



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

03/19/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment
DLCD File Number 001-12

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: Tuesday, April 02, 2013

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Kevin Liburdy, City of Hood River
Gordon Howard, DLCD Urban Planning Specialist
Karen Swirsky, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

MAR 13 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Hood River**

Local file number: **2012-21**

Date of Adoption: **2/25/2013**

Date Mailed: **3/12/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/15/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

1) Place special restrictions on residential/mixed-use development in General Commercial (C-2) Zone in Waterfront area, including amendment of definition of "Waterfront." 2) Reduce setbacks for small accessory structures. 3) Remove Sign Code and associated definitions from the zoning ordinance and codify in a new chapter of the Hood River Municipal Code (Title 18). All amendments adopted through Ordinance No. 2004.

Does the Adoption differ from proposal? Yes, Please explain below:

Did not clarify minimum density requirements in the General Commercial (C-2) Zone outside of the Waterfront area, and did not add definitions for Gross Acre or Net Acre.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Legislative amendment**

Acres Involved:

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

DLCD File No. 001-12 (19553) [17383]

DLCD file No. _____

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

Local Contact: **Kevin Liburdy**

Phone: (541) 387-5224 Extension:

Address: **PO Box 27**

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

City: **Hood River**

Zip: **97031-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**BEFORE THE CITY OF HOOD RIVER CITY COUNCIL
HOOD RIVER, OREGON**

In the matter of Amendments)
To the Hood River Municipal)
Code: Chapter 17.01.060,)
Definitions, 17.03.050, General)
Commercial Zone, 17.04.030,)
General Provisions Regarding)
Accessory Uses, 17.13, Sign)
Regulations and Title 18, Signs)
And Related Regulations,)
File #2012-21)

FINDINGS AND CONCLUSIONS

I. GENERAL INFORMATION:

- A. **REQUEST:** Amendments to the Hood River Municipal Code (HRMC) as follows: 1) Amend the definition of Waterfront in HRMC 17.01.060, and amend HRMC 17.03.050 to eliminate residential dwelling units as permitted and conditional uses in the General Commercial (C-2) Zone in the Waterfront district. 2) Amend HRMC 17.04.030 to reduce setback requirements for accessory structures used for non-business purposes that are less than 10-feet tall and less than 100-square feet in area to a minimum of three feet from side- and rear property lines in the Urban Low Density Residential (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential (R-3) and Office/Residential (C-1) Zones. 3) Remove the Sign Regulations from HRMC 17.13 and associated sign definitions from HRMC 17.01.060 and codify them in a new title of the Hood River Municipal Code (Title 18) including updated citations and procedures, and clarifications.
- B. **APPLICANT:** City of Hood River
- C. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:**
- 17.08.020 – Legislative Zone Changes and Plan Amendment Criteria
 - 17.09.050 – Legislative Actions
- D. **COMMENTS:** Property owners entitled to notice pursuant to ORS 227.186 were notified of this request. Notice also was published in the Legal Notices section of the Hood River News. The following parties submitted comments to the city planning commission and city council in response to the proposal:
1. Thomas C. Peachy on behalf of John Douglas Hattenhauer and Mary Lee Hattenhauer, 11/16/12
 2. Andy von Flotow, Hood Tech Corporation, 11/15/12 (email)
 3. Jeff Pickhardt, Key Development Corporation, 11/19/12 (email)
 4. Doug Hattenhauer on behalf of Riverfront 76 and Hattenhauer Distributing, 11/19/12 (verbal testimony to planning commission)
 5. Greg Colt, 11/19/12 (verbal testimony to planning commission)
 6. David Ryan, 11/19/12 (verbal testimony to planning commission)
 7. Bob Naito, 11/19/12 (verbal testimony to planning commission)
 8. Michael McElwee on behalf of Port of Hood River, 11/19/12 (verbal testimony to planning commission)
 9. Chuck Hinman on behalf of Hood River Inn, 11/19/12 (verbal testimony to planning commission)
 10. Thomas Stevenson, 11/19/12 (verbal testimony to planning commission)
 11. Bob Naito, Naito Development, LLC, 11/30/12
 12. Heather Staten, 1/14/13 (verbal testimony to city council)
 13. Linda Maddox, 1/14/13 (verbal testimony to city council)

14. Greg Colt, 1/14/13 (verbal testimony to city council)
15. John Davies on behalf of the Port of Hood River, 1/28/13 (verbal testimony to city council)
16. Jeff Pickhardt, Key Development Corporation, 1/28/13 (verbal testimony to city council)
17. Bill Irving, 2/11/13 (email)
18. Josh Sceva, 2/11/13 (verbal testimony to city council)

E. **AGENCY COMMENTS:** The Oregon Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT) were notified of this request. No comments were submitted by agencies.

F. **HISTORY:**

1. Planning Commission work session held September 17, 2012
2. Planning Commission work session held October 1, 2012
3. Notice of Proposed Amendment mailed to DLCD on October 15, 2012
4. ORS 227.186 (BM56) notices mailed to property owners on October 31, 2012
5. Referrals were emailed to city staff, county planning department staff and ODOT on November 1, 2012
6. Notice of proposed municipal code amendments published in the Legal Notices section of Hood River News on November 7, 2012
7. Planning Commission hearing held on November 19, 2012
8. City Council hearing opened December 10, 2012 and continued to January 14, 2013
9. City Council hearing held January 14, 2013 and continued to January 28, 2013
10. City Council hearing held January 28, 2013 and continued to February 11, 2013
11. City Council hearing held February 11, 2013
12. Ordinance No. 2004 read for first time February 11, 2013
13. Ordinance No. 2004 read for second time February 25, 2013
14. Notice of decision mailed on MARCH 5, 2013.

G. **ATTACHMENTS:**

- Attachment "A" –Ordinance No. 2004
 - Exhibit A – HRMC 17.01.060 and HRMC 17.03.050
 - Exhibit B – HRMC 17.04.030
 - Exhibit C – HRMC 17.01.060 and HRMC 17.13 and Title 18
- Attachment "B" – Waterfront district location map

II. BACKGROUND

- 1) **Exhibit A (HRMC 17.01.060 and HRMC 17.03.050)- Expand the area defined as Waterfront to include land north of Interstate 84 that is west of the Hood River (SR-35) Bridge and east of the Hook, and place special restrictions on residential/mixed uses in the General Commercial (C-2) Zone in this Waterfront district.**

The citizens of Hood River have spent countless hours working to identify desired uses and development patterns on the Waterfront. In association with this application, the City initially considered eliminating residential dwelling units in the General Commercial (C-2) Zone in an expanded Waterfront district.

The Waterfront district has changed significantly over the last 75 years. The Port of Hood River provides a comprehensive history of development of the Waterfront district at www.portofhoodriver.com/info/history.php , summarized in part and augmented with zone-change information as follows:

- 1933: Port of Hood River established as a part of the Bonneville Dam Project.
- 1937: Bonneville Dam (first powerhouse) completed and Lake Bonneville formed.
- 1950s: Property acquired along the Hood River waterfront to prepare for future fill and development. Property east of the Hood River (SR-35) Bridge filled and prepared for development.
- 1954: With the adoption of the City's first zoning ordinance (Ordinance No. 1006), property north of US Hwy 30 (prior to construction of Interstate 84) and west of the Hood River was zoned M-1, Industrial District. No zoning adopted for land west of the Hood River.
- 1960s: Fill completed at the second waterfront site located west of the Hood River.
- 1970: Fill completed at third site in the Marina Park area and general improvements began. Waterfront Industrial Park businesses included Luhr Jensen, Western Power Products, Hood River Distillers and Jantzen.
- 1975: First Port of Hood River Waterfront Plan produced.
- 1980: With the adoption of the City's Comprehensive Plan, property north of Interstate 84 and west of the "Boat Basin" was zoned Light Industrial, property surrounding the Boat Basin was zoned Industrial, and property surrounding the Hood River (SR-35) Bridge was zoned General Commercial.
- 1983: Hood River Waterfront Plan, Phase I, set waterfront development in process.
- 1985: Pedestrian bridge built across the Hood River to link Marina Park with downtown.
- 1989: Cruise ships began stopping at the commercial dock. Hood River Waterfront Plan updated.
- 1991: Construction of the Event Site began and improvements made to cruise ship dock.
- 1992: Hood River Waterfront Plan updated.
- 1993: Clark Door building began its transformation into Expo Center exhibition hall and Visitors Center. Commercial use of the property was permitted in the Light Industrial zone at that time.
- 1994: Marina Planning Committee process began to study future development of commercially zoned areas of the Marina.
- 1994: City changed Light Industrial zone to require Conditional Use Permits for commercial uses.
- 1995: Waterfront Advisory Committee formed as part of an agreement between the Port and the City of Hood River to prepare a plan for the waterfront.
- 1997: City changed Light Industrial zone to prohibit commercial uses.
- 1998: Port received grant for street and utility improvements for the Second Street extension project. And, panel appointed to study development of a waterfront park.
- 1998: Zone change approved on the Expo Center property (3N10E25 Tax Lots 116, 117, 118) from Light Industrial to General Commercial (File No. 1998-24, Ordinance No. 1762). Planning Commission adopted conditions of approval limiting use of the property to the Expo Center, Visitor's Center, Parking (west side) and Conference Center with an expectation that these conditions would become null if/when the Waterfront Master Plan was adopted.
- 1999: Zone change approved on the Hattenhauer property near the southwestern corner of Boat Basin (3N10E25DC#200) from Light Industrial to General Commercial (File No. 1999-10, Ordinance No. 1772). Approval was based on historic use as vehicle service station.
- 2000: City withdrew proposal for mixed-use waterfront zone (File No. 1997-18).
- 2000: Leland Consulting Group chosen by Port/City Task Force to develop a new master plan, which included zoning and implementation guidelines. The Leland Plan was not economically feasible and the Port/City Task Force continued to work together on the waterfront zoning to complete the Waterfront Action Plan.
- 2000 and 2002: Army Corps of Engineers dredged Boat Basin channel to allow bigger cruise ships to pass through channel from Columbia River.
- 2004: City considered adoption of Ordinance 1851 to facilitate mixed-use development on the waterfront. The ordinance was not adopted.
- 2005: Port decided to develop the waterfront as a business park, with public amenities interspersed for recreation, bicycle/pedestrian riverfront trails and water access.

- 2006: Port donated 6.4 acres of land to the City of Hood River for a waterfront park.
- 2006: 2nd Street extension was constructed as a new entry into the waterfront area in anticipation of the Waterfront Employment project design and development work.
- 2006: Hood River delta formed, blocking access for cruise ships to the Boat Basin.
- 2006: Zone change approved for the Nichols Boat Works property (3N10E25DB Tax Lots 100 and 200) from Industrial to General Commercial. The Planning Commission found that the rezone would allow uses associated with recreation such as restaurants, recreational rental, hotels and similar amenities for tourists and recreational users, and that it was consistent with the City's 1999 Goal 9 inventory which identified a need for 8 acres of lodging development including approximately 275 lodging rooms.
- 2007: Port developed Waterfront Development Strategy.
- 2008: Great Recession began.
- 2008: 42 condominiums approved on former Nichols Boat Works property. Project not constructed, entitlement expired.
- 2009: Port developed Halyard Building for light industrial use.
- 2010: Zone change approved for the western edge of the Boat Basin (3N10E25 Tax Lots 100, 102, 109, 115 and 500) from Industrial to Light Industrial (File No. 2010-17, Ordinance No. 1989).
- 2010: Ryan Juice began relocation to Waterfront.
- 2011: Construction of Turtle Island Foods manufacturing facility began.
- 2011: Construction of Hood Technologies light industrial office building began.
- 2011: City conducted an Economic Opportunities Analysis (EOA) under State-wide Planning Goal 9 (Economic Development), was adopted by the City Council (Ordinance 1994).
- 2012: Port initiated planning process for "Lot 1" on Waterfront resulting in three development concepts and a market research paper considering potential development scenarios.

City of Hood River Economic Opportunities Analysis (EOA):

The adopted EOA includes revised goals, policies and implementation strategies under Goal 9 of the Comprehensive Plan associated with improving employment opportunities.

Goal 9 policies affecting the Waterfront include:

2. Support a mix of light and heavy industrial development on the Waterfront that is compatible with recreational activities and that supports recreational commercial development.
6. The City has several commercial areas that can be set apart in the City and each have their own unique characteristics: Central Business District, The Heights Business District, the Waterfront, and West Cascade. The City will seek to distinguish these differences and propose ways to maintain these distinct employment districts.
8. Minimize conflicts between uses that generate pollution, noise and similar adverse conditions (e.g. industrial) with other uses.
11. Maximize the potential use of the Waterfront and Exit #62. Policy actions should reflect the possibility of large-scale, denser development at the Waterfront and where there are areas for higher density, industrial uses including a campus setting.

The EOA also recommends zoning ordinance amendments in commercial and industrial zones associated with improving employment opportunities, including prohibiting low density single-family, duplex and triplex residential uses in the General Commercial (C-2) Zone, but allowing as a conditional use mixed-use development subject to standards.

In association with Ordinance 1994, zoning ordinance amendments were adopted in the General Commercial (C-2) Zone to eliminate single family dwellings and accessory uses, duplexes and triplexes

as outright permitted uses; to allow as conditional uses stand-alone residential dwellings subject to a minimum density standard and only when developed as Planned Unit Developments; and, to allow as a conditional use residential uses constructed in conjunction with commercial uses on the same lot or parcel subject to a minimum density standard.

Due to time constraints associated with a grant that funded the EOA, the zoning ordinance amendments adopted with Ordinance 1994 were not comprehensive and subsequent amendments were contemplated by the City Planning Commission and City Council in order to better implement the EOA and associated policies of the Comprehensive Plan.

Ordinance No. 2004:

Currently there are no residential dwellings located in the Waterfront district (Attachment “B”). The existing requirement to obtain a conditional use permit in order to develop residential dwellings in the General Commercial (C-2) Zone does not appear to allow the City to prohibit such dwellings even if they may result in conflicts with commercial and industrial employment opportunities.

Prior to initiating hearings on these code amendments, the Planning Commission held two work sessions to discuss eliminating residential dwellings from the lists of permitted and conditional uses in the General Commercial (C-2) Zone in the Waterfront district. The commission considered eliminating *exclusively* residential development as well as *mixed-use* (i.e. combination of commercial and residential) development in the district. Consensus was reached that *exclusively* residential development is not appropriate in the C-2 Zone in the Waterfront district. However, *mixed-use* development may be acceptable in the C-2 Zone in the Waterfront district if standards can be codified to ensure adverse impacts to employment opportunities are avoided. Further, the City has an interest in provision of affordable- and workforce housing.

In order to maximize use of the Waterfront for employment opportunities, the City seeks to distinguish property zoned General Commercial (C-2) in the Waterfront district from other commercial areas. By placing special restrictions on residential/mixed uses, conflicts can be minimized with existing and future employers in the Waterfront district such as manufacturers.

The City Council anticipates future code amendments may be necessary affecting residential/mixed uses in the Waterfront district to better support employment opportunities and to ensure consistency with related goals, policies and implementation strategies of the Comprehensive Plan including the Economic Opportunities Analysis.

- 2) **Exhibit B (HRMC 17.04.030) - Reduce setback requirements for accessory structures used for non-business purposes that are less than 10-feet tall and less than 100-square feet in area to a minimum of three feet from side- and rear property lines in the Urban Low Density Residential (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential (R-3) and Office/Residential (C-1) Zones.**

Section 17.04.030 of the zoning ordinance currently requires accessory uses and structures to comply with the requirements of the principal use and structure, including setback standards. However, not all structures require building permits¹. As a result, property owners may inadvertently install such structures near property lines in violation of zoning ordinance setback standards.

¹ The Oregon Residential Specialty Code (2011) Section R105.2 exempts some structures from obtaining building permits including non-habitable, single-story, detached, accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and a height of 10 feet measured from the finished floor level, to the average height of the roof surface.

Prior to initiating hearings on these code amendments, the Planning Commission held two work sessions to consider allowing accessory structures as large as 200-square feet and up to 10-feet tall to be located closer to property lines. Structures of such scale may have adverse impacts on adjacent property owners if located closer to property lines. Further, structures placed closer to property lines containing flammable materials may result in a fire hazard².

As a means of provide greater flexibility and achieving more efficient use of land in residential zoning districts without adversely impacting adjacent property owners, a minimum side- and rear-yard setback of three (3) feet is recommended for accessory structures that are less than 10-feet tall (pursuant to the Zoning Ordinance definition) and less than 100-square feet in area.

- 3) Exhibit C (HRMC 17.01.060 and HRMC 17.13 and Title 18)- Remove the Sign Regulations from HRMC 17.13 and associated sign definitions from HRMC 17.01.060 and codify them in a new title of the Hood River Municipal Code including updated citations and procedures, and clarifications.

Signs are not regulated in the same manner as land use. As such, it is recommended that Sign Regulations and associated definitions are removed from the Zoning Ordinance and placed in a separate title of the Hood River Municipal Code.

III. ZONING ORDINANCE APPROVAL CRITERIA:

A. CHAPTER 17.08 – ZONE CHANGES AND PLAN AMENDMENTS:

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.

FINDINGS: The City Council initiated legislative amendments to the Hood River Municipal Code in order to consider elimination of residential dwellings as permitted and conditional uses in the General Commercial (C-2) Zone in the Waterfront district. The City Manager and Planning Department Staff worked with the Planning Commission to initiate legislative amendments to remove the Sign Regulations and associated definitions from the Zoning Ordinance and to place them in a new title of the Hood River Municipal Code. Planning Department Staff worked with the Planning Commission to initiate legislative amendments to reduce setbacks for small accessory structures in residential zones.

The Planning Commission held a hearing to consider legislative amendments to the Hood River Municipal Code and made recommendations to the City Council. The City Council held three hearings to consider the Planning Commission's recommendations and to take additional public testimony before making a decision. Notice of the proposed legislative amendments was published in the Hood River News greater

² The Oregon Residential Specialty Code (2011) Table R302.1 requires fire resistant construction for exterior walls of dwellings and accessory buildings (with exceptions) when placed less than three feet from a property line and for projections such as roof eaves placed within two feet of a property line.

than 20 days prior to the date of the City Council hearing. As such the proposal is consistent with these requirements.

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.

- 1) **Exhibit A (HRMC 17.01.060 and HRMC 17.03.050) – Expand the area defined as Waterfront to include land north of Interstate 84 that is west of the Hood River (SR-35) Bridge and east of the Hook, and place special restrictions on residential/mixed uses in the General Commercial (C-2) Zone in this Waterfront district.**

FINDINGS: The effects of the change will not be unreasonably harmful or incompatible with existing uses in the surrounding area because the Waterfront district is zoned primarily for purposes of employment generation and for recreation. In the Waterfront district, the Light Industrial (LI) zoning designation is applied to more land than any other zoning designation. Development of residential dwellings near industrial uses such as manufacturing operations may result in conflicts such as complaints about noise, odors and traffic. Placing special restrictions on residential/mixed uses is intended to minimize conflicts between uses in this area including existing and future employers such as manufacturers.

Public facilities will be used efficiently because they will be designed to accommodate a mix of uses, primarily employers including those that generate truck traffic.

No unnecessary tax burden on the general public or adjacent land owners will result because commercial and industrial uses typically pay more taxes than residential uses.

According to the Economic Opportunities Analysis, there is not an adequate amount of land designated as suitable for office uses because offices are not specifically listed as permitted uses in the General Commercial (C-2) Zone. However, the City has interpreted that offices are permitted in the C-2 Zone as commercial uses. Placing special restrictions on residential/mixed uses may facilitate development of more office employment in the Waterfront district.

Factors pertinent to the preservation and promotion of the public health, safety and welfare were considered including:

- The character of the area involved which is used primarily for employment generation and for recreation. The proposal is expected to better facilitate employment generation by minimizing establishment of incompatible uses.
- The area's suitability for employment generation which, due to its proximity to Interstate 84, is unique in its ability to server employers.
- Conservation of property values which, because conflicts between employment generators and residential dwellings will be minimized, are expected to remain stable.
- The direction of building development which features several new commercial and industrial employers who have located in the Waterfront district recently.
- Other factors considered include traffic impacts.

- 2) **Exhibit B (HRMC 17.04.030) - Reduce setback requirements for accessory structures used for non-business purposes that are less than 10-feet tall and less than 100-square feet in area to a minimum of three feet from side- and rear property lines in the Urban Low Density Residential (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential (R-3) and Office/Residential (C-1) Zones.**

FINDINGS: The effects of the change will not be unreasonably harmful or incompatible with existing uses in the surrounding area because the subject accessory structures will not be used for business purposes and will be required to maintain a minimum of a three-foot setback from side- and rear property lines (standard setback from front property line).

The proposal will have no effect on public facilities because the subject structures will not be located in public rights-of-way, will not be habitable and will not be used for business purposes. As such, public facilities will continue to be used efficiently.

No unnecessary tax burden on the general public or adjacent land owners will result from the change. Property owners may be taxed on the value of their accessory structure(s) if they choose to build/install them.

The hearing body considered factors pertinent to the preservation and promotion of the public health, safety, and welfare, including:

- The character of the area involved, which is used primarily for residential development. The proposal facilitates more efficient use of residential land.
- The suitability of the affected area, which is residential property where zoning setbacks typically prohibit structures in side- and rear yards. The suitability of these setback areas for building structures is limited for health and safety purposes. Due to the size limitations, use for non-business purposes, and maintenance of a minimum setback of three feet, the area is determined to be suitable for the subject accessory structures because no adverse impacts to adjacent properties are expected.
- Conservation of property values, which are expected to remain stable because property owners will be able to use land more efficiently and because no adverse impacts to adjacent properties are expected.
- The direction of building development which, in some areas, features larger homes on smaller lots where the change will allow more efficient use of limited yard areas.

- 3) **Exhibit C (HRMC 17.01.060 and HRMC 17.13 and Title 18) - Remove the Sign Regulations from HRMC 17.13 and associated sign definitions from HRMC 17.01.060 and codify them in a new title of the Hood River Municipal Code including updated citations and procedures, and clarifications.**

FINDINGS: The effects of the changes will not be unreasonably harmful or incompatible with existing uses in the surrounding area because no changes are proposed to the sign standards. The proposed changes simply move the sign standards and associated definitions to a new title in the municipal code.

The proposal will have no effect on public facilities which will continue to be used efficiently.

No unnecessary tax burden on the general public or adjacent land owners will result from the changes.

The hearing body considered factors pertinent to the preservation and promotion of the public health, safety, and welfare, including:

- The character of the area involved which is the entire city.
- The area's suitability for particular uses which will not be affected by the changes.
- Conservation of property values which are expected to remain stable because the changes have no effect on permissible sign types, sizes or locations.
- The direction of building development which continues to demand signage in association with a variety of uses.

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).

FINDINGS: Transportation impacts must be evaluated when zoning is amended in a manner that increases the potential for vehicular trip generation. Placing special restrictions on residential/mixed uses in the General Commercial (C-2) Zone in the Waterfront is not expected to result in an increase in traffic because a commercial use such as a movie theater, which has a significantly greater traffic impact than a residential use, will continue to be permitted.

No changes are proposed to the functional classification of an existing or planned transportation facility. No changes are proposed to standard implementing the functional classification system identified in the City's Transportation System Plan (TSP). The proposed changes will not allow types of levels of land use that will result in levels of travel or access that are inconsistent with the functional classification of a transportation facility. The proposed changes will not reduce the level of service of a transportation facility below the minimum acceptable level identified in the TSP. The proposed changes will not 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. As such, the proposed amendments will not significantly affect transportation and a Traffic Impact Analysis or Traffic Assessment Letter is not required.

IV. CONCLUSIONS: The approval criteria for the proposed amendments are met.

Exhibit A (HRMC 17.01.060 and HRMC 17.03.050)

Establishment of special restrictions on residential/mixed uses in the General Commercial (C-2) Zone in the Waterfront district is intended to improve commercial and industrial employment opportunities by minimizing conflicts between incompatible uses.

The City Council anticipates future code amendments may be necessary affecting residential/mixed uses that support employment opportunities in the Waterfront district and that are consistent with related goals, policies and implementation strategies of the Comprehensive Plan including the Economic Opportunities Analysis.

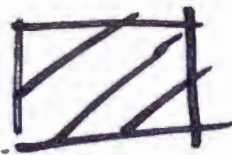
Exhibit B (HRMC 17.04.030)

In residential zoning districts, a minimum side- and rear-yard setback of three (3) feet for accessory structures used for non-business purposes that are less than 10-feet tall and less than 100-square feet in area is expected provide greater flexibility and more efficient use of land without adversely impacting adjacent property owners.

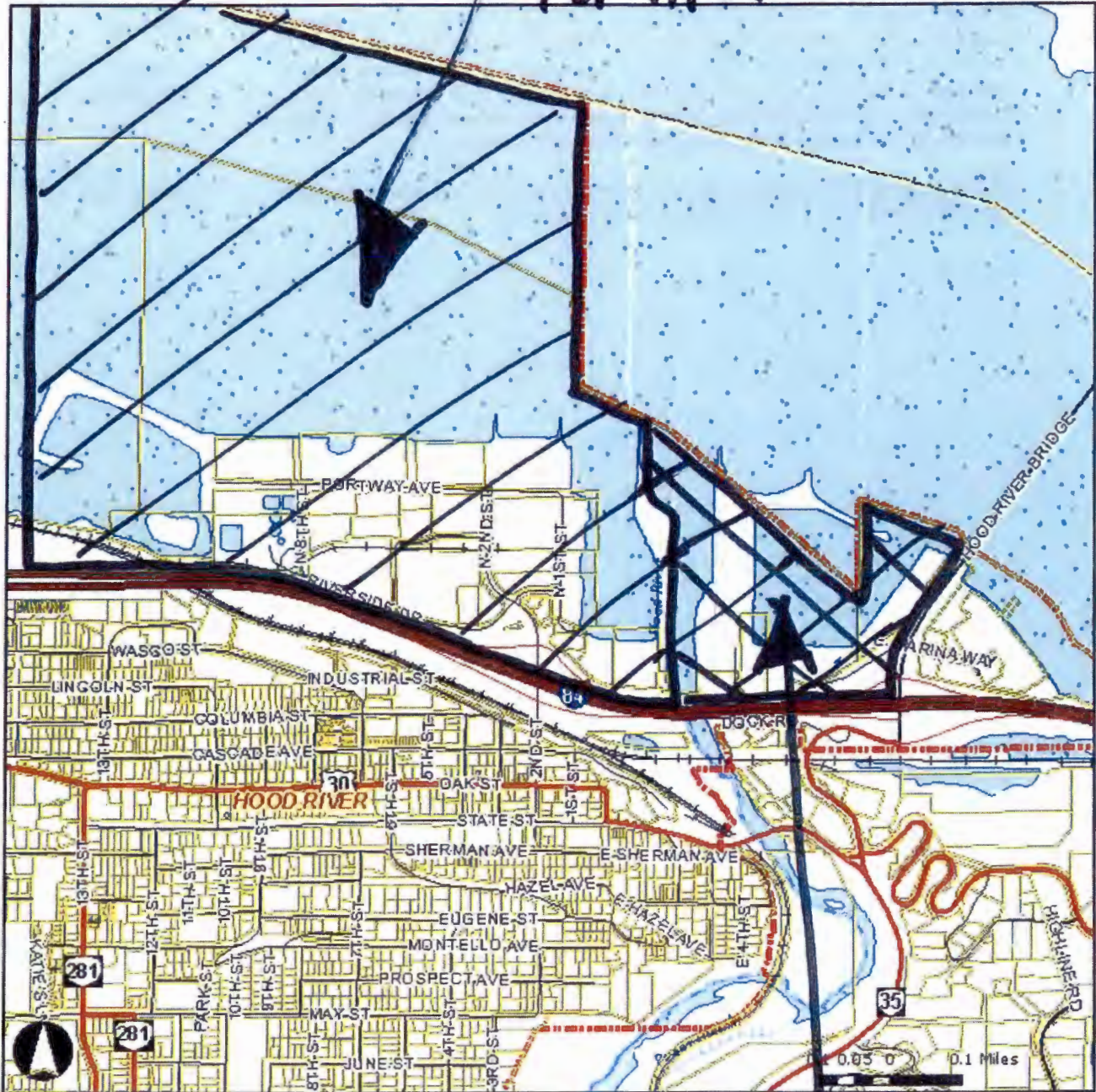
Exhibit C (HRMC 17.01.060 and HRMC 17.13 and Title 18)

Removal of Sign Regulations and associated definitions from the Zoning Ordinance and placement of these regulations and associated definitions in a separate title of the Hood River Municipal Code is recommended because signs are not regulated in the same manner as land use.

V. DECISION: Based on the above findings of fact and conclusions of law, the City Council approves Legislative Code Amendments through Ordinance No. 2004.



**EXISTING WATERFRONT AREA
PER HRMC 17.01.060**



PROPOSED ADDITION TO WATERFRONT



**BEFORE THE CITY COUNCIL
FOR THE CITY OF HOOD RIVER, OREGON**

ORDINANCE NO. 2004

**An Ordinance Amending the Hood River Municipal Code
Title 17 (Zoning) Chapter 1 (General Provisions), Chapter 3 (Land Use Zones) and
Chapter 4 (Supplementary Provisions), repealing Chapter 13 (Sign Regulations),
and Adopting a new Title 18 (Signs and Related Regulations), Chapter 01 (General
Provisions) and Chapter 02 (Sign Regulations).**

The Hood River City Council finds as follows:

WHEREAS, the City Council determined there was a need to update and revise certain provisions in Title 17 of the Hood River Municipal Code (“HRMC”) and to remove the Sign Code from Title 17 and place it in its own non-land use title, Title 18, to address a variety of issues affecting the community; and

WHEREAS, the City commissioned and adopted an Economic Opportunities Analysis (“EOA”) under State-wide Planning Goal 9 (Economic Development) that was adopted by the City Council on July 11, 2011 as Ordinance 1994, and which recommended revision of certain goals, policies and implementation strategies under Goal 9 (Economic Development) of the Comprehensive Plan associated with improving employment opportunities; and

WHEREAS, Policy 6 of Goal 9 (Economic Development) recognizes that the City has several commercial areas that have unique characteristics including the Central Business District, The Heights Business District, the Waterfront, and West Cascade. Policy 6 states that the City will seek to distinguish these differences and propose ways to maintain these distinct employment districts; and

WHEREAS, the EOA also recommended certain zoning ordinance (Title 17) amendments in commercial and industrial zones to improve employment opportunities, including prohibiting low density single-family, duplex and triplex residential uses in the General Commercial (C-2) Zone, but conditionally allowing mixed-use development subject to certain standards; and

WHEREAS, in association with Ordinance 1994, the City Council adopted certain zoning ordinance amendments to the General Commercial (C-2) Zone to eliminate single family dwellings and accessory uses, duplexes and triplexes as outright permitted uses; to allow conditionally stand-alone residential dwellings subject to a minimum density standard and only when developed as Planned Unit Developments; and, to allow conditionally residential uses constructed in conjunction with commercial uses on the same lot or parcel subject to a minimum density standard; and

WHEREAS, due to time constraints associated with a grant funding the EOA, the zoning ordinance amendments adopted with Ordinance 1994 were not comprehensive enough, and it became apparent that additional amendments were needed to better implement the EOA; and

WHEREAS, a conditional use permit requirement for dwellings in the C-2 Zone is not a legally sufficient basis to prohibit dwellings which is called for when residential development conflicts with the need for commercial job-creating development; and

WHEREAS, since the adoption of Ordinance 1994, the City Council has concluded that construction of dwellings in the General Commercial (C-2) Zone within the Waterfront area may conflict with the overriding policy of creating employment opportunities in that area, which means promoting commercial and industrial development; and

WHEREAS, currently there are no residential dwellings located in the C-2 Zone within the Waterfront area; and

WHEREAS, the City Council determined that residential uses in the Waterfront area should be eliminated in order to stem the erosion of the commercial land base but, after receiving compelling testimony from property owners, determined that a compromise would be acceptable that allows residential uses subject to special restrictions intended to ensure residential uses remain subordinate and complimentary to commercial uses;

WHEREAS, any restrictions on residential development in the Waterfront area may be revised in the future to facilitate additional residential development when it is found to support employment opportunities and is otherwise consistent with the goals, policies and implementation strategies of the Comprehensive Plan and the EOA; and

WHEREAS, greater flexibility is needed for placement of garden sheds and similar structures that are accessory to residential dwellings in the Urban Low Density Residential (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential (R-3) and Office/Residential (C-1) zoning districts; and

WHEREAS, allowing small accessory structures to be placed within the normal setbacks without adversely impacting neighboring properties is a more efficient use of land; and

WHEREAS, to avoid conflicts with State land use laws, the City desires to remove Sign Regulations from the Zoning Ordinance (Title 17) and to place the Sign Regulations and associated definitions in a separate new title (Title 18) of the Hood River Municipal Code; and

WHEREAS, the Hood River Planning Commission held public work sessions on these zoning ordinance amendment proposals on September 17, 2012 and October 1, 2012; and

WHEREAS, Notice of a Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development (DLCD) on October 15, 2012, which was 35 days prior to the first evidentiary hearing; and

WHEREAS, notices were mailed in accordance with ORS 227.186 (Measure 56) on October 31, 2012, to owners of property zoned General Commercial (C-2) located north of Interstate 84, west of the Hood River (SR-35) Bridge, and east of the Hook; and

WHEREAS, notice of the proposed municipal code amendments was published in the Legal Notices section of the Hood River News on November 7, 2012; and

WHEREAS, the Planning Commission held a public hearing on November 19, 2012, and recommended adoption of amendments to the Hood River Municipal Code set forth in Exhibits B and C, attached hereto and by this reference incorporated herein; and

WHEREAS, the City Council opened a public hearing to consider these Municipal Code amendments on December 10, 2012 and continued the hearing to January 14, 2013; and

WHEREAS, the City Council considered the Planning Commission's recommendations in a public hearing at its regular meetings on January 14, 2013, January 28, 2013, and February 11, 2013, at which time it accepted public testimony; and

WHEREAS, after due consideration and public deliberation, the City Council voted to tentatively approve the amendments as set forth in Exhibit A, B and C.

NOW THEREFORE, based on the foregoing Findings, the Hood River City Council ordains as follows:

Section 1 - General Commercial (C-2) Zone Revision. The Hood River Municipal Code, Title 17 (Zoning), Chapter 01 (General Provisions), Sections 17.01.050 (General Commercial Zone C-2) and 17.01.060 (Definitions) are hereby amended to read as set forth in Exhibit A, attached hereto and by this reference made a part hereof. In particular, HRMC §17.03.050 is amended to place special restrictions on residential uses as conditional uses in the Waterfront area, and HRMC §17.01.060 is amended to redefine WATERFRONT.

Section 2 – Small sheds allowed within side- and rear-yard setbacks. The Hood River Municipal Code, Title 17 (Zoning), Chapter 04 (Supplementary Provisions), Section 17.04.030 (General Provisions Regarding Accessory Uses) is hereby amended to read as set forth in Exhibit B, attached hereto and by this reference made a part hereof. In particular, HRMC §17.04.030 is amended to reduce

setback requirements to a minimum of three feet from side and rear property lines in the Urban Low Density Residential (R-1), Urban Standard Density Residential (R-2), Urban High Density Residential (R-3) and Office/Residential (C-1) zoning districts for accessory structures (sheds) that are less than 10 feet tall and less than 100 square feet in area.

Section 3 – Repeal of the City’s Sign Regulations in Chapter 17.13. The Hood River Municipal Code, Title 17 (Zoning), Chapter 13 (Sign Regulations) is hereby repealed in its entirety.

Section 4 – Amendment of HRMC 17.01.060 deleting references to Sign Regulations. The Hood River Municipal Code, Title 17 (Zoning), Chapter 01 (General Provisions), Section 17.01.060 (Definitions) is hereby amended to read as set forth in Exhibit C, attached hereto and by this reference made a part hereof. In particular, HRMC §17.01.060 is amended to remove definitions associated with Sign Regulations.

Section 5 – Adoption of Revised Sign Regulations in Title 18. The Hood River Municipal Code is hereby amended by adopting Title 18 (Signs and Related Regulations), Chapter 1 (General Provisions) and Chapter 2 (Sign Regulations) as set forth in Exhibit C, attached hereto and by this reference made a part hereof.

Read for the First Time this 11th day of February, 2013.

Read for the Second Time and approved this 25th day of February 2013. This Ordinance shall take effect on the 31st day following the second reading.

AYES: 6 _____
NAYS: 0 _____
ABSTAIN: 0 _____
ABSENT: 1 _____



Arthur Babitz, Mayor

ATTEST:



Jennifer Gray, City Recorder

Approved as to form:



Daniel Kearns, City Attorney

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.

* * *

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.

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

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 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.

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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 uses, 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 uses 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
10. Hostels

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 uses 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 use, and the building's primary use shall be commercial, not residential.
4. No residential use 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 use in the C-2 Zone within the Waterfront Area to ensure compliance with these special restrictions.

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E. Site Development Requirements.

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:

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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.

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

H. Parking Regulations.

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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 uses 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.

J. 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.

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

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

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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:

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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

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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.

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)

SECTIONS:

- 17.04.010 Maintenance of Minimum Ordinance Requirements
- 17.04.020 Access/Frontage
- 17.04.030 General Provisions Regarding Accessory Uses or 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
- 17.04.120 Maximum Lot Coverage
- 17.04.130 General Requirements for Parking Lots
- 17.04.140 Exception to Permit Expiration

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).

Comment: No other changes proposed to Chapter 17.04.

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)

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.

Comment: Delete definitions associated with Sign Regulations.

~~**SIGN ABANDONMENT** means a sign structure not containing a sign for one hundred and twenty (120) contiguous days or a sign not in use for one hundred and twenty (120) continuous days.~~

~~**SIGN AREA** means the area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background, and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.~~

~~**SIGN, AWNING** means a temporary or moveable shelter supported entirely by the exterior wall of a building and composed of fabric or metal with a supporting rigid framework.~~

~~**SIGN, COMBINATION** means any sign incorporating any combination of the features of pole and projecting signs.~~

~~**SIGN, DIRECTIONAL** means a sign displayed strictly for direction, safety, education, or convenience of the public, including signs that identify restrooms, public telephones, and parking area entrances and exits.~~

~~**SIGN, DISPLAY SURFACE** means the area made available by the sign structure for the purpose of display.~~

~~**SIGN, ELECTRIC** means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.~~

~~**SIGN, FREE-STANDING** means a sign erected on a free-standing frame, mast, or pole and not attached to any building.~~

~~**SIGN HEIGHT** means the overall height of a sign or sign structure as measured from the average grade directly below the sign to the highest point of the sign or sign structure.~~

~~**SIGN, PORTABLE** means a temporary sign capable of being moved easily and is not permanently affixed to the ground or a structure.~~

SIGN, PROJECTING means a sign, other than a wall sign, that projects from and is supported by a wall of a building or structure.

SIGN, ROOF means a sign erected upon a roof line or parapet of a building or structure.

SIGN, SANDWICH BOARD means an A-board capable of being moved and not supported by a structure in the ground, nor attached to or erected against a structure.

SIGN STRUCTURE means any structure that supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

SIGN, TEMPORARY means any exterior sign, banner, pendant, valance, or display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, to be displayed for a period not exceeding ninety (90) days.

SIGN, WALL means any sign attached to, erected against, or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Comment: No other changes proposed to definitions.

TITLE 18 – SIGNS AND RELATED REGULATIONS

CHAPTER 18.01 - GENERAL PROVISIONS

Legislative History:

SECTIONS:

18.01.010 Title

18.01.020 Purpose

18.01.030 Compliance with Title Provisions

18.01.040 Interpretation

18.01.050 Relationship to Other Regulations

18.01.060 Definitions

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

18.01.020 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 a means for the implementation of the Comprehensive Plan.

18.01.030 Compliance with Title Provisions

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

18.01.040 Interpretations

- A. The City Manager 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 Sign Ordinance. If requested, the City Manager shall make an interpretation in writing. The City Manager'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 Sign 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 twenty one (21) 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 Sign Regulation interpretation to the City 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 City Manager shall keep on file a record of all Sign Ordinance interpretations.

18.01.050 Relationship to Other Regulations. Where this title imposes a greater restriction upon the use of a sign, the provisions of this title shall govern.

18.01.060 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.

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.

SIGN ABANDONMENT means a sign structure not containing a sign for one hundred and twenty (120) contiguous days or a sign not in use for one hundred and twenty (120) continuous days.

SIGN AREA means the area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background, and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.

SIGN, AWNING means a temporary or moveable shelter supported entirely by the exterior wall of a building and composed of fabric or metal with a supporting rigid framework.

SIGN, COMBINATION means any sign incorporating any combination of the features of pole and projecting signs.

SIGN, DIRECTIONAL means a sign displayed strictly for direction, safety, education, or convenience of the public, including signs that identify restrooms, public telephones, and parking area entrances and exits.

SIGN, DISPLAY SURFACE means the area made available by the sign structure for the purpose of display.

SIGN, ELECTRIC means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

SIGN, FREE-STANDING means a sign erected on a free-standing frame, mast, or pole and not attached to any building.

SIGN HEIGHT means the overall height of a sign or sign structure as measured from the average grade directly below the sign to the highest point of the sign or sign structure.

SIGN, PORTABLE means a temporary sign capable of being moved easily and is not permanently affixed to the ground or a structure.

SIGN, PROJECTING means a sign, other than a wall sign, that projects from and is supported by a wall of a building or structure.

SIGN, ROOF means a sign erected upon a roof line or parapet of a building or structure.

SIGN, SANDWICH BOARD means an A-board capable of being moved and not supported by a structure in the ground, nor attached to or erected against a structure.

SIGN STRUCTURE means any structure that supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

SIGN, TEMPORARY means any exterior sign, banner, pendant, valance, or display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, to be displayed for a period not exceeding ninety (90) days.

SIGN, WALL means any sign attached to, erected against, or painted on the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

CHAPTER **18.02** - SIGN REGULATIONS

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

SECTIONS:

- 18.02.020** Purpose and Scope
- 18.02.030** Permits Required
- 18.02.040** Application
- 18.02.050** Measurement
- 18.02.060** Fees
- 18.02.070** Maintenance
- 18.02.080** Inspections
- 18.02.090** Abatement of Abandoned Signs
- 18.02.100** Sign Sizes
- 18.02.110** Exemptions
- 18.02.120** Prohibited Signs
- 18.02.130** Non-conforming Exceptional Signs
- 18.02.140** Non-conforming Existing Signs
- 18.02.150** Variance
- 18.02.160** Penalties
- 18.02.170** Severability

18.02.020 Purpose And Scope

- A. This ordinance provides reasonable and necessary regulations for the erection and maintenance of signs in order to:
1. Maintain a balance between the need to identify buildings and activities and the negative impact on community image created by visual clutter;
 2. Protect the public health and safety;
 3. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City; and

4. Prevent the interference of signage regulated herein with official traffic signs or signals.
- B. The regulations of this code are not intended to permit any violation of the provisions of any other law or regulation.
- C. The Uniform Sign Code, as amended, is hereby adopted by reference as though fully set forth. In cases of conflict between the provisions of said sign code and this ordinance, the provisions of this ordinance shall apply.
- D. It is not the purpose of this ordinance to regulate signs that are regulated exclusively by federal or state law. In any case in which federal or state law preempts this ordinance, federal or state law shall apply.

18.02.030 Permits Required. A sign shall not hereafter be erected, re-erected, constructed, and altered, except as provided by this code and after a permit for the same has been issued by the city. A separate permit shall be required for a sign or signs for each entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs. All signs are subject to review by the building and planning departments of the City of Hood River.

18.02.040 Application. Application for a sign permit shall be made in writing upon forms furnished by the City. Such application shall contain the location by street and number of the proposed sign structure, the name and address of the owner, the sign name and address of the contractor or erector, and a complete site plan. The Building Official may require the filing of plans or other pertinent information where in his opinion such information is necessary to ensure compliance with this code. Standard plans may be filed with the City.

18.02.050 Measurement. The following criteria shall be used in measuring a sign and sign placement to determine compliance with this ordinance:

1. Area of Face: "False fronts" and mansard roofs will be excluded when calculating the area of the primary face.
2. Height: The overall height of a sign or sign structure is measured from the average grade directly below the sign to the highest point of the sign or sign structure.
3. Legal Setback Line: A setback line established by ordinance beyond which a sign may not be built. A legal setback line may be a property, vision clearance, or vehicle clearance line.
4. Roof Line: The ridge on a gable, peaked roof or the parapet or fascia of a flat roof. A mansard roof is considered a gable roof for the purposes of this definition.
5. Sign Area: The area of the smallest geometric figure which encompasses the facing of a sign, including copy, insignia, background, and borders, but excluding essential sign structure, foundation, or support. For a multi-faced or two-sided sign, the sign area shall be the total of all faces. If the sign consists of more than one (1) section or module, all areas will be totaled.
6. Vision Clearance: Vision clearance is a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points fifteen (15) feet back from their intersection. The vision clearance area shall provide an area of unobstructed vision from three and one-half (3 1/2) to eight (8) feet above the top of the curb. Natural topographic features, utility poles, and

tree trunks are excluded from this requirement. Refer to Diagram "A" – Visual Clearance (Section 17.04.090).

Comment: Corrected citation

Deleted: 09.040

18.02.060 Fees. A sign permit fee and a plan-checking fee shall be paid in accordance with the schedule established by resolution of the City Council.

18.02.070 Maintenance. All signs and sign support structures, together with all of their supports, braces, guys, and anchors shall be maintained in a safe condition. The display surfaces of all signs shall be kept neatly painted or posted at all times.

18.02.080 Inspections. All signs for which a permit is required shall be subject to inspection by the Building Official. Footing inspections may be required by the Building Official for all signs having footings including post type signs. All signs containing electrical wiring shall be subject to the provisions of the applicable electrical code, and the electrical components used shall bear the label of an approved testing agency. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of Section 15.24, after notice to the owner of record of the premises in which the sign is located. All signs may be re-inspected at the discretion of the Building Official.

18.02.090 Abatement of Abandoned Signs. Abandoned signs may be abated pursuant to Hood River Municipal Code, Chapter 8.08, as a nuisance.

18.02.100 Sign Sizes.

A. Commercial and Industrial Zones:

1. Number:

- a. The total number of signs per entity shall not exceed three (3) signs, not including free-standing or directional signs; and
- b. There shall not be more than two (2) signs on any building face.
- c. Entities that occupy more than one (1) building shall be treated as separate entities.

2. Area:

- a. The total area of signs allowed on the primary face shall not exceed eight percent (8%) of the building face, occupied by that entity, including windows.
- b. A sign constructed on a second building face of an entity shall not exceed four percent (4%) of that building face.
- c. If an entity has three (3) building faces, the sign allowed on the second building face may be increased to eight percent (8%) of that building face. If a third sign is placed on the third face, it shall not exceed four percent (4%) of that building face.
- d. In no case shall the total area of all signs on any one building face exceed 200 square feet.

3. Height: The maximum height of all free-standing signs, with the exception of the freeway zone, shall be twenty-five (25) feet.

4. Free-standing signs:

- a. Free-standing signs shall be limited to one (1) per parcel and shall be included in the total area of allowed signs for each entity.
 - b. Free-standing signs shall not exceed a total of sixty-four (64) square feet of area and not exceed two (2) faces.
 - c. Parcels over 150,000 square feet (3.44 acres) in one (1) ownership shall be entitled to a free-standing sign not to exceed a total of 100 square feet.
 - d. Free-standing signs (all portions) shall meet the vision clearance and vehicle clearance requirements.
5. Projecting Signs: A projecting sign shall not exceed thirty-two (32) total square feet.
 6. Roof Signs: No sign shall extend above the roof line or the top of a parapet wall, whichever is higher.
 7. Awnings: signs on awnings shall not exceed the permitted sign area.
 8. Temporary signs:
 - a. Temporary signs shall be limited to one (1) per parcel for up to ninety (90) days.
 - b. Temporary signs shall not exceed thirty-two (32) square feet in size.
 9. Sandwich boards:
 - a. Only one (1) sandwich board on private property per entity shall be allowed.
 - b. A sandwich board shall be included in the total number of signs and sign area allowed for a particular entity.

B. Residential zones.

1. Subdivisions:
 - a. Permanent signs are limited to a maximum area of sixteen (16) square feet.
 - b. Maximum height of a permanent sign shall be six (6) feet.
 - c. Permanent signs shall be limited to one (1) at each entrance to the subdivision.
2. Multi-Family Dwellings:
 - a. A permanent sign for twelve (12) or more multi-family dwelling units may have a maximum area of sixteen (16) square feet.
 - b. A permanent sign for eleven (11) or fewer multi-family units may have a maximum area of twelve (12) square feet.
3. Standards:
 - a. Height: Six (6) feet.
 - b. Illumination: Signs may have external illumination. Reflective type bulbs shall be used for indirect illumination of the display surface, if properly shielded from direct glare onto streets and adjacent properties. Electric signs are prohibited.
4. Nonresidential Uses (including hospitals, schools, churches, and other institutional uses):
 - a. Size: Maximum twenty-four (24) square feet in size.
 - b. Number: one (1) per parcel unless on a corner lot which allows a maximum of two (2) signs totaling twenty-four (24) square feet in size.
5. Temporary Signs:
 - a. Temporary signs shall be limited to one (1) per parcel for up to ninety (90) days.

- b. Temporary signs shall not exceed twelve (12) square feet in size.
- 6. Bed and Breakfast Facilities / Home Occupations:
 - a. Home occupation (Section 17.04.100): a non-illuminated sign no larger than one (1) square foot.
 - b. Bed and breakfast facilities (Section 17.04.110): one (1) non-illuminated sign not exceeding one and one-half (1½) square feet.

C. Open Space/Public Facilities Zone.

- 1. Two (2) signs for each site or facility shall be allowed.
- 2. Each sign shall not exceed twenty-four (24) square feet in size.

D. Freeway Zone.

- 1. Purpose: This special overlay zone is intended to provide for and regulate free-standing signs located along I-84. The affected properties, as described below, are those that depend primarily on highway traffic. Because of the sign's location, traffic along I-84 cannot read them within a reasonable and safe distance to exit the highway. Therefore, height and area limitations for free-standing signs in this zone have been increased.
- 2. Location: The Freeway Zone shall be described as the area located east of the White Salmon-Highway 35 highway, west of the City of Hood River/Hood River County boundary, south of the Columbia River, and north of I-84, located within the city limits of Hood River and zoned Commercial or Light Industrial within the following described boundaries:
 - a. Commencing at Engineer's Centerline Station "'2nd' 13+77.00 P.O.T.", thence north 1-03-44 East to Station "'2nd' 17+01.06 P.S." and the point of beginning of the description contained herein; thence West 40.00 feet to a point; thence Northerly along a 40.00 foot offset line from said '2nd' Street Centerline, said Centerline being described as a 20-00-00 degree spiral to the left with a length of 200 feet and a deflection angle of 2.5, to Station "'2nd' 19+01.06 P.S.C."; thence along a 20-00-00 degree simple curve to the left, an arc distance of 177.48 feet to Station "'2nd' 20+78.55 P.T."; thence from said offset line, Northeasterly a distance of 40.00 feet to said Centerline Station "'2nd' 20+78.55 P.T."; thence North 54-26-03 West along said Centerline a distance of 72 feet to the Centerline of Access Road 'C'; thence North 35-33-50 East a distance of 24 feet to Centerline Station "'R' 1193+06.04 P.C."; thence along a 35-00-00 degree simple curve to the right an arc distance of 162.25 feet to Station "'R' 1194+68.30 P.T."; thence South 87-38-53 East along said 'R' Centerline a distance of 204.75 feet to Engineer's Centerline "'R' 1196+73.05 P.O.T."; thence continuing along said centerline extended a distance of 960 feet to the West bank of the Hood River as it exists this date; thence southerly along said West bank a distance of 800 feet to the North right-of-way of Interstate 84; thence Westerly along said North right-of-way a distance of 900 feet to a point 200 feet East of the Point of Beginning; thence West 200 feet to the Point of Beginning. Bearings, distances, and stations based on Oregon State Highway Division Preliminary Copy of The Construction Detail Map of the "Second Street Interchange, (Hood River)", dated September 1991.

3. Number: One (1) free-standing sign shall be permitted for each parcel/ownership and shall be included in the allowed area for signs as listed in the Commercial/Industrial section of this ordinance.
4. Area: The sign shall not exceed an area of 200 square feet per face and shall not have more than two (2) faces.
5. Height: The sign shall not exceed sixty (60) feet.
6. Other signs: All other signs shall meet the requirements of the Commercial/Industrial portion of this ordinance.

18.02.110 Exemptions. The following signs shall not require review under this ordinance:

1. Change of Ownership: A change of sign ownership requires compliance with this ordinance.
2. Directional Signs: Directional signs less than six (6) feet above grade and less than twelve (12) square feet or six (6) square feet per side in compliance with the vision clearance and vehicle criteria.
3. Banners: Banners attached to the City of Hood River's classic light poles
4. Memorial Tablets or Signs: Signs carved into a building or which are a part of materials which are an integral part of the building.
5. Traffic Signs: Traffic, municipal, or directional signs for hospital or emergency services, legal notices, railroad signs, and danger signs.

18.02.120 Prohibited Signs. The following signs are prohibited within the City limits of Hood River:

1. Moving Signs: Moving signs or flashing signs or any sign or structure which has any visible moving part or visible mechanical movement of any description or other apparent visible movement achieved by any means, including intermittent electrical pulsation or by action of normal wind currents, excepting clocks, barber poles, public service information signs, and time or temperature signs.
2. Portable Signs: Portable or bench signs, excluding sandwich boards located on private property.
3. Pole and Tree Signs: Signs placed on, painted on, or affixed to any utility pole or tree.
4. Unofficial Signs: Unofficial signs which purport to be, or are an imitation of, or resemble official traffic signs or signals, or which attempt to direct the movement of traffic, or which hide from view any official traffic sign or signal.
5. Car Signs: A sign placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer, which is placed on public or private property for the primary purpose of providing a sign not otherwise permitted in this ordinance.
6. Flags and Banners: Flags, banners, and objects designed to move with the wind that are located on a roof or project above a roof by more than forty-five (45) feet if located on a free-standing pole.

18.02.130 Non-Conforming Exceptional Signs. The Planning Commission will conduct a quasi-judicial hearing in accordance with the requirements of *Review Procedures* (Section 17.09) of the Hood River Municipal Code upon submission of an application for recognition as a nonconforming exceptional sign. The Planning Commission may recognize exceptional nonconforming signs when the following three (3) criteria are met:

1. Age. The sign structure was constructed at least thirty-five (35) years prior to the date of application, and has been maintained or restored in its original location, design, and appearance;
2. Asset. The sign structure is recognized as a special feature in the city, and a visual or historic asset; and
3. Inspection. The sign structure has been inspected and certified by a licensed sign contractor and a licensed electrician (if applicable) to be in safe condition.

18.02.140 Non-Conforming Existing Signs

- A. Nonconforming signs are those signs lawfully installed prior to the effective date of this ordinance that do not conform to the standards of this code.
- B. All nonconforming signs for a single entity shall be made to comply with this ordinance when structural alteration, relocation, replacement with a different sign, or application for a new sign for that entity occurs. Repair of a part of a sign or sign structure to a safe condition, including normal maintenance, shall be permitted without loss of its nonconforming status provided that there are no other changes to the sign or sign structure.
- C. All nonconforming signs shall be made to comply with this ordinance no later than November 1, 1998. Any nonconforming temporary sign shall be made to comply with this ordinance by May 1, 1992. All nonconforming signs located in the Freeway Zone shall be made to comply with this ordinance no later than 180 days after the effective date of this ordinance.
- D. Nonconforming signs lawfully located within the City of Hood River commercial or industrial zone on the effective date of this ordinance that are visible from a federal interstate highway or federally aided primary (hereinafter "such signs") may remain unless funds are allocated to provide for payment of just compensation by the City of Hood River pursuant to ORS Chapter 377 and the Highway Beautification Act, provided that within sixty (60) days from the effective date of this ordinance the owner of each such sign:
 1. Provides proof to the City Planning Department that each such sign was in existence on the effective date of this ordinance;
 2. Provides the location of each such sign on the effective date of this ordinance to the City Planning Department;
 3. Provides a copy of a valid permit for each such sign issued by the State of Oregon pursuant to ORS 377.700 - 377.840.
- E. Signs located on property annexed to the City of Hood River after the adoption of this ordinance shall be made to comply with this Chapter within seven (7) years of annexation.
- F. Signs located on real property located at 3N 10E 27D, Tax Lot 1000, shall be required to comply with the following provisions as long as the property remains in its present configuration.
 1. Two free-standing signs shall be permitted.
 2. Area: No sign shall exceed an area of 200 square feet per face and shall have no more than two (2) faces.
 3. Height: Free-standing signs shall not exceed 60 feet.

| 18.02.150 Variance. Relief may be requested from all sign regulations except for prohibited signs pursuant to the provisions of the *Variances* section (Chapter 17.18) of this title.

| 18.02.160 Penalties: Failure to comply with the provisions of this chapter shall constitute a violation and will be subject to the penalty and abatement proceedings in the *Severability – Penalties* section (Chapter 17.10) of this title. In addition to any costs, assessments, or restitution the court may impose, the fine shall not be less than \$250 per violations plus \$2.50 per day in which the person is found in violation, and shall not exceed \$1,000 per violation plus \$10 per day in which the person is found in violation.

| 18.02.170 Severability. The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

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



DEPT OF

MAR 13 2013

**LAND CONSERVATION
AND DEVELOPMENT**

ATTN: PLAN AMENDMENT SPECIALIST
DEPT OF LAND CONSERVATION & DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540