



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

January 12, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment  
DLCD File Number 007-06 [2] [3] [4]

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. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 26, 2007**

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

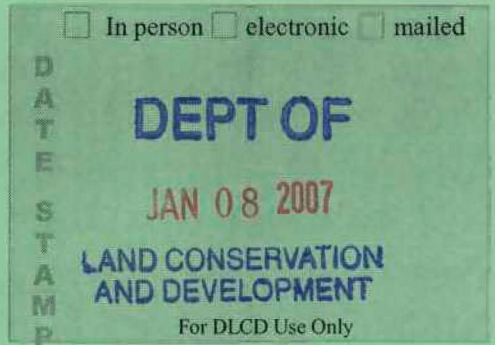
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the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

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

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

<paa> ya/

# Notice of Adoption



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

Jurisdiction: **City of Hood River**

Local file number: **2006-42**

Date of Adoption: **12/11/2006**

Date Mailed: **1/5/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/22/2006

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".

Amend Section 17.03.010 Urban Low Density Residential Zone (R-1) E. Maximum Building Height from 35' to height lower than 35 feet.

Amend Section 17.03.020 Urban Standard Density Residential Zone (R-2) E. Maximum Building Height from 35' to height lower than 35 feet.

Amend Section 17.03.030 Urban High Density Residential Zone (R-1) E. Maximum Building Height from 35' to height lower than 35 feet.

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

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **NA**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

*DLCD 007-06 (13766)*



45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

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

Local Contact: **Cindy Walbridge**

Phone: (541) 387-5217 Extension:

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

Fax Number: 541-387-5289

City: **Hood River**

Zip:

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

## ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

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

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



# FORM 1

## D L C D NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing  
per ORS 197.610, OAR Chapter 660 - Division 18  
and Senate Bill 543 and effective on June 30, 1999.  
(See reverse side for submittal requirements)

Jurisdiction: City of Hood River

Local File No.: 2006-42  
(If no number, Use none)

Date of **First Evidentiary Hearing**: 8-16-06  
(Must be filled in)

Date of Final Hearing: 8-28-06  
(Must be filled in)

Date this proposal was sent or mailed: 6-22-06  
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes:      No: X Date:                 

     Comprehensive plan Text Amendment

     Comprehensive Plan Map Amendment

XXX Land Use regulation Amendment

     Zoning Map Amendment

     New Land Use regulation

     Other:                                 

(Please Specify Type of Action)

Briefly Summarize the proposal. Do not use technical terms. Do not write "See Attached."

### Ordinance Number 1904: An ordinance to amend the following sections of Title 17 – Zoning Ordinance:

- Amend Section 17.01.060 Definitions Building Height.
- Amend Section 17.03.010 U                          Density Residential Zone (R-1) E. Maximum Building Height from 35' to height lower than 35 feet.
- Amend Section 17.03.020 Urban Standard Density Residential Zone (R-2) E Maximum Building Height from 35' to a height lower than 35 feet.
- Amend Section 17.03.030 Urban High Density Residential zone (R-3) E. Maximum Building Height from 35' to a height lower than 35 feet.
- Amend Section 17.03.040 Office/Residential Zone (C-1) F. Maximum Building Height to add: Residential Uses shall have a height lower than 35 feet.
- Amend Section 17.03.050 General Commercial Zone (C-2) Maximum Building Height for residential uses from 35' to height lower than 35 feet.
- Amend Section 17.01.060 Definitions Grade to delete the existing definition and refer to the definition of "Grade" in the City of Hood River Engineering Standards (adopted March 29, 2005).
- Amend Section 17.07.090 Approval Criteria (PUD) A. Specific Planned Development Approval Criteria 3. to add "The thirty percent (30%) open space requirement shall be exempt for non residential developments in the C-2, LI and I Zones".
- Amendments to Section 17.03.110 Columbia River Recreational/Commercial Zone.
- Amend Section 17.03.010 Urban Low Density Residential Zone (R-1) to add C. Site Development Requirements. 4. Density calculation.
- Amend Section 17.03.020 Urban Standard Density Residential Zone (R-2) to add 5. Density calculation.
- Amend Section 17.03.030 Urban High Density Residential Zone (R-3) to add C. Site Development Requirements. 3. Density calculation.
- Amend Section 17.03.040 Office/Residential (C-1) to add D. Site Development Requirement 4. Density calculation.
- Amend Section 17.03.040 Office/Residential Zone (C-1) to move G. Parking Regulations. 1. Professional Offices: c. "The Central Business District, the Heights Business District, and the Waterfront shall be exempt from this requirement." To 5. The Central Business District, the Heights Business District, and the Waterfront shall be subject to the *Parking in Lieu* of ordinance of the Hood River Municipal Code.
- Amend Section 17.03.050 General Commercial Zone (C-2) to move G. Parking Regulations. Delete 3. "The Central Business District, the Heights Business District, and the Waterfront shall be exempt from this requirement." And add 3. The Central Business District, the Heights Business District, and the Waterfront shall be subject to the *Parking in Lieu* of ordinance of the Hood River Municipal Code.

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DCLD No:

16. Amend Section 17.07.090 Approval Criteria for Planned Unit Developments A.5.d. to delete "up to fifty percent (50%) of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the PUD as long as each single-family lot contains one (1) off-street parking space. And add "Up to one hundred percent (100%) of required off-street parking spaces may be provided on one or more common parking lots".
17. Amend Section 17.03.010 Urban Low Density Residential Zone (R-1) D. Setback Requirements 2. Garages: to delete "Detached garages so constructed to not face an adjacent public dedicated alley may be (five) feet from the right-of-way line. To add: Garages: Garages may be five (5) feet from an alley or rear property line provided the garage is the only use of the structure.
18. Amend Section 17.03.020 Urban Standard Density Residential Zone (R-2) D. Setback Requirements 2. Garages: to delete "Detached garages so constructed to not face an adjacent public dedicated alley may be (five) feet from the right-of-way line. To add: Garages: Garages may be five (5) feet from an alley or rear property line provided the garage is the only use of the structure.
19. Amend Section 17.03.030 Urban High Density Residential Zone (R-3) D. Setback Requirements 2. Garages: to delete "Detached garages so constructed to not face an adjacent public dedicated alley may be (five) feet from the right-of-way line. To add: Garages: Garages may be five (5) feet from an alley or rear property line provided the garage is the only use of the structure.
20. Amend Section 17.03.010 Urban Low Density Residential Zone (R-1) to add A. Permitted Uses. 8. Subject to site plan review, parks in an approved subdivision.
21. Amend Section 17.03.020 Urban Standard Density Residential Zone (R-2) A. Permitted Uses. 12. Subject to site plan review, parks in an approved subdivision.
22. Amend Section 17.03.030 Urban High Density Residential Zone (R-3) A. Permitted Uses. 14. Subject to site plan review, parks in an approved subdivision.

Plan Map Changed from: \_\_\_\_\_ NA to \_\_\_\_\_ NA

Zone Map Changed from: \_\_\_\_\_ NA to \_\_\_\_\_ NA

Location: \_\_\_\_\_ NA Acres Involved: \_\_ NA

Specified Change in Density: Current: \_\_\_\_\_ NA Proposed: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_ Goal 10

Is an Exception Proposed? Yes: \_\_\_\_ No: X

Affected State or Federal Agencies, Local Governments or Special Districts: City of Hood River

Local Contact: Cindy Walbridge Area Code + Phone Number: 541-387-5217

Address: City of Hood River, Planning Dept., P.O. Box 27 City: Hood River

Zip Code + 4: 97031 Email Address: cindy@ci.hood-river.or.us

**ORDINANCE NO. 1920**

(An ordinance Sections 17.03.010—Urban Low Density Residential Zone (R-1), 17.03.020—Urban Standard Density Residential Zone (R-2), 17.03.030—Urban High Density Residential Zone (R-3) and 17.05.040—Non-Conforming Uses and Structures—Exceptions, of the Hood River Municipal Code)

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

WHEREAS, the following amendments to Title 17 respond to issues raised during the visioning process;

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

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

Sections 17.03.010, .020, and .030 of the Hood River Municipal Code are amended to read as follows (additions shown in underline and deletions shown in strike out):

~~17.03.10~~ **Urban Low Density Residential Zone (R-1)**

**A. Permitted Uses.**

1. Single family dwellings and accessory structures
2. Home Occupations
3. Manufactured homes
4. Mobile home parks
5. Family day care
6. Residential care facilities
7. Transportation facilities pursuant to 17.20.050(A)

**B. Conditional Uses.**

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

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

**C. Site Development Requirements.**

1. Minimum Lot Size: The minimum lot or parcel size shall be 7,000 square feet.



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

**D. Setback Requirements.**

The minimum setback requirements shall be as follows:

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

**E. Maximum Building Height:**

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.

\* \* \*

[the remainder of this section intentionally omitted]

**17.03.20 Urban Standard Density Residential Zone (R-2)**

**A. Permitted Uses.**

1. Single-family dwellings and accessory structures
2. Duplexes
3. Home occupations
4. Manufactured homes
5. Bed and breakfast facilities
6. Mobile home parks
7. Family day care
8. Residential care facilities

9. Group residential, if less than fifteen (15) persons
10. Transportation facilities pursuant to 17.20.050(A)

**B. Conditional Uses.**

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

**C. Site Development Standards.**

The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:

1. Per dwelling unit or duplex, a minimum of 5,000 square feet.
2. Per townhouse building, a minimum of 2,100 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Pursuant to 17.04.120

**D. Setback Requirements.**

The minimum setback requirements shall be as follows:

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

**E. Maximum Building Height.**

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.



\* \* \*

[the remainder of this section intentionally omitted]

**17.03.30 Urban High Density Residential Zone (R-3)**

**A. Permitted Uses.**

1. Single-family dwellings and accessory structures
2. Duplexes and triplexes
3. Multi-family dwellings, subject to site plan review
4. Rooming and boarding houses
5. Manufactured homes
6. Home occupations
7. Bed and breakfast facilities
8. Mobile home parks
9. Family day care
10. Residential care facilities
11. Group residential, if fifteen (15) or more persons, subject to site plan review
12. Transportation facilities pursuant to 17.20.050(A)

**B. Conditional Uses.**

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

**C. Site Development Requirements.**

1. Minimum Lot Size: Per dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
2. The minimum requirements for building sites are as follows:
  - a. Per dwelling unit or duplex: A minimum area of 5,000 square feet.
  - b. Per townhouse building: A minimum of 5,000 square feet for the first two (2) residential units and 1,500 square feet each for any additional residential units.
  - c. A minimum frontage of fifty (50) feet on a dedicated public street.
  - d. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
3. Lot coverage: Pursuant to 17.04.120

#### D. Setback Requirements.

The minimum setback requirements shall be as follows:

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

#### E. Maximum Building Height.

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses. Multi-family dwellings are permitted up to thirty-five (35) feet. All other residential uses may be conditionally permitted up to thirty-five (35) feet pursuant to Chapter 17.06 (Conditional Uses).

\* \* \*

[the remainder of this section intentionally omitted]

Section 17.05.040 of the Hood River Municipal Code is amended to read as follows (additions shown in underline and deletions shown in strike out):

#### **17.05.040 Exceptions**

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

1. Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of residential units, and serves the same use as the original structure.
2. Continued for residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.
3. Modified and or enlarged provided that:



- a. The structure maintains the same or fewer number of residential units.
- b. The setback requirements for residential dwellings are met. In cases where the structure does not meet the residential zoning setback standards, the modification or enlargement to the structure is allowed provided that any expansion does not further encroach upon the setback requirements.
- c. The residential off-street parking requirement shall not be reduced.
- d. The nonconforming structure is not located in an existing City right-of-way.
- e. The modification or enlargement does not exceed the allowed maximum building height.

Read for the first time: November 27, 2006.

Read for the second time and passed: \_\_\_\_\_, 2006, to become effective thirty (30) days hence.

Signed \_\_\_\_\_, 2006.

\_\_\_\_\_  
Linda Streich, Mayor

ATTEST:

\_\_\_\_\_  
Jill Rommel, City Recorder