



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

December 26, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment
DLCD File Number 006-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 8, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Gary Fish, DLCD Regional Representative
Cindy Walbridge, City of Hood River

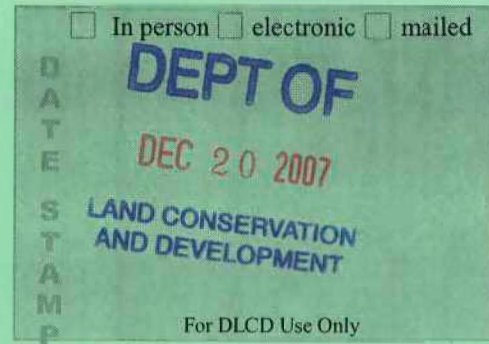
<paa> ya/

FORM 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Hood River**

Local file number: **2007-13**

Date of Adoption: **12/12/2007**

Date Mailed: **12/18/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/15/2007

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amending 17.01.030 to define the following words; fence, retaining wall, setback and wall, and amend definition of structure, and to amend 17.04.050 and also 17.04.090 vision clearance area.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **na**

to: **na**

Zone Map Changed from: **na**

to: **na**

Location: **na**

Acres Involved: **0**

Specify Density: Previous: **na**

New: **na**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

2006-07(15960)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Hood River

Local Contact: **Cindy Walbridge**

Phone: **(541) 387-5217** Extension:

Address: **P.O. Box 27**

Fax Number: **541-387-5289**

City: **Hood River**

Zip: **97031-**

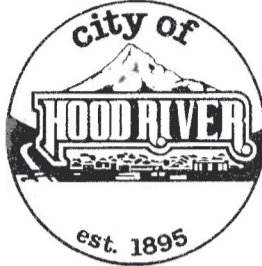
E-mail Address: **cindy@ci.hood-river.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Mayor
Linda Steich
Councilors:
President: Paul Cummings
Carrie Nelson
Paul Blackburn
Ann Froel
Martin Campos-Davis
Laurent Picard



301 OAK STREET
P.O. BOX 27
HOOD RIVER, OREGON 97031

(541) 386-1488

December 18, 2007

NOTICE OF CITY COUNCIL DECISION

TO: All Participating Parties
FROM: Cindy Walbridge, Planning Director
SUBJECT: Legislative changes to Title 17 - Ordinance 1937.

Applicant: City of Hood River, File Number 2007-13

Proposal: Ordinance Number 1937: (An ordinance amending Section 17.01.060--Definitions Chapter 17.04 - Supplementary Provisions of the Hood River Municipal Code)

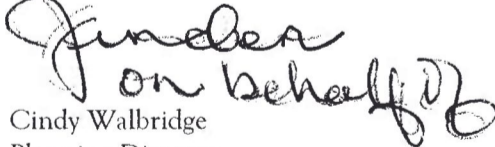
Description of Action: The City Council **approved** an ordinance amending Chapter 17.22 at a public hearing on **Monday, December 10, 2007**. The decision was signed on **December 13, 2007**.

Appeal: The decision of the City Council shall be final unless the decision is appealed to the Land Use Board of Appeals in accordance with the appeal procedures in ORS 197.830 to 197.869.

A copy of the Findings and Conclusions as well as a copy of all documents and evidence in the record on which the decision is based, are available for inspection at no cost and copies will be provided at the cost of \$.37 per page at the City Planning Department, 301 Oak Street, between the hours of 8 a.m. to 5 p.m. Monday through Friday.

If you have questions, please call (541) 387-5210.

Sincerely,


Cindy Walbridge
Planning Director

ORDINANCE NO. 1937

(An ordinance amending Section 17.01.060—Definitions, Chapter 17.04 –
Supplementary Provisions of the Hood River Municipal Code)

WHEREAS, the City undertook a visioning process that involved a written survey and town hall meetings;

WHEREAS, the following amendments to Title 17 respond to issues raised during the visioning process to include provisions for the character and scale of the City's residential neighborhoods;

WHEREAS, the following amendments are necessary to differentiate among fences, walls, and retaining walls so that both up and down-hill properties are protected during development;

WHEREAS, the following amendments are consistent with the City's Comprehensive Plan as set forth in the attached Findings of Fact and Conclusions of Law, which are approved and hereby incorporated by reference;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

**Section 17.01.060—Definitions is amended to read as follows:
[only the portion being amended is reproduced here; deletions shown in strike-out and additions shown in underline]**

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.

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.

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

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. ~~Driveways and walks less than thirty (30) inches and fences six (6) feet or less above the ground on which they rest shall not be considered structures.~~

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

**Section 17.04 – Supplementary Provisions is amended to read as follows:
[only the portion being amended is reproduced here; deletions shown in strike-out and additions shown in underline]**

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 for 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.

17.04.060 General Requirements for Parking Lots becomes 17.04.130.

17.04.090 Vision Clearance Area

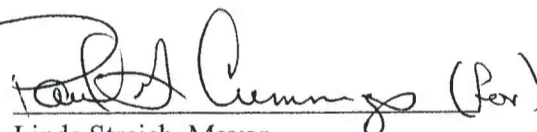
Corner lots or parcels in all residential zones and fences, walls, and retaining walls on property lines shall provide and maintain a vision clearance area. A "vision clearance area" is defined as a triangular area formed at a corner lot or parcel by the intersection of the street curb and a straight 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.

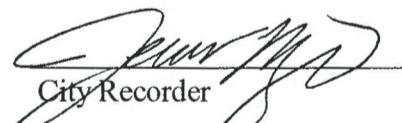
Read for the first time: 11/26/07

Read for the second time and passed: 12/10, 2007, to become effective thirty (30) days hence.

Signed December 12, 2007


Linda Streich, Mayor

ATTEST:


City Recorder

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: August 27, 2007

Subject: NO. 1937 (An ordinance amending Section 17.01.060—Definitions, Chapter 17.04 – Supplementary Provisions of the Hood River Municipal Code)

Background: The City of Hood River made application to amend Title 17 – Zoning Ordinance in response to the Visioning process and the Residential design guidelines town hall meeting, both held in 2005. An overwhelming number of citizens are concerned about the increasing height, bulk and scale of residential development in the City.

The City undertook a visioning process that involved a written survey and town hall meetings;

The amendments to Title 17 respond to issues raised during the visioning process to include provisions for the character and scale of the City's residential neighborhoods and specifically the size and location of retaining walls on property lines. These amendments reduce the height of walls on property lines.

The amendments are necessary to differentiate among fences, walls, and retaining walls so that both up and down-hill properties are protected during development;

The Planning Commission conducted the required public hearings on the above topics and recommend to the Council approval of the zone text amendments.

Suggested Motion: At the conclusion of the public hearing: I move that we read Ordinance 1937 and adopt the findings of fact by title only for a first time (second time, if applicable).

Alternatives: Don't approve as presented.

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: November 26, 2007

Subject: NO. 1937 (An ordinance amending Section 17.01.060—Definitions, Chapter 17.04 – Supplementary Provisions of the Hood River Municipal Code – specifically fences and retaining walls).

Background: The City Council heard this request previously, but asked the Planning Commission to review the following concern: As currently written, a property owner could “carve out” a parking area or area that would result in a wall of any height within the setback. Did the Planning Commission mean to limit the size of concrete walls in the setback? If so, the current language does not get them there.

The Planning Commission met in a work session and agreed with Council’s concerns. The language was amended to add that any wall facing a public dedicated right-of-way could have no more than 4’ of exposed wall face.

The ordinance also reflects Planning Commission’s recommendation NOT to amend the vision clearance area from 15’ to 30’. As staff presented in testimony, those intersections where the vision clearance at 15’ was a problem were either not meeting the existing code; or the change to 30’ would not fix the problem. The PC suggests strictly enforcing the existing vision clearance provision and to revisit the issue in a year or two to determine if the distance still needs changing.

One last administrative change to the ordinance includes moving those portions of definitions that were not solely defining the term to the “Supplementary Provisions” portion of the code.

All these changes have been added to the attached ordinance.

Suggested Motion: At the conclusion of the public hearing: I move that we read Ordinance 1937 and adopt the findings of fact by title only for a first time (second time, if applicable).

Alternatives: Don’t approve as presented.

City of Hood River
P.O. Box 27
Hood River, OR 97031

DLCD
Plan Amendment Specialist
635 Capitol St. NE Suite 150
Salem, OR 97301



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