CITY OF HOOD RIVER
LAND USE APPLICATION INSTRUCTIONS & TIMELINE

1. **Review Required:** The attached application is required by the Hood River Municipal Code ("Code") for review of your proposed development. Review is required to make sure that your proposal complies with the applicable provisions of the Code and that there are adequate capacities of public facilities to meet the needs of your development.

2. **Pre-Application Conference:** Prior to submitting your application, you may be required to attend a pre-application conference with city staff to discuss applicable standards and criteria of the Code, and submittal requirements to make your application complete. Pre-application conferences typically are scheduled approximately 4 weeks after submittal of an application and fee. You also may be required to conduct a neighborhood meeting (mandatory for subdivisions and PUDs).

3. **Application Submittal:** Applications may be mailed or submitted in person to the City of Hood River Planning Department at City Hall, 211 2nd Street, Hood River, OR 97031. The following *must* be included in your application packet:
    - Completed application form with property owner signature
    - All required materials listed in the application form
    - Application fee
    - Electronic copy of application materials (original .pdf, not scanned) and one (1) paper copy of application and all support materials

    It is the applicant's responsibility to demonstrate the proposal meets standards & approval criteria.

4. **Completeness Review (≤ 30 days):** Upon submittal, your application will be reviewed for completeness within 30 days. Completeness is based upon the requirements of State law (ORS 227.178) and the requirements in the Code for your development proposal. It is the applicant's responsibility to provide written findings and materials to demonstrate the application complies with the applicable approval criteria and standards.

5. **Incomplete Applications (> 30 days):** If the Planning Department determines that your application is "incomplete," you will be informed in writing and provided with a list of missing or incomplete materials and options for completing the application. Refusal to submit all or some of the missing information could limit the city's ability to approve your application. Incomplete applications become void 181 days after submittal (ORS 227.178).

6. **Complete Applications:** If the Planning Department staff determines that an application is "complete," you will be informed in writing and the review process will begin.

7. **Review Process (≤ 120 days):** Review of your application may be administrative, with no public hearing, or it may be quasi-judicial, with a public hearing. For quasi-judicial review, applicants are required to attend the public hearing. Notice of the application or public hearing will be mailed to neighboring property owners for comment.

8. **Decision:** A decision with findings and conditions of approval will be issued after a public comment period and public hearing (if applicable). All land use decisions are subject to an appeal process. A final decision is expected within 120 days after an application is deemed complete pursuant to ORS 227.178.

If you have questions about this process, please call the Planning Department at (541) 387-5210. Application forms, the City's Code and other useful information are available at the Planning Department's website: http://ci.hood-river.or.us/planning

File No.: _____
Fee: _____
Date Submitted: _____

CITY OF HOOD RIVER
NATURAL RESOURCE OVERLAY APPLICATION

Submit the completed application form **with one (1) paper copy of all application materials including full- and reduced sized plans, one electronic copy (original .pdf) and appropriate fees** to the City of Hood River Planning Department, 211 2nd St., Hood River, OR 97031. Additional paper copies may be required as determined by staff. If you have any questions, please contact the Planning Department at (541) 387-5210.

APPLICANT: ***(attach a copy of title or purchase contract if applicable*)***					
Name:					
Address:					
(physical)					
(mailing)					
(email)					
Telephone:		Cell Phone:		Fax:	
Signature:					
PROPERTY OWNER:					
Name:					
Address:					
(physical)					
(mailing)					
(email)					
Telephone:		Cell Phone:		Fax:	
Signature:					
****authorization of parcel owner(s) required***					
PARCEL INFORMATION:					
Subject Property Address (if designated):					
Township:		Range:		Section:	Tax Lot(s):
Current Zoning:		Parcel Size:			

REQUEST: ***(check all that apply)***
Wetland activity ☐ / Riparian Corridor activity ☐ / Columbia River Infill Waterfront Area activity ☐ **PROJECT DESCRIPTION:** ***(please attach a location map & site plan/project plan***

SUBMITTAL REQUIREMENTS:

Refer to Hood River Municipal Code (HRMC) Chapter 17.22, Natural Resource Overlay.

- For projects in or near wetlands, refer to HRMC 17.22.010.
- For projects along designated riparian corridors including the Columbia River west of The Hook, the Hood River south of Interstate 84, Indian Creek and Phelps Creek, refer to HRMC 17.22.020.
- For projects along the Columbia River between The Hook and the eastern boundary of the city limits, and along the Hood River north of Interstate 84, refer to HRMC 17.22.030 and the Hood River Waterfront ESEE Analysis.

1) Site Plan: Please attach a site plan drawn to scale showing the location and type of proposed activities, as well as a location map depicting the site and the surrounding area.
2) Project Description: Please attach a written narrative explaining:
   a) Existing conditions, proposed activities, and how the proposal complies with applicable Natural Resource Overlay requirements and applicable criteria;
   b) Any requested Variance and any proposed mitigation.

CHAPTER 17.22 - NATURAL RESOURCE OVERLAY

Legislative History: Ord. 1863 (2004); Ord. 1874 (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.

F. **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.

G. **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 no 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 stromwater 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