

CHAPTER 17.01 - GENERAL PROVISIONS

Legislative History: Ord. 1522 (1982); Ord. 1488 (1980); Ord. 1653 (1992); Ord. 1658 (1992); Ord. 1662 (1992); Ord. 1690 (1993); Ord. 1717 (1995); Ord. 1734 (1997); Ord. 1774 (1999); Ord. 1904 (2006); Ord. 1912 (2006); Ord. 1925 (2006); Ord. 1937 (2007); Ord. 1994 (2011); Ord. 2004 (2013); Ord. 2026 (2016); Ord. 2036 (2017)

SECTIONS:

- 17.01.010 Title
- 17.01.020 Purpose
- 17.01.030 Compliance with Title Provisions
- 17.01.040 Interpretation
- 17.01.050 Relationship to Other Regulations
- 17.01.060 Definitions

17.01.010 Title. This title shall be known as the Zoning Ordinance of the City of Hood River and shall be referred to herein as "this title."

17.01.020 Purpose. This title has been designed in accordance with the goals, policies, and most appropriate statements of the intent of the City's Comprehensive Plan. It is the purpose of this title, therefore, to provide the principal means for the implementation of the Comprehensive Plan.

17.01.030 Compliance with Title Provisions

- A. No permit shall be issued by the Building Official for the construction, reconstruction, or change of use of a structure or lot that does not conform to the requirements of this title.
- B. A plot plan showing the proposed construction or structural alteration shall be required. The applicant shall be responsible for the accuracy of the plot plan.

17.01.040 Interpretations

A. The Planning Director or other city official, as designated by the City Council, shall have the initial authority and responsibility to interpret and enforce all terms, provision, and requirements of the Zoning Ordinance. If requested, the Planning Director shall make an interpretation in writing. The Director's interpretation does not have the effect of amending the provisions of this Title. Any interpretation of this Title shall be based on the following considerations:

1. The Comprehensive Plan;
2. The purpose and intent of the Zoning Ordinance as applied to the particular section in question; and
3. The opinion of the City Attorney.

B. Written Interpretation. If an interpretation is requested in writing, it shall be issued within fourteen (14) days after receiving the request. The interpretation becomes effective twelve (12) days after it is mailed or delivered to the requestor, unless an appeal is filed.

C. Appeals. Within twelve (12) days of the mailing of the interpretation, the requestor may appeal the Zoning Ordinance interpretation to the Planning Commission per the appeals procedure outlined in Review Procedures (Chapter 17.09), with the exception that written notice of the hearing is provided only to the appellant when the request does not concern any specific property.

D. Interpretations on File. The Planning Director shall keep on file a record of all Zoning Ordinance interpretations.

17.01.050 Relationship to Other Regulations. Where this title imposes a greater restriction upon the use of building or premises, the provisions of this title shall govern.

17.01.060 Definitions. As used in this title, the singular includes the plural and the masculine includes the feminine and neuter. The word "may" is discretionary, but the word "shall" is mandatory. The following words and phrases shall have the meanings given them in this section.

ACCESS means

1. The way or means by which pedestrians and vehicles enter and leave property.
2. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

ACCESS CONNECTION means any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

ACCESS MANAGEMENT means the process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

ACCESS MANAGEMENT CLASSIFICATION SYSTEM means a ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

ACCESSORY DWELLING UNIT means a separate dwelling unit contained within or detached from a single-family dwelling on a single lot, containing 800 square feet or less, excluding any garage area or accessory buildings, and sharing a driveway with the primary dwelling unless from an alley. A recreational vehicle is not and cannot be used as an accessory dwelling unit.

ACCESSORY USE OR ACCESSORY STRUCTURE means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main one.

ACCESSWAY means a walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

ALLEY means a street, which affords only a secondary means of access to the property.

ALTERATION means to remove, add to, or otherwise change the physical appearance of any part or portion of the EXTERIOR of a historic landmark.

ARCHITECTURAL SIGNIFICANCE means that the historic landmark

1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural type;
3. Is the work of an architect or master builder whose individual work has influenced the development of the City; or
4. Contains elements of architectural design, detail, materials, or craftsmanship that represent a significant innovation.

BED AND BREAKFAST FACILITY means a single-family dwelling which conducts transient rental of rooms with or without a morning meal.

BIKEWAY means any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are

1. **Multi-use path** means a paved ten (10) to twelve (12) foot wide way that is physically separated from motorized vehicular traffic, typically shared with pedestrians, skaters, and other non-motorized users.
2. **Bike lane** means a four (4) to six (6) foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. **Shoulder bikeway** means the paved shoulder of a roadway that is four (4) feet or wider, typically shared with pedestrians in rural areas.
4. **Shared roadway** means a travel lane that is shared by bicyclists and motor vehicles.
5. **Multi-use trail** means an unpaved path that accommodates all-terrain bicycles, typically shared with pedestrians.

BUILDING means a structure used or intended for supporting or sheltering any use or occupancy.

BUILDING FACE means all the window and wall area of a building on one (1) plane.

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

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

BUILDING OFFICIAL means the officer or other designated authority charged with the administration and enforcement of the Oregon Structural Specialty Code (OSSC) or his duly authorized representative.

BUILDING SITE means one or more lots or parcels grouped together to form a tract of land to be used for building one or more structures. The building site lines shall be those lines, which bound the total area, exclusive of any public dedicated street.

CARETAKER'S RESIDENCE means a dwelling unit necessary for the security and/or operation requirements of an on-site industrial use.

CENTER means a group of establishments planned, developed, and managed as a unit with non-segregated, off-street parking and circulation provided on the property.

CENTRAL BUSINESS DISTRICT means the area enclosed by the following streets, including adjacent properties:

North:	Industrial Avenue, continuing east to Front Street
South:	Sherman Avenue
East:	Front Street
West:	8th Street for the C-1 zone only

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.

CHILDCARE CENTER means the provision for child day care of thirteen (13) or more children through the age of 12 in any 24-hour period and could include a public or private school.

CITY means the City of Hood River.

CITY PLANNING DEPARTMENT means the department of the City that processes applications; provides professional planning advice to the Planning Commission, City, and Council; and administers the City's zoning and subdivision ordinances and Comprehensive Plan.

CITY COUNCIL means the Hood River City Council.

COMMERCIAL USE means any activity involving the sale of goods or services that does not involve manufacturing, processing, warehousing, or outside storage.

CONDOMINIUM UNIT means a part of the property consisting of a building or one or more rooms occupying one or more floors of a building or one or more rooms occupying one or more floors of a building or part or parts thereof, intended for any type of independent ownership, the boundaries of which are described pursuant to paragraph (c) of subsection (1) of ORS 91.509, and with a direct exit to a public street or highway to a common area or areas leading to a public street or highway. An area used for the temporary parking or storage of automobiles, boats, campers, or other similar recreational vehicles or equipment may be considered a unit even though consisting of air space only without any building or structure when such area is auxiliary to a condominium in which the remainder of the units are in or are a part of a building or buildings.

CONTIGUOUS LAND means two (2) or more parcels, excluding platted subdivisions, under a single ownership which are not separated by an intervening parcel of land under a separate ownership.

CROSS ACCESS means a service drive providing vehicular access between two (2) or more contiguous sites so the driver need not enter the public street system.

DEMOLISH means to raze, destroy, dismantle, deface or, in any other manner, cause partial or total ruin of a designated historic landmark, individually or within a Historic District.

DISTRICT means a geographic area possessing a significant concentration, linkage, continuity, or design relationship of historically significant sites, structures, landscape features, or objects unified by past events or physical development.

DUPLEX means a building divided into two (2) living units.

DWELLING UNIT means a single unit providing complete, independent living facilities for one (1) or more person, including permanent provisions for living, sleeping, eating,

cooking, and sanitation. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

EASEMENT means a grant of one (1) or more property rights by a property owner to or for use by the public or another person or entity.

ENTITY means any use functioning independently.

EXTERIOR means all outside features of a historic landmark, individually or within a historic district.

FAMILY means one (1) or more persons, excluding servants, related by blood, marriage, legal adoption, or legal guardianship, occupying a single non-profit housekeeping unit and using common housekeeping facilities; a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit and using common housekeeping facilities.

FAMILY DAY CARE means care of twelve (12) or fewer children either full- or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the definition of “home occupation” in this chapter.

FENCE means a structure with air on both sides erected for the purpose of providing landscaping, defining an area, confinement of people or animals, protection of privacy, screening, and/or restriction of access.

FENCE, SIGHT OBSCURING means a fence or planting arranged in such a way as to obscure vision.

FLOOD LIGHT means a wide spectrum of non-shielded light covering a large area.

GRADE has the meaning set forth in the most current version of the City of Hood River Engineering Standards adopted pursuant to Title 16.

GROUP RESIDENTIAL means residential occupancy of dwelling units by groups of more than five (5) persons who are not related by blood, marriage, legal adoption or legal guardianship, and where communal kitchen and dining facilities are provided. Typical uses include the occupancy of rooming houses, cooperatives, halfway houses, and intermediate care facilities.

HARD SURFACING means asphalt, concrete, grasscrete, or other similar surface that is accepted by the City engineer.

HEARING BODY means the Landmarks Review Board members, Planning Commission, or City Council, as applicable.

HEARING BODY MEMBERS means the Landmarks Review Board, Planning Commissioners or City Council members, as applicable.

HEIGHTS BUSINESS DISTRICT, THE means the parcels in the C-1 and C-2 zones between May, Belmont, 10th, and 14th streets.

HISTORIC LANDMARK means a district, corridor, ensemble, building, portions of building, site, landscape feature, cemetery, bridge, sign, plaque, archaeological site or artifact, or other objects of historical and/or architectural significance, locally, regionally, or nationally designated by the Landmarks Board and City Council under this ordinance.

HISTORIC SIGNIFICANCE means those historic landmarks, which have a relationship to events or conditions of the human past. The historic resource

1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the City, State, or Nation;
 2. Is the site of a historic event with an effect upon society;
 3. Is identified with a person or group of persons who had some influence on society;
- or
4. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

HOME OCCUPATION means the occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or within an accessory building which is incidental or secondary to the residential use.

HOSTED HOMESHARE means the transient rental of a portion of a dwelling while the homeowner is present.

HOSTEL means any establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed, or maintained under the sponsorship of a non-profit organization that holds a valid exemption from federal income taxes under the federal law. (See ORS 446.310.)

INCIDENTAL AND ESSENTIAL means a use which is subordinate and minor in significance and size to the primary use, and which has an integral relationship to the primary use.

INDUSTRIAL OFFICE USE means activities that, while conducted in an office-like setting, are more compatible with industrial activities, businesses, and districts. Their operations are less service-oriented than traditional office uses and focus on the development, testing, production, product training and support, processing, packaging, or assembly of goods and products, which may include digital products. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.

INDUSTRIAL USE means any activity involving the manufacture, processing, warehousing, or outside storage of products to be transported elsewhere for retail sale and is more intensive than Light Industrial uses because of noise, odor and truck traffic.

JOINT ACCESS (OR SHARED ACCESS) means a driveway connecting two (2) or more contiguous sites to the public street system.

LANDMARKS BOARD means the Hood River Landmarks Review Board.

LIGHT INDUSTRIAL USE means industrial service, research and development, manufacturing, processing, fabrication, packaging, assembly of goods, and warehousing.

LOADING SPACE means an off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials, and which space has access to a street or alley.

LOT means a specific tract of land within a platted subdivision.

LOT AREA means the total area of the lot or parcel measured in the horizontal plane within the lot or parcel boundary lines inclusive of public easements, private roads, and the easement of access to other properties.

LOT OF RECORD means a parcel or lot duly recorded by the Hood River County Department of Records and Assessments at the time of the adoption of the ordinance codified in this title.

LUBA means The State of Oregon Land Use Board of Appeals.

MANUFACTURED HOME means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MATCHING or LIKE MATERIALS means materials that duplicate the original material in size, shape, composition, and texture as closely as possible.

MOBILE HOME (SINGLE WIDE) means a vehicle or structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; is intended for human occupancy; and is being used for residential purposes.

MOBILE HOME (DOUBLE/TRIPLE/QUAD WIDE etc.) means a factory-built home that is the result of the combination of joining (at the time it is placed on the property) of

two (2) or more sections, to which wheels may be attached for the purpose of moving it to a concrete foundation.

MANUFACTURED DWELLING PARK means any place where four (4) or more manufactured dwellings (as defined in ORS 446.003 (26)) are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership; the primary purpose of which is to rent space, keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities; or to offer space free in connection with securing the trade or patronage or such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.190.

MULTI-ENTITY COMPLEX means any structure within which more than one (1) entity is located or will be conducted.

MULTI-FAMILY DWELLING means a building designed or used exclusively for the occupancy of four (4) or more families living independently of each other and having separate housekeeping facilities.

NON-CONFORMING ACCESS FEATURES means features of the property access that existed prior to the date of ordinance adopting and do not conform to the requirements of this ordinance.

NON-CONFORMING STRUCTURE OR USE means a lawful existing structure or use at the time the ordinance codified in this title, or any amendment thereto, becomes effective that does not conform to the requirements of the zone in which it is located.

NON-RESIDENTIAL USE means an institutional use, public facility, or similar use in the residential (R-1, R-2, and R-3) zone.

NON-TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on a month-to-month basis, or for a longer period.

OAR means Oregon Administrative Rules.

OCCUPATION means an endeavor for profit.

ORS means Oregon Revised Statutes.

OSSC STANDARDS means the Oregon Structural Specialty Code Standards promulgated by the International Conference of Building Officials, as amended and adopted by this jurisdiction.

OWNER means the owner of record or his authorized agent.

PARCEL means a tract of land that is created by a partitioning of land.

PARKING SPACE means a rectangle not less than eighteen (18) feet long and nine (9) feet wide for use by a vehicle.

PERSON means a natural person, firm, partnership, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

PLANNING COMMISSION means the Hood River City Planning Commission.

PLANNING DIRECTOR means the director of the Planning Department or designee.

PROFESSIONAL OFFICE means a use involving professional services such as medical care, consulting, legal services, and other similar services.

PROJECTION means

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

PUBLIC FACILITY OR USE means a facility or use which is necessary for the public health, safety, and welfare; including police, fire protection, sewage collection and treatment, storm drainage systems, water distribution and treatment, public health services, public recreational programs and facilities, energy generation and distribution, telephone systems, solid waste disposal, transportation services, library services, and community government.

PUBLIC PARK means an open or enclosed tract of land set apart and devoted for the purposes of recreation, ornament, light, and air for the general public.

QUASI-JUDICIAL HEARING means a hearing wherein the hearing body is required to apply general standards and criteria to a specific set of facts in order to determine the conformance of the facts to the applicable criteria, which results in a determination that will directly affect a small number of identifiable persons.

QUORUM means a majority of the members of the hearing body. A member who is present at the hearing but is disqualified from voting or abstains from voting shall be counted as being present for purposes of constituting a quorum of the hearing body.

REASONABLE ACCESS means the minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the City of Hood River.

RECREATIONAL VEHICLE means a vehicle or trailer designed for highway use that is intended or used for human occupancy to be used temporarily for recreational purposes.

RESIDENTIAL DEVELOPMENT means single-family dwellings, manufactured home, duplexes, triplexes, townhouses, residential condominiums, multi-family dwellings, accessory dwelling units, group residential facilities, and similar structures. In some circumstances the use of residential development for non-residential uses may be approved.

RESIDENTIAL OR RESIDENTIAL USE means the occupancy of a dwelling unit on a non-transient basis. Uses where tenancy is arranged on a transient basis are not considered residential.

RESIDENTIAL CARE FACILITY means a treatment or training facility duly licensed by the State of Oregon which provides residential care alone or in conjunction with treatment or training for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet State Licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

REHABILITATION means the return of property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use and preserves the property's historic value.

RESTORATION means the process of accurately recovering the form and details of a property and its setting as they appeared at a particular historic period by means of the removal of later work or the replacement of missing earlier work.

RETAINING WALL means a wall or other structure erected for the purpose of holding back or in place soil, rock, and/or other material and designed for the purpose of resisting lateral and other forces from the material being held back or in place.

RIGHT-OF-WAY means

1. The area between the boundary lines of an alley, easement, street, or highway.
2. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

ROOF LINE means the ridge on a gable, peaked roof, or the parapet of fascia of a flat roof. A mansard roof is considered a gable roof for the purposes of this definition.

ROOMING HOUSE means a building where the non-transient rental of lodging without meals, is provided to over five (5) people.

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

SIGN means any identification, description, illustration, symbol, or device that is free-standing, affixed, painted, or bas relief upon an awning, building, structure, or land, which

communicates a message or idea, or identifies, or directs attention to a product, place, activity, person, institution, or entity.

SINGLE-FAMILY DWELLING means a building designed or used exclusively for the occupancy of one (1) family and having housekeeping facilities for only one (1) family.

SINGLE-FAMILY DWELLING, DETACHED (Detached Single Family Dwelling) means a detached single-family dwelling unit located on its own lot.

STANDING means the status of a person who has submitted oral testimony at a hearing or written testimony in conjunction with a hearing or administrative action. A person with standing shall be considered a party.

STREET means the entire width between the right-of-way lines of every public way for pedestrian, bicycle, and vehicular traffic.

STRUCTURE means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

STUB-OUT (STUB-STREET) means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE LAND means the act of dividing an area or tract of land into four (4) or more lots within a calendar year, when such area or tract exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

SUBDIVISION means the act of subdividing land or an area or tract of land, subdivided as defined in this section.

TOWNHOUSE (attached single family) means a single-family dwelling unit located on its own lot that shares one or more common or abutting walls with one or more single family dwelling units on adjacent lot(s).

TOWNHOUSE BUILDING means a structure that includes two or more townhouses.

TOWNHOUSE PROJECT means one or more townhouse buildings constructed on a building site where the land has been divided to reflect the townhouse property lines and the commonly owned property, if any.

TRANSIENT RENTAL means to rent a dwelling unit or room(s) for compensation on less than a month-to-month basis.

TRIPLEX means a building designed or used exclusively for the occupancy of three (3) families living independently of each other and having separate housekeeping facilities for each family.

USE means the proposed purpose for which land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

VACATION HOME RENTAL means the transient rental of an entire dwelling unit.

VEHICLE CLEARANCE means the triangular area formed at a corner or parcel by the intersection of a dedicated public right-of-way (improved or unimproved) and an alley, driveway, parking lot, or loading area and a straight line joining said lines through points fifteen (15) feet back from their intersection. This vehicle clearance area shall provide an area of unobstructed vision.

WALKWAY means a hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

WALL means a barrier created for the same purposes as a fence, but excludes retaining walls.

WATERFRONT AREA means the area of the City west of the Hood River (SR-35) Bridge, north of I-84, and east of the Hook, including the Hook.

YARD is an unobstructed area from the ground upwards, except as otherwise provided in this title.

YARD, FRONT means a yard extending from a building to the front lot line.

YARD, REAR means a yard extending from a building to the rear lot line.

YARD, SIDE means a yard extending from a building to the side lot line. When a parcel has two (2) or more front yards, the remaining yards are to be considered side yards.

ZONE means one of the classifications of permitted uses into which the land area of the City is divided.

ZONING MAP means the official map that identifies and delineates boundaries of the City's zoning classifications.

ZONING ORDINANCE means Titles 16 and 17 of this Code.

CHAPTER 17.02 - ESTABLISHMENT OF LAND USE ZONES

Legislative History: Ord. 1488 (1980); Ord. 1649 (1992); Ord. 1721 (1996)

SECTIONS:

17.02.010	Establishment and Designation of Land Use Zones
17.02.020	Zoning Map and Text
17.02.030	Interpretation of Zone Boundaries
17.02.040	Zoning of Annexed Areas

17.02.010 Establishment and Designation of Land Use Zones. This title establishes the following land use zones:

<u>ZONES</u>	<u>MAP SYMBOL</u>
Urban Low Density	R-1
Urban Standard Density	R-2
Urban High Density	R-3
Office/Residential	C-1
General Commercial	C-2
Light Industrial	LI
Industrial	I
Open Space/Public Facility	OS
Environmental Hazard	EH
Columbia River Recreational/Commercial	RC

17.02.020 Zoning Map and Text

A. The boundaries of the zones established in this title are indicated on a map entitled the "City zoning map".

B. The official City zoning map indicating the zone boundaries or amendments thereto shall be signed by the Mayor and City Recorder at the time of adoption. The official map shall be maintained on file by the City Recorder.

C. Amendments to the official City zoning map and ordinance shall be made by the City administration within thirty (30) days after the effective date of the amendment. Due to the wide distribution of copies of this title, amendments to the zoning map or text of this title may not always be reflected in every copy.

17.02.030 Interpretation of Zone Boundaries. Where, due to the scale, lack of detail or legibility of the City zoning map, there is uncertainty, contradiction, or conflict as to the intended location of any zoning boundary, the exact location may be determined by utilizing the following standards:

1. **Street lines:** Where zone boundaries are indicated as approximately following the centerline or right-of-way line of streets, such lines shall be construed to be such zone boundaries.
2. **Lot lines:** Individual property lines may be used to separate zoning boundaries. The zoning classification of a lot of record in which a zoning boundary divides the lot into two (2) or more zones shall be determined by the Planning Commission and the owner.

17.02.040 Zoning of Annexed Areas. Any land annexed to the City shall be zoned a City zone and consistent with the Comprehensive Plan, which corresponds to the following County classification:

<u>COUNTY DESIGNATION</u>	<u>CITY DESIGNATION</u>
Medium Density Residential (R-1 7000)	Urban Low Density (R-1 7000)
Medium Density Residential (R-1 5000)	Urban Standard Density (R-2 5000)
Multi-Family Residential (R-2 5000)	Urban High Density (R-3 5000)
General Commercial (C-1)	General Commercial (C-2)
Light Industrial (M-2)	Light Industrial (L-I)
Industrial (M-1)	Industrial (I)

CHAPTER 17.03 - LAND USE ZONES

Legislative History: Ord. 1488 (1980); Ord. 1498 (1981); Ord. 1559 (1985); Ord. 1565 (1985); Ord. 1660 (1992); Ord. 1661 (1992); Ord. 1663 (1992); Ord. 1668 (1992); Ord. 1669 (1992); Ord. 1670 (1992); Ord. 1671 (1992); Ord. 1672 (1992); Ord. 1681 (1993); Ord. 1682 (1993); Ord. 1690 (1993); Ord. 1691 (1993); Ord. 1698 (1994); Ord. 1717 (1995); Ord. 1718 (1995); Ord. 1921 (1996); Ord. 1974 (1997); Ord. 1774 (1999); Ord. 1810 (2001); Ord. 1816 (2001); Ord. 1817 (2001); Ord. 1819 (2001); Ord. 1820 (2001); Ord. 1903 (2006); Ord. 1904 (2006); Ord. 1912 (2006); Ord. 1920 (2006); Ord. 1925 (2006); Ord. 1928 (2007); Ord. 1933 (2007); Ord. 1994 (2011); Ord. 2001 (2011); Ord. 2004 (2013); Ord. 2015 (2014); Ord. 2026 (2016); Ord. 2036 (2017)

SECTIONS:

- 17.03.010 Urban Low Density Residential Zone (R-1)
- 17.03.020 Urban Standard Density Residential Zone (R-2)
- 17.03.030 Urban High Density Residential Zone (R-3)
- 17.03.040 Office/Residential Zone (C-1)
- 17.03.050 General Commercial Zone (C-2)
- 17.03.060 Light Industrial Zone (LI)
- 17.03.070 Industrial Zone (I)
- 17.03.080 Open Space/Public Facilities Zone (OS/PF)
- 17.03.090 Environmental Hazard Zone (EH)
- 17.03.110 Columbia River Recreational Commercial Zone (RC)
- 17.03.120 Interchange Area Management Plan (IAMP) Overlay Zone
- 17.03.130 Waterfront Overlay Zone

17.03.010 Urban Low Density Residential Zone (R-1)

A. Permitted Uses.

1. Detached single family dwellings for residential use and accessory structures
2. Manufactured homes for residential use
3. Mobile home parks
4. Residential care facilities
5. Transportation facilities pursuant to 17.20.050(A)
6. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
7. Accessory uses permitted when accessory to residential use:
 - a. Accessory dwelling units subject to HRMC 17.23
 - b. Family day care subject to HRMC 17.04.100
 - c. Home Occupations subject to HRMC 17.04.100
 - d. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115

B. Conditional Uses. In the R-1 zone the following uses are allowed subject to the provisions of Chapter 17.06:

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

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

C. Site Development Requirements.

1. Minimum Lot Size: The minimum lot or parcel size shall be 7,000 square feet.
2. The minimum requirements for building sites are as follows:
 - a. Per dwelling, unit a minimum of 7,000 square feet.
 - b. A minimum frontage of fifty (50) feet on a dedicated public street.
 - c. A minimum frontage of thirty (30) feet on a public dedicated cul-de-sac.
3. Lot Coverage: Pursuant to 17.04.120

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

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
 - a. No structure shall be placed closer than six (6) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height. Thirty-five (35) feet for all uses except residential development; twenty-eight (28) feet for all residential development.

F. Parking Regulations.

1. Individual dwelling units shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be within the required front yard setback area.
2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New or expanded parking area

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

17.03.020 Urban Standard Density Residential Zone (R-2)

A. Permitted Uses.

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

B. Conditional Uses.

1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Religious institutions

C. Site Development Standards. Except for townhouse projects which are subject to HRMC 17.19, the minimum site development requirements are as follows:

1. The minimum lot or parcel size shall be 5,000 square feet.
2. The minimum requirement for building sites: per detached single family dwelling unit or duplex, a minimum of 5,000 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Subject to HRMC 17.04.120.

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

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so

constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.

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

E. **Maximum Building Height.** Thirty-five (35) feet for all uses except residential development; twenty-eight (28) feet for all residential development.

F. **Parking Regulations.**

1. Each dwelling unit shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be in the required front yard setback area.
2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New or expanded parking area
4. Bicycle parking as required by 17.20.040.

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

17.03.030 Urban High Density Residential Zone (R-3)

A. **Permitted Uses.**

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

- d. Home Occupations to subject to HRMC 17.04.100
- e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115
- 11. Townhouse projects for residential use including:
 - a. Three (3) or fewer townhouses subject to HRMC 17.19
 - b. Four (4) or more townhouses subject to HRMC 17.16 and HRMC 17.19.

B. Conditional Uses.

- 1. Hospitals, sanitariums, rest homes, nursing or convalescent home
- 2. Schools and child care centers
- 3. Public parks, playgrounds, and related facilities
- 4. Utility or pumping substations
- 5. Religious institutions
- 6. Planned unit developments
- 7. Professional offices
- 8. Hostels

C. Site Development Standards. Except for townhouse projects which are subject to HRMC 17.19, the minimum site development requirements are as follows:

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

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

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

E. Maximum Building Height. Thirty-five (35) feet for all uses except residential development; twenty-eight (28) feet for all residential development. Multi-family

dwellings are permitted up to thirty-five (35) feet. All other residential development may be conditionally permitted up to thirty-five (35) feet subject to HRMC 17.06.

F. Parking Regulations.

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

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

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

17.03.040 Office/Residential Zone (C-1)

A. Permitted Uses.

1. Detached single-family dwellings for residential use and accessory structures
2. Duplexes and triplexes for residential use
3. Manufactured homes
4. Home occupation
5. Bed and breakfast facilities
6. Family day care
7. Residential care facility
8. Group residential, if less than fifteen (15) persons
9. Transportation facilities pursuant to 17.20.050(A)
10. Hosted homeshares subject to Section 17.04.115
11. Vacation homes rentals subject to Section 17.04.115
12. Townhouse projects for residential use with 3 or fewer townhouses subject to HRMC 17.19

B. Permitted Uses Subject to Site Plan Review.

1. Professional offices
2. Change of use

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

C. Conditional Uses.

1. Hospitals, sanitariums, rest homes, nursing or convalescent homes
2. Schools and child care centers
3. Public parks, playgrounds and related facilities
4. Utility or pumping substations
5. Religious institutions
6. Planned unit developments
7. Public facilities and uses
8. Hostels

D. Site Development Requirements. Exempt for townhouse projects which are subject to HRMC 17.19, the minimum site development requirements are as follows:

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

E. Setback Requirements.

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

F. Maximum Building Height. Thirty-five (35) feet.

G. Parking Regulations.

1. Professional Offices:
 - a. One (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
 - b. In no case shall there be less than two (2) off-street parking spaces.
 - c. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.

- d. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
- 2. Residential Development:
 - a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
 - b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
 - c. Required setback areas may be utilized for off-street parking for multi-family dwellings.
 - d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.
- 3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New parking area
- 4. Bicycle parking as required by 17.20.040.

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

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

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

17.03.050 General Commercial Zone (C-2)

A. Permitted Uses. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed in the C-2 Zone:

- 1. Rooming and boarding houses
- 2. Home occupations
- 3. Bed and breakfast

4. Family day care
5. Residential care facility
6. Group residential, if less than 15 persons
7. Transportation facilities pursuant to 17.20.050(A)
8. Accessory dwelling units
9. Residential use of existing detached single-family dwellings, manufactured homes, duplexes and triplexes
10. Hosted homeshares subject to Section 17.04.115
11. Vacation home rentals subject to Section 17.04.115

B. Permitted Uses Subject to Site Plan Review. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed in the C-2 Zone subject to Site Plan Review:

1. Commercial uses
2. Industrial uses incidental and essential to an on-site commercial use (Refer to the section below, “K”)
3. Change of use
4. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces
5. Multi-family dwellings for residential use, with a minimum density of 11 units/net acre.
6. Group residential, if fifteen (15) or more persons
7. Transportation facilities pursuant to 17.20.050(B)
8. Professional Office and Office Uses.
9. Hostels

C. Conditional Uses. Except for C-2 Zoned land within the Waterfront Area, which are specifically addressed in Subsection D, the following uses are generally allowed with a conditional use permit in the C-2 Zone:

1. Residential development, excluding multi-family, subject to the following: a) shall be reviewed through the Planned Unit Development (PUD) process; b) PUD common open space criterion is not applicable; and c) shall achieve a minimum of 11 units/net acre.
2. Residential development a minimum of 11 units/acre in conjunction with commercial uses on the same lot or parcel.
3. Hospitals, sanitariums, rest homes, nursing or convalescent home
4. Schools and day care facilities
5. Public parks, playgrounds, and related facilities
6. Utility or pumping substations
7. Churches
8. Commercial Uses on parcels of more than 1.5 acres.
9. Public facilities and uses

D. Special Restrictions on development in the C-2 Zone within the Waterfront Area. The Waterfront Area, as defined in Section 17.01.060, includes certain development restrictions that apply in addition to and supersede the regulations that apply

in the C-2 Zone generally. Uses generally allowed outright, subject to site plan review and conditionally in the Waterfront Area are those set forth in Subsections A, B and C, respectively, except that all of the following additional restrictions apply to development within the Waterfront Area, none of which are eligible for a variance under HRMC Chapter 17.18:

1. Residential development are prohibited unless combined with commercial uses in the same structure, i.e, must be mixed use; all such development that includes a residential component requires a conditional use permit.
2. There is no minimum required residential density in the C-2 Zone within the Waterfront Area.
3. No more than 50% of the gross floor area of any building may be devoted to residential development, and the building primary use shall be commercial, not residential.
4. No residential development is allowed on the ground floor, and no more than 50% of the ground floor may be used for parking.
5. For any residential uses approved in the C-2 Zone within the Waterfront Area, a deed restriction, in a form acceptable to the city attorney, shall be recorded with title to the residential property that precludes any residential owner, lessee or guest from objecting to normal and customary commercial, recreational or light industrial uses (including operation of the city's wastewater treatment plant) and any impacts there from, such as noise, dust, glare, odors, hours of operation, truck traffic, parking and the like.
6. The City may impose reasonable conditions on the approval of any residential development in the C-2 Zone within the Waterfront Area to ensure compliance with these special restrictions.

E. Site Development Requirement

1. Minimum Lot Area: None.
2. Minimum Frontage:
 - a. Fifty (50) feet on a dedicated public street or
 - b. Thirty (30) feet on a public dedicated cul-de-sac.

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

1. Front - not required.
2. Side and rear - not required except in the case where the structure is adjacent to a residential zone, in which case a three (3) foot setback is required for structures up to two (2) stories, and increased one (1) foot for each additional story above two (2) stories.

G. Maximum Building Height

1. Thirty-five (35) feet for residential development.
2. Forty-five (45) feet for commercial use or for mixed commercial and residential development.
3. No commercial structure shall exceed a height of forty-five (45) feet.

H. Parking Regulations.

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
 2. In no case shall there be less than two (2) off-street parking spaces.
 3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
 4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
 5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New parking area
 6. All residential development shall comply with the off-street parking standards as follows, unless exempt above:
 - a. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
 - b. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
 - c. Required setback areas may be utilized for off-street parking for multi-family dwellings.
 - d. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.
 - e. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.
 7. Bicycle parking as required by 17.20.040.
- I. Lighting.** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.
- J. Signs.** All signs shall be in conformance with the sign regulations in this title.

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

L. Manufacturing. Manufacture or assembly of goods is a permitted use, provided such manufacturing or assembly is within or contiguous to a permitted commercial use. The retail sales and the commercial character shall be the prominent use. The goods manufactured and/or assembled shall be sold on a retail basis out of the commercial use which is the storefront for such sale. All uses shall meet the following standards:

1. Any use, or portion thereof, causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
2. Any use, or portion thereof, causing vibration shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
3. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
4. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.
5. If the retail and industrial uses are housed in separate buildings on the site, the industrial building shall be equal to or less in size to the commercial building.
6. In the case of two or more separate buildings, the one closest to the public dedicated street must retain a retail storefront and a pedestrian-friendly character. New construction or major renovations shall achieve this standard through use of the following design elements:
 - a. Major renovations are considered any activity on the exterior of a building that exceeds ten percent (10%) of the structure's cost or fair market value or \$75,000, whichever is more, as determined by the building official.
 - b. The building entrance shall be oriented toward the primary street, whenever physically possible.
 - c. Off-street parking or driveways shall not be placed between the building and the primary street, whenever physically possible.
 - d. The retail storefront shall utilize regularly spaced and similarly shaped windows with window hoods or trim.
 - e. The retail storefront shall have large display windows on the ground floor and shall be framed by bulkheads, piers, and a storefront cornice.
 - f. For properties located within the Downtown Local Historic District, refer to the District's Design Guidelines.

M. Commercial buildings between 25,000 square feet and 50,000 square feet. No new buildings shall exceed a combined contiguous length of three hundred (300) feet; nor shall any one building exceed a footprint of 50,000 square feet. Any building or contiguous group of buildings which exceed these limitations and which were in existence prior to the effective date of this ordinance may expand up to ten percent (10%) in area or length beyond their original area or length. Neither the gross square footage nor combined contiguous building length, as set forth in this section, shall be

changed by a variance. The following standards shall apply to buildings or a group of buildings on one (1) site over 25,000 square feet in size:

1. Buildings shall have an entrance for pedestrians directly from the street to the building interior. This entrance shall be designed to be attractive and functional and shall be open to the public during all business hours. Public sidewalks shall be provided adjacent to a public street along the entire street frontage.
2. Building facades greater than one hundred (100) feet in length shall have offsets, jogs, or other architectural distinctive changes.
3. Any wall which is within thirty (30) feet of the street, plaza, or other public open space shall contain at least twenty percent (20%) of the wall area facing the street in display areas, windows, or doorways. Windows must allow views into working areas or lobbies, pedestrian entrances, or display areas. Blank walls within thirty (30) feet of the street are prohibited. Up to forty percent (40%) of the length of the building perimeter, with the exception of the side facing the street, is exempt from this standard if facing toward loading or service areas.
4. A building shall be setback not more than twenty (20) feet from a public sidewalk unless the area is used for pedestrian activities such as plazas or outside eating areas. If more than one structure is proposed for a site, at least twenty-five percent (25%) of the aggregate building frontage shall be within twenty (20) feet of the sidewalk.
5. Developments shall divide large building masses into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
6. One street tree chosen from the street tree list shall be placed along the perimeter of the parcel fronting the street for each thirty (30) feet of frontage for that portion of the development facing the street.
7. Landscaping shall be designed so that fifty percent (50%) coverage occurs after one year from the date the certificate of occupancy is issued and ninety percent (90%) landscaping coverage occurs after five (5) years from the date the certificate of occupancy is issued.
8. Parking areas shall be shaded on the interior and exterior by deciduous trees, buffered from adjacent non-residential uses, and screened from residential uses. The appearance of a “sea of asphalt” shall be avoided.
9. A ratio of one (1) tree for each seven (7) parking spaces shall be required to create a canopy effect. The trees shall be an appropriate large, canopied shade tree and/or a conifer.
10. Landscaped areas shall be substantially evenly distributed throughout the parking area and parking perimeter.

17.03.060 Light Industrial Zone (LI)

A. Permitted Uses.

1. Temporary uses not exceeding thirty (30) days.
2. Caretaker’s residence for an on-site industrial use.
3. Transportation Facilities pursuant to 17.20.050 (A).

B. Permitted Uses Subject to Site Plan Review.

1. Light Industrial Uses including the following when accessory and essential to the permitted light industrial use: office uses, wholesale sales, marketing, training and outside storage.
2. Industrial Office uses up to 25,000 square feet of gross floor area.
3. Sales and display of products provided: (i) sales are limited those accessory and essential to the permitted use; and (ii) the total area devoted to sale and display of such products shall not exceed 2,500 square feet or 25% of the gross floor area within the building, whichever is less, except for LI uses in the Central Business District where the sales and display of products can be greater than 2,500 square feet or 25% of the gross floor area as long as the use remains incidental to the onsite light industrial use.
4. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces
5. Transportation facilities pursuant to 17.20.050(B)
6. Change of use

C. Conditional Use

1. Industrial Office uses greater than 25,000 square feet of gross floor area, subject to design standards in 17.16.055.
2. Light Industrial and Industrial Office uses with accessory and incidental employee services, such as but not limited to food and beverage sales. Such employee service uses are further limited by the following threshold criteria to ensure against public sales:
 - a. Location. Employee service areas shall be located within the building(s) of the permitted Light Industrial Use.
 - b. Visibility. An employee service area may be located on a street frontage with interior access and no direct exterior entrance. Secondary fire egress is allowed.
 - c. Signage. No exterior signs promoting employee service and sales are allowed.
3. Public facilities and uses, including change of use.
4. Light Industrial and Industrial Office Uses on parcels of more than 5 acres.

D. Site Development Requirements.

1. Minimum Lot Area: None
2. Minimum frontage: Twenty (20) feet on a dedicated public street

E. Setback Requirements. Minimum Setbacks: None

F. Maximum Building Height. Forty-five (45) feet

G. Parking Regulations.

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.
3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. Off-street loading facilities shall be encouraged.
 - a. Public alleys may be utilized for off-street loading facilities.
6. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New parking area
7. Bicycle parking as required by 17.20.040.

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

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

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

17.03.070 Industrial Zone (I)

A. **Permitted Uses.**

1. Caretaker's residence for an on-site industrial use
2. Temporary uses not exceeding thirty (30) days
3. Transportation Facilities pursuant to 17.20.050(A)

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

1. Industrial activities, such as manufacturing, processing, warehousing, and outside storage
2. Commercial uses incidental and essential to an on-site industrial use, as defined in this title.
3. Change of use
4. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces.
5. Transportation Facilities pursuant to 17.20.050(B)

C. **Conditional Uses.** Public facilities and uses, including change of use

D. **Site Development Requirements.** Minimum Lot Area: None

E. **Setback Requirements.**

1. Minimum Setbacks: None
2. Minimum Street Frontage: Twenty (20) feet on a public dedicated street

F. **Maximum Building Height.** Forty-five (45) feet

G. **Parking Regulations.**

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.
3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. Off-street loading facilities shall be encouraged.
 - a. Public alleys may be utilized for off-street loading facilities.
6. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances
 - a. New construction.
 - b. Change of use.
 - c. New parking area.
7. Bicycle parking as required by 17.20.040.

- H. **Lighting.** Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.
- I. **Signs.** All signs shall be in conformance with the sign regulations of this title.
- J. **Landscaping.** All landscaping shall be in conformance with the landscape standards in this title.

17.03.080 Open Space/Public Facility Zone (OS/PF). The purpose of the Open Space/Public Facilities Zone is to provide land areas for parks and other necessary public facilities. This zone is also intended to serve as the mechanism to implement the public parks land use designation of the Comprehensive Plan. Permitted uses not subject to site plan review in this zone shall include, but are not limited to: recreational activities, non-profit community activities, and arts festivals.

That portion of Wells Island located within the City of Hood River and designated Open Space/Public Facilities is owned by the National Forest Service, and located within the Columbia River Gorge National Scenic Area. The City will not issue permits for future use of that portion of Wells Island within the City limits, which would be inconsistent with the National Scenic Area Management Plan.

- A. **Permitted Uses Subject to Site Plan Review.**
 - 1. Public parks, playgrounds, temporary concessions incidental to and serving park/recreation user, swimming pools, and tennis courts.
 - 2. Municipal and governmental services and functions.
- B. **Site Development Requirements.** None
- C. **Setback Requirements.** The minimum setback requirements shall be as follows:
 - 1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a dedicated public street.
 - 2. Side yard/rear yard: No structure shall be placed closer than ten (10) feet from the property lines for one- (1) and two- (2) story structures, and for structures more than two- (2) stories in height, the minimum yard is increased one (1) foot for each additional story.
 - 3. Projections may not encroach more than two (2) inches for each foot of required yard setback width.
- D. **Maximum Building Height.** Forty-five (45) feet.
- E. **Parking Regulations.**
 - 1. Municipal and governmental offices:

- a. One (1) off-street parking space shall be provided on the building site or adjacent to the site for each permanent employee.
- b. Adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of the proposed use.
- 2. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New parking area
- 3. Bicycle parking as required by 17.20.040.

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

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

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

A. **Permitted Uses.**

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

17.03.110 Columbia River Recreational/Commercial Zone (RC). The purpose of this zone is to provide an area within the City to promote recreational Columbia River waterfront uses and limited accessory commercial activities. The zone is intended to increase and protect public access, including visual access, to the Columbia River waterfront and related recreational opportunities and to contribute to an aesthetically pleasing urban environment. The uses permitted in this zone are intended to be consistent with visual and pedestrian access. As used in this section, the Spit and Hook refer to the areas shown on Attachment "A."

A. **Permitted Uses.**

- 1. Wildlife viewing areas
- 2. Public bike and jogging paths
- 3. Launch sites for non-motorized water sports
- 4. Swimming beaches
- 5. Fishing sites
- 6. Boardwalks
- 7. Transient vending carts

8. Recreational and cultural events
9. Open space
10. Restrooms
11. Maintenance of existing roads and parking areas
12. Non-motorized water sport schools and rentals, excluding any permanent structures
13. Boat docks, excluding marinas

B. Permitted Uses Subject to Site Plan Review.

1. Recreational areas (other than those permitted in subsection (A))
2. Commercial uses (other than those permitted in subsection (A)) that support the uses permitted in this section and that provide goods and/or services to the public related to tourism or recreation, but excluding over-night lodging facilities
3. Parks and playgrounds
4. Roads and parking areas, if newly constructed, substantially reconstructed or relocated

C. Site Development Requirements.

1. All applicable provisions of the Hood River Municipal Code.
2. Avoid traffic congestion
3. Protect pedestrian and vehicular safety
4. Adequate public services, including public parking and open space, must be provided consistent with the purposes of this zone so that recreational uses are encouraged and maximized
5. Lighting must be directed away from adjoining properties.

D. Lot Coverage and Maximum Building Height.

1. Except as provided in subsection (2), there are no lot coverage requirements and the maximum building height is twenty-eight (28) feet.
2. Commercial uses subject to site plan review (subsection B(3)) are subject to the following:

Lot Coverage: Based on the gross area of the site, but excluding that portion of the site located between the river setback and the water	Building Height
Thirty percent (30%) maximum, excluding parking	19'-28' maximum
Thirty five percent (35%) maximum, excluding parking	0'-18' maximum

E. Public Access. Public access to the waterfront and recreational areas from streets, pedestrian and bike paths, and public dedicated rights of way must be provided. Each public access shall be a minimum of fifty (50) feet wide. The distance between each access shall not exceed 500 feet and shall be designed to encourage public access to the waterfront.

F. Setback Requirements.

1. Front: Not required.
2. Side Yard Setback: Ten (10) feet.
3. River: Except for structures and parking lots associated with those uses permitted in subsection (A) above, no structure or parking lot shall be placed within seventy-five (75) feet from the Columbia River top of bank, as defined in this Title, except on the Spit and Hook. The distance from structures and parking lots shall be an average of at least 100 feet from the top of bank, except on the Spit and Hook. Noncommercial accessory structures related to recreational uses may be allowed within the public access in subsection (E) above and setback area created by this subsection (benches, landscaping, bleachers, picnic areas, temporary concessions, restrooms, etc.).

G. Parking Regulations.

1. Commercial/Retail and Tourist Related Uses: One (1) space for each 300 square feet of gross floor area.
2. Drinking and eating establishments: One (1) space for each 200 square feet of gross floor area, including any outside seating areas, up to 5000 square feet, and one (1) space for each 300 square feet of gross building area in excess of 5000 square feet.
3. Bicycle parking as required by 17.20.040.

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

I. Landscaping. Except with respect to the Spit and Hook and permitted uses in subsection (A), the Landscaping and Development Standards (chapter 17.17) and the following criteria apply in this zone. As used in this subsection, the term “site” means the area shown on a site plan that depicts the location of impact on a parcel of land that also contains all of the information required by Titles 16 and 17.

1. The minimum landscaping as a percentage of gross site area is 30% of the site, based on the gross area of the site, but excluding that portion of the site located between the river setback and the water. The minimum landscaping requirement may be reduced or waived when all of the following are present:
 - a. The site conditions do not support the extent of landscaping required. Site conditions may include soils, rocks, wind exposure, limited site availability, and other similar conditions.
 - b. It is impractical to provide and maintain the extent of landscaping required.
2. Landscaping shall be consistent with the intent and purpose of this zone and contribute to an aesthetically pleasing environment.
3. Landscaping shall reduce the visual impacts of buildings and paved areas.
4. Parking areas shall be shaded by trees with adequate screening and buffering from adjacent uses. Trees shall be planted at a minimum of one (1) tree not less than six (6) feet in height each twenty (20) lineal feet (or an equivalent thereof) along the perimeter of the parking area.
5. Trees shall be used as wind breaks when appropriate.

J. Parking Areas and Roads.

1. Parking areas for four or more automobiles or trucks shall meet the standards of this section and are not required to comply with section 17.04.060 or Chapter 17.17, or unless the parking area was in use prior to March 1, 2007. All new parking areas shall contain parking spaces no smaller than 20' X 10' and shall be graveled or covered with surface material allowed for roads in this zone. Existing unimproved parking areas may remain unimproved unless improvement is required as a condition of approval of subsequent development.
2. Roads may be paved or unpaved. Unpaved roads must be covered with gravel or other surface material applied uniformly so that the surface is stabilized and dust emission and erosion is reduced. Surface material must be ½" to 1" in diameter. Surface material and size other than as specified in this subsection may be used if approved by the City Engineer.
3. Non-toxic and/or organic stabilizers may be used to suppress dust on roads and parking areas, provided the stabilizer meets all specifications, criteria, and tests required by federal, state and local law, rule or regulation, and is not prohibited for use by any applicable law, rule or regulation. Written approval of the City Engineer is required prior to applying a stabilizer. The owner of the property to which the stabilizer is being applied shall compile and maintain records showing the brand name of the stabilizer used, the amount applied, the extent of coverage, and the date(s) of application. The property owner shall keep the records and make them readily available to the City Engineer upon request.

17.03.120. Interchange Area Management Plan (IAMP) Overlay Zone. The purpose of the IAMP Overlay Zone is the long-range preservation of operational efficiency and safety of the highway interchanges within the City of Hood River, which provides access from and to Interstate 84 for residents and businesses throughout the city. The interchanges are a vital transportation link for regional travel and freight movement and provide connectivity between the east and west side of the community and to employment and recreational opportunities at the waterfront. Preserving capacity and ensuring the safety of these interchanges and the local transportation systems in their vicinity is essential to visitors, residences, and existing businesses as well as to the continued economic vitality along the Columbia River and to community growth and development in the vicinity of the interchanges.

A. Boundary. The boundary of the IAMP Overlay Zone is shown on the City of Hood River Zoning Map and also is depicted in the respective IAMP documents. The zone's boundary generally corresponds with a 1/2-mile buffer area around the interstate highway interchanges. The Overlay Zone is applied to two boundary areas - one centered at Exit 62 and the other encompassing both Exit 63 and Exit 64.

B. Applicability. The provisions of this section shall apply to any Administrative, Quasi-judicial, or Legislative land use application pursuant to Section 17.09 that is for a parcel wholly or partially within the IAMP Overlay Zone, as defined by Section 17.03.120.A. Any conflict between the standards of the IAMP Overlay Zone and those contained within other chapters of the Zoning Ordinance shall be resolved in

favor of this chapter and the applicable requirements in Chapter 17.20, Transportation Circulation and Access Management.

- C. Permitted Land Uses.** Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Zoning Ordinance and in Title 16, Subdivision Ordinance.
- D. Comprehensive Plan and Zoning Map and Text Amendments.** This Section applies to all Comprehensive Plan Map and Zoning Map amendments to parcels wholly or partially within the IAMP Overlay Zone and code amendments that affect development within the IAMP Overlay Zone.

In addition to meeting the requirements of Section 17.08.020, applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall meet the requirements of the Transportation Planning Rule, Oregon Administrative Rule (OAR) 660-012-0060, including making a determination whether or not the proposed change will significantly affect an existing or planned transportation facility.

- E. IAMP Review and Update.** The IAMP document must be reviewed and possibly updated in association with a proposed change to the Hood River Comprehensive Plan, Plan Map, or implementing zoning ordinances that will have a “significant affect” on one or more I-84 Interchanges pursuant to OAR 660-12-0060.
 1. An IAMP update is required when the findings and conclusions from an IAMP review demonstrate the need for an update to the plan in order to mitigate identified impacts to interchange facilities. The agency or person(s) proposing the change shall be responsible for reviewing and initiating an update to the applicable IAMP(s), consistent with the procedures outlined in the IAMP.
 2. An updated IAMP that results from a City-initiated review process pursuant to Section 17.03.120.E, shall be legislatively adopted, requiring a City Council public hearing, as an amendment to the City of Hood River Transportation System Plan and also will be adopted by the Oregon Transportation Commission as an update to the Oregon Highway Plan.

17.03.130 Waterfront Overlay Zone

The purpose of the Waterfront Overlay Zone is to: implement a design concept for the west side of the Nichols Basin in order to create an active recreational area with recreational facilities and some limited commercial development within the Light Industrial (LI) zone; establish urban design standards for new industrial and commercial development within the Overlay Zone consistent with the character of the Port and the City of Hood River to ensure an attractive and pedestrian friendly street character; and improve local access and visibility to and along the waterfront by protecting public access to the Waterfront Trail.

A. Boundary

The following land is included within the Waterfront Overlay Zone:

1. All land north of Portway Avenue including The Hook and 3N10E25 Tax Lots 112, 113, 114, 122 and a portion of 100;
2. Portway Avenue and all lots/parcels adjacent to the southern boundary of the Portway Avenue right-of-way that are located east of North 8th St. including 3N10E25 Tax Lots 124, 125, 126 and 127;
3. All lots/parcels adjacent to the western boundary of the North 2nd Street right-of-way that are located south of Portway Avenue and north of Riverside Drive including 3N10E25 Tax Lot 127 (Parcel 2 of CS No. 2012-031); the eastern 363.98 feet of Tax Lot 128 (Lot 5 of the Waterfront Business Park Subdivision, CS No. 2009-055), the eastern 165 feet of Tax Lot 108 (CS No. 2009-012); and Tax Lot 132;
4. 3N10E25 Tax Lot 120 (CS No. 2009-012) located north of Riverside Drive and west of North 2nd Street;
5. 3N10E25DB Tax Lots 500, 600, 700, 800 and 900 located south of Riverside Drive and east of North 2nd Street (CS Nos. 97068 and 2014-007);
6. All lots/parcels between North 2nd Street and the Nichols Boat Basin including 3N10E25 Tax Lots 102, 109, 115 and 133.

The boundary of the Waterfront Overlay Zone is shown on the City of Hood River Zoning Map and also is depicted in Figure 17.03.130-1, below.

Figure 17.03.130-1 Boundary of the Waterfront Overlay Zone

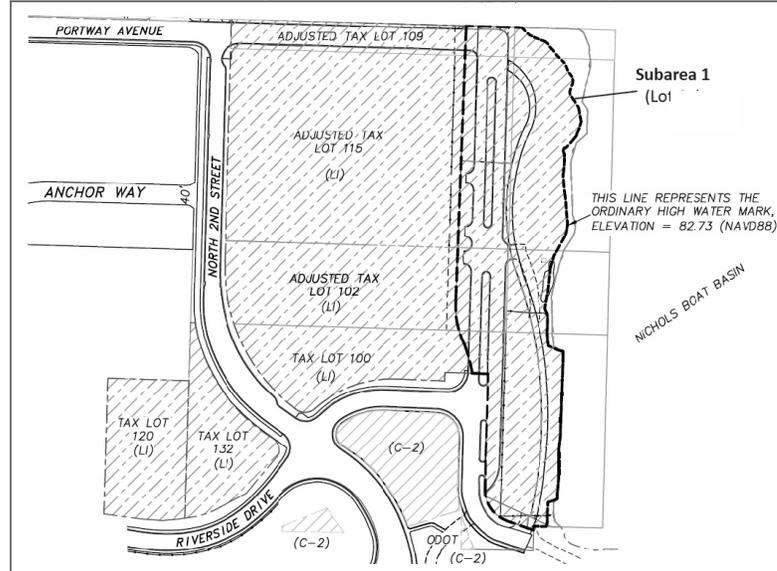


B. Subareas

The following subareas are established within the Waterfront Overlay Zone:

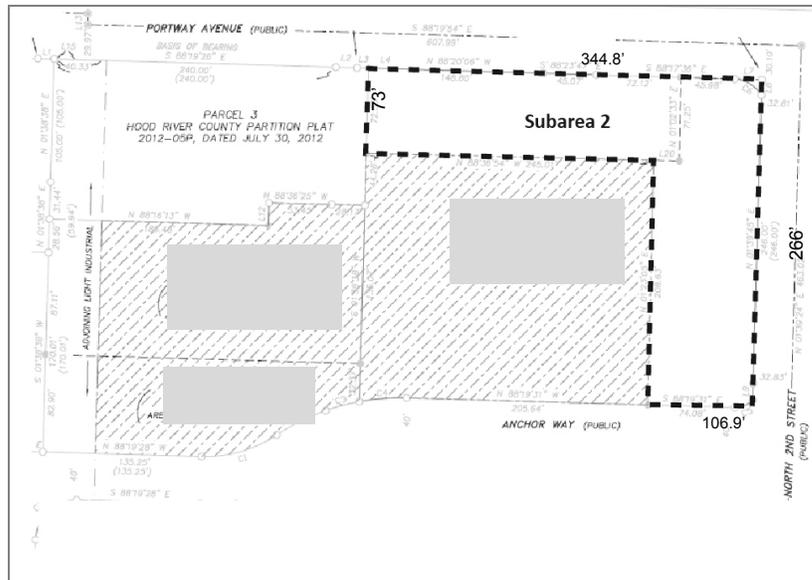
1. Subarea 1. The boundary of Subarea 1 is depicted in Figure 17.03.130-2.

Figure 17.03.130-2 Boundary of the Waterfront Overlay Zone - Subarea 1



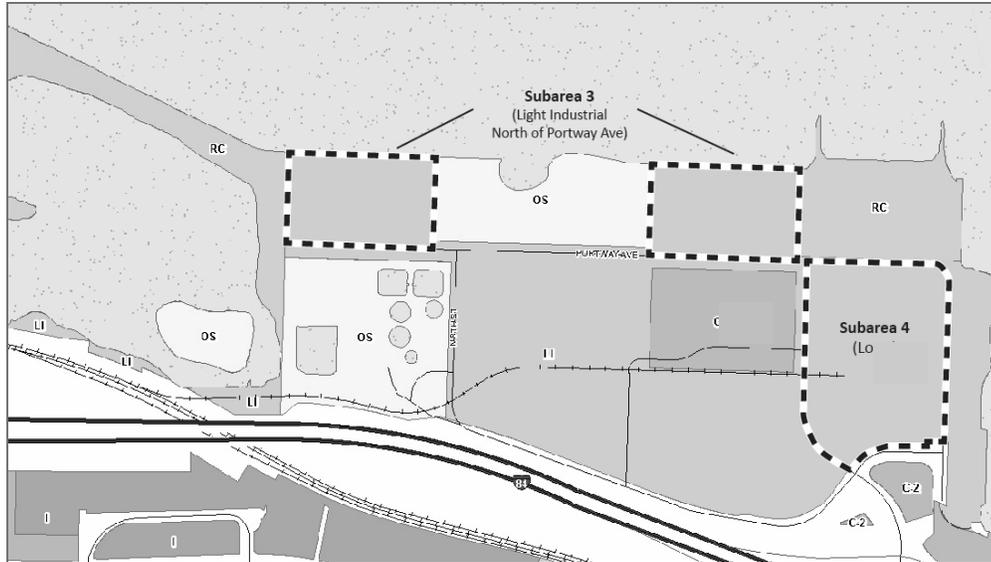
2. Subarea 2. The boundary of Subarea 2 is depicted in Figure 17.03.130-3.

Figure 17.03.130-3 Boundary of the Waterfront Overlay Zone - Subarea 2



3. Subarea 3 and Subarea 4. The boundaries of Subarea 3 (Industrial land north of Portway Avenue) and Subarea 4 are depicted in Figure 17.03.130-4.

Figure 17.03.130-4 Boundary of the Waterfront Overlay Zone - Subarea 3 and Subarea 4



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.

D. Uses

Except as modified below, uses allowed in the underlying zoning districts are allowed within the Waterfront Overlay Zone subject to applicable provisions in the Zoning Ordinance and in Title 16, Subdivision Ordinance.

1. Waterfront Overlay Zone.
 - a. Commercial drive-through uses and facilities are not allowed within the Waterfront Overlay Zone.
2. Subarea 1 Uses.
 - a. Additional Permitted Uses. Within the area identified as Subarea 1 on Figure 17.03.130-2, the following additional uses are allowed:
 - i. Launch sites for non-motorized water sports.
 - ii. Transient vending carts subject to the size limitations in 17.03.130.D.2.d, below.
 - iii. Open space.
 - iv. Non-motorized water sport schools and rentals, excluding any permanent structures, provided that temporary structures are subject to the size limitations in 17.03.130.D.2.d, below.

- b. Additional Permitted Uses subject to Site Plan Review. Within the area identified as Subarea 1 on Figure 17.03.130-2, the following additional uses are allowed subject to Site Plan Review:
 - i. Commercial retail uses, including the provision of goods and/or services for sale to the public, which are not accessory and essential to a permitted light industrial use provided (a) the size limitation in 17.03.130.D.2.d, below, is met; and (b) over-night lodging facilities are prohibited.
 - ii. Parks and playgrounds.
 - iii. Public Facilities limited to restrooms, lockers, showers, storage and related facilities owned and utilized by a non-profit or public entity to facilitate public recreational use of non-motorized watercraft. All other Public Facilities require conditional use approval in accordance with Section 17.03.060(C).
 - c. Restriction on Light Industrial Uses. Within the area identified as Subarea 1 on Figure 17.03.130-2, commercial and industrial uses permitted or conditionally allowed by the underlying Light Industrial zone are subject to the size limitation in 17.03.130.D.2.d, below.
 - d. Size limitation for commercial and light industrial uses. The total commercial and industrial floor area, including but not limited to buildings, private patios and decks, within Subarea 1 shall not exceed 7,000 square feet. The exterior dimensions of transient vending carts and other temporary structures shall be included in this calculation.
3. Subarea 2 Uses.
- a. Additional Permitted Uses subject to Site Plan Review. Within the area identified as Subarea 2 on Figure 17.03.130-3, the following additional uses are allowed subject to Site Plan Review:
 - i. Commercial retail uses, including the provision of goods and/or services for sale to the public, which are not accessory and essential to a permitted light industrial use provided: (a) commercial retail uses which are not accessory and essential to a permitted light industrial use shall not exceed 1,500 square feet or 10% of the gross floor area within the building, whichever is less; and (b) in no case shall the total commercial retail square footage in the building (accessory to industrial and non-accessory) exceed 2,500 square feet or 25% of the gross floor area within the building, whichever is less.
 - ii. Professional Office uses which are not accessory and essential to a permitted light industrial use provided: (a) they do not exceed 25% of the gross floor area within the building; and (b) that those Professional Office uses which provide personal services, including but not limited to hair, tanning or personal care salons, massage therapy, medical, dental or chiropractic offices, shall be

classified as Commercial Retail Uses subject to 17.03.130.D.3.a.i for the purposes of this section.

E. Development and Design Standards for Commercial and Industrial Development.

In addition to the standards of the base zone and the Site Plan Review criteria, the design standards of this section shall apply to all industrial and commercial development within the Waterfront Overlay Zone. Buildings and developments in existence on January 22, 2015, are not subject to these standards and shall not be made non-conforming by their adoption provided that any remodel, addition or new construction, which requires Site Plan Review, complies with the applicable standards.

1. Façade Variation. All buildings shall incorporate design features. Design features include offsets, balconies, projections, window reveals, or other similar elements to preclude large expanses of uninterrupted building surfaces in areas which are visible to the public. Design features shall occur at a minimum of every thirty (30) feet for all building facades within thirty (30) feet of the street, plaza, or other public open space within the Waterfront Overlay Zone; and a minimum of every fifty (50) feet for other facades which are visible to the public from a street, plaza, or other public open space within the Waterfront Overlay Zone.

The facade shall contain at least two (2) of the following features:

- a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six (6) feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet;
 - c. Offsets or breaks in roof elevation of two (2) feet or greater in height; and/or
 - d. Natural wood, weathering steel trim/accents with a minimum dimension of four (4) feet by six (6) feet.
 - e. Other similar façade variations approved by the review authority (planning staff or planning commission).
2. In order to avoid façade variations that are out of scale with the building, on buildings that are less than 3,000 square feet, the minimum dimensions (e.g., depth and width) of the features described in a – d, above, may be reduced by up to 50%.
 3. Required Windows.
 - a. Any facade which is within thirty (30) feet of the street, plaza, or other public open space within the Waterfront Overlay Zone shall contain at least the minimum percentage of windows specified in Table 17.03.130-1, below. For buildings in which all facades are within thirty (30) feet of the street, plaza, or other publicly accessible open space, the percentage

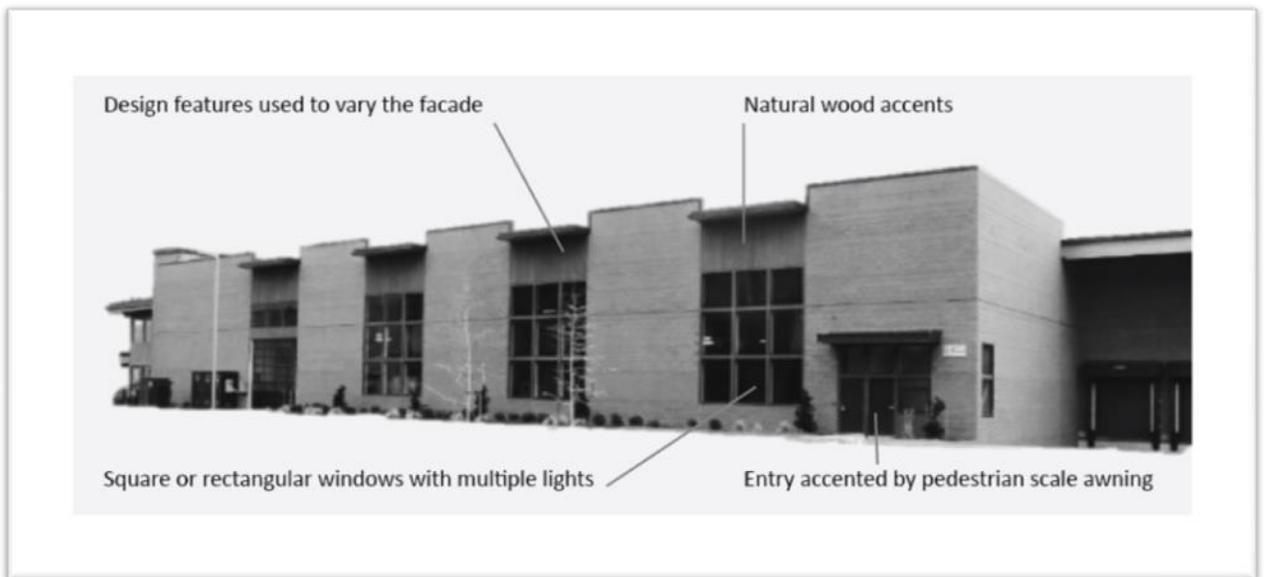
of windows required by Table 17.03.130-1 may be reduced by 50% on two of the four sides.

Table 17.03.130-1 Required Windows for Certain Facades

Location	Ground Floor Wall	Total Wall Area
Buildings in Subarea 1	50% of the length	40% of the total wall area
Buildings in Subarea 2	40% of the length	30% of the total wall area
All other buildings	20% of the length	15% of the total wall area

- b. For all other facades which are visible to the public from a street, plaza, or other publicly accessible open space at least 15% of the façade shall contain windows.
 - c. Windows must allow views into ground floor working areas or lobbies, pedestrian entrances, or display areas.
 - d. Windows should be square or rectangular with multiple lights. Windows with applied muntins which have no profile, or smoked glass or mirrored glass are prohibited.
4. Building Entries. The primary entrance shall be highlighted with architectural features (e.g. windows, recesses, canopies, etc.) and shall have an awning or other protection from natural elements.

Figure 17.03.130-5 Design Standards for Industrial and Commercial Development



5. Exterior Building Materials. Buildings shall be constructed using high quality and long-lasting exterior building materials. A “primary material” is the predominant building material(s) that covers a minimum of sixty (60) percent of the building’s exterior walls. An “accent material” is not the predominant

building material. Any one accent material shall not cover more than forty (40) percent of the building's exterior walls. Permitted materials are as follows:

- a. Brick, natural stone (e.g. basalt), split- and ground-faced concrete masonry units, tilt-up concrete (concrete form liner w/color-integral or stain) or a combination of these materials may be used as primary or accent materials.
- b. Glass (other than smoked glass or mirrored glass) may be used as primary or accent material.
- c. Wood may be used for soffits, overhangs, entrance canopies and as an accent material.
- d. Metal (e.g., weather steel) may be used for roofs and as an accent material.
- e. Other similar materials that are approved by the review authority (planning staff or planning commission) may be used as primary or accent materials.

6. Building Placement and Orientation. Except as provided in this section, buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

- a. All buildings in Subarea 2 shall have a primary entrance oriented to a street. For purposes of this subsection, "Oriented to a street" means that the building entrance faces the street. Buildings shall have an entrance for pedestrians directly from the street to the building interior. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Other buildings within the Waterfront Overlay should meet this standard to the extent practicable.
- b. Publicly accessible sidewalks shall be provided adjacent to public or private street along the entire street frontage.
- c. A building shall be setback not more than twenty (20) feet from a public sidewalk. This standard is met when a minimum of fifty percent (50%) of the front (street-facing) building elevation is placed no more than twenty (20) feet back from the sidewalk of a public or private street, whichever is applicable. The setback may be increased to allow for usable public space(s) with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park).
- d. Parking is prohibited between the front elevation of the building and the street.

7. Parking Regulations for Commercial and Recreational Uses in the Light Industrial Zone. The following parking standards apply to commercial and recreational uses. All other uses are subject to the standards of the base zone.

- a. Commercial/Retail Uses: One (1) space for each 300 square feet of gross floor area.

- b. Drinking and eating establishments: One (1) space for each 200 square feet of gross floor area, including any outside seating areas.
- c. Open space, trails, parks and similar uses: No minimum number of parking spaces is required.
- d. Bicycle parking as required by 17.20.040.

F. Development and Design Standards for Subarea 1.

In addition to the standards in 17.03.130.E, the following standards apply to Subarea 1 as identified on Figure 17.03.130-2. Any conflict between the standards of the 17.03.130.E and those contained within this subsection shall be resolved in favor of this subsection.

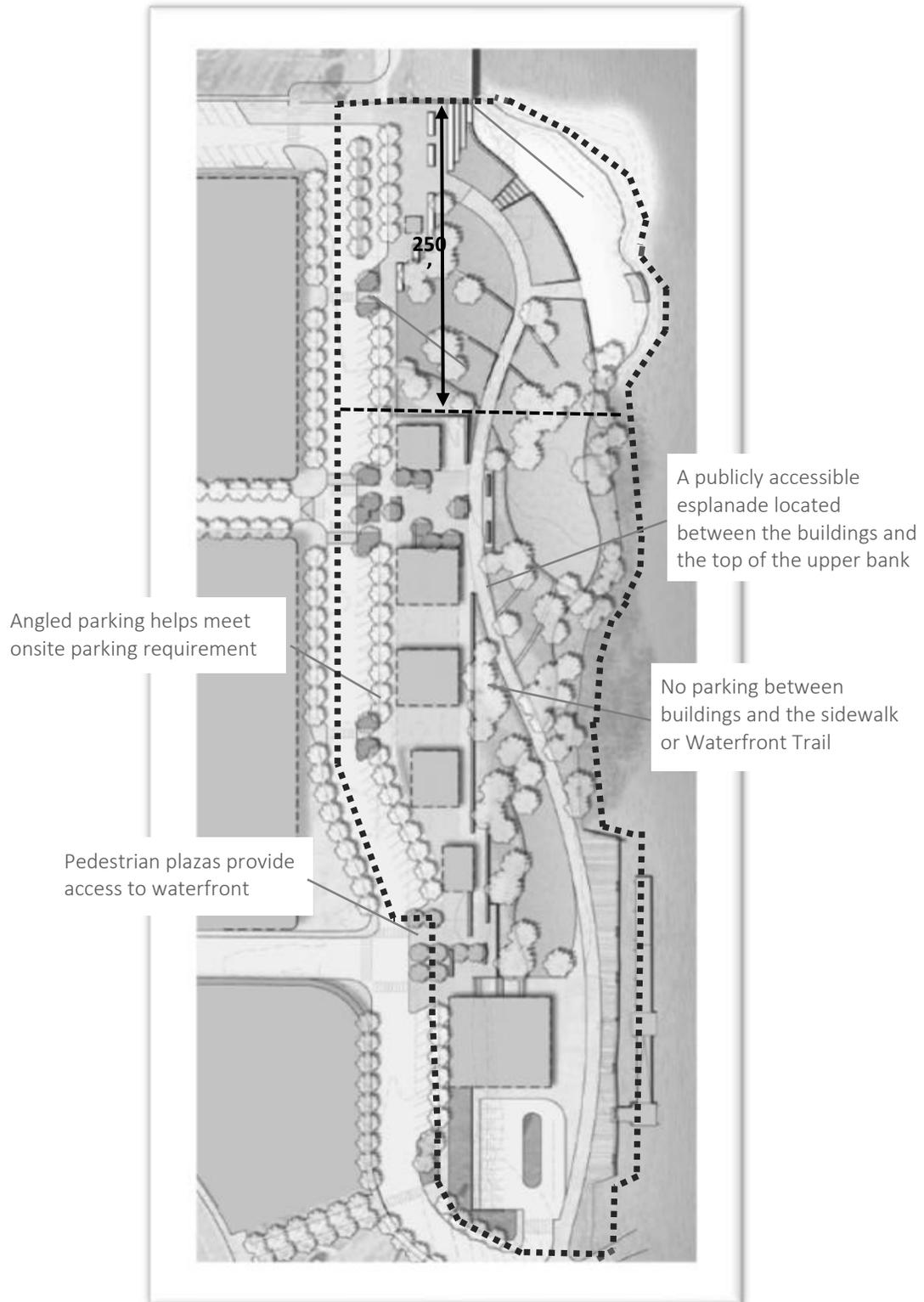
1. Total Square Footage: The total building floor area within Subarea 1 shall not exceed 16,000 square feet.
2. Building Placement. In order to maintain views from North First Street to the water, the following standards apply:
 - a. Commercial and industrial buildings and off-street parking are prohibited in the northernmost 250 feet of Subarea 1 east of North First Street as measured from the northern boundary of Subarea 1 and as shown on Figure 17.03.130-6.
 - b. Within the remainder of Subarea 1, buildings shall occupy no more than 50% of the street frontage of North First Street and Riverside Drive.
3. Maximum Building Height. Twenty-four (24) feet as measured from the highest elevation of North First Street adjacent to the building.
4. Public Access. Public access to the waterfront and recreational areas from streets, pedestrian and bike paths, and public dedicated rights of way must be provided. Each public access shall be a minimum of fifty (50) feet wide. The distance between each access shall not exceed 360 feet and shall be designed to encourage public access to the waterfront and Waterfront Trail.
5. Esplanade. A publicly accessible esplanade with a minimum width of 10 feet shall be provided adjacent to the top of the upper bank as shown on Figure 17.03.130-6. No buildings are permitted between the esplanade and the top of the upper bank.
6. Open Space. All undeveloped areas shall be improved with landscaping, open space amenities (including hardscape), or retained with native vegetation.
7. Minimum and Maximum Setbacks. No minimum setback is required. The maximum setback shall be ten (10) feet. This standard is met when a minimum of fifty percent (50%) of the front building elevation is placed no more than ten (10) feet back from the sidewalk of a public or private street, whichever is applicable. The setback may be increased to allow for usable public space(s)

with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area, or town square with seating).

8. Parking Regulations.

- a. Required parking may be provided on adjoining parcels provided if it is within 1,000 feet of the proposed use.
- b. Credit for On-Street Parking: On-street parking spaces may be counted toward required parking where angled on-street parking is constructed as a part of the development.
- c. No parking or vehicular circulation is permitted between a building and the sidewalk or the building and the Waterfront Trail.
- d. Off-street parking areas in Subarea 1 shall be surfaced with pavers or other comparable decorative and permeable materials.

Figure 17.03.130-6 Subarea 1 Development Standards



G. Development Standards for Subarea 3 and Subarea 4.

In addition to the standards in 17.03.130.E, the following standards apply to Subarea 3 and Subarea 4 as identified on Figure 17.03.130-4.

1. Maximum Building Height on Subarea 3. The maximum building height within the area designated as Subarea 3 on Figure 17.03.130-4 is twenty-eight (28) feet.
2. ESEE Setback Standards on Subarea 3. Within the 75' ESEE setback from the top of bank, the following standards apply:
 - a. Outdoor storage of industrial materials and shipping containers and the parking of commercial trucks and heavy equipment is prohibited.
 - b. Fences shall not exceed three (3) feet in height.
 - c. The Waterfront Trail shall be landscaped with a variety of trees, shrubbery and groundcover at least twenty (20) feet landward of the edge of the trail.
3. Maximum Building Footprint on Subarea 3 and Subarea 4. The maximum building footprint within the areas designated as Subarea 3 and Subarea 4 on Figure 17.03.130-4 is 25,000 square feet.

H. Street Trees, Landscaping and Fencing.

In addition to the standards of Chapter 17.17, the following street tree and landscaping standards shall apply to development within the Waterfront Overlay Zone.

1. One street tree chosen from the City's street tree list shall be placed along the perimeter of the site or parcel fronting the street for each thirty (30) feet of frontage for that portion of the development facing the street.
2. Parking areas shall be shaded on the interior and exterior by deciduous trees and buffered from adjacent uses. A ratio of one (1) tree for each seven (7) parking spaces shall be required to create a canopy and windbreak effect. The tree species shall be selected from a street tree list provided by the City. Landscaped areas shall be fairly evenly distributed throughout the parking area and parking perimeter at the required ratio, but can be grouped around the perimeter to reduce the total area of the parking lot. The number of street trees and parking area trees shall be calculated separately.
3. Landscaping and open areas shall:
 - a. Emphasize the use of native trees, shrubs, or other plants adapted for survival or growth in this area. Shrubs and/or living groundcover shall be planted to assure fifty percent (50%) coverage within one (1) year and ninety percent (90%) coverage within five (5) years.
 - b. Provide for the planting of trees as windbreaks.

- c. Include street trees and parking area trees that are in scale with the development.
 - d. The tree species selected shall be selected from a street tree list provided by the City, or as otherwise approved by the City.
4. Chain link fences shall include a top rail for security and maintenance and shall have a black, dark brown, or dark green powder coating and shall have a minimum of three (3) feet of landscaped screening along street frontages. Concertina wire, razor wire, barbed wire and similar materials are prohibited.

I. Exterior Lighting.

Lighting facilities throughout the development should improve night-time public safety and security, promote energy efficiency, and avoid detrimental impacts to the environment or to public use and enjoyment of public and private property. The following standards apply:

- 1. Light fixtures shall be full-cutoff. When installed, a full-cutoff fixture gives no emission of light above a horizontal plane.
- 2. Pole-mounted lighting shall not exceed a height of 20 feet.
- 3. Façade lighting shall be limited to illumination from building-mounted fixtures. Up-lighting is not permitted. When installed, up-lighting emits light above a horizontal plane.
- 4. Pedestrian scale lighting is required for the public walkways, plazas, and courtyards. Pedestrian-scaled lighting includes “classic street lights” which are specified in the City of Hood River Transportation System Plan, bollard lights and similarly scaled fixtures.
- 5. Street lights shall be provided on all public streets and private streets with public access. “Classic street lights” as specified in the City of Hood River Transportation System Plan are required unless an alternative is approved by the City Engineer. Spacing of lighting shall be consistent with City of Hood River Engineering Standards unless an alternative is approved by the City Engineer.

J. Screening and Storage.

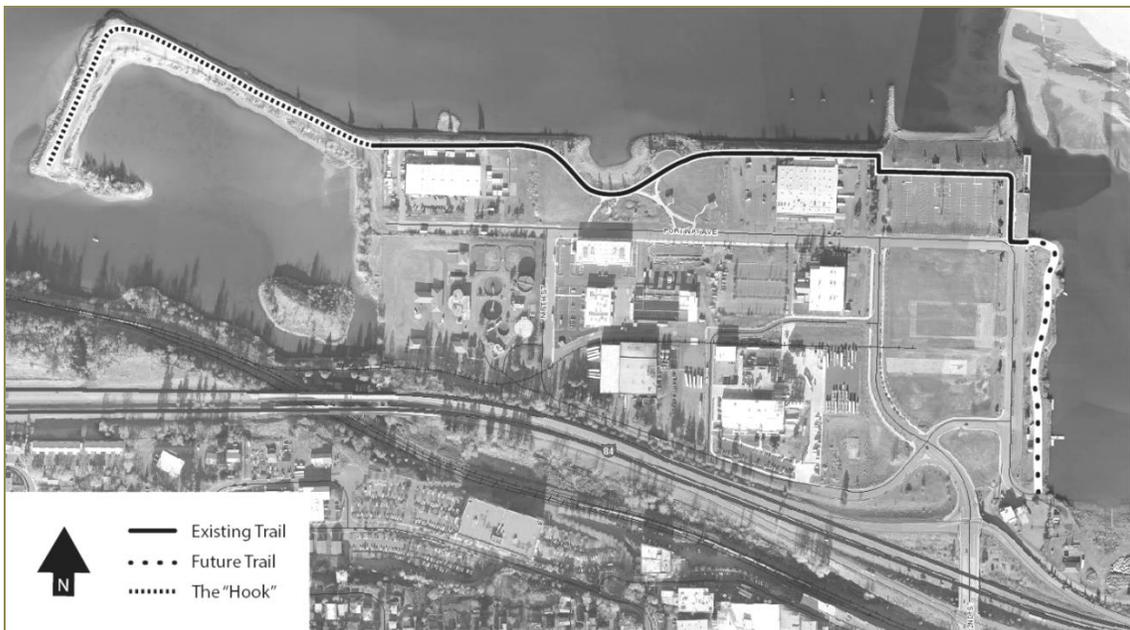
- 1. All exterior storage, recycling, garbage cans, and garbage collection areas shall be screened from view from the Waterfront Trail, public plazas and open space, streets, sidewalks, and any adjacent properties. Trash and recycling receptacles for pedestrian use are exempt.
- 2. All truck loading areas shall be screened from view from the Waterfront Trail, streets, and sidewalks to the extent feasible.

3. Roof-mounted mechanical (e.g., HVAC) equipment shall be screened from view as follows:
 - a. Rooftop mechanical equipment screens shall be required at a height that is as high as the rooftop equipment being screened.
 - b. Screening shall be provided in a manner that is architecturally integral to the overall appearance of the building.
 - c. Required rooftop screening of mechanical equipment (not including silos or other storage facilities) up to six (6) feet in height shall not be included in the calculation of building height provided it is the minimum size necessary to screen the equipment and does not exceed the height of the equipment by more than one (1) foot. Equipment over six (6) in height shall be screened; however, the additional height over six (6) feet shall be included in the calculation of building height.
 - d. Solar panels are exempt from the screening requirements, above.

K. Design Standards for Waterfront Trail Improvements.

The following standards apply to the Waterfront Trail as shown on Figure 17.03.130-7.

Figure 17.03.130-7 Existing and Future Waterfront Trail



1. Public access shall be provided paralleling the waterfront and around the waterfront area via the Waterfront Trail as shown on Figure 17.03.130-7 and as provided in this section.
2. The Waterfront Trail shall be open to the public in accordance with rules and regulations established by the City and the Port.

3. Where a subject parcel includes a portion of a Waterfront Trail, as shown on Figure 17.03.130-7, the layout, location, and construction of the Waterfront Trail shall be reviewed for approval as part of the site plan review.
4. The Waterfront Trail shall be constructed to the following standards:
 - a. The Waterfront Trail shall be a minimum of (10) feet wide except along the area identified as the “Hook” on Figure 17.03.130-7 and in other locations where natural resource impacts preclude development of the full width. In no case shall the width be reduced below eight (8) feet.
 - b. The Waterfront Trail shall be constructed of an all-weather material (e.g., asphalt or concrete, preferably concrete).
 - c. Pedestrian scale (e.g., bollard lights) night lighting shall be provided along the Waterfront Trail.
 - d. The Waterfront Trail shall be Americans with Disabilities (ADA) accessible.
 - e. Seating shall be provided at periodic intervals.
 - f. Except for the area identified as the “Hook” on Figure 17.03.130-7, the Waterfront Trail shall be landscaped. This should include a variety of trees, shrubbery, and groundcover at least eight (8) feet wide on the landward side where possible.
5. The Waterfront Trail shall be located substantially as shown on Figure 17.03.130-7, although the exact location of the Waterfront Trail may vary from Figure 17.03.130-7. Safety considerations for Waterfront Trail users shall be a principal consideration in the siting and configuration of the Waterfront Trail.
6. The Waterfront Trail may be public or private. If the proposed portion of the Waterfront Trail is private, a recorded easement in a form approved by the City must be provided, and the Waterfront Trail must be open to the public and shall not be restricted to public access except as allowed by City and Port rules and regulations pursuant.

L. Signs.

All signs shall be in conformance with the sign regulations of Title 18.

M. Adjustments to the Standards.

The review authority may grant a variance to the standards in subsections 17.03.130.E through 17.03.130.K if the following approval criteria are met. For each standard for which an adjustment to the standards is sought, the applicant shall demonstrate that at least one of the following circumstances is met:

1. The physical characteristics of the site or existing structures (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard infeasible; or

2. The alternative design better complies with the purpose and intent of the Overlay Zone to establish urban design standards for new industrial and commercial development consistent with the character of the Port and the City of Hood River; to ensure an attractive and pedestrian friendly street character; and to improve local access and visibility to and along the waterfront by protecting public access to the Waterfront Trail.

The variance shall be processed in accordance with the procedures, but not the approval criteria, in Chapter 17.18.

CHAPTER 17.04 - SUPPLEMENTARY PROVISIONS

Legislative History: Ord. 1488 (1980); Ord. 1648 (1991); Ord. 1676 (1992); Ord. 1721 (1996); Ord. 1774 (1999); Ord. 1903 (2006); Ord. 1925 (2006); Ord. 1937 (2007); Ord. 1975 (2009); Ord. 2004 (2013); Ord 2026 (2016); Ord 2037 (2017)

SECTIONS:

- 17.04.010 Maintenance of Minimum Ordinance Requirements
- 17.04.020 Access/Frontage
- 17.04.030 General Provisions Regarding Accessory Uses and Accessory Structures
- 17.04.040 General Exceptions to Building Height Limitations
- 17.04.050 Fences and Walls
- 17.04.060 Retaining Walls
- 17.04.070 General Exceptions to Lot Area Requirements
- 17.04.080 Illegal Occupancy
- 17.04.090 Vision Clearance Area
- 17.04.100 Home Occupation
- 17.04.110 Bed and Breakfast
- 17.04.115 Hosted Homeshares and Vacation Home Rentals
- 17.04.120 Maximum Lot Coverage
- 17.04.130 General Requirements for Parking Lots
- 17.04.140 Exception to Permit Expiration

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

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

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

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

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

17.04.050 Fences and Walls.

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

17.04.060 Retaining Walls.

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

17.04.070 General Exceptions to Lot Area Requirements. Lots of record existing as of December 1999 that are less than the required lot area and or have less than the required

frontage specified in this title may be utilized provided all other requirements of the zone are met.

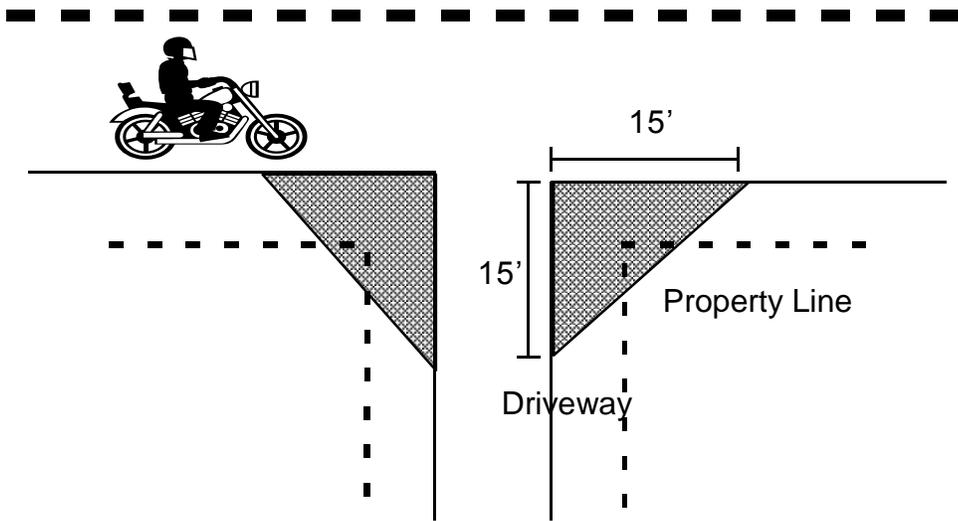
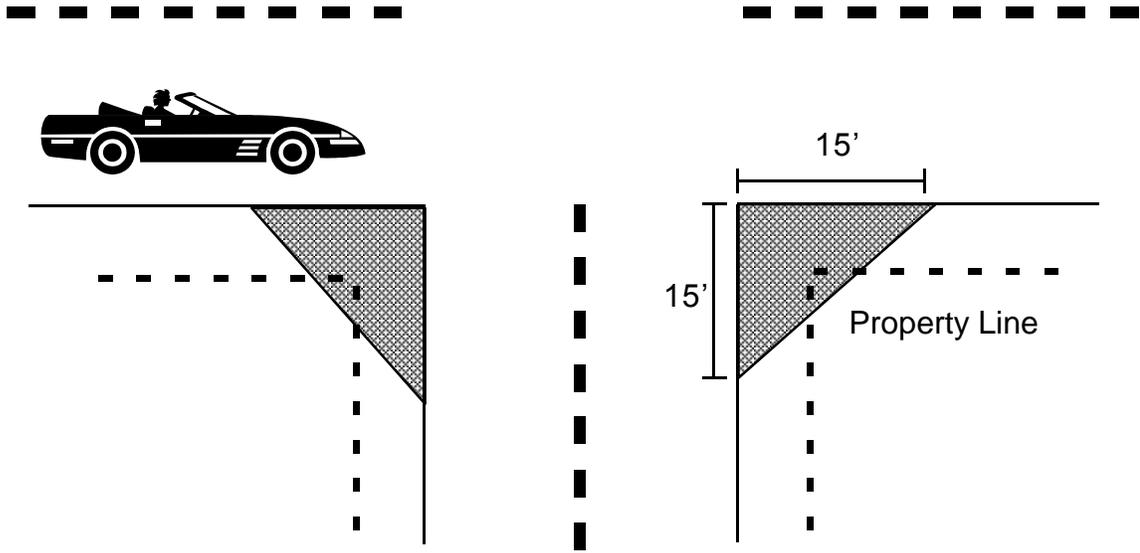
The Planning Director may waive lot frontage and lot area requirements on platted lots, platted prior to this provision, by not more than five percent (5%) of the requirements of this title. Parcels subject to this exception are subject to Title 16 requirements.

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

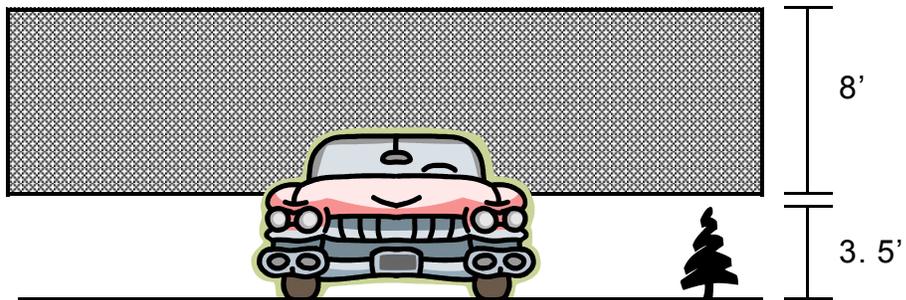
17.04.090 Vision Clearance Area. Corner lots or parcels in all residential zones and fences, walls, and retaining walls on property lines shall provide and maintain a vision clearance area. A "vision clearance area" is defined as a triangular area formed at a corner lot or parcel by the intersection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

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

DIAGRAM "A" - 17.04.090 VISION CLEARANCE



VISION CLEARANCE FOR HEIGHTS



VISION CLEARANCE - NO OBSTRUCTING ELEMENT ALLOWED

17.04.100 Home Occupation. The following criteria apply to a home occupation, as defined in this code:

1. It shall not give the appearance of a business.
2. It shall not change the character of the dwelling.
3. There shall be no display, except by a non-illuminated sign no larger than one (1) square foot.
4. No more than one assistant shall be employed on the site.
5. There shall be no increase in noise outside the dwelling unit.
6. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit.

17.04.110 Bed and Breakfast Facilities. Bed and Breakfast facilities are permitted in the Urban Standard Density Residential (R-2), Urban High Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2).

A. Review Procedures.

1. Applications: Applications for Bed and Breakfasts Permits shall be accompanied by a plot plan drawn to scale indicating the location of existing or proposed structures, number of guests or bedrooms, and location of the required off-street vehicle parking.
2. Review: Where permitted, Bed and Breakfast facilities are permitted outright as accessory uses, and as such shall be processed as administrative actions, per the Administrative Actions provisions (Section 17.09.030), and approved, approved with conditions, or denied by the Director.

B. Approval Standards.

1. The structure shall retain the characteristics of a single-family dwelling.
2. The number of guestrooms shall be limited to five (5). The number of guests shall be limited to ten (10).
3. In addition to required off-street parking for the residential use, one (1) hard surfaced off-street parking space shall be provided for each bed and breakfast guestroom. Parking areas shall not be located in the front yard. Parking areas may be adjacent to the Bed and Breakfast establishment. Alternative parking plans that meet the requirements of this chapter may be approved by the Planning Director.
4. Signs shall be limited to one (1) non-illuminated sign not exceeding one and one-half (1½) square feet. No off-premises signs are permitted.
5. A bed and breakfast facility shall be subject to the Hotel Tax pursuant to Chapter 5.09 of the Hood River Municipal Code. Where a morning meal is provided as part of the guest room charges, the hotel tax will be imposed on eighty percent (80%) of the rent charged by the bed and breakfast operator.
6. A bed and breakfast facility shall be subject to approval by the County Health Officer, the City Fire Marshal, and the City Building Official.
7. The bed and breakfast facility shall be owner or manager occupied.

C. Time Limit. A bed and breakfast facilities 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.

17.04.115 Hosted Homeshares and Vacation Home Rentals. Dwelling units may be used as hosted homeshares of vacation home rentals in the Urban Low Density Residential Zone (R-1), Urban Standard Density Residential Zone (R-2), Urban High Density Residential Zone (R-3), Office/Residential Zone (C-1), and General Commercial Zone (C-2).

A. License Required.

1. Persons operating a hosted homeshare or vacation home rental shall obtain a short-term rental operating license pursuant to Chapter 5.10 of the Hood River Municipal Code.

B. Use Restrictions – All Zones.

1. The room(s) for transient rental shall not include rooms within a recreational vehicle, travel trailer, or tent or other temporary shelter. Rooms within a detached or attached accessory dwelling unit are subject to HRMC 17.23.
2. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons.
3. One (1) hard surfaced off-street parking space shall be provided for every two bedrooms. In calculating the number of spaces required, the total shall be rounded up. Parking areas shall not be located in the front yard. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall be submitted to show the garage is available for parking. Required parking may be permitted on another lot within 250 feet of the subject property with a shared parking agreement or proof of legal parking access.

C. Additional Use Restrictions – Residential Zones (R-1, R-2 and R-3)

1. A hosted homeshare or vacation home rental is only permitted when it is an accessory use to the existing and continued residential use of a dwelling as the primary residence of the property owner. Proof of primary residence shall be provided in accordance with Chapter 5.10 of the Hood River Municipal Code.
2. The accessory use of a primary residence as a hosted homeshare or vacation home rental is limited to a total of ninety (90) days per calendar year.

D. Prior Existing (Nonconforming) Use. For purposes of hosted homeshare and vacation home rentals, the nonconforming use provisions in HRMC Chapter 17.05 (Nonconforming Uses and Structures) shall apply except as specifically modified in this section.

1. Except as provided in subsection D6, any hosted homeshare or vacation home rental lawfully established and actually in existence prior to the effective date of this 2016 ordinance may continue as a legal nonconforming use subject to the following “amortization periods”:
 - a. Until 5 years from the adoption date of this ordinance, at which time use of the property shall come into compliance with the parking requirements in 17.04.115(B.3).

- b. Until 7 years from the adoption date of this ordinance, at which time use of the property shall come into full compliance with the then-applicable provisions of this HRMC Title 17.
2. A hosted homeshare or vacation home rental in the R-1, R-2 and R-3 zones shall be deemed to be lawfully established and actually in existence if, at any time between January 1, 2013 and the effective date of this 2016 ordinance all of the following occurred:
 - a. The home was actually used as a hosted homeshare or vacation home rental as defined in HRMC 17.01.060;
 - b. The owner obtained from the City a Certificate of Authority to Collect Transient Room Tax; and
 - c. The owner actually paid a Hotel Tax to the City pursuant to HRMC Chapter 5.09.
3. The proponent of the nonconforming use status of a hosted homeshare or vacation home rental has the burden of proving by a preponderance of credible evidence all of the elements of a nonconforming hosted homeshare or vacation home rental.
4. In addition to proving the elements of a nonconforming hosted homeshare or vacation home rental as described in subsection D2 of this section, to maintain that status, the owner shall apply for and obtain a Short Term Rental Operating License under HRMC Chapter 5.10 within 12 months of the effective date of Ordinance 2026, which is October 13, 2017, and maintain in good standing that License for the remaining duration of the amortization periods provided in this section. Failure to maintain the Short Term Rental Operating License in good standing for the remaining duration of the amortization periods shall result in the immediate termination of any nonconforming use status the home may otherwise have had by operation of law and without the need for any action by the City. The non-conforming use status provided for herein does not transfer with title to the property.
5. A valid non-conforming hosted homeshare or vacation home rental under this subsection D may be nonconforming with regard to subsection 17.04.115(B3, C1 and C2) requirements provided that the extent of the non-conformity with subsection C2 is limited to the maximum number of nights of transient rental which previously occurred in any one of the following calendar years: 2013, 2014, 2015 or 2016 to the effective date of this ordinance.
6. In the event that the amortization periods provided for herein are insufficient compensation for a property owner to recoup his or her reasonable investment in the property's actual use as a lawful transient rental (i.e., hosted homeshare or vacation home rental) or imposition of these regulations results in a demonstrable reduction in the property's fair market value, such a property owner may apply for and seek additional or other compensation from the City under ORS 195.310 to 195.314. Such a property owner may also provide documentation of the owner's reasonable investments in the nonconforming use of the property exclusively for its use as a transient rental that exceed the value that can be recouped by continued transient rental use of the property for the amortization periods and which cannot be put to any other economically viable use of the

property. If the property owner demonstrates with credible evidence a reduction in fair market value or that the owner’s reasonable investment in the property as a lawful transient rental is not recouped by the amortization periods provided for herein, the city may provide additional compensation in a form and amount of its choosing. The property owner may appeal any such final determination pursuant to ORS 195.318.

17.04.120 Maximum Lot Coverage

A. Definitions:

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

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

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

1. When a detached garage is provided in the rear yard, the maximum lot coverage may be increased as shown in the table below.

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

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

¹ For rear garages only, the square footage for parking pads and driveways that use grass-crete shall be reduced by seventy-five (75) percent (e.g., a 300 sq. ft. driveway surfaced in grass-crete is included as 75 sq. ft. for purposes of determining lot coverage). The square footage for parking pads and driveways that use paving stones and other permeable paving materials (other than grass-crete), shall be reduced by fifty (50) percent.

Maximum Lot Coverage with rear garage and front porch	48%	53%	63%	73%
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3. Existing main and accessory structures that are not in conformance with these coverage requirements on September 1, 2006, are permitted to be rebuilt within the building footprint as it existed on September 1, 2006, if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure and if construction commences within two (2) years from the date of the calamity.
4. Multi-family dwellings are exempt from the lot coverage requirements.

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

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

17.04.140 Exception to Permit Expiration The expiration date of any permit issued under Title 16 and/or Title 17 for a low income housing project that receives federal funding, whether directly or through tax credits, and for which a deed restriction is required for each unit of affordable housing preserving the unit as affordable housing for no less than 40 years, may be automatically extended by the Planning Director, on good cause shown, for up to 2 additional 2 year periods. If the permit has already expired, the extension(s) may be granted so long as not more than 60 days have passed between the expiration date and the extension request. Extension requests must be submitted to the Planning Director in writing.

CHAPTER 17.05 - NON-CONFORMING USES AND STRUCTURES

Legislative History: Ord. 1488 (1980); Ord. 1774 (1999); Ord. 1920 (2006); Ord. 1975 (2009)

SECTIONS:

- 17.05.010 Purpose
- 17.05.020 Nonconforming Use
- 17.05.030 Nonconforming Structure
- 17.05.040 Exceptions

17.05.010 Purpose. The purpose of this chapter is to permit nonconformities to continue, but not to encourage their perpetuation, and to ultimately bring all uses, buildings, and structures (except certain existing residential uses) into conformance with this ordinance and the Comprehensive Plan.

17.05.020 Nonconforming Use. A use that was legally allowed when established, but which is no longer permitted in the zone, in which it is located, may continue so long as it complies with all of the following requirements:

1. Expansion: A nonconforming use shall not be expanded or moved to occupy a different or greater area of land, building, or structures than the use occupied at the time it became nonconforming.
2. Discontinuance: If a nonconforming use is discontinued for any reason for more than twelve (12) consecutive months, any subsequent use shall conform to all of the regulations of the subject zone. For the purpose of this ordinance, rental payments, lease payments, or the payment of taxes shall not be alone or together sufficient to constitute continuance of the use.
3. Change of use: A nonconforming use change may be approved as an administrative action. A nonconforming use may change to another similar or less nonconforming use when the degree of nonconformity is not increased, no alterations are made to the structures, buildings, or parking areas which would increase the nonconformity, and the Planning Director affirmatively finds the following:
 - a. Traffic: Traffic impacts generated by the use change are not increased.
 - b. Nuisances: Noise, dust, and any other nuisance conditions are not increased.

17.05.030 Nonconforming Structure

A. **Continuation.** A nonconforming structure that was allowed when established, but is no longer permitted in the subject zone because it does not conform to the existing height, setback, coverage, area, or other requirements, may continue so long as it complies with all of the following requirements:

1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease in nonconformity.
2. If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to conform to its pre-damage nonconforming state.

Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.

3. If a nonconforming structure is moved, it must conform to the standards of the zone to which it is moved.

B. Maintenance and Repair. Ordinary maintenance and repair is permitted on any structure or portion of any nonconforming structure when:

1. The maintenance or repair conforms to the existing nonconforming structure.
2. The proposed maintenance or repair does not enlarge, move, or alter the structure in a way that increases its nonconformity.
3. The proposed maintenance or repair is not prohibited on the deed.

17.05.40 Exceptions.

A. Any nonconforming structure being used for a residential use before the enactment of this ordinance may be:

1. Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of residential units, and serves the same use as the original structure.
2. Continued for residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.
3. Modified and or enlarged provided that:
 - a. The structure maintains the same or fewer number of residential units.
 - b. The setback requirements for residential dwellings are met. In cases where the structure does not meet the residential zoning setback standards, the modification or enlargement to the structure is allowed provided that any expansion does not further encroach upon the setback requirements.
 - c. The residential off-street parking requirement shall not be reduced.
 - d. The nonconforming structure is not located in an existing City right-of-way.
 - e. The modification or enlargement does not exceed the allowed maximum building height.

B. A nonconforming telecommunications tower that provides public emergency communications services may be moved to occupy a different area of land on the same parcel. This provision does not exempt the structure from compliance with other standards or procedures applicable to the use.

CHAPTER 17.06 - CONDITIONAL USES

Legislative History: Ord. 1488 (1980); Ord. 1667 (1992); Ord. 1668 (1992); Ord. 1669 (1992); Ord. 1670 (1992); Ord. 1691 (1993); Ord. 1695 (1994); Ord. 1721 (1996); Ord. 1774 (1999); Ord. 1816 (2001);

SECTIONS:

- 17.06.005 Purpose
- 17.06.010 Applicable Procedures
- 17.06.020 Application and Plan Requirements
- 17.06.030 Approval Criteria
- 17.06.035 Appeals
- 17.06.040 Time Limit on a Permit for a Conditional Use
- 17.06.050 Limitation on Reapplication
- 17.06.060 Revocation of Conditional Use Permit

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

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

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

17.06.020 Application and Plan Requirements

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

B. The plan or drawing accompanying the application shall include the following information:

1. Dimensions and orientation of the parcel.
2. Locations and heights of buildings and structures, both existing and proposed. Scaled elevation drawings and photographs shall be required.
3. Location and layout of parking and loading facilities, including bicycle parking required pursuant to 17.20.040.
4. Location of points of entry and exit and internal circulation patterns for vehicular and non-vehicular traffic in compliance with the requirements of Chapter 17.20.
5. Location of existing and proposed wall and fences and indication of their height and materials.
6. Proposed location and type of exterior lighting.
7. Proposed location and size of exterior signs.
8. Site specific landscaping, including percentage of total net area.
9. Location and species of trees greater than six (6) inches in diameter when measured four (4) feet above the ground, and an indication of which trees are to be removed.
10. Topographic map of the subject property using two (2) foot contour intervals (five (5) foot contour intervals may be allowed on steep slopes).
11. Natural drainage and other significant natural features.
12. Legal description of the lot.
13. Percentage of the lot covered by all proposed and remaining structures, to include asphalt concrete and Portland Cement Concrete.
14. Locations and dimensions of all easements and nature of the easements.
15. Service areas for uses such as loading and delivery.
16. Grading and drainage plan.
17. Other site elements that will assist in evaluation of the proposed use.
18. A brief narrative on the nature of the activity shall accompany the site plan including the number of employees, the method of import and export, the hours of operation including peak times, and plans for future expansion.

17.06.030 Approval Criteria. A conditional use shall be granted if the Planning Commission finds that the proposed use conforms, or can be made to conform through conditions, with the following approval criteria. For purposes of this chapter, the surrounding area includes all property within the applicable notice area for a use. In addition, any property beyond the notice area may be included in the surrounding area if the hearing authority finds that it may be adversely impacted by the proposed use.

1. Conditional Uses: Conditional uses are subject to *Site Plan Review Decision Criteria* (Chapter 17.16) in addition to the following:
2. Impact: The location, size, design, and operating characteristics of the proposed use shall be made reasonably compatible with, and have minimal adverse impact on, the lawful development of abutting properties and the surrounding area, with consideration given to:
 - a. Any harmful effects on desirable neighborhood characteristics and livability.
 - b. Bicycle and pedestrian circulation, access and safety.
3. Nuisance: The use shall not generate significant off-site nuisance conditions including, but not limited to, noise, glare, odor, or vibrations.
4. Plan Consistency: The proposal shall be consistent with the Comprehensive Plan and the requirements of the Zoning Ordinance.
5. Scale: The site must be physically capable of accommodating the proposed use, including any needed landscaping, parking, and other requirements. The building size, shape, and/or location may be changed if needed to assure the physical capability of the site.
6. Transportation: Adequate transportation facilities are available to serve the conditional use in terms of the function, capacity, and level of service identified in the Transportation System Plan (TSP).
7. Landscaping: Landscaping shall be in conformance with the landscape regulations of this title.
8. Performance Bonds: When needed to ensure performance of special conditions, bonds or other acceptable securities shall be required.
9. Burden of Proof: The applicant shall bear the burden of showing how the proposed use does conform or can be made to conform through conditions.
10. Final Plans: If the conditional use is approved, detailed final plans shall be submitted which indicate conformance to the conditions. The final plans shall be subject to approval by the City.

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

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.

17.06.050 Limitation on Reapplication. No conditional use application shall be considered by the Planning Commission within a six (6) month period immediately following a previous denial of such request. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further

consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

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 17.07 - PLANNED DEVELOPMENTS

Legislative History: Ord. 1488 (1980); Ord. 1774 (1999); Ord. 1806 (2001); Ord. 1904 (2006); Ord. 1918 (2006); Ord. 1924 (2006); Ord. 1994 (2011)

SECTIONS:

- 17.07.010 Purpose
- 17.07.020 Applicability
- 17.07.030 Applicable Procedures
- 17.07.040 Applicability in Commercial and Industrial Zones
- 17.07.050 Allowed Uses
- 17.07.060 Applicability of the Base Zone Development Standards
- 17.07.070 Private Streets
- 17.07.080 Preliminary Development Plan Submission Requirements
- 17.07.090 Approval Criteria
- 17.07.100 Shared Open Space
- 17.07.110 Noncompliance and Bonding

17.07.010 Purpose. The purposes of the planned development are:

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

17.07.020 Applicability

A. Zones. The planned development designation is applicable to all zones.

B. Minimum Site Size for Residential Development. Residential development in the R-1 zone shall have a minimum parcel size of a half (1/2) acre to apply the planned development process. There is no minimum size for R-2 and R-3.

C. Density Calculations for a Planned Unit Development:

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

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

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

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

17.07.030 Applicable Procedures

A. Approval Process.

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

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

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

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

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

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

E. Extension. Extensions shall be processed as Ministerial Actions. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period for the final development plan not to exceed one (1) year provided that

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

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.

17.07.040 Applicability in Commercial and Industrial Zones

A. By Election. An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.

B. As Condition of Approval in Commercial and Industrial Developments. An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

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.

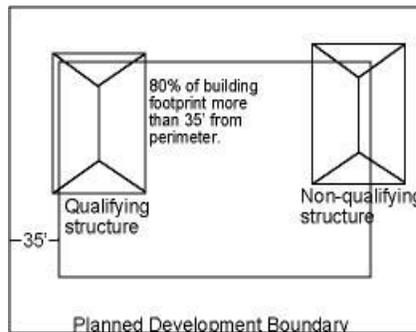
17.07.060 Applicability of the Base Zone Development Standards

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.

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

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

17.07.080 Preliminary Development Plan Submission Requirements

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

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

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

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

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

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

17.07.090 Approval Criteria

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

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

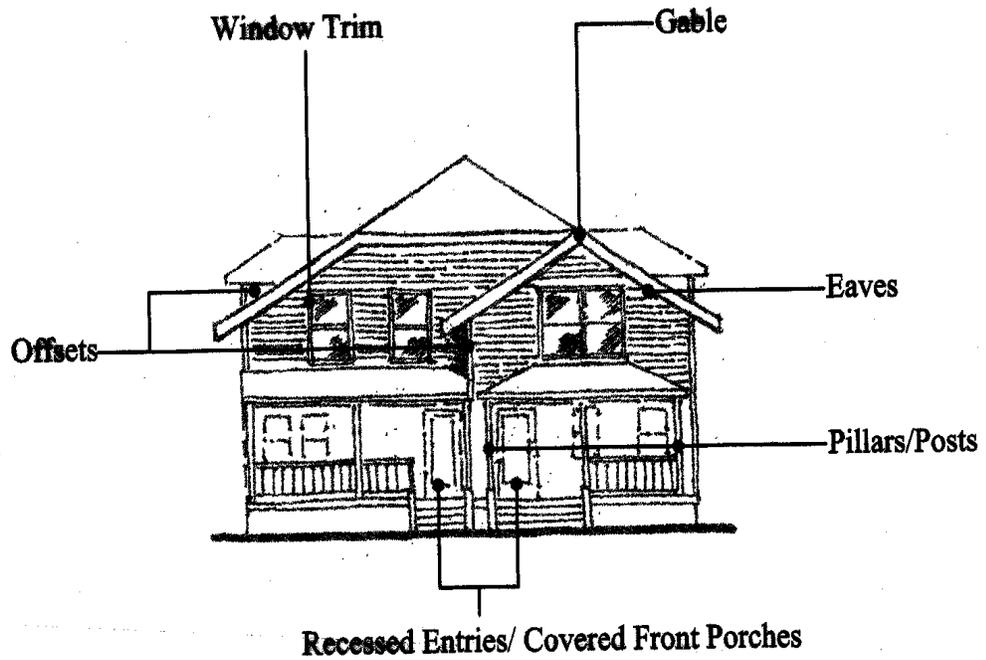
- (1) Dormers
- (2) Gables
- (3) Recessed entries
- (4) Covered porch entries
- (5) Cupolas or towers
- (6) Pillars or posts
- (7) Eaves (min. 18-inch projection)
- (8) Off-sets in building face or roof (minimum 16 inches)
- (9) Window trim (minimum 4-inches wide)
- (10) Bay windows
- (11) Balconies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

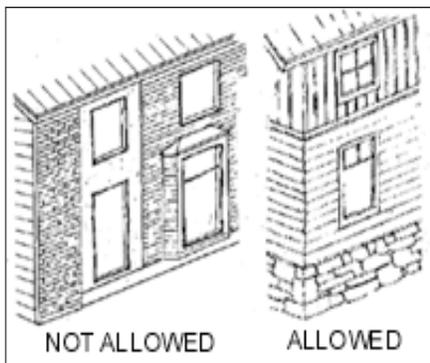
- a. Relationship to the natural and physical environment:
 - (1) The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible.
 - (2) Structures located on the site shall not be in areas 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.

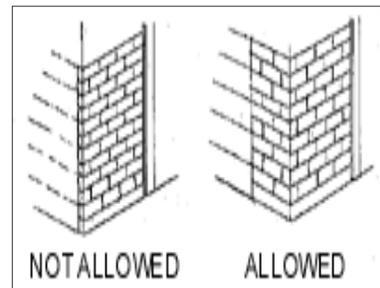
Diagrams “C” – Examples of Architectural Features



Example of Façade Articulation

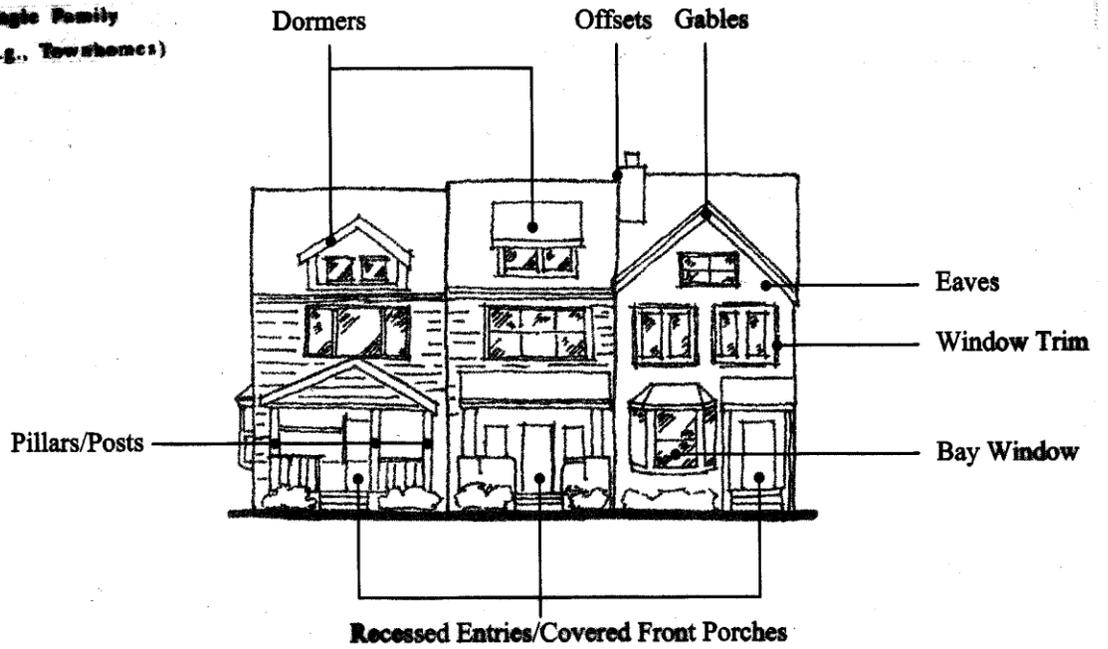


Example of Exterior Siding Material

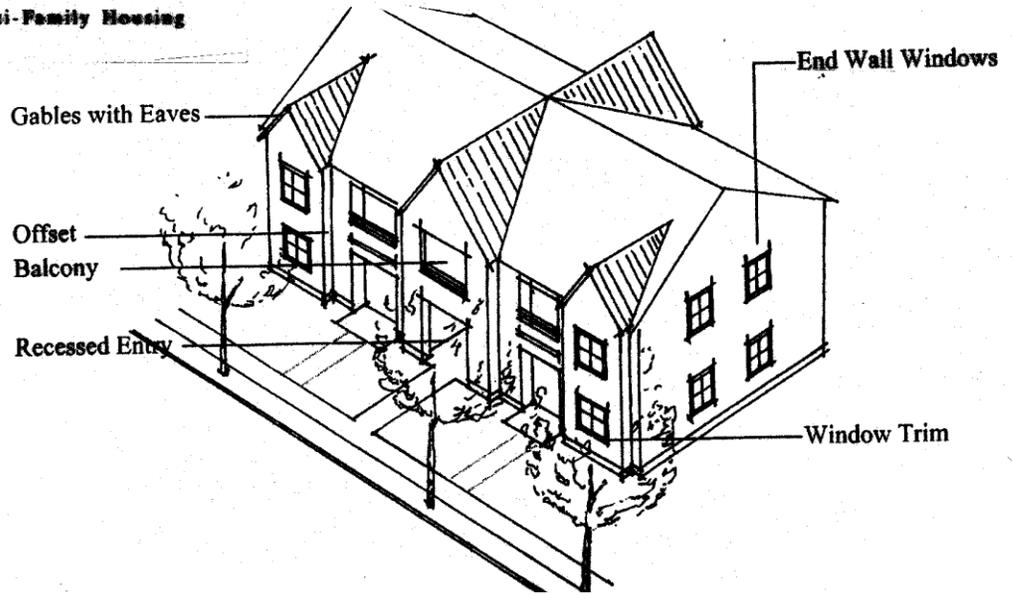


Examples of Architectural Features

Single Family
(e.g., Townhomes)



Multi-Family Housing



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.

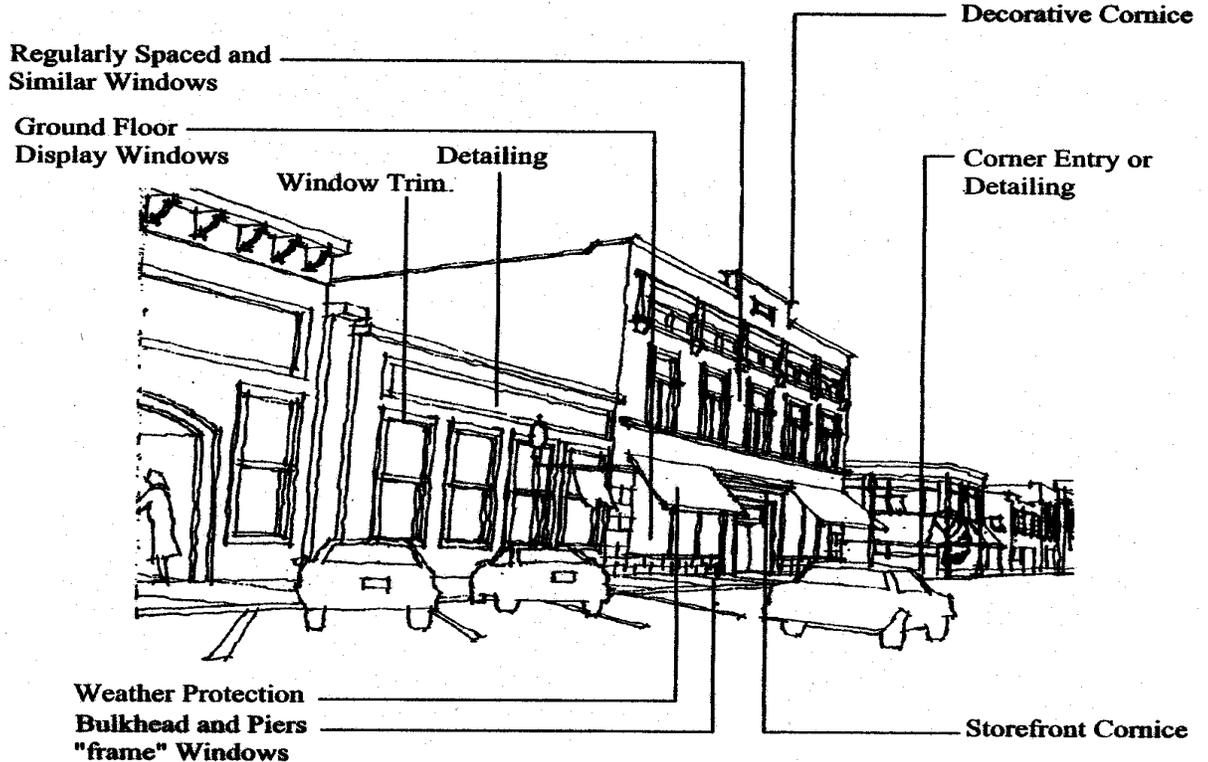
C. Industrial developments shall be oriented on the site to minimize adverse impacts (e.g. noise glare, smoke, dust, exhaust, vibration, etc.) The following standards shall apply:

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.

17.07.110 Noncompliance and Bonding

A. **Noncompliance.** Noncompliance with an approved final development plan shall be a violation of this chapter.

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

CHAPTER 17.08 - ZONE CHANGES AND PLAN AMENDMENTS

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

SECTIONS:

- 17.08.010 Legislative Zone Changes and Plan Amendments
- 17.08.020 Legislative Zone Changes and Plan amendments Criteria
- 17.08.030 Quasi-Judicial Zone Changes and Plan Amendments
- 17.08.040 Quasi-Judicial Zone Changes and Plan Amendments Criteria
- 17.08.050 Transportation Planning Rule (Legislative and Quasi-Judicial)
- 17.08.060 Record of Zone Changes and Plan Amendments
- 17.08.070 Limitations on Re-applications

17.08.010 Legislative Zone Changes and Plan Amendments. Legislative zone changes or plan amendments ("zone or plan changes") may be proposed by the Planning Commission or City Council. Such proposed changes shall be broad in scope and considered legislative actions. The City Council shall obtain a recommendation on the proposed changes from the Planning Commission. The recommendation of the Planning Commission shall be forwarded to the City Council within sixty (60) days after it is requested from the Planning Commission. The Planning Commission shall conduct at least one (1) public hearing to assist in formulating its recommendation. The City Council shall conduct its own public hearing. Public notice of the legislative zone or plan change hearing before the City Council shall be published in a newspaper of general circulation within the city at least twenty (20) days prior to the date of the hearing.

17.08.020 Legislative Zone Changes and Plan Amendments Criteria

- A. Legislative zone or plan changes may be approved if
 1. The effects of the change will not be unreasonably harmful or incompatible with existing uses on the surrounding area; and
 2. Public facilities will be used efficiently; and
 3. No unnecessary tax burden on the general public or adjacent land owners will result.
- B. Legislative zone or plan changes may be approved if subsection (A) above is met and one or more of the following, as applicable, are met:
 1. A mistake or omission was made in the original zone or plan designation.
 2. There is not an adequate amount of land designated as suitable for specific uses.
- C. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to
 1. The character of the area involved;
 2. It's peculiar suitability for particular uses;
 3. Conservation of property values; and

4. The direction of building development.

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

- A. An application for a quasi-judicial zone or plan change shall be submitted to the City Planning Department. The application shall include
 1. The applicable fee.
 2. A statement by the applicant explaining the proposed zone or plan change, including existing zoning and proposed zoning.
 3. The tax map of the area being considered for a zone or plan change, indicating boundaries, existing zoning, and existing comprehensive plan designation;
 4. A copy of a document showing ownership of the subject property, and if the applicant is not the owner, a letter of authorization from the owner;
 5. A vicinity map showing the subject property and the surrounding parcels, together with their current zoning;
 6. The reason(s) for requesting the zone change;
 7. Existing site conditions, including but not limited to: topography, public facilities and services, natural hazards, natural areas, open space, scenic and historic areas, transportation, and present use of the site;
 8. An explanation of how the zone change complies with the Comprehensive Plan and criteria in this chapter;
 9. A statement of the potential effect(s) of the zone or plan change on the site; and
 10. If an exception to a goal is required, applicant shall submit documentation establishing compliance with Oregon Revised Statute ORS 197.732 and any applicable Oregon Administrative Rules.
- B. The Planning Director shall schedule at least one (1) public hearing on the application for zone or plan changes before the Planning Commission. The Planning Commission shall forward its recommendation to the City Council, which shall approve, approve with conditions, or deny the application.
- C. The application shall not be approved unless the proposed zone or plan change would be in compliance with the Comprehensive Plan and the criteria set forth in this chapter.
- D. Hearings under this chapter may be held only after required notification and shall be conducted in conformance with the *Review Procedures* (Chapter 17.09).

17.08.040 Quasi-Judicial Zone Changes and Plan Amendments Criteria

- A. Quasi-Judicial zone or plan changes may be approved if the change will not be unreasonably harmful or incompatible with existing uses and one or more of the following exist:
 1. A mistake was made in the original zone or plan designation; or

2. There is a public need for the change, and this identified need will be served by changing the zone or plan designation for the subject property(ies); or
 3. Conditions have changed within the affected area, and the proposed zone or plan change would therefore be more suitable than the existing zone or plan designation.
- B. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to:
1. The character of the area involved;
 2. It's peculiar suitability for particular uses;
 3. Conservation of property values; and
 4. The direction of building development.

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).

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

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

CHAPTER 17.09 - REVIEW PROCEDURES

Legislative History: Ord. 1488 (1980); Ord. 1489 (1981); Ord. 1535 (1983); Ord. 1559 (1985); Ord. 1578 (1986); Ord. 1638 (1991); Ord. 1816 (2001); Ord. 1877 (2005); Ord. 2002 (2011).

SECTIONS:

- 17.09.010 Purpose
- 17.09.020 Ministerial Actions
- 17.09.030 Administrative Actions
- 17.09.040 Quasi-Judicial Actions
- 17.09.050 Legislative Actions
- 17.09.060 Quasi-Judicial and Legislative Public Hearings
- 17.09.070 Appeal Procedure
- 17.09.080 Re-submittal
- 17.09.090 Filing Fees
- 17.09.100 Criteria for Approval
- 17.09.110 Restrictions
- 17.09.120 Pre-Application Conferences
- 17.09.130 Neighborhood Meeting Requirement
- 17.09.140 Amended Decision Process and Correction of Clerical Errors

17.09.010 Purpose. This chapter describes the review procedures required to make final decisions regarding applications for ministerial actions, administrative actions, quasi-judicial actions, and legislative actions, and to provide for appeals. The provisions of ORS chapters 197 and 227 also apply, and in the event of conflict, the provisions of ORS control.

17.09.020 Ministerial Actions

- A. The Director has the authority to review and approve, approve with conditions, or deny ministerial actions.
- B. **Decision Types.** Ministerial actions are not land use decisions or limited land use decisions. Ministerial actions include, but are not limited to, the following:
 - 1. Final subdivision approval
 - 2. Final partition approval
 - 3. Boundary line adjustments
 - 4. Sign permits
- C. **Applications.** An application for a ministerial action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall
 - 1. Include the information requested on the application form
 - 2. Address the criteria in sufficient detail for review and action; and

3. Be accompanied by the required filing fee.
- D. **Time Limits.** The Director shall approve, approve with conditions, or deny an application for a ministerial action within twenty-one (21) days of accepting the application unless the time limit is extended with the consent of the applicant. A ministerial action not approved within the required time period is deemed approved.
 - E. **Final Decision.** A ministerial decision is final for purposes of appeal on the date it is mailed or otherwise provided to the applicant, whichever occurs first. A ministerial decision becomes effective the day after the twelve (12) day appeal period expires.
 - F. **Appeal.** The applicant can appeal a ministerial action to the Planning Commission per the provisions of the *Appeal Procedures* of this Chapter within twelve (12) days of the final decision.

17.09.030 Administrative Actions

- A. The Director has the authority to review and approve, approve with conditions, or deny applications processed as administrative actions.
- B. **Option to Process as Quasi-judicial Action.** At the discretion of the Director or the request of the applicant, an administrative action may be processed as a quasi-judicial action, per the provisions of *Quasi-Judicial Actions* of this Chapter.
- C. **Decision Types.** Administrative actions include limited land use decisions and may include land use decisions that are made by the Director without a hearing. Administrative actions include, but are not limited to, the following:
 1. Site Plan Review
 2. Partition
 3. Extensions of time limits for approved Administrative and Quasi-judicial actions
 4. Minor amendments to subdivisions and partitions
 5. Minor historic alterations
 6. Interpretation of nonconforming use and structures (Chapter 17.05)
 7. Bed and breakfast facilities
 8. Change of use
 9. Annexations
 10. Written interpretations made under Section 17.01.040
- D. **Pre-Application Conference.** A pre-application conference may be required at the Director's discretion prior to filing an application for an administrative action. Pre-application conference requirements and procedures are found in Section 17.09.120 of this Chapter.
- E. **Applications.** An application for an administrative action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall

1. Include the information requested on the application form
2. Address the criteria in sufficient detail for review and action; and
3. Be accompanied by the required filing fee.

F. Notice of Application.

1. Within ten (10) days after receipt of a complete application for administrative action, notice of the request shall be mailed to:
 - a. The applicant and owners of property within 250 feet of the subject property. The list shall be completed from the most recent property tax assessment roll.
 - b. Any affected governmental agency, department, or public district within, or adjacent to, whose boundaries the subject property lies. For subject sites located adjacent to a state roadway or where proposals may have an impact on a state facility, notice of the application shall be sent to ODOT.
2. The notice shall:
 - a. Briefly explain the nature of the application and the proposed use or uses which could be authorized.
 - b. Set forth the street address or other easily understood geographical reference to the subject property.
 - c. Provide a fourteen (14) day comment period, from the day notice was mailed, for submission of written comments prior to the decision.
 - d. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Council or LUBA on that issue.
 - e. List, by commonly used citation, the applicable criteria for the decision.
 - f. State the place, date, and time that comments are due.
 - g. State that the application, all documents, and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and copies will be provided at a reasonable cost.
 - h. Include the name and telephone number of the planning staff to contact for additional information.
 - i. Briefly summarize the decision making process for the decision being made.
3. The failure of a property owner to receive notice as provided in this Section shall not invalidate the proceedings if the Department can show that the notice was given pursuant to this section.
4. Administrative site plan review applications, excluding change of use applications, will require an additional noticing requirement. The notice of application shall be published one (1) time in the local newspaper of record.

G. Findings and Decision. Administrative actions shall be approved, approved with conditions, or denied in a written decision signed by the Director that includes

1. An explanation of the criteria and standards considered relevant to the decision;
2. A statement of basic facts relied upon in rendering the decision; and
3. Findings that explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.

- H. **Final Decision.** An administrative decision is final for purposes of appeal on the date the Notice of Decision is mailed by the City. An administrative decision becomes effective the day after the twelve (12) day appeal period expires.
- I. **Notice of Decision.** Decision notice shall be provided to the applicant, any party of record, the Planning Commission, and any person entitled to notice within five (5) working days of date the decision is signed. The decision notice shall include
 1. A brief summary of the decision and the decision making process; and
 2. An explanation of appeal rights and requirements.
- J. **Appeal.** Administrative actions may be appealed to the Planning Commission, per the provisions of the *Appeal Procedures* within this Chapter, within twelve (12) days of the date the decision became final. A Commission decision on appeal may be further appealed to the City Council per the provisions of *Appeal Procedures*, within twelve (12) days of the date the Commission's appeal decision became final.

17.09.040 Quasi-Judicial Actions

- A. The Commission, Landmarks Review Board, and Council, on appeal, have the authority to review and approve, approve with conditions, or deny applications processed as quasi-judicial actions.
- B. **Decision Types.** Quasi-judicial actions are land use decisions, and may include certain limited land use decisions. Quasi-judicial actions include, but are not limited to, the following:
 1. Site plan review
 2. Conditional use permits
 3. Planned unit developments (PUDs)
 4. Variances
 5. Non-conforming uses
 6. Subdivisions
 7. Zone changes
 8. Street vacations
 9. Appeals of Ministerial decisions, Administrative decisions, Landmarks Review Board decisions, or Planning Commission decisions
 10. Landmarks Review Board decisions
- C. **Pre-Application Conference.** A pre-application conference may be required at the discretion of the Director 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.
- D. **Applications.** An application for a quasi-judicial action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall

1. Include the information requested on the application form
 2. Address the criteria in sufficient detail for review and action; and
 3. Be accompanied by the required filing fee.
- E. **Staff Report.** The Director shall prepare a written staff report for each quasi-judicial action that identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.
- F. **Quasi-Judicial Public Hearings.**
1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled meeting of the hearing body.
 2. Hearings on applications for quasi-judicial actions shall be conducted per the procedures in *Public Hearings* section of this Chapter.
 3. Unless otherwise ordered by the hearing body, the Director shall schedule complete applications for quasi-judicial actions in the order in which they are deemed complete.
 4. The hearings body shall hold at least one (1) public hearing on a complete application.
 5. The applicant has the burden of proof to show why the application complies with the applicable criteria or can be made to comply through applicable conditions.
 6. The applicant, appellant, or authorized representative, shall attend the prescribed public hearing for the quasi-judicial action, unless otherwise authorized by the hearing body.
- G. **Notice of Hearing.**
1. At least twenty (20) days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to
 - a. The applicant and owners of property within 250 feet of the subject property. The list shall be compiled from the last available complete property tax assessment roll; and
 - b. Any affected governmental agency, department, or public district within, or adjacent to, whose boundaries include the subject property lines. For subject sites located adjacent to a state roadway or where proposals may have an impact on a state facility, notice of the application shall be sent to ODOT.
 2. The notice shall
 - a. Explain the nature of the application and the proposed use or uses which could be authorized.
 - b. Set forth the street address or other easily understood geographical references to the subject property.
 - c. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Council or LUBA on the issue.
 - d. List, by commonly used citation, the applicable criteria for the decision.
 - e. State the place, date, and time of the hearing.

- f. State that the application, all documents and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and copies will be provided at a reasonable cost.
 - g. State that the staff report will be available for inspection at no cost and a copy will be provided at a reasonable cost at least seven (7) days prior to the hearing.
 - h. Include the name and telephone number of the planning staff to contact for additional information.
 - i. Include a general explanation of the requirements for submission of testimony and procedure for conduct of hearings.
3. The failure of a property owner to receive actual notice as provided in this Section shall not invalidate the proceedings if the Department can show that the notice was given pursuant to this section.
 4. Written notice shall be provided to the Department of Land Conservation and Development as required by ORS 197.610.

H. Continuances.

1. Except as otherwise provided below, when a hearing is continued, it may be continued to a specific time and place or an undetermined time and place, notice of the continuance will be made as follows:
 - a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same matter and the specific time and place of the subsequent hearing is stated, then no additional notice is required.
 - b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in subsection (a) above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested notice. The notice should, but need not, be mailed at least twenty (20) days before the hearing.
2. Applicant Requested Continuance. At any time prior to the date and time set for the initial public hearing, the applicant shall receive a continuance upon any request if accompanied by a corresponding extension of the 120- day rule under ORS 227.179. At the date and time originally scheduled for the public hearing, the hearing body shall open and continue the public hearing to a date and time certain. This provision also applies to the initial public hearing on appeal. No additional written notice is required.
3. Any Participant. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearings body shall grant the request by continuing the public hearing or leaving the record open for additional written evidence, arguments, or testimony. The granting of a continuance or record extension is at the discretion of the hearings body.
 - a. Continuance. If the hearings body grants a continuance of the public hearing, the hearing shall be continued to a date, time, and place certain at least seven (7) days from the date of the initial evidentiary hearing. No additional notice of hearing is required if the matter is continued to a specified place, date, and time. An opportunity shall be provided at the continued hearing for persons to

present and rebut new evidence, arguments, or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven (7) days to submit additional written evidence, arguments, or testimony for the purpose of responding to the new written evidence.

- b. Leave the Record Open. If the hearings body leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record according to the following procedure:
 - (i) When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony;
 - (ii) An extension of the hearing or record is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
 - (iii) The hearings body shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence.
4. All other continuances and record extensions shall be governed by ORS 197.763(6).

I. **Decision on Quasi-Judicial Actions.** The decision of the hearing body shall be set forth in writing and signed by the presiding officer. For quasi-judicial annexations and zone changes, the Council’s decision shall be by ordinance. The written decision shall approve, approve with conditions, or deny the action and be based upon and accompanied by a statement that includes

1. An explanation of the criteria and standards considered relevant to the decision;
2. A statement of basic facts relied upon in rendering the decision; and
3. Facts that explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.

J. **Notice of Decision.** Decision notice shall be mailed to the applicant, any party of record, and any person or entity entitled to notice within five (5) working days of the date the decision is signed. The decision notice shall include the following:

1. The date of decision,
2. A brief description of the action taken,
3. The place where, and time when, the decision may be reviewed, and
4. An explanation of appeal rights and requirements.

K. **Final Decision and Effect Date.** A quasi-judicial decision is final for purposes of appeal on the date the Notice of Decision is mailed to the applicant and parties of

record. The quasi-judicial decision is effective the day after the initial appeal period expires, regardless of whether an appeal is filed, or as specified in the ordinance containing the decision. Notwithstanding Section 17.09.070(A), a quasi-judicial decision of the Planning Commission is final for purposes of appeal to LUBA if the 120-day period in ORS 227.178 will expire prior to the expiration of , or during, the appeal period for appeal to the City Council.

L. Appeal.

1. Planning Commission and Landmarks Review Board decisions on quasi-judicial actions may be appealed to the City Council, per the provisions of *Appeal Procedures* within this Chapter, within twelve (12) days of the date the decision became final.
2. A City Council decision on appeal may be further appealed to LUBA in accordance with the appeal procedures in ORS Chapter 197, within twenty-one (21) days of the date the decision became final.

17.09.050 Legislative Actions

A. The Planning Commission, and where appropriate, the Historic Landmarks Review Board, review all requests processed as legislative actions and make a recommendation to Council to approve, approve with conditions, or deny the request. The Council makes the final decision per the provisions of this section. Legislative actions may be appealed to LUBA, subject to ORS 197.830.

B. Decision Types. Legislative actions are land use decisions that are broad in scope. Legislative actions include, but are not limited to, the following:

1. Legislative Zone Changes
2. Legislative Ordinance Amendments
3. Legislative Comprehensive Plan Map Amendments
4. Legislative Amendments to the Comprehensive Plan
5. Urban Growth Boundary Amendments

C. 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.

D. Notice of Hearing.

1. At least twenty (20) days before the first legislative hearing before the Council, notice of the hearing shall be published in a newspaper of general circulation.
2. The notice shall:
 - a. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized;

- b. List the applicable Ordinance standards and/or criteria, Comprehensive Plan Policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, and Oregon Revised Statutes that apply to the particular application;
- c. Set forth the geographical reference to the subject area;
- d. State that in order to preserve any potential appeal rights to LUBA, persons must participate either orally or in writing in the legislative action proceeding in question; and
- e. Include the name and telephone number of the planning staff to contact for additional information.
- f. Include the hearing dates for the Planning Commission, Landmarks Review Board, and City Council hearings.

E. Additional Notice.

- 1. Written notice shall be provided to property owners when required by ORS 227.186.
- 2. Written notice shall be provided to the Department of Land Conservation and Development as required by ORS 197.610. For subject sites located adjacent to a state roadway or where proposals may have an impact on a state facility, notice of the application shall be sent to ODOT.
- F. When a hearing body holds more than one (1) hearing or continues the hearing, additional notice will be made as follows:
 - a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing is stated, then no additional notice is required.
 - b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in subsection (a) above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested notice. The notice should, but need not, be mailed at least twenty (20) days before the hearing.

F. Decision on Legislative Actions. The Council's decision shall be by ordinance. The decision shall be based upon and accompanied by a brief statement that includes

- 1. An explanation of the criteria, standards, policies, and laws considered relevant to the decision;
- 2. A statement of basic facts relied upon in rendering the decision; and
- 3. Ultimate facts that explain and justify the reason for the decision based on the criteria, standards, policies, laws, and basic facts set forth.

G. Final Decision and Effective Date. The Council's decision on legislative actions is the final decision. The date a decision on legislative actions becomes final is the day thirty (30) days after the date the ordinance is adopted by the Council, unless the decision is adopted as an emergency ordinance, in which case the decision is final on the date specified in the ordinance. If the action is not approved, the date the decision becomes final is upon mailing of the notice of decision to the parties of record.

H. **Notice of Decision.** Decision notice shall be mailed to all participating parties and DLCDD within five (5) working days of the date the ordinance is adopted by the Council and signed by the Mayor or, in the case no ordinance is adopted, within five (5) working days of the date of the Council's action. The decision notice shall include the following:

1. The date of decision
2. A brief description of the action taken
3. The place where, and time when, the decision may be read
4. An explanation of appeal rights and requirements
5. Date the decision is final

I. **Appeal.** The Council's decisions on legislative actions may be appealed to LUBA, in accordance with the appeal procedures of ORS Chapter 197, within twenty-one (21) days of the date the decision became final.

17.09.060 Quasi-Judicial and Legislative Public Hearings. The Planning Director may adopt supplemental rules of procedure for quasi-judicial and 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.

17.09.070 Appeal Procedures. The following procedures apply to appeals of final decisions on ministerial and administrative planning actions made by the Director and final decisions on quasi-judicial planning actions made by either the Historic Landmarks Board or the Commission. The Planning Director may adopt supplemental rules of procedure addressing matters not included in this section.

A. Right to Appeal Decisions. The following persons may appeal a final decision described above:

1. Ministerial Decisions.
 - a. The applicant.
2. Administrative Decisions.
 - a. The applicant.
 - b. Any person who was mailed a notice of decision.
 - c. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if the notice is not received.
 - d. Any party of record to the particular action.
 - e. The City Council upon a majority vote.
 - f. The Planning Commission upon a majority vote; the Planning Commission may only appeal administrative decisions or Historic Landmarks Review Board decisions. An appeal by the Planning Commission on an administrative decision shall go before the Planning Commission.
 - g. The Historic Landmarks Review Board upon a majority vote; the Historic Landmarks Board may only appeal administrative decisions made pursuant to the Historic Preservation Section. An appeal by the Landmarks Review Board on an administrative decision is heard by the Landmarks Review Board.
3. Quasi-Judicial Decisions.
 - a. The applicant.
 - b. Any person who was mailed a notice of decision.
 - c. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if the notice is not received.
 - d. Any party of record to the particular action.
 - e. The City Council upon a majority vote.

B. Filing Appeals. To file an appeal an appellant must

1. File a completed Notice of Appeal application on a form prescribed by the Planning Department.
2. Include the standard appeal fee as part of the Notice of Appeal application.
3. File the Notice of Appeal application and appeal at the Planning Department office no later than 5:00 PM on the twelfth (12th) day following the date the decision became final.

C. Notice of Appeal Application. Every Notice of Appeal application shall include

1. The appellant's name and address, and a statement describing how the appellant qualifies as a party;
2. The date and a brief description of the decision being appealed;

3. The specific grounds why the decision should be reversed or modified based on the applicable criteria or procedural error;
4. For appeals to City Council if the appellant is not the applicant, a statement demonstrating that the appeal issues were raised below; and
5. The appeal fee.

D. Jurisdictional Defects.

1. Any Notice of Appeal application that is received after the deadline, or is not accompanied by the required appeal fee shall not be accepted for filing.
2. The failure to comply with any other provision of *Subsections (B) or (C)* above shall constitute a jurisdictional defect. A jurisdictional defect means the appeal is invalid and no appeal hearing will be held. Determination of a jurisdictional defect shall be made by the Planning Director, with the advice of the City Attorney, after the expiration of the twelve (12) day appeal period described in *Subsection (B)(3)* above. The Planning Director's determination may be subject to appeal to the State Land Use Board of Appeals (LUBA).

E. Consolidation of Appeals. If more than one (1) party files a Notice of Appeal application on a planning action decision, the appeals shall be consolidated, noticed, and heard as one (1) proceeding.

F. Notification of Appeal Hearing. The Notice of Appeal application, together with notice of the date, time, and place of the appeal hearing shall be mailed to all parties of record at least fourteen (14) days prior to the hearing.

G. Appeal Hearing Procedures. All quasi-judicial hearings shall be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710.

1. Administrative and Ministerial action appeals are heard de novo before the Planning Commission or Landmarks Review Board, as appropriate, pursuant to the procedures in *Public Hearings* section of this Chapter with the following exception:
 - a. The order of testimony shall be as follows:
 - (1) The appellant's case
 - (2) Other testimony or evidence in support of the appeal
 - (3) The applicant's case
 - (4) Other testimony or evidence in support of the applicant's case
 - (5) Rebuttal by the appellant, which shall be limited to comments on evidence in the record
2. Quasi-Judicial action appeals are heard on the record before City Council. Appeals to the City Council are conducted per the procedures in the *Public Hearings* section of this Chapter with the following exceptions:
 - a. Scope of Appeal. The appeal of a quasi-judicial decision is limited to the specific grounds in the Notice of Appeal application provided those grounds were raised below. The appeal record is limited to the record created below during the proceedings prior to appeal to the City Council.
 - b. The order of testimony shall be as follows:

- (1) The appellant's case
- (2) The applicant's case
- (3) Rebuttal by the appellant, which shall be limited to comments on evidence in the record
4. Unless excused by the hearing body, the appellant shall attend the appeal hearing.

H. Decision of Appeal.

1. The hearing body on appeal may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.
2. The hearing body on appeal shall make findings and conclusions, and make a decision based on the hearing record, except in cases of appeals of ministerial and administrative actions, which are heard de novo.
3. Copies of the appeal decision shall be sent to all parties participating in the appeal.

17.09.080 Resubmittal. If an application is denied by the City Planning Department and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final decision denying the application. An application may be denied without prejudice and with a waiver of the six (6) month restriction. If a waiver is not granted upon denial and conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

17.09.090 Filing Fees. The filing fees for land use application(s), pre-application(s), and appeals shall be established by the Council by resolution. The fees shall be paid to the City Recorder upon filing of an application. Fees may be changed by Council resolution.

17.09.100 Criteria for Approval. The burden of proof shall be upon the applicant seeking approval. For purposes of an appeal, the burden of proof is upon the appellant. For any application to be approved, it shall be established that the proposal conforms to the City Comprehensive Plan; Zoning Ordinance; Land Division Ordinance; Oregon Revised Statutes, as applicable; and other requirements as they relate to the specific proposal.

17.09.110 Restrictions. The decision maker may include restrictions and conditions as part of any approval. The purpose of the restrictions and conditions may be to:

1. Protect the public from the potentially negative effects of the proposal;
2. Fulfill the need for public services created or increased by the proposal; and/or
3. Further the purposes of the Comprehensive Plan and Zoning Ordinance.

17.09.120 Pre-Application Conferences

A. When a pre-application conference is required, 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.

17.09.130 Neighborhood Meeting Requirement.

- A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. If required by subsection (B), an applicant will be required to contact all adjacent property owners within 250 feet of the development proposal to arrange a neighborhood meeting before the application is deemed complete. If a neighborhood meeting is mandatory, written verification of the date, time, attendance, and outcome of the meeting is required for a complete application, as well as a copy of the written notice, official mailing list, and affidavit of mailing.
- B. Notwithstanding subsection (A), a neighborhood meeting is required for the following types of applications:
1. Subdivisions
 2. PUDs
 3. Other development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the Planning Director.

17.09.140 Amended Decision Process and Correction of Clerical Errors. The Director may correct typographical errors, rectify inadvertent omissions, and/or make other minor changes to decisions made under this Title, so long as the changes do not materially alter the decision. The decision may be changed through one of the following amended decision processes. All other requested changes to decisions that do not qualify as minor changes under this section shall follow the appropriate appeal or amendment process.

- A. The Planning Director may make the minor changes and issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If a decision is amended, the decision shall be issued within twelve (12) business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new twelve (12) day appeal period shall begin on the day the amended decision is issued. Notice of an amended

decision is given using the same mailing and distribution list as for the original decision notice.

- B. The City Council may, subject to any applicable public notice and hearing requirements, adopt a resolution correcting minor changes and typographical errors in annexation, plan amendment, or zone change ordinances and any appendices or maps appended thereto.

CHAPTER 17.10 - SEVERABILITY – PENALTIES

Legislative History: Ord. 1488 (1980); Ord. 1488 (1980); Ord. 1798 (2000)

SECTIONS:

17.10.010 Severability

17.10.020 Penalty and Abatement

17.10.010 Severability. The invalidity of a section or subsection of this title shall not affect the validity of the remaining sections or subsections.

17.10.020 Penalty and Abatement. Violations of this title are declared civil violations and such violations may, in addition to or in lieu of other remedies or enforcement measures provided by State law or this title, be enforced under the provision of *Title 1, Chapter 1.12* of the Hood River Municipal Code.

A. In case a building or other structure is being used or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used in violation of this title, the building or land thus in violation shall constitute a nuisance and the City may, in addition to other remedies that are legally available for enforcing this title, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use.

B. When a violation is of a continuing nature, a separate violation shall be deemed to occur on the annual anniversary date of the original violation.

CHAPTER 17.11 - THIS CHAPTER NUMBER INTENTIONALLY LEFT BLANK

Legislative History: Ord. 1489 (1981); Ord. 1535 (1983); Ord. 1559 (1985); Ord. 1578 (1986); now codified in Title 17 Chapter 9

CHAPTER 17.12 - MANUFACTURED HOMES AND MOBILE HOME PARK PROVISIONS

Legislative History: Ord. 1638 (1991); Ord. 1774 (1999);

SECTIONS:

- 17.12.010 Placement of Manufactured Homes on Individual Lots
- 17.12.020 Additional Criteria for Manufactured Homes in R-1 Zone
- 17.12.030 Mobile Home/Manufactured Dwelling Parks
- 17.12.040 Information Required for Preliminary Site Plan Review
- 17.12.050 Final Site Plan and Submission Requirements
- 17.12.060 General Standards for Mobile Home Park Development
- 17.12.070 Time Limit

17.12.010 Placement of Manufactured Homes on Individual Lots. The following standards apply to manufactured homes on individual lots or parcels in all zones where manufactured homes are a permitted use:

1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.
2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the twelve (12) inch limitation will not apply.
3. The manufactured home shall have a pitched roof with a slope of not less than a nominal three (3) feet in height for each twelve (12) feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on new residential dwellings within the community.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards that will reduce heat loss to levels equivalent to the heat loss performance standards required of single-family dwellings constructed under the State Building Code.

17.12.020 Additional Criteria for Manufactured Homes in the R-1 Zone. The following additional standards apply to manufactured homes on individual lots or parcels in the R-1 Zone:

- A. All manufactured homes shall have a minimum eave extension of six (6) inches.
- B. Manufactured homes shall utilize at least five (5) of the following design features to provide visual relief:
 1. Dormers
 2. Gables

3. Recessed entries
4. Covered porch entries
5. Cupolas
6. Bay or bow windows
7. Garage
8. Window shutters
9. Skylights
10. Attached deck
11. Off-sets on building face or roof (min. sixteen inches)
12. Roof pitch of 5/12 feet or greater
13. Minimum eave extension of twelve (12) inches, including gutters.

17.12.030 Mobile Home/Manufactured Dwelling Park. The following requirements apply to new, expanded, or altered mobile home parks. Parks are allowed in the R-1, R-2, and R-3 zones.

1. Parks are not permitted in commercial or industrial zones.
2. Minimum lot size of one (1) acre with a maximum of two (2) acres.
3. No park shall be established or expanded without first receiving approval of the Planning Commission.
4. The Planning Commission shall grant or deny approval of a park based on the criteria delineated in this chapter and the procedural requirements of the *Review Procedures* (Chapter 17.09).
5. Notwithstanding, parks shall comply with the City of Hood River's Comprehensive Plan.

17.12.040 Information Required for Preliminary Site Plan Review. The application for a preliminary site plan review for a mobile home park shall be filed with the Planning Department on a form obtained from the Planning Director and shall be accompanied by a site plan showing the general layout of the entire mobile home park and drawn to a scale not smaller than one (1) inch representing fifty (50) feet. The drawing shall show the following information:

1. Name of the property owner, the applicant, and the person who prepared the plan.
2. Name of the mobile home park and address.
3. Scale and north point of the plan.
4. Vicinity map showing relationship of mobile home park to adjacent properties.
5. Boundaries and dimensions of the mobile home park.
6. Location and dimensions of each mobile home site, with each site designated by number, letter, or name.
7. Location and dimensions of each existing or proposed structure.
8. Location and width of park streets.
9. Location and width of walkways.
10. Location of each lighting fixture.
11. Location of recreational areas and buildings.
12. Location and type of landscaping plantings, fence, wall, or combination of any of these, or other screening materials.

13. Location of point where mobile home park water system connects with the public system.
14. Location of available fire and irrigation hydrants.
15. Location of public telephone service for the park.
16. Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.

17.12.050 Final Site Plan and Submission Requirements. At the time of application for final approval to construct a new mobile home park, or expansion of an existing mobile home park, the applicant shall submit copies of the following required detailed plans to the appropriate reviewing departments and agencies:

1. New structures.
2. Water supply and sewage disposal system.
3. Electrical systems.
4. Road, sidewalk, and patio construction.
5. Drainage system.
6. Recreational area improvements.

17.12.060 General Standards for Mobile Home Park Development

A. Access. A mobile home park shall be established on a site that has frontage on, or access, approved by the City Engineer, to a publicly owned and maintained street. If the street is not publicly maintained, a maintenance agreement approved by the City Engineer will be required.

B. Park Streets. Construct well-drained and paved streets at least twenty (20) feet in width, unobstructed and open to traffic within the mobile home park. The park street width and alignment shall be designed such that it will accommodate the backing and placement of the homes, which may require a larger than twenty (20) foot street. If the owner or operator permits parking of motor vehicles on the park streets, the owner or operator shall construct the park streets at least thirty (30) feet in width.

C. Sidewalks. A paved public sidewalk of not less than four (4) feet in width shall be provided from each mobile home site to public and private streets, common open spaces, recreational areas, and community-owned buildings and facilities.

D. Paving. Park streets shall be paved with an asphalt or concrete surfacing, according to the structural specifications established by the City Engineer.

E. Off-street Parking.

1. Two (2) hard surfaced, off-street parking spaces shall be provided for each mobile home site, either on the site or within 200 feet thereof in the mobile home park.
2. Guest parking shall also be provided in every mobile home park, based on a ratio of one (1) parking space for each four (4) mobile home sites. Such parking shall be paved with an asphalt or concrete surface.

F. Fencing and Landscaping. A landscaping plan drawn to scale shall be submitted with the preliminary plan showing the following:

1. Every mobile home park shall provide a visual buffer of evergreen, or other screening/planting, along all boundaries of the mobile home park site abutting public roads or property lines except for points of ingress and egress, with the exception of dwellings fronting and accessing a public dedicated street. Plantings shall not be less than five (5) feet in height at the time of planting and shall be maintained in a healthy, living condition for the life of the mobile home park.
2. Landscaping shall be provided within the front and side yard setback areas, and all open areas in the mobile home park not otherwise used.
3. The landscaping plan shall show the location of all landscaped materials and include plant material, total number of individual plants being used, and proposed watering system. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.

G. Site Development Standards.

1. Acreage: There shall be a one (1) acre minimum and a two (2) acre maximum in the R-1, R-2, and R-3 zones.
2. Density:
 - R-1: Six (6) unit maximum per acre
 - R-2: Eight (8) unit maximum per acre
 - R-3: Ten (10) unit maximum per acre
3. Setbacks:
 - a. No mobile home shall be located closer than ten (10) feet from a public dedicated street. Garages facing a public dedicated street shall be twenty (20) feet from the property line.
 - b. No mobile home shall be located closer than ten (10) feet from an interior park property line.
4. Spacing:
 - a. Mobile homes shall meet all spacing criteria listed in Section 9.5 of the *Oregon Manufactured Dwelling Code*.
 - b. A mobile home shall be separated from an adjoining mobile home and its accessories by a minimum of ten (10) feet, end to end or side to side.
 - c. The distance between non-HUD approved mobile homes placed parallel to each other may be ten (10) feet on one side, but must be at least fourteen (14) feet on the other. When not placed parallel to each other, or when parallel if one (1) or more of the units is a tip-out, non-HUD approved mobile homes may be ten (10) feet apart on both sides, but must be at least fourteen (14) feet apart for half (½) their length. .
 - d. Adjacent mobile homes in all parks must be placed at least fourteen (14) feet apart where a flammable or combustible fuel storage vessel is located on or between units.
5. Each mobile home shall have 120 square feet of one (1) or more wooden decks or slabs of patios of concrete, flagstone or equivalent material.
6. All mobile homes within the park shall be provided with skirting.
7. New parks shall be placed at least 500 feet from another park excluding parks established prior to the effective date of this ordinance.

Other Site Requirements.

1. Recreational area: Recreation areas for the residents shall be provided with a minimum of 100 square feet for each mobile home site; however, every mobile home park shall have no less than a minimum of 5,000 square feet of common play area, which shall be maintained in a clean, usable, and safe condition.
2. Accessories: Accessory structures located on a mobile home site shall be limited to the normal accessories such as an awning, cabana, ramada, patio, carport, garage, or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.
3. Utilities: All utilities including sewer, water, power, cable, telephone, and others shall be placed underground. Utilities shall be designed by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.
4. Drainage: A drainage plan to facilitate storm water runoff shall be prepared by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.
5. Trash Areas: All mobile home parks shall have shared trash and rubbish facilities and these areas must also contain areas for recycling. These facilities shall be visually screened.
6. Lighting: Artificial lighting shall not glare, deflect, or reflect onto adjacent residential zones and residential uses in the park nor be unnecessarily bright.
7. Addressing: Address identification shall be standardized throughout the park. The park owners shall be required to provide the addresses and maintain them. The numbers must be four (4) inches in size and labeled in the vertical position (reading left to right).

I. State Requirements. Rules and regulations governing mobile home facilities as contained in Oregon Revised Statute, Chapter 446, shall be applicable in the development and operation of a mobile home park, provided that the provision of this Ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules, or regulations.

17.12.070 Time Limit. Manufactured homes and mobile home park permits 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.

CHAPTER 17.13 - SIGN REGULATIONS (*Repealed by Ord. 2004, effective March 28, 2013*)

Legislative History: Ord. 1651 (1992); Ord. 1677 (1993); Ord. 1737 (1997); Ord. 1774 (1999); Ord. 1798 (2000); Ord. 1808 (2001); Ord. 2004 (2013)

CHAPTER 17.14 - HISTORIC PRESERVATION

Legislative History: *Ord. 1697 (1994); Ord. 1774 (1999); Ord. 1799 (2000)*

SECTIONS:

- 17.14.000 Scope
- 17.14.010 Applicability
- 17.14.020 Purpose
- 17.14.030 Definitions
- 17.14.040 Landmarks Review Board
- 17.14.050 Composition
- 17.14.060 Terms
- 17.14.070 Powers and Duties of Landmarks Board
- 17.14.080 Designation of Historic Landmarks or Districts
- 17.14.090 Removal of Historic Landmark Designation
- 17.14.100 Review of Exterior Alterations
- 17.14.110 Review of New Construction
- 17.14.120 Procedure for Demolition or Moving of a Historic Landmark
- 17.14.130 Appeals
- 17.14.140 Penalties/Enforcement
- 17.14.150 Time Limits

17.14.000 Scope The Historic Preservation Ordinance (HPO) provides a means to recognize and protect properties listed as Hood River Historic Landmarks and Districts and to formally recognize and protect historic landmarks and districts under private and public ownership.

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.

17.14.030 Definitions. This section incorporated into 17.01.060 – Definitions.

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. 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 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.

17.14.070 Powers and Duties of Landmarks Board. The powers and duties of the Landmarks Board include:

1. Maintain the Hood River Cultural Resource Inventory, hereinafter referred to as the Inventory;
2. Recommend to the City Council the designation of historic landmarks or districts that meet the criteria for designation as contained in *Designation of Historic Landmarks or Districts* section of this chapter;

3. Protect historic landmarks or districts through the review, and approval or disapproval of alterations in accordance with the review criteria established for alterations;
4. Review and render decisions on all proposed new construction on all parcels within a designated historic district or on parcel(s) that a historic landmark is located;
5. Review and render decisions on all proposed demolition's within a designated historic district or on properties that a historic landmark is located;
6. Provide a forum for public participation in matters and issues related to historic preservation in the community;
7. Review proposed activities by the City, the County, the Port of Hood River, or other agencies, businesses, or developers that may detrimentally affect historic landmarks/districts and advise the planning staff, Planning Commission, and City Council regarding these matters;
8. Perform other activities relating to historic landmarks/districts and historic resources including, but not limited to:
 - a. Provide public education on the prehistoric, historic, and scenic resources of Hood River;
 - b. Provide advice to the City Council, other City boards, and City staff on the preservation of historic landmarks/districts and other historic resources;
 - c. Providing technical and economic information on preservation of historic landmarks/districts or historic resources;
 - d. Make recommendations to the City Council for historic preservation programs and incentives, to help preserve-designated landmarks or districts;
 - e. Periodically review and make recommendations for updating the inventory; and
9. Establish and adopt rules and policies for conducting the business of the Landmarks Board.

17.14.080 Designation of Historic Landmarks or Districts.

A. Purpose. The designation of historic landmarks/districts allows the City to formally recognize and protect historic landmarks/districts. Designated historic landmarks/districts identify geographic areas, corridors, ensembles, buildings, portions of buildings, sites, landscape features, cemeteries, bridges, signs, plaques, archaeological sites, or other objects of historical and/or architectural significance, locally, regionally, or nationally. The regulations that apply to designated landmarks/districts provide a means to review proposed changes and encourage the preservation of the historic landmark/district.

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.

A. Purpose. Periodically, it may be necessary to remove the designation of an historic landmark. Removal is an effort to reflect changing conditions, community values, or needs.

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 to 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.

A. **Purpose.** The purpose of reviewing alterations to historic landmarks or landmark within a district is to encourage the preservation of characteristics that led to designation as a historic landmark.

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:

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.

A. **Purpose.** The purpose of reviewing the EXTERIOR design of new construction is to ensure that new construction is compatible with the character of the district or designated historic landmark located on the same parcel.

B. **Initiation.** The process for applying for new 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.

A. Purpose. The purpose of reviewing requests for demolition or moving a historic landmark is to explore all possible alternatives for preservation. Demolition of historic landmarks is an extreme and final measure.

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).

17.14.140 Penalties/Enforcement. Failure to comply with any provision of this chapter shall be considered a Class A infraction and the violator shall be subject to a fine of not less than \$200 per violation. In addition, this chapter may be enforced by a suit in equity for a mandatory or prohibitory injunction. The prevailing party to any such civil enforcement action by the City of Hood River shall be entitled to recover reasonable attorney's fees from the non-prevailing party at trial or upon appeal.

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.

**CHART B – Cultural Resources Inventory
Local Downtown District: 1994 (updated 2004)**

	Historic Name	Current Name	Address	Inventory #	Previous Designation
1	Ingall-Balch House	Colt Realty	509 Cascade Ave	44	
2	HR Garage, Inc	202 Mall	202 Cascade Ave	51	
3	Davidson Bldg	Real Wind Sports	214, 216 Cascade Ave	52	
4	US Post Office	US Post Office	408 Cascade Ave	55	
5	O.R.W. & N. Railroad	Mt. Hood Railroad	Cascade Ave & E. First	50	Nat Reg/Comp Plan
6	Columbia Laundry	HR Jewelers	413, 415 Oak St	17	
7	Paris Fair/IOOF Hall	Annz Panz	315 Oak St	18	
8	Bartmess Building	Informal Flowers/ Red Feather Mercantile	311 Oak St	19	
9	Johnsen Shoe Store	Twiggs/Benefit Consult.	305, 307 Oak St	20	
10	Butler Bank Bldg	HR City Admin Bldg	301 Oak St	21	Comprehensive Plan
11	E.L. Smith Bldg	HR Stationers	213, 215 Oak St	22	National Register
12	Keir Medical Bldg	Annie Cruz	209, 211 Oak St	23	
13	Hall Bldg	Trillium/Gorge Fly Shop/ Mt View Bicycles	201-07 Oak St	24	
14	Mt Hood Motor Co	Andrews Pizza	107-13 Oak St	26	
15	Top Hat Stoveworks	At Home on Oak	105 Oak St	27	
16	Blowers Block Bldg	HR Windsurfing	101 Oak St	28	
17	Yasui Brothers Mercantile	Holsteins Coffee	12 Oak St	30	
18	Mt Hood Hotel Annex	HR Hotel	102-08 Oak St	31	National Register
19	C.H. Sproat Bldg	Storm Warning	112 Oak St	32	

20	Eliot Bldg (formerly Franz Hardware)	Discovery Bicycles	116 Oak St	33	
21	Brosius Bldg	Carharts/Ananas/Gift House/G.Wilikers	202-06 Oak St	34	
22	La France Bldg	Waucoma Books	212 Oak St	35	
23	Ferguson Bldg	Carousel Museum	304 Oak St	38	Comprehensive Plan
24	Kelly Brothers Hardware	Frame Shop	402-06 Oak St	39	
25	Bartall Bldg	Oak St Mall	408-16 Oak St	40	
26		Windwear	504 Oak St	41	
27	PP & L Bldg	Kerritts	314, 316 Oak St	64	
28	HR Banking and Trust	Apland Jewelers	Oak St & Third	36	
29	Parker House	Parker House	110 Sherman Ave	13	National Register
30	Steward Hardware	Van Metre's	202 State St	9	
31	HR County Library	HR County Library	503 State St	14	Nat Reg/Comp Plan
32	Ezra Smith House	Wine Sellers	514 State St	16	Comprehensive Plan
33	Apple Growers Assoc Plant H	Waucoma Center	902 Wasco St	63	
34	HR City Hall	HR Police Dept	207 Second St	7	Comprehensive Plan
35	Masonic Temple	Masonic Temple	210 Second St	8	Comprehensive Plan
36	Hotel Waucoma	River City Saloon	102-08 Second St	49	Nat Reg/Comp Plan
37	HR Meat Market (formerly Scott Insur.)	Keen Shoes	111 Third St	37	
38	Diamond Fruit Bldg	ANPC	11 Third St	53	
39	Union Truckers Bill of Lading General Office	Union Bldg	Third St & Industrial Ave	61	Comprehensive Plan
40	Riverside Church	Riverside Church	Fourth & State St	11	Comprehensive Plan
41	Georgian Smith Park	Library Park	Fifth & State St	15	Nat Reg/Comp Plan

CHAPTER 17.15 - ANNEXATION POLICY

Legislative History: *Ord. 1719 (1995); Ord. 1774 (1999);*

SECTIONS:

- 17.15.010 Introduction
- 17.15.020 Application and Process
- 17.15.030 Filing Fees
- 17.15.040 Planning Commission Review
- 17.15.050 Evaluation Criteria – Developed Land
- 17.15.060 Evaluation Criteria – Undeveloped Land
- 17.15.070 Evaluation Criteria – Fiscal Impact
- 17.15.080 Evaluation Criteria – Urban Services Capabilities
- 17.15.090 Staff Analysis

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:

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 and Process. 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.

17.15.030 Filing Fees. Fees for filing for annexation requests shall be set by City Council resolution.

17.15.040 Planning Commission Review. 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 *Quasi-Judicial Hearing Procedures* or *Legislative Hearing Procedures* (Chapter 17.09), whichever is applicable.

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.

17.15.090 Staff Analysis. In order to assure that the Planning Commission and the City Council, prior to action upon a proposal for annexation, are fully informed as to the potential impacts of the annexation on both the City and the territory proposed to be annexed, the City Planning Department shall provide a staff report addressing the above criteria.

CHAPTER 17.16 - SITE PLAN REVIEW

Legislative History: Ord. 1774 (1999); Ord. 1816 (2001); Ord. 1994 (2011); Ord. 2002 (2011); Ord. 2036 (2017)

SECTIONS:

- 17.16.010 Applicability
- 17.16.020 Application Procedure
- 17.16.030 Submittal Requirements
- 17.16.040 Decision Criteria
- 17.16.050 Multi-Family and Group Residential Decision Criteria
- 17.16.053 Townhouse Project Decision Criteria
- 17.16.055 Large-Scale Light Industrial Uses
- 17.16.060 Effect of Approved Site Plan Review Permits
- 17.16.070 Expiration and Extension
- 17.16.080 Appeal

17.16.010 Applicability.

- A. A site plan review permit shall be required for the following circumstances:
 - 1. New construction.
 - 2. Expansion, remodel, or exterior alteration of any building or other structure.
 - 3. Change of use.
 - 4. Multi-family and group residential.
 - 5. Removal or fill of over 5,000 cubic yards of land.
 - 6. Townhouse projects for residential use with 4 or more townhouses in the R-2, R-3, and C-1 Zones.

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

17.16.020 Application Procedure. The Planning Director shall review all site plan review applications. However, if the Director determines that an application is unusually complicated or contentious due to site constraints or due to the complexity of the project, the Director may request the Planning Commission to review the application.

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

A. Pre-Application Conference

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

B. Application Review.

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

17.16.030 Submittal Requirements. The site plan shall be drawn to scale and indicate all of the following:

1. Dimensions and orientation of the parcel.

2. Locations and heights of buildings and structures, both existing and proposed. Scaled elevation drawings and photographs shall be required.
3. Location and layout of parking and loading facilities, including bicycle parking as required pursuant to 17.20.040;
4. Location of points of entry and exit for pedestrians and motor vehicles, and internal circulation patterns in compliance with the requirements of Chapter 17.20.
5. Location of existing and proposed walls and fences and indication of their height and materials.
6. Proposed location and type of exterior lighting.
7. Proposed location and size of exterior signs.
8. Site specific landscape plan including percentage of total net area.
9. Location and species of trees greater than six (6) inches in diameter when measured four (4) feet above the ground and an indication of which trees are to be removed.
10. Contours mapped at two (2) foot intervals. (five [5] foot contours may be allowed on steep slopes).
11. Natural drainage.
12. Other significant natural features.
13. Legal description of the lot.
14. Percentage of the lot covered by any and all proposed and remaining structures to include asphalt concrete and Portland Cement Concrete.
15. Locations and dimensions of all easements and nature of the easements.
16. Service areas for uses such as loading and delivery.
17. Grading and drainage plan.
18. Other site elements that will assist in the evaluation of site development.
19. A statement of operations with a brief narrative on the nature of the activity, including
 - a. Number of employees;
 - b. Method of import and export;
 - c. Hours of operation including peak times; and
 - d. Plans for future expansion.

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

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

- B. **Air Quality:** The use shall have minimal or no adverse impact on air quality. Possible impacts to consider include smoke, heat, odors, dust, and pollution.
- C. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.
- D. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention or treatment of stormwater may be required by ODOT.
- E. **Traffic and Circulation:** The following traffic standards shall be applicable to all proposals:
 - 1. **Traffic Impact Analysis:** The applicant will be required to provide a Traffic Impact Analysis prepared by an Oregon licensed traffic engineer or a Transportation Assessment Letter pursuant to Section 17.20.060.
- F. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.
- G. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet, at a minimum, the requirements of the noise ordinance.
- H. **Compatibility:** The height, bulk, and scale of buildings shall be compatible with the site and buildings in the surrounding area. Use of materials should promote harmony with surrounding structures and sites.
- I. **Design:** Variety of detail, form, and siting should be used to provide visual interest. A single uninterrupted length of facade shall not exceed 100 feet. Buildings shall utilize at least three (3) of the following architectural elements to provide architectural variety:
 - 1. Massing
 - 2. Offsets
 - 3. Materials
 - 4. Windows
 - 5. Canopies
 - 6. Pitched or terraced roof forms
 - 7. Other architectural elements

- J. **Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.
- K. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

17.16.050 Multi-Family and Group Residential Decision Criteria.

- A. **Natural Features:** Significant natural features shall be protected to the maximum extent feasible. Where existing natural or topographic features are present, they shall be used to enhance the development. The use of small streams in the landscaping design shall be encouraged rather than culvert and fill. Existing trees and large woody plants shall be left standing except where necessary for building placement, sun exposure, safety, or other valid purpose. Vegetative buffers should be left along major street or highways, or to separate adjacent uses. The use should have minimal adverse impacts on the land and water quality. Possible impacts to consider may include pollution, soil contamination, siltation, and habitat degradation or loss.
- B. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.
- C. **Public Facilities:** Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention or treatment of stormwater may be required by ODOT.
- D. **Traffic and Circulation:** The following traffic standards shall be applicable to all proposals:
 - 1. **Traffic Impact Analysis:** The applicant will be required to provide a traffic impact analysis prepared by an Oregon licensed traffic engineer or a Transportation Assessment Letter pursuant to Section 17.20.060 unless waived by the City Engineer.
- E. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.
- F. **Equipment Storage:** Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and provide a sound buffer that meets the minimum requirements of the noise ordinance.

- G. **Design:** Variety of detail, form, and siting should be used to provide visual interest. A single uninterrupted length of facade shall not exceed 100 feet. Buildings shall utilize at least three (3) of the following architectural elements to provide architectural variety:
1. Massing
 2. Offsets
 3. Materials
 4. Windows
 5. Canopies
 6. Pitched or terraced roof forms
 7. Other architectural elements
- H. **Orientation:** Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.
- I. **Parking:** Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

17.16.053 Townhouse Project Decision Criteria

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

- A. **Compliance with Townhouse Standards:** The proposed townhouse project complies with the townhouse standards in HRMC 17.19, the requirements of the applicable zone and other applicable requirements of this Title.
- B. **Grading:** Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall be in accordance with Section 4.3 Grading and Erosion Control of the City's adopted Engineering Standards. Graded areas shall be replanted as soon as possible after construction to prevent erosion.
- C. **Transportation Circulation and Access Management:** The application is in compliance with the applicable requirements of Chapter 17.20 including provision of a Traffic Impact Analysis or a Transportation Assessment Letter pursuant to Section 17.20.060 unless waived by the City Engineer.
- D. **Storage:** All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

17.16.055 Large-Scale Light Industrial Uses

A. **Purpose**

The following design standards apply to buildings for industrial office uses of more than 25,000 square feet of gross floor area. These standards are applied to enhance and take into account the visual character of the surrounding area; provide permanence;

contribute to a safe, high quality pedestrian-oriented streetscape; and encourage high quality architectural design for large light industrial buildings.

B. Building Design Standards

1. Use high quality and long-lasting building materials (e.g. brick, tilt-up concrete, masonry, etc). Metal roofs and metal as an accent exterior finish material may be used.
2. Highlight main entrances with architectural features (e.g. windows, recesses, canopies, etc) and provide protection from natural elements.
3. Use ground floor windows or product display niches on elevations that border public streets.
4. Vary roof lines on building elevations facing streets with differing materials and/or varied parapet heights.
5. Provide architectural interest and variety on building elevations adjacent to public streets through the use of scoring, changes in materials, and the use of a variety of finishes such as wood, brick and concrete block.

C. Site Design Standards

1. Provide a safe, all-weather, efficient, and aesthetic pedestrian circulation system serving the site, including connecting parking areas with building entries and public sidewalks. Materials shall include but not be limited to: scored concrete, pavers (asphalt or otherwise), or similar materials.
2. Screen service and loading areas from streets, pedestrian circulation areas, open space areas, and adjacent parcels.
3. Minimize the visual impact of all exterior components of communications, plumbing, power, processing, heating, cooling and ventilating systems from adjoining streets, parcels, buildings, and open space areas. These components shall be screened to minimize visibility from the sidewalk or edge of pavement on the other side of the street.

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

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

17.16.070 Expiration and Extension

- A. The site plan review permit is valid for a period of two (2) years from the written Notice of Decision, or the decision on an appeal, whichever is later.

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

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

CHAPTER 17.17 - LANDSCAPING AND DEVELOPMENT STANDARDS

Legislative History: Ord. 1774 (1999);

SECTIONS:

- 17.17.010 Scope
- 17.17.020 Procedure
- 17.17.030 Contents of Landscaping Plan
- 17.17.040 General Landscaping Standards
- 17.17.050 City Entrance Landscaping and Development Standards
- 17.17.060 Violation

17.17.010 Scope

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

17.17.020 Procedure

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

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

1. Survive in the climate and soils of the proposed site; and

2. Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening, and shade, within a reasonable time.

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

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

<u>ZONE/USE</u>	<u>PERCENT</u>
¹ Central Business District (excluding parking lots)	5%
Commercial	15%
Conditional Use – Residential Zone	20%
Conditional Use – All other zones	15%
² The Heights Business District (excluding parking lots)	5%
Industrial	10%
Multifamily	20%
Public Facilities	15%
Parking lots	Requirement of base zone or use, as listed above
^{1,2} The Central Business District and The Heights Business District as defined in Section 17.01.060 - Definitions	

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

9. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
10. Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting.
11. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.
12. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
13. Trees shall not be planted closer than twenty-five (25) feet from the curb line of intersections of streets or alleys, and not closer than ten (10) feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
14. Street trees shall not be planted closer than twenty (20) feet to light standards. Except for public safety, no new light standard location should be positioned closer than ten (10) feet to any existing street tree, and preferably, such locations will be at least twenty (20) feet distant.
15. Trees shall not be planted closer than two and one-half (2½) feet from the face of the curb except at intersections, where it should be five (5) feet from the curb in a curb return area.
16. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
17. Trees shall not be planted within two (2) feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four (4) feet by four (4) feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.
18. Trees, as they grow, shall be pruned to their natural form to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above street roadway surfaces.
19. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.
20. Vision clearance hazards shall be avoided. Refer to Diagram "A" – Vision Clearance, Section 17.09.040.
21. City or State right-of-way(s) can not be used to satisfy the required landscaping requirement.
22. Landscaping in the Central Business district and the Heights Business District can include street amenities such as park benches and planter boxes.

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

For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expansion, e.g., if building or parking lot area is to expand by twenty-five percent (25%), then twenty-five percent (25%) of the site must be brought up to the standards required by this ordinance.

A. Entrances.

1. West: Parcels fronting along Highway 30 between and including the intersection of 13th Street and Highway 30 to the intersection of Country Club Road and Highway 30.
2. South: Parcels fronting 12th Street from the northern intersection of Brookside Drive/Eliot Road and 12th Street to the southern intersection of Belmont Drive and 12th Street.
3. East: Parcels including the northern intersection of the Old Columbia River Highway and Highway 35 to and including the intersection of Front Street and State Avenue, excluding lands within the Urban Renewal District which have been addressed in this streetscape plan.
4. North: Parcels including the intersection of Oak Avenue and Second Street and along the 2nd Street extension to and including its intersection with Portway Avenue excluding lands within the Urban Renewal District which have been addressed in its streetscape plan.

B. Standards.

1. An average ten (10) foot wide landscaped area, at minimum, shall be planted along the perimeter of the parcel fronting the street right-of-way as part of the landscape requirement.
2. Street trees shall be placed at the rate of one tree for every thirty (30) feet of street frontage. Trees shall be evenly spaced with variations to the spacing permitted for specific site limitations such as driveway approaches.

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

CHAPTER 17.18 – VARIANCES

Legislative History: Ord. 1774 (1999);

SECTIONS:

- 17.18.010 Purpose
- 17.18.020 Procedure
- 17.18.030 Criteria for Granting a Variance
- 17.18.040 Time Limits
- 17.18.050 Limitations of Reapplication

17.18.010 Purpose. Where physical difficulties, unnecessary hardship, and results inconsistent with the general purpose of this Title may result from the strict applications of certain provisions thereof, a variance may be granted as provided in this Chapter. This Chapter may not be used to allow a use that is not in conformity with the uses specified by this Title for the zone in which the land is located. In granting a variance, the City may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

17.18.020 Procedure. The procedure for taking action in a variance application shall be as follows:

1. The property owner may initiate a request for a variance by filing an application with the Planning Director. The applicant shall submit a complete application as specified in the *Application and Plan Requirements* (Section 17.06.020).
2. The application shall include a statement and evidence showing that all of the criteria in Section 17.18.030 are met.
3. Before the Planning Commission may act on a variance application, it shall hold a public hearing following procedures established in *Review Procedures: Quasi-Judicial Actions* (Section 17.09.040).

17.18.030 Criteria for Granting a Variance. A variance may be granted if it meets all of the following criteria:

1. There are unique or unusual circumstances which apply to the site which do not typically apply elsewhere.
2. The proposal's benefits will be greater than any negative impacts on the development of the adjacent lawful uses; and will further the purpose and intent of this title and the Comprehensive Plan of the City.
3. The circumstances or conditions have not been willfully or purposely self-imposed.
4. The variance requested is the minimum variance which would alleviate the hardship.

17.18.040 Time Limits. A variance is valid for a period of two (2) years from the written Notice of 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 circumstance or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

17.18.050 Limitations of Re-application. No reapplication of a property owner for a variance shall be considered by the Planning Commission within a six (6) months period immediately following a previous denial of such request.

CHAPTER 17.19 – TOWNHOUSE PROJECTS

Legislative History: Ord. 1774 (1999); Ord. 1806 (2001); Ord. 1903 (2006); Ord. 2036 (2017)

SECTIONS:

- 17.19.010 Applicable Zones
- 17.19.020 Standards
- 17.19.030 Townhouse Process

17.19.010 Applicable Zones.

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

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

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

- 1. Townhouse projects require a minimum lot or parcel size of 5,000 square feet.
- 2. Each townhouse building shall contain:
 - a. No more than two (2) attached townhouses in the R-2 zone;
 - b. No more than four (4) attached townhouses in the R-3 and C-1.
- 3. Maximum residential density is calculated as follows:
 - a. In the R-2 zone, a minimum of 5,000 square feet per townhouse building.
 - b. In the R-3 and C-1 Zones, a minimum of 5000 square feet for the first two (2) townhouses and a minimum 1500 square feet for each additional townhouse.
- 4. The minimum lot size permitted per townhouse:
 - a. In the R-2 zone, no townhouse lot may be less than 2,100 square feet.
 - b. In the R-3, C-1, and C-2 zones, there is no minimum townhouse lot size.
- 5. Minimum lot frontage: The minimum lot frontage standard of the applicable zoning district is not applicable for townhouse lots.
- 6. Lot Coverage: Subject to HRMC 17.04.120.

7. As a part of an application for a townhouse project, an applicant may request an exception to the standards in HRMC 17.04.020, Access for townhouse projects which have alley access. The City may approve the exception when all of the following standards are met:

- a. The proposed access plan is approved by the City Fire and Engineering Departments;
- b. The alley has been dedicated to the City for public access;
- c. The alley has a minimum hard surface width of 10 feet;
- d. The applicant provides a Traffic Impact Analysis or Traffic Assessment Letter demonstrating that the alley has adequate capacity for the proposed use; and,
- e. A hard-surfaced path with a minimum width of 6 feet is provided between the public street and any townhouse unit that obtains vehicular access from the alley.

In addition, address signage meeting City standards shall provide directions from the public street to any alley-accessed townhouse. And, any on site fencing adjacent to the path shall not exceed four-feet tall. The path and signage ensure safe access for emergency service providers.

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

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

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

E. Additional Standards.

1. If a townhouse building is destroyed in any manner, it shall be replaced with the same or less number of units or the parcels shall be legally combined to create a parcel(s) meeting the minimum lot size of the underlying zone.

2. In addition to obtaining a building permit for a townhouse building, the owner shall obtain approval for a partition or subdivision pursuant to Title 16 – Land Divisions.

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

CHAPTER 17.20 - TRANSPORTATION CIRCULATION AND ACCESS MANAGEMENT

Legislative History: Ord. 1816 (2001); Ord. 2001 (2011); 2002 (2011)

SECTIONS:

- 17.20.010 Applicability
- 17.20.020 Definitions
- 17.20.030 Access Management Standards
- 17.20.040 Bicycle Parking
- 17.20.050 Standards for Transportation Improvements
- 17.20.060 Traffic Impact Analysis

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

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

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

A. Site Plan Review Procedures. All site plans are required to be submitted for review pursuant to the provisions of this title and shall show:

1. Location of existing and proposed access point(s) on both sides of the road where applicable;
2. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
3. Number and direction of lanes to be constructed on the driveway plus striping plans;
4. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
5. Parking and internal circulation plans including walkways and bikeways; and
6. A detailed description of any requested variance and the reason the variance is requested.

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

1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas; entrances to the development; and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
5. The access shall be consistent with the access management standards adopted in the Transportation System Plan.
6. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

C. Standards.

1. **Access Spacing:** Driveway accesses shall be separated from other driveways and street intersections in accordance with the standards and procedures of Chapter 13.28.
2. **Joint and Cross Access:**
 - a. Adjacent commercial or office properties classified as major traffic generators (e.g. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
 - b. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - (1) A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - (2) A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 - (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive; and
 - (4) A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
 - c. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
 - d. Pursuant to this section, property owners shall
 - (1) Record an easement allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 - (2) Record an agreement that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - (3) Record a joint maintenance agreement defining maintenance responsibilities of property owners.
 - e. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- (1) Joint access driveways and cross access easements are provided in accordance with this section.
 - (2) The site plan incorporates a unified access and circulation system in accordance with this section.
 - (3) The property owner enters into a written agreement with the city, which shall be recorded with respect to the subject property, agreeing that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway; and
 - (4) The City Engineer may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.
3. **Driveway Design:** Driveways shall be designed pursuant to the requirements of Chapter 13.28.
 4. **Requirements for Phased Development Plans:**
 - a. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one (1) building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both may be cited for any violation.
 - b. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.
 5. **Nonconforming Access Features:** Legal access connections in place as of November 2001 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards pursuant to the requirements of 13.28.
 6. **Reverse Frontage:** Lots that front on more than one (1) street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

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

Access Management Blocks, in the Exit 62 IAMP and Figures 10 and 11, Access Management Blocks, in the Exit 63 and 64 IAMP).

1. Access Approval.

- a. Access to streets and roads within the IAMP Overlay Zone shall be subject to joint review by the City and the Oregon Department of Transportation (ODOT) and, where applicable, by Hood River County. Coordination of this review will occur pursuant to Section 17.03.120.D. and consistent with requirements of Title 16.12, when applicable.
- b. Approval of an access permit is an Administrative Action and is based on the standards contained in this Section, the provisions of Sections 17.20.030. B. and C., and the Access Management Plan in the applicable IAMP. Where the recommendations of the Access Management Plan conflict with other access management and spacing requirements in Section 17.20.030 of the Zoning Ordinance, the applicable IAMP Access Management Plan shall govern.

2. Cross Access Agreement.

- a. Prior to approving access for tax lots that are identified in the Access Management Plan of the applicable IAMP, the City shall require that:
 - (1) The applicant demonstrate how cross access can be accomplished for sites contiguous to the subject property or properties, consistent with the circulation and planned local street network shown in the IAMP;
 - (2) If access across an adjacent parcel or parcels is necessary for the development of the subject site, a signed cross access agreement is submitted with the application; and,
 - (3). For applications reviewed as part of a subdivision approval process, necessary cross access easements are shown and recorded on the final plat. Access widths shall be consistent with City Public Works standards unless based on a Transportation Impact Study, developed pursuant to Section 17.20.060.C.2 and approved by the City Engineer or his/her designee.

- 3. Frontage Improvements to Public Streets.** Development application approval will require public street frontage improvements pursuant to the Access Management Plan in the applicable IAMP and City requirements for constructing public improvements, including those in Subdivision Ordinance Section 16.12.060, Public Facilities Standards.

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

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

Table 17.20.40-A Minimum Requirements for Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (Covered or Enclosed)	Short-term Spaces (Near Building Entry)
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms	
Commercial Categories			
Retail Sales and Services		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 motor vehicle spaces	None
Major Event Entertainment		8, or 1 per 40 seats or per CU Review	None
Industrial Categories			
Manufacturing and Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse and Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	
Institutional Categories			
Basic Utilities	Transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None
Parks (active recreation areas only)		None	8, or per CU Review
Schools	Grades 2-5	1 per classroom, or per CU Review	1 per classroom, or per CU Review
	Grades 6-12	2 per classroom, or per CU Review	4 per school, or per CU Review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU Review	2, or 1 per 10,000 sq. ft. of net building area, or per CU Review

Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU Review	2, or 1 per 40,000 sq. ft. of net building area
Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories			
Other uses	Determined through Land Use Review, Site Design Review, or Conditional Use (CU) Review, as applicable		

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

17.20.050 Standards for Transportation Improvements

- A. **Permitted Uses.** Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:
 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

B. Uses Subject to Site Plan Review.

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are
 - a. Not improvements designated in the Transportation System Plan; or
 - b. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.
2. An application for site plan review is subject to review under *Site Plan Review* (Chapter 17.16); however, the decision criteria do not apply. In order to be approved, the site plan permit shall comply with the Transportation System Plan and applicable standards of this title, and shall address the criteria below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. Project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this ordinance.
3. Street and interchange improvements (defined as parking removal, access modifications in IAMP blocks, new lanes, new streets, signalization modifications). The site plan review shall include findings and solutions addressing safety, mobility, and the effect of traffic beyond the immediate vicinity, pedestrian system, bike system, parking and economic enterprise will be protected and/or enhanced by the proposed. The following facility(ies) shall be considered in the study area for all traffic analysis unless modified by the City Engineer: All access points and intersections signalized and un-signalized adjacent to the proposed site, if the proposed site fronts an arterial collector street the analysis shall address all intersection and driveways along the site frontage and within the access facing distances extending out from the boundary from the site frontage roads through and adjacent to the site. All intersections that receive site generated trips that

comprise at least 10% or more of the total intersection volume. All intersections needed for signal progression analysis. In addition to these requirements the City Engineer may determine any additional intersections or roadway links that may be adversely affected as the result of the proposed development.”

17.20.060 Traffic Impact Analysis

- A. **Purpose.** The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the city to adopt a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis (TIA) must be submitted with an application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a TIA; and who is qualified to prepare the analysis.
- B. **Typical Average Daily Trips and Peak Hour Trips.** The latest edition of the *Trip Generation* manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily and peak hour (weekday and/or weekend) vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate. A trip generation study may be used to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which a similar facility is available to count.
- C. **Applicability and Consultation.** A Traffic Impact Analysis shall be required to be submitted to the city with a land use application when (1) a change in zoning or plan amendment is proposed or (2) a proposed development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis, field measurements, crash history, Institute of Transportation Engineers *Trip Generation*; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
- a. The proposed action is estimated to generate 250 Average Daily Trips (ADT) or more, or 25 or more weekday AM or PM peak hour trips (or as required by the City Engineer);
 - b. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day
 - c. The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
 - d. The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
 - e. A change in internal traffic patterns that may cause safety problems, such as back up onto public streets or traffic crashes in the approach area.

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

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

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

E. **Traffic Impact Analysis Requirements.**

1. Preparation. A Traffic Impact Analysis shall be prepared by an Oregon Registered Professional Engineer who is qualified to perform traffic engineering analysis and will be paid for by the applicant.
2. Transportation Planning Rule Compliance. See Chapter 17.08.050 Transportation Planning Rule Compliance.
3. Pre-application Conference. The applicant will meet with the City Engineer prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected.

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

1. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.
2. Roads through and adjacent to the site.
3. All intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume.
4. All intersections needed for signal progression analysis.
5. In addition to these requirements, the City Engineer may determine any additional intersections or roadway links that may be adversely affected as a result of the proposed development.
6. Those identified in the IAMP Overlay Zone (see Subsection I).

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

1. The TIA was prepared by an Oregon Registered Professional Engineer; and
2. If the proposed development shall cause one or more of the effects in Section 17.20.060(C), above, or other traffic hazard or negative impact to a transportation facility, the TIA shall include mitigation measures that are attributable and are proportional to those impacts, meet the City's adopted Level-of-Service standards, and are satisfactory to the City Engineer and ODOT, when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - a. Minimize the negative impacts on all applicable transportation facilities; and
 - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - c. Make the most efficient use of land and public facilities as practicable; and
 - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - e. Otherwise comply with applicable requirements of the Hood River Municipal Code.
4. If the proposed development will increase through traffic volumes on a residential local street by 20 or more vehicles during the weekday p.m. peak hour or 200 or more vehicles per day, the impacts on neighborhood livability shall be assessed and mitigation for negative impacts shall be identified. A negative impact to neighborhood livability will occur where:
 - a. Residential local street volumes increase above 1,200 average daily trips; or
 - b. The existing 85th percentile speed on residential local streets exceed 28 miles per hour.

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

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

- I. Traffic analysis within an IAMP Overlay Zone.** All development applications located within an IAMP Overlay Zone that are subject to the provisions of Chapter 17.16 (Site Plan Review) or Chapter 16.08 (Land Divisions) may be required to prepare a Traffic Impact Analysis. City of Hood River Transportation System Plan policies call for the City, in coordination with Hood River County and ODOT, to monitor and evaluate vehicle trip generation impacts at Hood River interchanges and on street systems in interchange areas from development. This requirement will not preclude Oregon Department of Transportation, City of Hood River, or Hood River County from requiring analysis of IAMP study intersections under other conditions. Development approved under this article shall be subject to the following additional requirements.
1. The Traffic Impact Analysis must include an account of weekday p.m. peak hour site generated trips through IAMP study intersections. Intersections impacted by 25 or more weekday p.m. peak hour site generated trips, or weekend peak hour site generated trips, shall be analyzed for level of service and volume to capacity ratio during day of opening conditions.
 2. The City shall provide written notification to ODOT and Hood River County when an application concerning property in the IAMP Overlay Zone and subject to Site Plan Review or Title 16 is received. This notice shall include an invitation to ODOT and the County to participate in the City's pre-application conference with the applicant, pursuant to Section 17.09.120.
 3. The City shall not deem the land use application complete unless it includes a Traffic Impact Analysis prepared in accordance with the applicable requirements of Section 17.20.060.
 4. Pursuant to Section 17.09.030.F, ODOT shall have 14 calendar days from the date a completion notice is mailed to provide written comments to the City. If ODOT does not provide written comments during this 14-day period, the City staff report may be issued without consideration of ODOT comments.
 5. Monitoring Responsibilities. The details of monitoring responsibilities will be outlined in the adopted IAMP.

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CHAPTER 17.22 - NATURAL RESOURCE OVERLAY

Legislative History: Ord. 1903 (2006); Ord. 1938 (2007)

SECTIONS:

- 17.22.010 Requirements for Wetlands
- 17.22.020 Requirements for Riparian Corridors
- 17.22.030 Columbia River Infill Waterfront Area
- 17.22.040 Violations
- 17.22.050 Conflicts

17.22.010 Requirements for Wetlands

A. Purpose and Intent. The purpose of this section is to protect and restore wetlands and the multiple social and environmental functions and benefits these areas provide individual property owners, the community, and the watershed. This requirement is based on the “safe harbor” approach as defined in Oregon Administrative Rules 660-23-0100(4)(b). Specifically, the purpose and intended is to;

1. Protect habitat for fish and other aquatic life,
2. Protect habitat for wildlife,
3. Protect water quality for human uses and aquatic life,
4. Control erosion and limit sedimentation,
5. Reduce the effects of flooding,
6. Provide a stream “right of way” to accommodate lateral migration of the channel and protect the stream and adjacent properties,
7. Provide opportunities for recreation and education,
8. Protect open space, and
9. Minimize the economic impact to affected property owners.

The intent of this section is to meet these goals by modifying the location, but not the intensity of development, where possible. The requirements for wetlands restricts filling, grading, excavation and vegetation removal in significant wetlands for their protection and limits new structures in significant wetlands in Hood River. This section provides procedures for correcting map errors and for granting a variance for parcels that have no buildable site through application of this section.

B. Definitions. The following words and phrases, unless the context otherwise requires, shall have the meanings given them in this section.

FUNCTIONS AND VALUES. Functions means the environmental roles served by wetlands and buffer areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat and flood storage. Values means the qualities ascribed to a wetland such as educational and recreational opportunities, open space, and visual aesthetic qualities.

RESTORATION means to rehabilitate a previously drained or degraded wetland area by providing wetland hydrology, removing fill material, restoring native vegetation or other means of reestablishing wetland features.

WETLAND means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

WETLAND DELINEATION means a determination of wetland presence by a qualified professional that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods.

C. Requirements for All Wetlands.

1. Compliance with State and Federal Regulations. All activities wholly or partially within wetlands are subject to Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.
2. Division of State Lands Notification Required.
 - a. The City shall provide notice to the Division of State Lands, the applicant and the owner of record, within five (5) working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Local Wetlands Inventory or within twenty-five (25) feet of such areas:
 - (1) Subdivisions;
 - (2) Building permits for new structures;
 - (3) Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;
 - (4) Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and
 - (5) Planned unit development approvals.
 - b. This section does not apply if a permit from the Division of State Lands has been issued for the proposed activity.
 - c. City approval of any activity described in this section shall include one of the following notice statements:
 - (1) Issuance of a permit under ORS 196.600 to 196.905 by the Division of State Lands required for the project before any physical alteration takes place within the wetlands;
 - (2) Notice from the Division of State Lands that no permit is required; or
 - (3) Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.
 - d. If the division of State Lands fails to respond to any notice provided under this section within thirty (30) days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action

may require state or federal permits

e. The City may issue local approval for parcels identified as or including wetlands on the Local Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Division of State Lands with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.

D. Procedures for Identifying Significant Wetlands. The regulations of this section apply to wetlands identified and mapped as significant in the Hood River Local Wetlands Inventory located in the City and the Urban Growth Area. Significance determinations are based on criteria contained in Oregon Administrative Rules 141-86-0300 through 0350 as adopted by the Division of State Lands (DSL). This section applies to wetlands inside the Hood River city limits and to wetlands outside the city limits and inside the urban growth boundary upon annexation of such land.

Wetlands identified in the Hood River Local Wetlands Inventory are shown on maps that may not have site-specific accuracy.

1. The Division of State Lands is the final arbiter of wetland presence and boundaries.
2. Precise wetland boundaries may vary from those shown on the Hood River Local Wetland Inventory map. For any proposed development impacting a significant wetland or within twenty-five (25) feet of a significant wetland, the applicant shall conduct a wetland delineation and submit it to the Division of State Lands for review and approval. The more precise boundary obtained through a DSL-approved wetland delineation shall be used for review and development, and can be identified, mapped, and used for review and development without a change in the Hood River Local Wetland Inventory mapping.
3. Property owners who believe wetlands have been incorrectly mapped on their properties can request corrections to the map by submitting written verification from the Division of State Lands that confirms that there are no wetlands on the property or contains the correct location of the wetlands.

E. Land Use and Permit Requirements for Significant Wetlands.

1. Permitted Uses. The following uses are permitted within significant wetlands. Applicable state and/or federal permits shall be obtained.
 - a. Passive recreation and land management activities that require no structures, such as bird watching, canoeing, nature walks, land survey, wetland delineation or wetland monitoring.
 - b. Fishing or hunting consistent with state, local and federal law.
 - c. Educational uses or research.
 - d. Construction of permeable trails, boardwalks and viewing platforms, information kiosks, and trail signs.
 - e. Wetland and waterway restoration.
 - f. Removal of non-native vegetation.
 - g. Removal of trees that are a hazard to life or structures.

- h. Mowing grass to comply with local or state fire prevention requirements.
 - i. Planting or replanting with native plant species.
 - j. Channel maintenance to maintain storm water conveyance and flood control capacity, as required by local policies, state and federal regulations, or intergovernmental agreements.
 - k. Emergency repairs by the City or other public agencies to protect life and property.
 - l. Compensatory mitigation required by state or federal permit. Removal of fill material or any refuse that is in violation of local, state or federal regulations.
 - m. Maintenance of existing structures within the existing footprint of the structure.
 - n. Construction of discharge outlets for treated stormwater or wastewater.
2. Prohibited Uses. Within locally significant wetlands the following practices are prohibited unless specifically authorized by a variance:
- a. New development or expansion of existing development.
 - b. Placement of fill material, grading, or excavation.
 - c. Road construction.
 - d. Construction of stormwater or wastewater management or treatment facilities.
 - e. Construction of new septic drainfields.
 - f. Channelizing or straightening natural drainageways.
 - g. Storage or use of hazardous or toxic materials.
 - h. Clearing of trees and brush with motorized equipment including, but not limited to, chain saws and bulldozers.

E. Procedure. Any decision by the City on a land use application concerning the wetland protection requirements herein may be appealed to the Planning Commission and City Council pursuant to Title 17.

F. Variances.

1. In cases where a property owner believes the application of this ordinance imposes a hardship or renders an existing lot or parcel unbuildable, a property owner may request a variance. Granting of a variance requires findings that satisfy all of the following criteria:
 - a. The proposed development requires deviation from the Riparian Corridor requirements; and
 - b. The application of the requirements of this ordinance without a variance would prevent any reasonable economic use of the property.
 - c. The variance requested is the minimum variance which would alleviate the hardship.
2. Applications for variances shall be processed as an Administrative Action under section 17.09.030.
3. A variance granted under this section is for a variance from strict application of the provisions of this section only.

17.22.020 Requirements for Riparian Corridors

A. Purpose and Intent. The purpose of this section is to protect and restore water bodies and their associated riparian areas, in order to protect and restore the multiple social and environmental functions and benefits these areas provide individual property owners, communities, and the watershed. The requirements for riparian corridors is based on the “safe harbor” approach as defined in Oregon Administrative Rules 660-23-0090(5) and (8). Specifically, this section is intended to;

1. Protect habitat for fish and other aquatic life,
2. Protect habitat for wildlife,
3. Protect water quality for human uses and aquatic life,
4. Protect associated wetlands,
5. Control erosion and limit sedimentation,
6. Promote recharge of shallow aquifers,
7. Provide a stream “right of way” to accommodate lateral migration of the channel and protect the stream and adjacent properties,
8. Reduce the effects of flooding,
9. Protect open space;
10. Reserve space for storm water management facilities, other utilities, and linear parks, and
11. Minimize the economic impact to affected property owners.

The intent is to meet these goals by modifying the location, but not the intensity of development, where possible. The requirements excludes new structures from buffer areas established around rivers, streams and other water bodies in Hood River and also prohibits vegetation removal or other alteration in these buffers and establishes a preference for native vegetation in the buffers. For cases where buffer establishment creates a hardship for individual property owners, this section provides a procedure to apply for a variance. In limited circumstances, changes to the buffer width shall be allowed provided the changes are offset by appropriate restoration or mitigation, as stipulated in this section.

The Columbia River Infill Area that is addressed under the ESEE analysis and is shown on the Columbia River Infill Waterfront map is exempt from the Riparian Corridors section of this chapter.

B. Definitions. The following words and phrases, unless the context otherwise requires, shall have the meanings given them in this section.

BANKFULL STAGE means the elevation at which water overflows the natural banks of streams or other waters and begins to inundate upland areas. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from upland vegetation (e.g. oak, Douglas fir) to bare soil or substrate, a change in vegetation from upland (e.g. oak, fir) to aquatic (e.g. willows, rushes), a textural change of depositional sediment or changes in the character of the soil (e.g. from upland soils to sand, sand and cobble, cobble and gravel), absence of fine debris (needles, leaves, cones,

seeds), the presence of water-borne litter or debris, water-stained leaves, or water lines on tree trunks. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

FISH HABITAT OR FISH BEARING means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

IMPERVIOUS SURFACE means any material which reduces and prevents absorption of storm water into previously undeveloped land.

INTERMITTENT STREAM means any stream that flows during a portion of every year and which provides spawning, rearing or food-producing areas for food and game fish (OAR 141-085-0010)

LAWN means grass or similar materials maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

MAINTENANCE means periodic repair or upkeep of a structure in order to maintain its original function. Maintenance does not include any modification that changes the character or scope, or increases the adverse impact to the riparian corridor. Maintenance does not include reconstruction.

MITIGATION means taking one (1) or more of the following actions listed in order of priority:

1. Avoiding the impact altogether by not taking a certain development action or parts of that action;
2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective measures;
5. Compensating for the impact by replacing or providing comparable substitute resources or environments.

NATIVE VEGETATION means plant species indigenous to Hood River. A list of native plant species is in the Appendix.

NET LOSS means a permanent loss of riparian corridor area or function resulting from a development action despite mitigation measures having been taken.

NON-CONFORMING means a structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations

and are generally allowed to continue, though expansion, re-construction, or substantial improvement may be regulated

RIPARIAN AREA means the area adjacent to a river, stream, lake, or pond consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

RIPARIAN CORRIDOR means the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian corridor boundary.

STREAM means a channel that carries flowing surface water and was created naturally by geological and hydrological processes, including channels that would be natural but for human-caused disturbances (e.g., channelized, rerouted or culverted streams, or impounded waters), including perennial streams and intermittent streams with defined channels, and excluding irrigation and drainage channels that are human-created.

STREAM OR POND EDGE means bankfull stage elevation.

STRUCTURE: A building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, which are not customarily regulated through zoning ordinances.

TOP OF BANK means the break in slope between the bank and the surrounding terrain (Division of State Lands Water definitions). Where top of bank is not clear defer to bankfull stage.

WATER AREA means the area between the banks of a lake, pond, river, or perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

WETLAND means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

C. Procedures for Identifying Significant Riparian Corridors. The inventory of riparian corridors contained in the Comprehensive Plan includes maps of riparian corridors and specifies which water areas are fish-bearing. Inventory information on fish presence and use of waters may become outdated over time or new information may become available. In all cases the most current available information on fish presence and use from the Oregon Department of Fish and Wildlife shall be used to identify riparian corridors subject to the requirements of this section. Based on the classification contained in this inventory, the following significant riparian corridors shall be established:

1. Along all fish-bearing rivers, streams and other waters with an average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor

boundary shall be seventy-five (75) feet from the top of bank; i.e. Columbia River and Hood River.

2. Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank; i.e. Indian Creek and Phelps Creek.

3. Wells Island in its entirety.

4. At any location specified in a conditional use permit as mitigation for permitted development in a significant riparian corridor.

5. For the safe harbor area only the measurement of distance to the riparian corridor boundary along the Columbia River shall be from the full pool elevation of seventy-seven (77) feet. For all other waters the measurement of distance to the riparian corridor boundary shall be from the stream or pond edge, except that Wells Island is included in its entirety within the riparian corridor boundary. The measurement in all cases shall be a horizontal distance.

6. Significant riparian corridors identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy. Property owners who believe the maps are in error or that their properties lie outside the depicted significant riparian corridor can request a site review by City planning staff. City staff can correct the map or request that the property owner submit a survey, performed by a qualified surveyor (Public Land Surveyor), showing the correct significant riparian corridor boundaries. The survey must show the stream or pond edge and the applicable significant riparian corridor boundaries on a scaled parcel base map.

D. Land Use Requirements.

1. The permanent alteration of significant riparian corridors by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided they are designed to avoid and minimize intrusion into the riparian corridor, no other options or locations are feasible, and any applicable state and/or federal permits are obtained:

a. Streets, roads and bridges, excluding parking or storage areas.

b. Construction of permeable trails, boardwalks and viewing platforms, information kiosks and trail signs.

c. Drainage facilities, utilities, and irrigation pumps.

d. Stormwater treatment facilities when they are located in severely degraded parts of significant riparian corridors and designed so as to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation and that is located within previously farmed or cleared area).

e. Water-related and water-dependent uses (for example boat launch, fishing dock).

f. Replacement of existing structures with structures in the same location that do not disturb additional riparian corridor surface area.

g. Structures or other non-conforming alterations existing fully or partially within significant riparian corridors may be expanded provided the expansion does not occur within the significant riparian corridor.

- h. Existing garden, lawn and non-native plantings within significant riparian corridors may be maintained, but not expanded within the significant riparian corridor. Development activities on the property shall not justify replacement of the riparian area with lawn.
 - i. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the significant riparian corridor shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.
2. Removal of riparian vegetation in significant riparian corridors is prohibited, except for
- a. Removal of non-native vegetation and subsequent replacement with native plant species. The City of Hood River shall maintain a list of native and non-native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
 - b. Removal of vegetation necessary for the development of approved water-related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.
 - c. Removal of poisonous or noxious vegetation.
 - d. Trees in danger of falling and thereby posing a hazard to life or property may be removed. If no hazard will be created, property owners are encourage to leave trees, once felled, in place in the riparian corridor.
 - e. Incidental removal of vegetation associated with recreational, educational, scientific research and land survey activities.
3. Exceptions: The following activities are not required to meet the standards of this section if applicable:
- a. Normal and accepted farming and ranching practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the protected riparian corridor since prior to the date of adoption of this ordinance.
 - b. Commercial forest practices regulated by the Oregon Forest Practices Act.

E. Variances. In cases where a property owner believes the application of this section imposes a hardship or renders an existing lot or parcel unbuildable, a property owner may request a variance. Granting of a variance requires findings that satisfy all three (3) of the following criteria:

- 1. The proposed development requires deviation from the Riparian Corridor requirements; and
- 2. Strict adherence to the requirements of this section and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and
- 3. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

F. Compliance with State and Federal Requirements. All activities wholly or partially within riparian corridors are subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

17.22.030 Columbia River Infill Waterfront Area

A. Purpose. The Columbia River Infill waterfront Area and portions, identified on the Columbia River Infill Waterfront map, within the City of Hood River are valuable economic, recreational, scenic and natural resources for the community. The Columbia River Waterfront Infill Area is intended to conserve and enhance the natural resource values of areas along the Columbia River and a portion of the Hood River within the city by;

1. Conserving and restoring habitat for wildlife, fish and other aquatic life;
2. Protecting and enhancing water quality for human use and aquatic life;
3. Controlling erosion;
4. Improving coordination between the city and agencies regarding development activities near waterways;
5. Promoting development that is compatible with the purpose of the Columbia River Infill waterfront Area;
6. Promoting the preservation and restoration of native riparian vegetation;
7. Conserving and protecting property values; and
8. Encouraging development, preservation and enhancement of reasonable public access to major waterways for recreational use and visual enjoyment.
9. Protecting the Columbia River and its users from stormwater contaminants that pose a threat to the health and safety of the users.

B. Applicability. Provisions of this section apply to all property within the boundaries of the Columbia River Infill waterfront Area within the City of Hood River, as identified on the Columbia River Infill Waterfront Map. Many parcels within the Columbia River Infill waterfront Area are affected by more than one sub-zone. Where this is the case, applicable development standards for each sub-zone shall apply within that sub-zone's boundaries. Standards of this section shall apply in addition to applicable standards of the underlying zone. Where there are conflicts between sub-zone standards, the more restrictive standard shall apply.

C. Permitted Uses. The following uses are permitted outright in the Columbia River Infill waterfront Area:

1. Resource enhancement and restoration activities.
2. Land divisions, subject to requirements in Title 16.
3. Removal of non-native or invasive vegetative species.
4. Maintenance of existing roads.
5. Temporary emergency procedures necessary for the protection of property.
6. Actions taken by the City to correct or abate a nuisance.

7. Approved storm water discharge.
8. Existing lawn within the riparian area may be maintained, but not expanded into the resource area.
9. Existing utility lines.
10. Existing legal non-conforming structures. Replacement of non-conforming structures shall comply with this title.

D. Ministerial and Administrative Review Approval. The following uses are permitted in the Columbia River Infill Waterfront Area, subject to Ministerial or Administrative Review approval as may be applicable under the circumstances, including compliance with other natural resource agencies:

1. Repair, maintenance and replacement of existing utility lines.
2. Fencing.
3. Removal of a hazardous tree.
4. Maintenance of streambank stabilization and flood control structures.
5. ESEE Analysis Findings and Conclusion – The ESEE Analysis Findings and Conclusions identified in the Hood River Waterfront Goal 5 ESEE Analysis provide site specific exceptions to protection measures based on conflicting uses and mitigating consequences of implementation. The sites are specific to the Hood River Waterfront Goal 5 ESEE Inventory and Map.

E. Conditional Uses shall be pursuant to the zoning designation of the subject parcel.

F. Prohibited Uses.

1. New development on significant natural resource sites and property, except as permitted in the Hood River Waterfront Goal 5.
2. Removal of native vegetation from resource areas identified in the Hood River Waterfront Goal 5 ESEE.

17.22.040 Violations. Any activities within a significant wetland, riparian corridor, and Columbia River Waterfront not authorized under this ordinance are a violation. Violators shall be subject to the enforcement procedures pursuant to this title. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

17.22.050 Conflicts. To best protect important functions and values of wetland, riparian corridor, and Columbia River Waterfront in the event that the requirements of this section conflict with other ordinance requirements, the City shall apply the requirements that best provide for the protection of the resource.

APPENDIX. NATIVE PLANT LIST

Portland Plant List (City of Portland 1998) added by reference.

<http://www.portlandonline.com/planning/?&c=decfb&a=fjadj>

(Exhibit A)

CHAPTER 17.23 ACCESSORY DWELLING UNITS (ADU)

Legislative History: Ord. 1912 (2006); Ord 2026 (2016); Ord 2050 (2018)

17.23.010 General Requirements

A. An ADU may be created within, or detached from, any single-family dwelling, whether existing or new, as a subordinate use, where permitted by this chapter in the R-1, R-2, R-3, C-1 and C-2 Zones.

B. Only one ADU may be created per parcel or ownership accessory to a single-family dwelling (no townhouse or duplex).

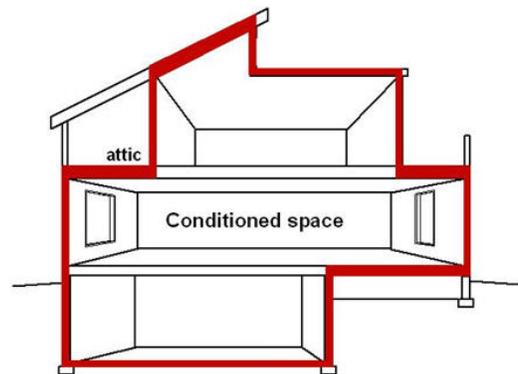
C. An application for an ADU shall be processed as a ministerial decision.

D. Only the property owner, which includes title holders and contract purchasers, may apply for an ADU. The property owner need not occupy the primary or accessory dwelling as the principal residence.

E. No off-street parking shall be required for an Accessory Dwelling Unit.

F. ADUs shall not exceed 800 square feet in floor area, as measured from the exterior walls, excluding from the calculation 1). Areas under 4 feet in height, 2). Areas not built as occupiable spaces* such as an attic or garage, and 3). Exterior areas that remain open to outside elements such as covered breezeways, porches, and covered decks.

*Occupiable Space, as provided by the Building Science Corporation: Any enclosed space inside the conditioned space and intended for human activities, including (but not limited to) all habitable spaces, toilets, halls, laundry areas, closets, and other storage and utility areas.



G. All other applicable standards including, but not limited to, setbacks must be met.

H. If a garage or detached building does not currently meet setbacks, it may not be converted to an ADU.

I. All applicable standards in the City's building, plumbing, electrical, fire and other applicable codes for dwelling units must be met.

J. The owner of the property shall accept full responsibility for sewer and water bills.

K. An ADU may not be used as a transient rental, hosted homeshare, or vacation home rental.

CHAPTER 17.24 - IN-LIEU PARKING FEE

Legislative History: Ord. 1925 (2006)

SECTIONS

17.24.010 In-Lieu Parking Fee

17.24.020 Payment of Fee

17.24.010 In-Lieu Parking Fee. This chapter establishes the In-Lieu Parking Fee. The In-Lieu Parking Fee is paid to the City in lieu of providing required off-street parking when permitted in this title.

A. Amount of Fee. The amount of the In-Lieu Parking Fee is set by resolution of the City Council and the Council shall review the amount on at least an annual basis. The In Lieu-Fee may otherwise be adjusted by the Council as it deems necessary based on factors such as inflation, the cost of providing new parking spaces, and the market value of parking spaces. The amount of the In-Lieu Fee shall take into account the current costs of land acquisition, financing and construction.

B. Use of Fees. In-Lieu Parking Fees shall be deposited in a dedicated fund for the development and provision of public parking facilities. The collected Fees may be applied only to development and provision of public parking that serves the Central Business District, Heights Business District or Waterfront, or the development of City owned parking lots located in non-residential zones. Development and provision of parking to which the Fees are applied must be consistent with the City's adopted Parking Management Plan. Development and provision of parking includes, but is not limited to, paving, striping, sidewalks, acquisition of real property, payment of administrative costs, and construction.

17.24.020 Payment of Fee

A. Parking Requirement for Calculation of Fee. The In-Lieu Fee shall be based on 1.2 parking stalls or spaces per 1,000 square feet of development multiplied by the amount set by Council resolution in section 17.23.010.

B. Condition of Approval. Payment of the In-Lieu Fee will be included as a condition of approval of any approved development application that is subject to the fee.

C. Payment of Fee. The In-Lieu Fee shall be paid in full prior to the issuance of a building permit.