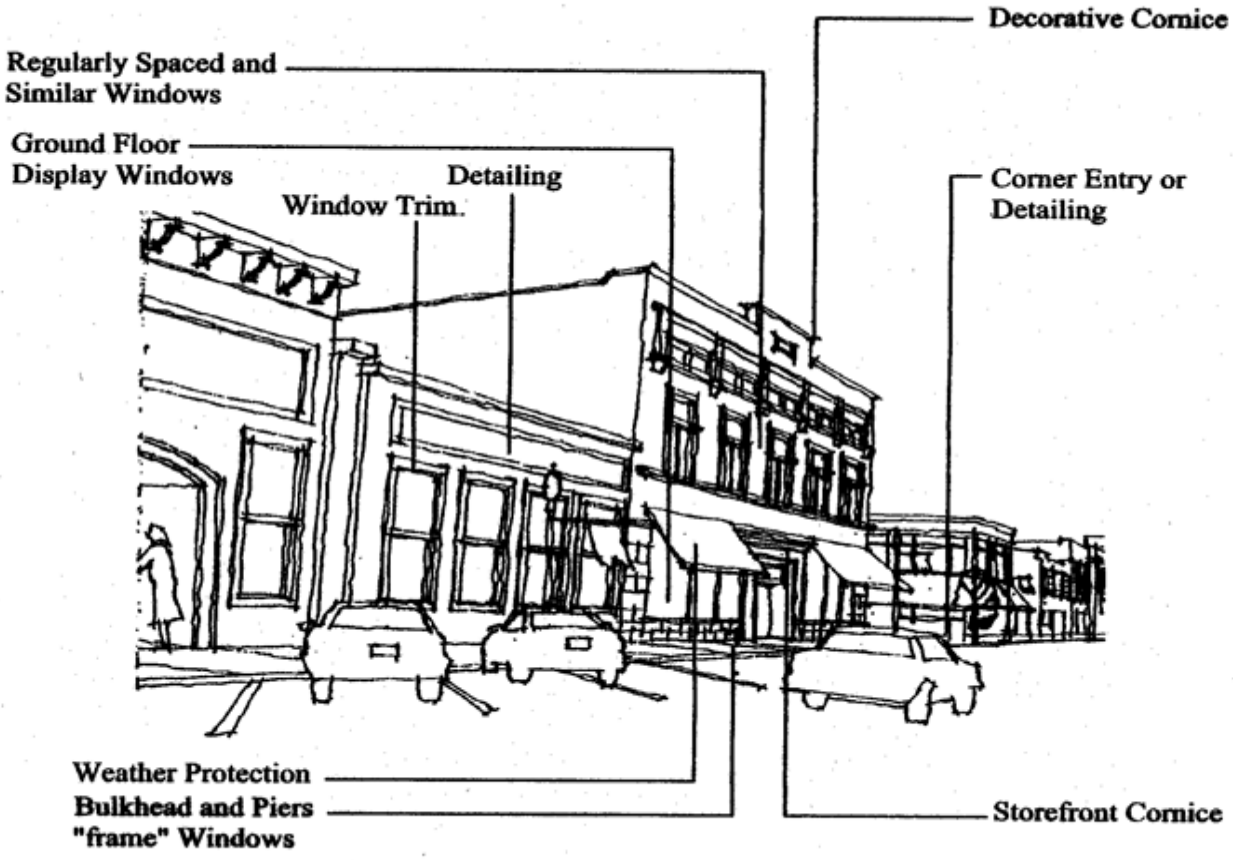
1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings shall be located away from residential areas, schools, parks, and other non-industrial areas to the maximum extent practicable; and

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.

Diagram "D" – Building Design Elements



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.

E. Affordable Housing. *[Placeholder]*

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

* 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.

F. Modifications to Standards. Modifications to Code standards must conform to the criteria in Section 4.8.040.

4.8.070 Concept Plan and Expiration

A. Filing. Upon approval of a concept plan, the approved plan, including any conditions of approval, shall be binding on future uses and development of the property, except where an approval expires.

B. Expiration. Except as provided by subsection C, below, a concept plan shall become void three years after the date of approval if the applicant, or successor, has not filed with the City an application for detailed development plan and final plat approval in conformance with Sections 4.8.080 and 4.8.090.

C. Extension. The City may grant extensions of the concept plan approval period, not to exceed one year per extension, provided that the extension request is made before expiration of the Planned Unit development approval, the applicant can show intent of applying for detailed development plan review within the one-year extension period, and there have been no substantive changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

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.

4.8.080 Detailed Development Plan Submission

Detailed development plan submittal requirements are determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan submittal shall meet the minimum requirements for final plat submission under Chapter 4.3 and shall contain information demonstrating compliance with the concept plan. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 4.1.030 to ensure substantial conformance to the approved concept plan. Where the proposal is for a multifamily development, Site Design Review is required, pursuant to Chapter 4.2; Site Design Reviews on detailed development plans shall be processed through the Type II procedure.

4.8.090 Detailed Development Plan Criteria

Approval of the detailed development plan shall be based upon a finding that the final plan substantially conforms to the concept plan, including any concept plan conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan where the City Manager finds that the modification is necessary to correct an error or to address changes in circumstances beyond the applicant's control that have occurred since the date of project approval. Other changes must be reviewed as major modifications under Chapter 4.5.

4.8.100 Subsequent Development Reviews

Notwithstanding the provisions of Section 4.2.030, where the City has previously approved a development project in concept as part of a Planned Unit development approval, as determined by the City Manager, subsequent land use applications for the same project may be processed through a Type I review.

Chapter 4.9 – Historic Preservation Procedures

17.14.010 Applicability.

This ordinance is applied.

1. To all historic resources that appear on the City's adopted Hood River Cultural Resource Inventory as designated Historic Landmarks; and

2. To all properties in Historic Districts, designated either locally or nationally.

17.14.020 Purpose.

The purpose of this ordinance is to promote the general welfare by safeguarding the City's heritage as embodied and reflected in its historic landmarks/districts and to.

1. Provide for the identification, protection, enhancement, and use of historic landmarks/districts within the City that reflect special elements of the City's architectural, archaeological, artistic, cultural, engineering, aesthetic, historical, political, social, and economic heritage;

2. Strengthen the economy of the City through the protection and enhancement of the City's historic landmarks/districts;

3. Encourage public education, understanding, and appreciation of the City's history and culture;

4. Foster community and neighborhood pride and sense of identity based on recognition and use of historic landmarks/districts;

5. Protect and enhance the City's historic landmarks/districts for enjoyment and use by both residents and visitors;

6. Promote the continual use of historic landmarks, individually or within a district, without detrimentally affecting their significance; and

7. Carry out the provisions of the State's Land Use Planning Goal 5.

17.14.040 Landmarks review board.

The City of Hood River Landmarks Review Board, hereinafter known as the Landmarks Board, is hereby created to advise the Planning Commission and City Council about the City's historic landmarks/districts.

17.14.050 Composition of the Landmarks Review Board.

The Landmarks Board shall be composed of seven (7) members who shall be appointed by the City Council. Four (4) members shall live within the city of Hood River or the Urban Growth Area. All members shall reside within Hood River County. When making appointments to the Landmarks Board, the Council shall consider individuals who have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of history, archaeology, architecture, the arts, historic preservation, culture, planning, landscape architecture, business, real estate, law, government, engineering, construction, or other related trades. A member of the Planning Commission may serve as an ex officio member of the Landmarks Board. Four (4)

voting members constitute a quorum and shall be entitled to conduct official business and act for the entire Landmarks Board. Each member is entitled to one (1) vote. Members of the Landmarks Board shall serve without compensation.

17.14.060 Landmarks Review Board Terms.

Terms are defined as follows.

1. The term of each member of the Landmarks Board shall be three (3) years, with the exception of the initial appointment of the full Landmarks Board, which shall be as follows:

   a. Three (3) initial members shall be appointed to three (3) year terms,

   b. Three (3) initial members shall be appointed to two (2) year terms, and

   c. One (1) member appointed to a one (1) year term.

2. Members may be reappointed or removed at the discretion of the City Council.

3. A vacancy on the Board shall be filled by the City Council for the unexpired term.

4. The Landmarks Board (by majority vote), at its first meeting shall elect a chairperson and a vice chairperson. The officers shall serve for terms of one (1) year.

17.14.080 Designation of historic landmarks or districts.

B. *Initiation.* The process for designating historic landmarks or districts may be initiated by the Landmarks Board, Planning Commission, the City Council, recognized neighborhood groups, interested persons, or property owners, or their authorized agents, who submit a complete application for designation.

C. *Procedure.* Requests for designation of historic landmarks or districts are reviewed initially by the Landmarks Board. The Landmarks Board makes recommendations for designations to the City Council. The City Council shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the recommendations of the Landmarks Board and public testimony.

D. *Application.* An application for designation shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the City Council.

E. *Review Criteria.* The Landmarks Board shall review all applications for historic landmark or district designations and shall make its recommendation on the basis of the following criteria (at least one (1) section or

sub-section of the following criteria must apply to the proposed historic landmark or district):

1. The proposed historic landmark or district has historic significance or contributes to the historical resources of the community. The resource is

   a. Associated with past trends, events, or values that have made a significant contribution to the economic, cultural, social, and/or political history of city, county, state, region, or nation; or

   b. Associated with the life of or activities of a person, group, or organization, or institution that has made a significant contribution to the city, county, region, state, or nation.

2. The proposed historic landmark or district has architectural significance because it:

   a. Embodies distinguishing architectural characteristics of a period, style, method of construction, craftsmanship, or materials;

   b. Represents the work of a designer, architect, or master builder who influenced the development and appearance of history of the city, county, region, state, or the nation;

   c. Is the only remaining, or one of few remaining, resources of a particular style, building type, design, material, or method of construction;

   d. Is a prominent visual landmark with strong associations to the community; or

   e. Has high quality of composition, detailing, and/or craftsmanship.

3. The site contains archaeological artifacts related to prehistory or to the early history of the community.

4. The proposed historic landmark or district is listed on the National Register of Historic Places.

5. In conjunction with other criteria listed above, the proposed historic landmark/district

   a. Is fifty (50) years old or older unless the resource is of exemplary architectural or historical significance;

   b. Contributes to the continuity or historic character of the street, neighborhood, and/or community; or

   c. Has sufficient original workmanship and materials remaining to show the construction technique and stylistic character of a given period.

F. *Recommendation by the Landmarks Board.* After the historic resource has been evaluated according to the review criteria set forth in Section 17.14.080(5), the Landmarks Board shall recommend designation of a historic

resource, district, or designation with conditions, or denial of designation, it shall make specific findings based on the review criteria, and the goals and policies of the Comprehensive Plan. The Landmarks Board shall submit its recommendation specifying the findings and forward these to the applicant at least ten (10) days prior to the public hearing and review by the City Council. If the Landmarks Board acts to reject a proposed designation, no further action shall be taken unless an appeal of the Landmarks Board's action is filed with the City Council.

G. *City Council Decision.* The City Council shall conduct a public hearing to consider the proposed designation and recommendations of the Landmarks Board. Following the public hearing, the City Council shall approve, approve with conditions, or deny the proposed designation. Written notice of the decision of the City Council shall be sent to the applicant and property owner by the Planning Director within 30 days of the date of the decision.

17.14.090 Removal of historic landmark designation.

B. *Initiation.* The process of removing a historic landmark/district from the inventory may be initiated by the Planning Commission, City Council, the Landmarks Board, the property owner, or by any other interested person.

C. *Procedure.* Review of a request for removal of designation is heard by the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

D. *Application.* An application for removal for a historic landmark/district designation shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the Landmarks Board.

E. *Review Criteria.* The Landmarks Board shall evaluate the request for removal of the historic landmark/district designation based upon findings that removal of the historic designation will not adversely impact properties in the surrounding area or integrity of the historic district or of another historic landmark on the same parcel. In order to approve an application, it must be found that at least one (1) of the following has occurred since the site was listed as a historic landmark/district:

1. Significance of the historic landmark/district has been substantially reduced or diminished according to the review criteria established in Section 17.14.080(5).

2. Integrity of the historic landmark/district has been substantially reduced or diminished according the review criteria established in Section 17.14.080(5).

F. *Exceptions.* The Planning Director shall delete any demolished or removed historic landmark/district from the official Inventory through an administrative review if the property is damaged in excess of seventy percent (70%) of its previous value due to vandalism, fire, flood, wind, earthquake, or other natural disasters.

17.14.100 Review of exterior alterations.

B. *Initiation.* The process for applying for altering a historic landmark or landmark within a district may be initiated by the property owner or authorized agent upon submittal of a complete application.

C. *Alterations.* Review is required for all EXTERIOR alterations or additions to designated landmarks, individually or within historic districts, with the exception of alterations classified as "minor alterations." The Planning Director, who may consult with the Landmarks Board, shall approve minor alterations through an Administrative action. The following are considered "minor" alterations:

Note to Decision Makers: A frequently encountered situation with planning staff is a request for minor exterior alterations to an historic landmark. Often the requests are minor but are not included in the list of minor alterations below. ***Question: Could this list be expanded to preserve the historic landmark but offer ways for ease burdens on the applicant maintain or improve the site or structures?***

1. Replacement of gutters and down-spouts, or the addition of gutters and down-spouts, using like materials or materials that match those that were typically used on similar style buildings.

2. Repairing or providing a new foundation that does not result in raising or lowering the building elevation providing that skirting is provided to match the existing skirting. The repair or new foundation shall not affect the appearance of the building.

3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in all materials, dimensions, and textural qualities.

4. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames.

5. Replacement of existing sashes with new sashes, when using material that matches the original historic material and appearance. Severe deterioration of the original sashes has to be evident.

6. Repair and/or replacement of roof material with the same kind of existing roof material or with materials that are in character with those of the original roof.

7. Replacement or construction of fencing according to the established fence design written guidelines. (Chart "A" – Secretary of Interior Standards).

8. Other minor alterations, such as awning replacement or installation, specified by the Landmarks Board.

D. *Exemptions from Review.* The general and ongoing responsibility of the property owner to care for, repair, and replace with like materials may be done without formal review by the Landmarks Board. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or appearance, of such feature of which the building official shall determine is required for public safety due to an unsafe or dangerous condition. Normal maintenance may include, but not be limited to:

1. Painting and related preparation;

2. Ground care and maintenance required for the permitted use of the property; and

3. Existing materials replaced in kind for historic landmark because of damage or decay of materials;

E. *Procedure.* Review of a request for an EXTERIOR alteration is heard by the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

F. *Application.* An application for alteration provided by the Planning Director shall be prepared by the property owner or authorized agent and submitted to the Planning Department for review. If the application is incomplete, the Planning Director shall notify the applicant within seven (7) days and state what information is needed to make the application complete. The applicant shall have ten (10) days in which to submit additional material. The completed application and attachments are forwarded to the Landmarks Board for review.

G. *Review Criteria.* The Landmarks Board must find that either criteria number one (1) or number two (2) below has been met in order to approve an alteration request.

1. The proposed alteration causes the historic landmark to more closely approximate the historical character, appearance, or material composition of the original structure than the existing structure. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Chart "A" – Secretary of Interior Standards).

2. The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards" and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Chart "A" – Secretary of Interior Standards).

3. In conjunction with criteria number one (1) or number two (2) above, the Landmarks Board shall also consider

a. The value and significance of the historic landmark, individually or within a district;

b. The Oregon Structural Specialty Code, as adopted and amended by the State of Oregon, with particular reference to designated Historic Buildings, ADA, and historic buildings, or related sections; and

c. Other applicable state and local codes and ordinances relating to the building, fire, health and safety.

H. *Conditions of Approval.* The Landmarks Board shall approve, conditionally approve, or deny the request. Conditions may be attached which are appropriate for the protection and/or preservation of the historic or architectural integrity of the district or historic landmark. All conditions must relate to review criteria.

I. *Decision.* A decision by the Landmarks Board under this section shall be supported by written findings and shall be forwarded within seven (7) days of the decision to the property owner.

17.14.110 Review of new construction.

B. *Initiation.* The process for applying for new EXTERIOR construction may be initiated by the property owner or authorized agent, upon submittal of a complete application.

C. *New Construction.* Review is required for any new construction, which occurs on the same parcel as a designated historic landmark, or on any parcel in a designated district.

D. *Procedure.* A request to construct a new structure shall be referred to the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

E. *Application.* An application for new construction shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the Landmarks Board.

F. *Relationships to Other Planning Review.* Projects, which require a historic review, may also require other land use reviews. If other reviews are required, the review procedure may be handled concurrently.

G. *Review Criteria.* In reviewing the request, the Landmarks Board shall consider the following criteria:

1. The design of new construction is compatible with the design of the historic landmark(s) on the parcel or in the district, considering scale, style, height, and architectural detail and materials. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards" and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Chart "A" – Secretary of Interior Standards);

2. The location and orientation of the new construction on the parcel is consistent with the typical location and orientation of similar structures on the parcel or within the district considering setbacks, distances between structures, location of entrances, and similar citing considerations. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Chart "A" – Secretary of Interior Standards).

H. *Conditions of Approval.* In approving applications for new construction, the Landmarks Board may attach conditions that are appropriate for the preservation of the historic or architectural integrity of the historic landmark/district. All conditions must relate to review criteria.

I. *Decision.* All decisions by the Landmarks Board under this section to approve, approve with conditions, or deny construction shall be supported by written findings and shall be forwarded to the property owner within seven (7) days of the decision.

17.14.120 Procedure for demolition or moving of a historic landmark.

B. *Initiation.* Demolition or moving designated historic landmarks or demolition within a historic district may be initiated by affected property owners or their authorized agent who submit a complete application.

C. *Demolition or Moving.* A permit is required to move, demolish, or cause to be demolished any structure listed as a historic landmark or in a district.

D. *Procedure.* All requests for demolition or moving a historic landmark shall be reviewed by the Landmarks Board. The Landmarks Board shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

E. *Application.* An application shall be made to the Planning Department using forms prescribed by the Planning Director. The Planning Director shall fix a date for a public hearing.

F. *Review Criteria.* In considering a proposal for demolition or relocation of a historic landmark, individually or within a district, the Landmarks Board shall have the authority to allow the demolition or relocation, allow

partial demolition or relocation, or delay approval for an initial period not to exceed ninety (90) days from the date of the Board's initial public hearing. If the Board acts to approve the request, in whole or in part, issuance of a permit and the commencement of the work shall be delayed for twenty (20) days after the Board's approval to allow for the filing of appeals. In determining whether a demolition or moving permit shall be issued, the Landmarks Board shall consider the following:

1. The completed application form;

2. Information presented at the public hearing held concerning the proposed development;

3. The Hood River Comprehensive Plan;

4. The purpose of this ordinance;

5. The review criteria used in the original designation of the historic landmark or district in which the property(s) under consideration is situated;

6. The historical and architectural style including the general design; arrangement; materials of the historic landmark in question or its appurtenant fixture; the relationship of such features to similar features of the other historic landmarks, individually or within the district; and the structure's position in relation to public rights-of-way and to other buildings and structures in the area;

7. The effects of the proposed application upon the protection, enhancement, perpetuation, and use of the historic landmark or district that cause it to possess a special character or special historical or aesthetic interest or value; and

8. Whether denial of the permit will involve substantial hardship to the property owner, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purpose of this Chapter.

G. *Decisions.* The Landmarks Board shall make decision within ten (10) days following the completion of the public hearing. For applications for demolition, the Landmarks Board may approve, approve with conditions, or invoke a stay of demolition. If the Landmark Board determines that a stay of demolition is appropriate, the City Council shall be promptly notified. If the City Council agrees that a stay of demolition is appropriate, the Hood River City Council shall apply to the Hood River County Circuit Court for a mandatory injunction prohibiting demolition. The length of stay shall be no more than ninety (90) days from the date of the public hearing. During the period, the Landmarks Board shall attempt to determine if public or private acquisition and preservation is feasible, or alternatives are possible that could be carried out to prevent demolition or removal of the historic landmark, individually or within a district.

1. Further stays of demolition may be imposed for a period not to exceed one hundred and twenty days

(120) days from the date of the hearing, if the Landmarks Board finds:

a. There is a program or project underway that could result in public or private acquisition of the historic landmark; and

b. There are reasonable grounds for believing the program or project may be successful.

2. After granting a further postponement, the Landmarks Board may order the Planning Director to issue the permit if it finds:

a. All programs or projects to save the historic landmark have been unsuccessful;

b. The application for demolition or moving has not been withdrawn; and

c. The application otherwise complies with city ordinances and state law.

3. During the stay of demolition, the Landmarks Board may require the property owner to:

a. List the historic landmark in local and state newspapers of general circulation for a period of not less than sixty (60) days stating that the property shall be given away to parties interested in moving the historic landmark;

b. Give public notice by posting a hearing notice on site in addition to a sign, which shall read: "Historic Landmark to be Moved or Demolished Call City Hall for Information." The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten (10) feet of a public street abutting the premises on which the structure is located. The property owner is responsible for assuring that the sign is posted for a continuous sixty (60) day period;

c. Prepare and make available any information related to the history of the historic landmark; and

d. Assure that the property owner has not rejected a bona fide offer that would lead to the preservation of the historic landmark.

4. As a condition for approval of a demolition permit, the Landmarks Board may require one or more of the following:

a. Require photographic documentation, architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriate by the Landmarks Board; and/or

b. Require that the property owner document that the Historic Preservation League of Oregon or

other local preservation group had been given the opportunity to salvage and record the historic landmark.

H. *Exemptions.* The Planning Department shall issue a permit for moving or demolition if any of the following conditions exist:

1. The building is not designated compatible within an historic district;

2. The historic landmark has been damaged in excess of seventy percent (70%) of its previous value due to vandalism, fire, flood, wind, or other natural disaster; or

3. The Fire Marshall, Building Official or City Engineer determines that the demolition or moving is required for the public safety due to an unsafe or dangerous condition. Prior to the emergency action, the Landmarks Board shall be notified of such action.

17.14.130 Appeals.

Final decisions by the Landmarks board may be appealed to City Council, per the provisions of the Appeal Procedure in Review Procedures (Chapter 17.09).

17.14.150 Time limits.

Landmarks Review Board permits for exterior alterations, new construction, or demolitions are 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.

Chart "A" – Secretary of Interior's Standards for Rehabilitation. The following standards are to be applied to rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from

other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserves.

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

6. Deteriorated features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sand blasting that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project or development shall be protected and preserved according to Oregon Revised Statue ORS 358.905. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

17.14.150 Cultural Resources Inventory

Current Hood River Title 16 and Title 17 Approvals by Type converted into Application Types (I-IV)

Ministerial	Type I
Administrative	Type II
Quasi-Judicial	Type III
Legislative	Type IV

Table X. Summary of Approvals by Type of Review Procedure			
Approvals Text in parentheses and blue is the Current Code Chapter reference.	**Review Procedure**	**Applicable Regulations**	**Notes**
Final subdivision approval (17.09.020)	Type I		
Final partition approval (17.09.020)	Type I		
Boundary line adjustments (17.09.020)	Type I		
Sign permits (17.09.020)	Type I		
Expedited Land Divisions, Partitions, or Lot Consolidations (17.09.020)	Type I		
Accessory Dwelling Units (17.23)	Type I		17.23.010(C) states shall be processed as ministerial. A Type I lands use review has been required prior to submittal of building permit application.
Manufactured Home Placement (17.12.010, 17.01.020)	Type I		
Hosted Homeshares and Vacation Home Rentals (17.04.115)	Type I		
Middle Housing Development Standards (17.25)	Type I, II & III		17.25.060 address options and procedures
Home Occupation (17.04.100)	Type II		Process unspecified in code, was reviewed as Type I for years before city attorney recommended Type II
Bed and Breakfast Facilities (17.04.110)	Type II		
Site Plan Review (17.09.030)	Type II		
Partition (17.09.030)	Type II		

Table X. Summary of Approvals by Type of Review Procedure			
Extensions of time limits for approved Administrative and Quasi-judicial actions (17.09.030)	Type II		
Minor amendments to subdivisions and partitions (17.09.030)	Type II		
Minor historic alterations (17.09.030)	Type II		
Interpretation of nonconforming use and structures (Chapter 17.05) (17.09.030)	Type II		
Bed and breakfast facilities (17.09.030)	Type II		
Change of use (17.09.030)	Type II		
Annexations (17.09.030)	Type II		
Written interpretations made under Section 17.01.040 (17.09.030)	Type II		
Townhouses (17.19)			17.19.030 states shall be processed as a partition, but 4 or more need a subdivision (historically a Type III).
Environmental Hazard (overlay) Zone (17.03.090)	Type I, II & III		Zoning Map includes a "Geographic Zones and Hazards" layer depicting a Geologic Hazard overlay and Floodplain overlay inside the UGB and city limits. Floodplain mapping in process of being updated by FEMA.
Interchange area management plan (IAMP) Overlay Zone (17.03.120)	Type II, III & IV		Includes additional requirements for Zoning Map and Text Amendments
Waterfront Overlay Zone (17.03.130)	Type II & III		HRMC 17.03.130(C) Applicability. The provisions of this section shall apply to any land use application pursuant to Section 17.09 that is for a parcel within the Waterfront Overlay Zone, as defined by Section 17.03.130.A. Any conflict between the standards of the Waterfront Overlay Zone and those contained within other chapters of the Zoning Ordinance shall be resolved in favor of this chapter

Table X. Summary of Approvals by Type of Review Procedure			
Access Management Standards (17.20.030)	Type II & III		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.
Standards for Transportation Improvements (Use Subject to Site Plan Review) (17.20.050.B)	Type II & III		Process not specified beyond Site Plan Review (which historically has been Type II or III)
Natural Resource Overlay, Requirements for Wetlands, Procedures for Identifying Significant Wetlands (17.22.010.D)			No process is specified for changes to Local Wetland Inventory. When wetland studies are performed and new wetlands are identified, boundaries change or wetlands are not found, DSL provides concurrence - should code explicitly state that the LWI is updated without any additional process?
Natural Resource Overlay, Land Use and Permit Requirements for Significant Wetlands (17.22.010.E)	Type I and II		Process not specified for permitted uses, presumably Type I. Per 17.22.010(G.2), Variances (exceptions to prohibited uses) are processed as Type II. And, Per 17.22.010(F), any decision on a land use application concerning a wetland protection requirements may be appealed to Planning Commission.
Natural Resource Overlay, Requirements for Riparian Corridors (17.22.020 C and D)	Type I, II & III		Process not specified for applying riparian corridor boundary (setback/buffer), which relies on identifying top of bank, presumably Type II.

Table X. Summary of Approvals by Type of Review Procedure			
			Process not specified map corrections (17.22.020.C.6). Process not specified for land use requirements (17.22.020.D), presumably corresponds to process for uses specified in underlying zoning district. Process for exceptions to remove riparian vegetation not specified (17.22.020.D.2.a-e), presumably Type I but need lists of native and non-native plant species (online code currently includes broken link to 1998 Portland Plant List, "added by reference." Variance process not specified in 17.22.020(E), presumably Type III but 17.22.010(G.2) allows variances to standards for Significant Wetlands as a Type II.
Natural Resource Overlay, Columbia River Infill Waterfront Area	Type I, II & III		With exception of Land Divisions subject to requirements in Title 16, process is not specified for permitted uses in 17.22.030.C, presumably Type I. However, Type I and II for 17.22.030.D, and Type III for 17.22.030.E, and presumably corresponds to process for uses specified in underlying zoning district.
Mobile Home/Manufactured Dwelling Park (17.12.030 -17.12.070)	Type III		
Annexation Policy (17.15)	Type III		Planning Commission for recommendation, approval by City Council.
Site Plan Review (17.09.040)	Type III		
Conditional use permits (17.09.040)	Type III		
Planned unit developments (PUDs) (17.09.040)	Type III		

Table X. Summary of Approvals by Type of Review Procedure			
Variances (17.09.040)	Type III		
Non-conforming uses (17.09.040)	Type III		
Subdivisions (17.09.040)	Type III		
Zone changes and Plan Amendments (17.09.040)	Type III		Excluding legislative
Street vacations (17.09.040)	Type III		
Appeals of Ministerial decisions, Administrative decisions, Landmarks Review Board decisions, or Planning Commission decisions (17.09.040)	Type III		
Landmarks Review Board decisions (17.09.040)	Type III		
Legislative Zone Changes (17.09.050)	Type IV		
Legislative Ordinance Amendments (17.09.050)	Type IV		
Legislative Comprehensive Plan Amendments (17.09.050)	Type IV		
Legislative Amendments to the Comprehensive Plan (17.09.050)	Type IV		
Urban Growth Boundary Amendments (17.09.050)	Type IV		

Proposed Approvals by Type of Review Procedure

Table X. Summary of Approvals by Type of Review Procedure			
Approvals	**Review Procedure**	**Applicable Regulations**	**Notes**
Zoning Checklist Review	Type I	Chapter 4.1.020	Applicants are required to complete a Zoning Checklist before applying for any permit or approval (i.e. building permit). Note most development of housing will be Zoning Checklist Review.
Access to a Street	Type I	Chapter 3.3 and the standards of the applicable	

Table X. Summary of Approvals by Type of Review Procedure			
		roadway authority	
Adjustment	Type II	Chapter 4.7	
Affordable Housing Development			A new chapter to be added addressing affordable housing development.
Annexation	Type IV		Needs Review. The current code has a defined process and criteria for annexations as the Model Code refers to the ORS 222 process which is much more concise. Options outlined in the draft Article 4.
Code Interpretations	Type II or III	Chapter 1.5	Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendments	Type IV	Chapter 4.6	
Comprehensive Plan Amendment	Type IV	Chapter 4.6	
Conditional Use Permit	Type II	Chapter 4.6	
Home Occupation	Type I	Chapter 4.7	No permit, except when required by Chapter 4.7
Landmarks Review Board Decisions	Type III	Chapter 4.9	
Legal Lot Determination	Type I		
Land Divisions • Property Line Adjustment • Minor Partition • Major Partition or Subdivision • Minor Replat • Middle Housing Land Division • Major Partition or Subdivision • Major Replat	 Type I Type I Type II Type II Type II* Type III Type III	Chapter 4.3	To be determined * Application be reviewed as a Type II administrative review, unless the applicant requests a middle housing land division be processed as an expedited land division as provided under ORS 197.360 through ORS 197.380.
Minor Historic Alterations	Type II	Chapter 4.9	
Modification to an Approval or Condition of Approval	Type I, II or III	Chapter 4.5	
Non-Conforming Use or Structure	Type ?	Chapter 1.4	To be determined with Module 1 revisions

Table X. Summary of Approvals by Type of Review Procedure			
Expansion of			
Planned Unit Developments (PUDs) • Concept Plan • Final Plan	 Type III Type I	Chapter 4.8	
Sign Permits	Type I		To be determined
Site Design Review	Type II or III	Chapter 4.2	
Street Vacations	Type ?		
Variances	Type III	Chapter 4.7	
Wireless communication facilities			New subsection to be added to 17.04 addressing cell facilities, collocations, etc., along with definitions.
Zone Map Amendments	Type III or IV	Chapter 4.6	Zone changes
Variances	Type III	Chater 4.7	