

TITLE 16 - LAND DIVISIONS

CHAPTER 16.04 PURPOSE AND DEFINITIONS

SECTIONS:

16.04.010 Purpose

16.04.020 Definitions

16.04.010 Purpose

16.04.010 Purpose. The purpose of this chapter is to:

- A. Provide rules, regulations, and standards governing the approval of subdivisions, partitions, and lot line adjustments.
 1. Subdivisions involve the creation of four (4) or more lots from one (1) parent lot, parcel or tract, within one (1) calendar year.
 2. Partitions involve the creation of three (3) or fewer lots within one (1) calendar year.
 3. Lot line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots.
- B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan and the Transportation System Plan.
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options.
- D. Promote the public health, safety, and general welfare through orderly and efficient urbanization.
- E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution, and other dangers.
- F. Promote alternative modes of transportation through the provision of adequate pedestrian and bicycle facilities.
- G. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for all modes of transportation, water supply, sewage, and drainage.
- H. Encourage the conservation of energy, natural, and open space resources.

16.04.020 Definitions. As used in this title, the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

ACCESS OR ACCESS WAY means the way or means by which pedestrians and vehicles enter and leave property.

ALLEY means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

ARTERIAL means a state or major road or street that links cities, larger towns, and other major traffic generators.

BLOCK means a contiguous series of lots bounded on all sides by streets, railroad rights of way, or unsubdivided land.

BUILDING LINE means a dashed line on a plat restricting the location of buildings or structures, or that distance as prescribed by the zoning ordinance, when applicable.

COLLECTOR means streets leading onto arterials, and those main streets used for traffic movement within residential, commercial and industrial areas.

COMPREHENSIVE PLAN means the plan adopted by the City Council providing the objectives and policy guidelines for the growth and development of the City, including amendments thereto.

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

CUL-DE-SAC (dead end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

CURB LINE means the line dividing the roadway from a planting strip or footway.

DESIGN means the design of any street or alley, alignments, grade or width, alignment of width of easements and rights of way for drainage or irrigation purposes and sanitary facilities.

DEVELOPABLE means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

EASEMENT means a grant of the right to use a strip of land for specific purposes.

FUTURE STREET means a proposed right of way as may be designed by the Planning Commission or other such agency, or authority as provided for herein, which street is necessary for the future subdivision of property shown on the subdivision plats and/or maps, but that the present dedication and construction of such street is not warranted.

HALF STREET means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.

LEGAL DESCRIPTION means the method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.

LOT means a unit of land that is created by a subdivision of land.

LOT AREA means the total horizontal net area within the lot lines of a lot.

LOT CORNER means a lot or parcel situated at the intersection of two (2) or more streets.

LOT DEPTH means the depth of a lot or parcel shall be the horizontal length of a straight line connecting the bisecting points of the front and

rear lot lines.

LOT, THROUGH means an interior lot or parcel having frontage on and with access on two (2) parallel or approximately parallel streets.

LOT, FLAG means a lot or parcel which has the buildable area located away from the public right of way and is connected to same through a corridor of minimum or less frontage.

LOT LINE, FRONT means in the case of an interior lot or parcel, a line separating the lot from the street; in the case of a corner lot or parcel, the line separating the narrowest street frontage of the lot from the street.

LOT LINE, REAR means a lot or parcel line that is opposite and most distant from the front lot line.

LOT LINE, SIDE means any lot or parcel boundary line not a front or rear lot line.

LOT, WIDTH means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lines.

MARGINAL ACCESS STREET means a minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic.

MINIMUM ROAD STANDARD means that standard that must be met by a road before it may be used in a subdivision or partition or is accepted for dedication to the City.

OFFICIAL MAP means the comprehensive plan map as adopted by the City Council for the City of Hood River.

OPEN SPACE means an area intended for common use either privately owned and maintained or dedicated to the City. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include recreation courts, patios, open landscaped areas, or natural areas with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas or driveways.

OWNER means the owner of record of real property as shown on tax rolls of Hood River County or deed records of Hood River County, or person who is purchasing property under contract.

PARTITION LAND means to divide land into two (2) or three (3) parcels of land within a calendar year, but does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a subdivision or condominium plat;
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right of way purposes provided that such road or right of way complies with the applicable Comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street, or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
5. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision,

or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

PARKING SPACE means a rectangle not less than eighteen feet long and nine feet wide for use by a vehicle, having an all weather surface, and further provided that such parking space shall have easy access to the street or alley by a driveway having an all weather surface.

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

PEDESTRIAN WAY (PATHWAY) means a right of way for pedestrian traffic.

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

PLAT means a map, diagram, drawing, or replat containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision as specified by this chapter.

PRACTICABLE means able to be done considering technology and costs.

RESIDENTIAL/LOCAL STREET means a road or street that provides access to abutting properties. Travel distances are relatively short, and speeds are generally slow.

RIGHT-OF-WAY means the area between the boundary lines of an alley, easement, street, or highway.

ROADWAY means the portions of the right of way of a street or highway developed for vehicular traffic.

SIDEWALK means a pedestrian walkway with all-weather hard surfacing.

STREET means a public way for travel by vehicles, bicycles and pedestrians, and including the terms "road," "highway," "lane," "place," "avenue," or other similar designations.

STUB means a driveway or street temporarily that ends at the property line, but may be extended in the future as the adjacent parcel develops.

SUBDIVIDE LAND means to divide land into four (4) or more lots within a calendar year.

SUBDIVIDER means any person who undertakes the subdivision of an area of land for the purpose of transfer of ownership or development.

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

TRANSPORTATION SYSTEM PLAN (TSP) means the plan adopted by the City Council providing the policies and standards for transportation systems in the City, including amendments thereto.

CHAPTER 16.08 GENERAL PROCEDURAL REQUIREMENTS FOR ALL LAND DIVISIONS, REPLATS, PLAT VACATIONS, AND LOT LINE ADJUSTMENTS

SECTIONS:

- 16.08.010 Approval Process for Subdivisions and Partitions
- 16.08.020 Preliminary Plat Submission Requirements and Approval Criteria
- 16.08.030 Final Plat Submission Requirements and Approval Criteria
- 16.08.040 Filing and Recording
- 16.08.050 Variances and Penalties
- 16.08.060 Replatting and Vacation of Plats
- 16.08.070 Lot Line Adjustments

16.08.010 Approval Process for Subdivisions and Partitions

A. Subdivision and Partition Approval through Three-Step Process. Applications for subdivision or partition approval shall be processed through a three-step process.

1. Pre-Application Conference: A pre-application conference with City staff is required for all partitions and subdivisions prior to submittal of the preliminary plat application unless waived by the Planning Director. The applicant shall provide information and materials of a sufficient level of detail to clearly explain the proposed land division.
2. Preliminary Plat: The preliminary plat shall be approved before the final plat can be submitted for approval consideration.
 - a. Partitions. Review of a preliminary plat for a partition shall be processed by means of an Administrative action, as governed by Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).
 - b. Subdivisions. Review of a preliminary plat for a subdivision shall be processed by means of a Quasi-Judicial action, as governed by Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040). All preliminary plats shall be reviewed using approval criteria for preliminary plats contained in this Title. An application for subdivision may be reviewed concurrently with an application for a Planned Development under Title 17.
3. Review of Final Plat: The final plat shall include all conditions of approval of the preliminary plat. Review of a final plat for a subdivision or partition shall be processed by means of a Ministerial procedure under Title 17 Ministerial Actions in the Review Procedures chapter (Section 17.09.020), using the approval criteria for final plats in this title. Filing and recording of the final plat shall be in compliance with the requirements of 16.08.050.

B. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of two (2) years from the date of approval.

C. Amendments and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided below.

1. Minor Amendments:

- a. Minor Amendment Defined. The Planning Director may determine that the proposed amendment(s) is minor if all of the following criteria are met by the proposed changes:
 - (1) There will be no change in land use;
 - (2) There will be no increase in the number of dwelling units;
 - (3) There will be no change in the type and/or location of access ways, drives, or parking areas that affect off-site traffic;
 - (4) There will be a less than five percent (5%) reduction in the area reserved for common open space and/or usable open space; and
 - (5) There will be a less than five percent (5%) reduction to specified setback requirements, provided the minimum setback standards of the zone can still be met.
- b. Minor Amendment Request. An application for approval of a minor amendment is reviewed as an Administrative action under Title 17 (Section 17.09.030). A minor amendment shall be approved, approved with conditions, or denied based on written findings that the proposed development is in compliance with all applicable requirements of Title 17 – Zoning Ordinance.

2. Major Amendments:

a. Major Amendment Defined. Any modification to a land use decision or approved development plan which is not within the description of a minor amendment as provided above, shall be considered a major amendment.

b. Major Amendment Request. An applicant may request a major amendment as follows:

(1) When the Planning Director determines that the proposed amendment is a major amendment, the applicant shall submit an application for the major amendment.

(2) The amendment request shall be subject to the same review procedure (Administrative or Quasi-Judicial) and approval criteria used for the initial project approval; however, the review shall be limited in scope to the amendment request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

3. Extensions: The Planning Director shall, upon written request by the applicant and payment of the required fee, grant one (1) extension of the approval period not to exceed one (1) year; provided that

a. Any changes to the preliminary plat follow the procedures above;

b. The applicant has submitted written intent to file a final plat within the one-year extension period;

c. An extension of time will not prevent the lawful development of abutting properties; and

d. The extension request is made before expiration of the original approved plan.

D. Phased Development.

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than five (5) years with one 1-year extension possible, without reapplying for a preliminary plat.

2. The criteria for approving a phased land division proposal are

a. Public facilities shall be constructed in conjunction with or prior to each phase;

b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval.

Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Chapter 16.12. A temporary public facility is any facility not constructed to the applicable City standards;

c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and

d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

E. Appeals. The administrative provisions of Chapter 17.09 of the Hood River County Municipal Code shall apply to the provisions of this chapter.

16.08.020 Preliminary Plat Submission Requirements and Approval Criteria

A. General Submission Requirements.

1. Partitions: For partitions, the applicant shall submit an application containing all of the information required for Administrative actions under Title 17 Administrative Actions in the Review Procedures chapter (Section 17.09.030).

2. Subdivisions: For subdivisions, the application shall contain all of the information required for Quasi-judicial actions under Title 17 Quasi-Judicial Actions in the Review Procedures chapter (Section 17.09.040).

B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General information:

a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);

- b. Date, north arrow, and scale of drawing. Drawings shall be at a scale of 1:20 unless otherwise authorized by the City Engineer;
- c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
- d. Names, addresses, and telephone numbers of the owners, designer, and engineer or surveyor, if any, and the date of the survey; and
- e. Identification of the drawing as a "preliminary plat".

2. Site analysis:

- a. Streets: Location, name, present width of all streets, alleys, rights-of-way, sidewalks, and pedestrian and multi-use pathways on and abutting the site;
- b. Easements: Width, location, and purpose of all existing easements of record on and abutting the site;
- c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest ones;
- d. Ground elevations shown by contour lines at five (5) foot vertical intervals for ground slopes exceeding ten percent (10%) and at two (2) foot intervals for ground slopes of less than ten percent (10%). Such ground elevations shall be related to some established bench mark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than one percent (1%). When contours are not shown, a reasonable number of spot elevations, as determined by the City Engineer, may be required;
- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
- g. Sensitive lands, including wetland areas, streams, wildlife habitat, significant trees and shrubs (Section 16.12.030), and other areas identified by the City or natural resource regulatory agencies as requiring protection;
- h. Site features, including existing structures, pavement, and drainage ways, canals, and ditches;
- i. Designated historic and cultural resources on the site and adjacent parcels or lots;
- j. The location, size, and species of trees having a caliper (diameter) of four (4) inches or greater at four (4) feet above grade; and,
- k. Other information, as deemed appropriate by the Planning Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features, code requirements, and/or state and federal requirements.

3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Location, width, and purpose of all easements;
- c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
- e. Proposed improvements, as required by Chapter 16.12, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- f. The proposed source of domestic water;
- g. The proposed method of sewage disposal;
- h. Method of surface water drainage and treatment if required;
- i. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- j. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation (ODOT) related to proposed railroad crossing(s);
- k. Changes to streams or other water courses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
- l. Identification of the base flood elevation for development in areas prone to inundation. Evidence in writing of contact with the Federal Emergency Management Agency (FEMA) to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
- m. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction;

- n. Evidence in writing of contact with the applicable natural resource regulatory agency(ies) for any development within or minimum of 200 feet adjacent to jurisdictional wetlands or other regulated water resources;
- o. Street trees plan; and
- p. Future street plan in accordance with Section 16.12.020(K).

C. General Approval Criteria. The City may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with all of the applicable Municipal Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Title, including Chapter 16.12, and the applicable sections of the Comprehensive Plan and Title 17 shall apply;
 - a. Corner lots shall have a minimum of thirty (30) feet of frontage on public dedicated roads;
 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
 4. The location, width, and grade of streets and pedestrian walkways have been considered in relation to existing and planned streets, walkways, topographical conditions, public convenience and safety, and the proposed use of the land to be served by the streets and walkways. The street and walkway system proposes an adequate traffic circulation system, which is consistent with the Transportation System Plan and any approved Future Street Plans pursuant to 16.12.020(K);
 5. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat;
 6. Adequate capacity of public facilities for fire protection, streets, and sidewalks can be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use are consistent with the Comprehensive Plan and any adopted public facilities plan(s).
 7. All lots created shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems and these shall be located and constructed to prevent or minimize flood damage to the extent practicable;
 8. All subdivision and partition proposals shall have adequate surface water drainage provided to minimize exposure to flood damage. Water quality or quantity control improvements may be required;
 9. Underground utilities are provided;
 10. Minimize flood damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency (FEMA) requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.
 11. Determination of Base Flood Elevation. Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the City Engineer.

D. Future Re-Division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two (2) times or two hundred percent (200%) the minimum lot size allowed by the underlying land use zone), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the zone and this Title.

1. A re-division plan shall be submitted which identifies
 - a. Potential future lot division(s) in conformance with the housing and density standards of Title 17;
 - b. A Future Street Plan consistent with the Local Street Connectivity standards of the Transportation System Plan and, for major partitions and subdivisions in compliance with Section 16.12.020(K) which identifies potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
2. The re-division plan shall also include a disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation. Additionally, if the Planning Director deems it necessary for the purpose of future land division, any restriction of buildings within future street, bicycle path, and accessway locations shall be made a matter of record in the preliminary plan approval.

E. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

16.08.030 Final Plat Submission Requirements and Approval Criteria

A. Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with the County. The applicant shall submit the final plat within two (2) years of the approval of the preliminary plat as provided by this chapter. Specific information about the format and size of the plat, number of copies, and other detailed information can be obtained from the Planning Director.

1. Supplemental Data: At the time of the submission of the final map, the applicant shall also submit the following:

a. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

b. All technical data as required by the designated City or County Surveyor.

2. Certification: The following certifications shall appear on the final map as submitted. The certificates may be combined where appropriate.

a. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided or partitioned, consenting to the preparation and recording of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:

(1) Rights of way, easements, or other interest, none of which can ripen into a fee;

(2) Rights of way, easements or reversions, which by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use or value, where release thereof is impossible or impractical to obtain. Any subdivision or partition plat map, including land originally patented by the United States or the state of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provision of this title without the consent of the United States or the state or Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided;

b. A certificate signed and acknowledged as above, offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants; and

c. The plat contains an affidavit, by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two (2) or more permanent objects for identifying its location.

d. Provision for additional certificates and acknowledgements required by law or conditions of approval.

B. Approval Criteria. By means of a Ministerial decision, the Planning Director shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer. Alternatively, the developer has provided a performance guarantee in accordance with Chapter 16.12;

3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;

4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;

5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage, and water supply systems;

6. The applicant has provided copies of all recorded homeowners association Codes, Covenants, and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a

code violation since preliminary plat approval);

8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with City requirements, and the performance guarantee requirements of Chapter 16.12. The amount of the bond, contract, or other assurance by the subdivider shall be determined by a professional engineer registered in the state of Oregon, subject to review and approval by the City;

9. Approval by City Engineer - City or County Surveyor: Upon receipt of the final plat and accompanying data, the City Engineer shall review the final plat and improvement plans to determine that the plat conforms with the approved tentative plan, and that there has been compliance with provisions of the law and of this title. The cost of the engineering review shall be reimbursable to the City by the subdivider based upon the Oregon Revised Statutes Chapter 92.

10. The City Surveyor, if one is appointed or if not, the County Surveyor, shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by this title. The surveyor may make checks in the field to verify that the plat is sufficiently correct on the grounds, and he may enter the property for this purpose. If the surveyor determines that there has not been full conformity, the surveyor shall advise the subdivider of the changes or additions that must be made, and afford the subdivider an opportunity to make such changes or additions.

11. If the City Surveyor, if one is appointed or if not, the County Surveyor, determines that full conformity has been made, he shall so certify on the final plat as prescribed by law.

16.08.040 Filing and Recording

A. Filing Plat with County. Within sixty (60) days of the City approval of the final plat, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and County Ordinance. For purposes of ORS 92.100(1)(f), a partition plat is subjected only to the approval of the County surveyor.

B. Proof of Recording. Upon final recording with the County, the applicant shall submit to the City two (2) paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

C. Prerequisites to Recording the Plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;

2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapter 92.

D. Parcels in Excess of 80 Acres. Parcels in excess of 80 acres do not need to be shown on a partition plat. However, the plat shall show all shared boundaries between the parcel in excess of 80 acres and the other parcel(s) on the plat and include a notation on the plat indicating which parcel(s) is not shown in its entirety pursuant to this provision.

16.08.050 Variances and Penalties

A. Variances. Adjustments to the standards of this Chapter shall be processed in accordance with the procedures and findings prescribed in the City's zoning ordinance for variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted.

B. Penalties. An offer to sell, contract to sell, sale or deed of conveyance of a subdivision or partition or any part thereof, before a final plat thereof in full compliance with the provisions of this title has been duly recorded shall be considered an offense. Offenders who violate or cause violation of any provision of this title shall be deemed guilty of an offense and shall be subject to punishment as prescribed in Title 17 of the Municipal Code.

C. Compliance with Oregon Real Estate Regulations. Prior to the sale of or contract to sell any lot within the subdivision, a final subdivision plat shall be recorded and the subdivider shall file a "Notice of Intent" with the Oregon State Board of Real Estate.

D. Certification Conflicts. When any provision of Oregon state law or of this title requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or any agent or employee thereof, such certificate or affidavit may be executed or such act may be performed by some other person duly qualified therefor and designated so to act by the Council.

16.08.060 Replatting and Vacation of Plats

A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

B. Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition. The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process.

C. Basis for Denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

D. Recording of Vacations. All approved plat vacations shall be recorded in accordance with the Filing and Recording requirements of this title (Section 16.08.040) and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
2. Vacations shall also divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described on the plat.

E. After Sale of Lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.

16.08.070 Lot Line Adjustments. For lot line adjustments, and the modification of lot boundaries, when no new lots are created, the application submission and approvals process is as follows:

A. Submission Requirements. All applications for lot line adjustment shall be made on forms provided by the City and shall include information required for a Ministerial action, as governed by Title 17. The application shall include

1. A preliminary lot line map identifying all existing and proposed lot lines and dimensions;
2. Footprints and dimensions of existing structures (including accessory structures);
3. Location and dimensions of driveways and public and private streets within or abutting the subject lots;
4. Location of streams, wetlands, steep slopes, and other significant natural features;
5. Location of existing fences and walls; and
6. Any other information deemed necessary by the Planning Director for ensuring compliance with City codes.

B. Approval Process.

1. Decision-making process: Lot line adjustments shall be reviewed by means of a Ministerial action, as governed by Title 17, using approval criteria contained in subsection C, below.
2. Time Limit on Approval: The lot line adjustment approval shall be effective for a period of two (2) years from the date of approval, during which time it must be recorded.

3. Lapsing of Approval: The lot line adjustment approval shall lapse if

- a. The lot line adjustment is not recorded within the time limit in subsection 2;
- b. The lot line adjustment has been improperly recorded with the County without the satisfactory completion of all conditions attached to the approval; or
- c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Planning Director shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:

1. Number of Parcels: No additional parcel or lot is created by the lot line adjustment, however the number of lots or parcels may be reduced;
2. Lot standards: All lots and parcels comply with the applicable lot standards of the land use zone (Title 17) including lot area and dimensions.
3. Access: All lots and parcels comply with applicable access and circulation standards or requirements; and
4. Setbacks: The resulting lots, parcels, tracts, and building locations comply with the standards of the land use zone (Title 17).
5. Exemptions from Dedications and Improvements: A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. Recording Lot Line Adjustments.

1. Recording: Upon the City's approval of the proposed lot line adjustment, the applicant shall submit a copy of the recorded survey map to the City, to be filed with the approved application.
2. Time limit: The applicant shall submit the copy of the recorded lot line adjustment survey map to the City within fifteen (15) days of recording and prior to the issuance of any building permits on the reconfigured lots.

E. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one (1) year provided that:

1. No changes are made on the original plan as approved by the City;
2. The applicant can show intent of recording the approved lot line adjustment within the one (1) year extension period; and
3. The extension request is made before expiration of the original approved plan.

CHAPTER 16.12 GENERAL DESIGN AND IMPROVEMENT STANDARDS

SECTIONS:

- 16.12.010 General Applicability
- 16.12.020 Vehicular Access and Circulation
- 16.12.030 Pedestrian Access and Circulation
- 16.12.040 Landscape Conservation
- 16.12.050 Street Trees
- 16.12.060 Public Facilities Standards
- 16.12.070 Performance Guarantee

16.12.010 General Applicability. All subdivisions and partitions must comply with the provisions of this chapter. Subdivisions and partitions that include the construction of a street may require detailed findings demonstrating compliance with each section. For partitions that do not include the construction of a street, fewer code provisions may apply.

16.12.020 Vehicular Access and Circulation

A. Intent and Purpose. The intent of this section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency.

B. Applicability. This section shall apply to all public streets within the City and to all properties that abut these streets.

C. Access Permit. Access to a public street requires an access permit in accordance with the following procedures:

1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the standards contained in this Section, and the provisions of Section 16.12.060 – Public Facilities Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or the County. In that case, the City or County shall determine whether access is granted based on its adopted standards.
3. Permits for access to County highways shall be subject to review and approval by the County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

D. Traffic Study. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements. (See also, Public Facilities Standards, Section 16.12.060.)

E. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of ten [10] feet per lane is required). These methods are “options” to the developer/subdivider, unless a method is specifically required by the City Engineer.

1. Option 1: Access is from an existing or proposed alley or mid-block lane.
2. Option 2: Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A private street may only be developed as part of a Planned Unit Development. A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
3. Option 3: Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.
4. Frontage on an Arterial Street: New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two (2) or more lots (e.g., includes Planned Unit Developments and mid-block lanes).
5. Double-Frontage Lots: When a lot has frontage onto two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in all residential zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in all residential zones, a landscape buffer with trees and/or shrubs and ground cover not less than ten (10) feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).

G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Streets: A minimum of twenty-two (22) feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.
2. Arterial and Collector Streets: Access spacing on collector and arterial streets, and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation System Plan. Access to state highways shall be subject to the requirements of the Oregon Highway Plan and OAR Chapter 734, Division 31.
3. Special Provisions for All Streets: Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County, or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See Section 'I', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards, unless no other reasonable access to the property is available.

H. Shared Driveways. The number of driveways and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension.
2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval.
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

I. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length and Perimeter: The maximum block length and perimeter shall not exceed
 - a. Four Hundred (400) feet length and 1,200 feet perimeter in the in the Central Business District;
 - b. Six Hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
 - c. Not applicable to the Industrial zone (I); and
 - d. Eight Hundred (800) feet length and 2,000 feet perimeter in all other zones.
2. Street Standards: Public and private streets shall also conform to criteria in Public Facilities Standards (Section 16.12.060), Pedestrian Access and Circulation (Section 16.12.030), and applicable Americans with Disabilities Act (ADA) design standards.
3. Exception: Exceptions to the above standards may be granted when blocks are divided by one (1) or more pathway(s), in conformance with the provisions of Section 16.12.030. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

J. Future Street Plan (FSP) Required. Future Street Plans provide a guide for transportation circulation to the developing site and in the immediate area. A future street plan demonstrates how access can be provided to parcels within 600 feet of the boundaries of the site, and is a conceptual plan in that its adoption does not establish a precise alignment.

1. Applicability: The provisions of section 16.12.020(k) apply to all tentative major partition and subdivision plans within the Urbanizing Area as shown on the Figure A-1, Local Street Connectivity Plan Study Area, in the Transportation System Plan. A FSP shall be filed in conjunction with all applications for subdivisions and major partitions. The FSP shall contain the information in Subsection (2) and shall be subject to review and approval under Subsection (4), below. The Planning Director may reduce the amount of off-site area to be considered below 600 feet in one (1) or more directions in the following situations:

- a. Due to topography, the existing street pattern, or other constraints, the proposed future street plan does not need to consider access for adjacent parcels or continuation of an appropriate street system within 600 feet.
 - b. The proposed street layout is consistent with a street pattern of an existing approved FSP.
2. Submittal Requirements: The Future Street Plan shall include sufficient dimensions and other data to verify conformance to the FSP criteria. The FSP shall incorporate the following details, both on-site and off-site:
- a. The FSP shall be no larger than eleven (11) inches x seventeen (17) inches and may include several sheets;
 - b. The topography for slopes of fifteen percent (15%) or greater with contour intervals not more than ten (10) feet;
 - c. The name, classification, location, right-of-way width, centerline radius, grade of all existing and proposed streets, bike-ways, and pedestrian ways within the subject site;
 - d. Property lines and dimensions;
 - e. Existing and proposed streets and pedestrian/bicycle facilities and destinations, within 600 feet of the development;
 - f. Site access points for autos, pedestrians, bicycles; and
 - g. The conceptual future alignments of streets extending to allow for future traffic circulation and how access could be provided to adjacent parcels within 600 feet of the boundaries of the site.
3. Review Criteria: A proposed FSP shall comply with the relevant portions of the Title 17, the Transportation System Plan, and the following:
- a. A future street plan shall
 - (1) Adequately serve local traffic (i.e., traffic with an origin in, and destination to, the area of the plan);
 - (2) Provide for the logical extension, continuation, and interconnection of streets, to serve circulation and access needs;
 - (3) Provide multi-directional access and circulation to the street system, avoiding maze-like and discontinuous street patterns;
 - (4) Balance traffic distribution within an area, rather than concentrating traffic on a few streets;
 - (5) Minimize the impact to natural resources and fit the landscape; and
 - (6) Provide pedestrian access and create neighborhoods.
 - b. Wherever feasible, streets, alleys, and pedestrian-bicycle accessways shall connect on both ends to other streets, within the development and to existing and planned streets outside the development. Pedestrian/ bicycle accessways may connect on one (1) end to pedestrian and bicycle destinations. Exceptions for cul-de-sacs and dead-end streets are provided in 16.12.060(B)(13).
 - c. Pedestrian accessways shall be provided as required under 16.12.030.
4. Filing a Future Street Plan: Upon approval by the review authority, a FSP shall be made a matter of record by being recorded by the Planning Director on a future street index to be maintained by the Planning Department.
5. Compliance with or Revision to Future Street Plans. New developments shall be consistent with adopted FSP. Where proposed new development is not consistent with an existing plan, the applicant shall seek revision through a separate application or in conjunction with a land division or site plan review application. A revision to an approved future street plan shall be reviewed by the Planning Director as an administrative procedure. All revisions to future street plans must comply with review criteria for FSP.

K. Fire Access and Parking Area Turn-Arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.

16.12.030 Pedestrian Access and Circulation

A. Pedestrian Access and Circulation. To ensure safe, direct, and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below.

1. Continuous Pathways: A pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 16.12.020 - Vehicular Access and Circulation, and Section 16.12.060 Public Facilities Standards.

2. Street Connectivity: Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 16.12.010(J). Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:

- a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than eight (8) feet wide and located within a fifteen (15) foot-wide right-of-way. The pathway shall generally be located within the center of the right-of-way or easement unless otherwise constrained by topography;
- b. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
- c. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
- d. The hearings body or Planning Director may determine, based upon facts in the record, that a pathway is impracticable due to
 - (1) Physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints);
 - (2) Buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and
 - (3) Sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

B. Design and Construction. Pathways shall conform to all of the standards in below as follows:

1. Vehicle/Pathway Separation: Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by a five (5) foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. Housing/Pathway Separation: Pedestrian pathways shall be separated a minimum of five (5) feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. Crosswalks: Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
4. Pathway Surface: Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least six (6) feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least eight (8) feet wide. (See also, Public Facilities Standards, Section 16.12.060 for public, multi-use pathway standard.)
5. Accessible Routes: Pathways and multi-use paths shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.

16.12.040 Landscape Conservation

A. Applicability. All subdivision and partition developments containing significant trees and shrubs, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Trees and Shrubs. Individual native trees and shrubs with a trunk diameter of six (6) inches or greater, as measured four (4) feet above the ground (DBH – “diameter, breast, height”), and all plants within the drip line of such trees and shrubs, shall be protected. Except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for the County.

C. Mapping and Protection Required. Significant trees shall be mapped individually and identified by species and size (diameter at four (4) feet above grade, or DBH). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. All of the following protection standards shall apply to significant trees and shrubs areas:

1. Protection of Significant Trees and Shrubs: Significant trees and shrubs identified as meeting the criteria in Section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable zone.
2. Conservation Easements and Dedications: When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.

E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area.

F. Exemptions. The protection standards in Section D shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation: Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
2. Emergencies: Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Director. The Planning Director shall prepare a notice or letter of decision within fourteen (14) days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

16.12.050 Street Trees. Requirements for street tree planting strips are provided in Public Facilities Standards, Section 16.12.060. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

1. Growth Characteristics: Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, drought tolerance exposure, and desired color and appearance. The following should guide tree selection:
 - a. Provide a broad canopy where shade is desired.
 - b. Use low-growing trees for spaces under utility wires.
 - c. Select trees which can be “limbed-up” where vision clearance is a concern.
 - d. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - e. Use species with similar growth characteristics on the same block for design continuity.
 - f. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
 - g. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil or areas without irrigation.
 - h. Select trees for their seasonal color, as desired.
 - i. Use deciduous trees for summer shade and winter sun.
2. Caliper Size: The minimum caliper size at planting shall be (two) 2 inches, based on the American Association of Nurserymen Standards.
3. Spacing and Location: Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, and similar physical barriers.
4. Soil Preparation, Planting and Care: The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation after planting thereafter or until the lot has sold and the responsibility is transferred to the property owner. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) after planting.

5. Assurances: The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two (2) years after planting.
6. Street Tree List: A recommended street tree list is available at the Planning Office.

16.12.060 Public Facilities Standards

A. Purpose and Applicability.

1. Purpose: The purpose of this chapter is to provide planning, engineering and design standards for public and private transportation facilities and utilities. This Chapter is also intended to implement the City's Transportation System Plan.
2. When Standards Apply: Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of and adopted under this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established and adopted under this Chapter.
3. Standard Specifications: The City Engineer shall establish engineering standards and construction specifications consistent with the design standards of this Chapter and application of engineering principles (the "Engineering Standards"). The Engineering Standards are incorporated in this Chapter by reference and apply as if fully set forth in this Chapter.
4. Conditions of Development Approval: No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Title and the Engineering Standards. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

B. Transportation Standards.

1. Development Standards: No development shall occur unless the development has frontage or approved access to a public street, in conformance with the Access and Circulation standards of this chapter. The development shall comply with the Engineering Standards and the following standards:
 - a. Streets within or adjacent to a development shall be improved in accordance with Transportation System Plan and the provisions of this chapter.
 - b. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable city, county, or state jurisdiction;
 - c. New streets and drives street shall be hard-surfaced; and
 - d. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate [object] against the formation of a local improvement district in the future) in lieu of street improvements if one (1) or more of the following conditions exist:
 - (1) A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - (2) Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 - (3) The improvement would be in conflict with an adopted capital improvement plan; or
 - (4) The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.
2. Modifications: A modification to the street design standards in this section and the Transportation System Plan may be granted by the City Engineer under this provision if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (e.g., wetlands, significant trees and shrubs) or if necessary for safety or improved function of the transportation facility.
3. Creation of Rights-of-Way for Streets and Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this code. All deeds of dedication shall be in a form prescribed by the City Attorney and shall name "the public," as grantee.
4. Creation of Access Easements: The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Vehicular Access and Circulation, Section 16.12.020 and/or Pedestrian Access and

Circulation, Section 16.12.030. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

5. Street Location, Width, and Grade: Except as noted below, the location, width, and grade of all streets shall conform to the Transportation System Plan, as applicable; and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, including the following:

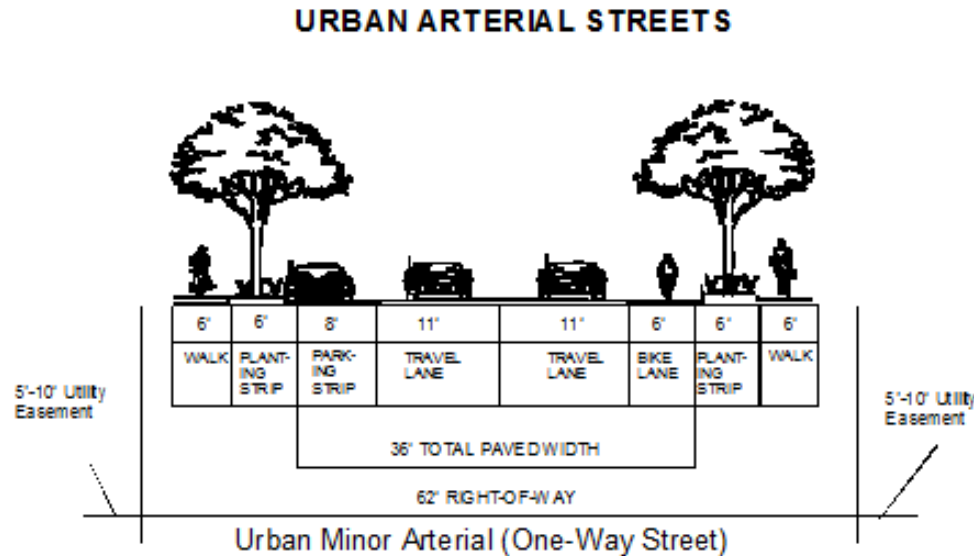
- a. Street grades shall be approved by the City Engineer in accordance with the City's engineering standards; and
- b. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall either:
 - (1) Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter; or
 - (2) Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets, and the need for public convenience and safety.
6. Minimum Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be the widths in Table 16.12-A and as shown in Figures 16.12-A through 16.12-E. A modification shall be required in conformance with Section 2 (above) to vary from these standards. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:
 - a. Street classification in the Transportation System Plan;
 - b. Anticipated traffic generation;
 - c. On-street parking needs;
 - d. Sidewalk and bikeway requirements based on anticipated level of use;
 - e. Requirements for placement of utilities;
 - f. Street lighting;
 - g. Minimize drainage, slope, and sensitive lands impacts;
 - h. Street tree location, as provided for in Section 16.12.050;
 - i. Protection of significant vegetation, as provided for in Section 16.12.040;
 - j. Safety and comfort for motorists, bicyclists, and pedestrians;
 - k. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
 - l. Access needs for emergency vehicles; and
 - m. Transition between different street widths (i.e., existing streets and new streets), as applicable.

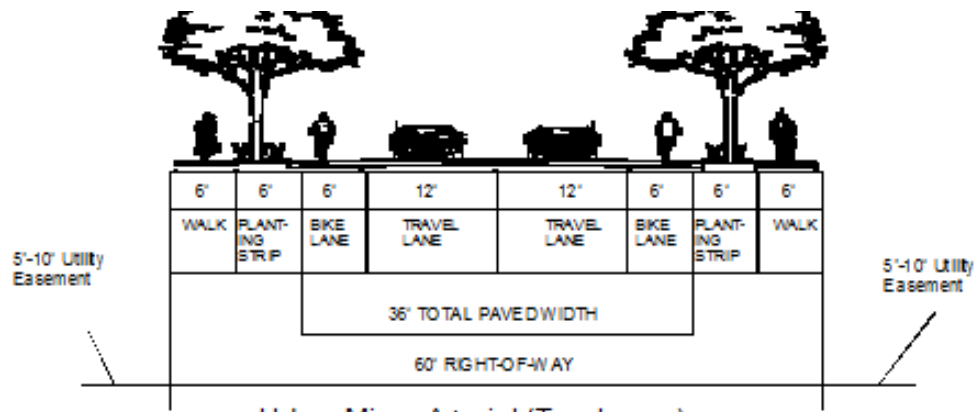
Table 16.12-A – Street Design Standards

Table 16.12-A – Street Design Standards

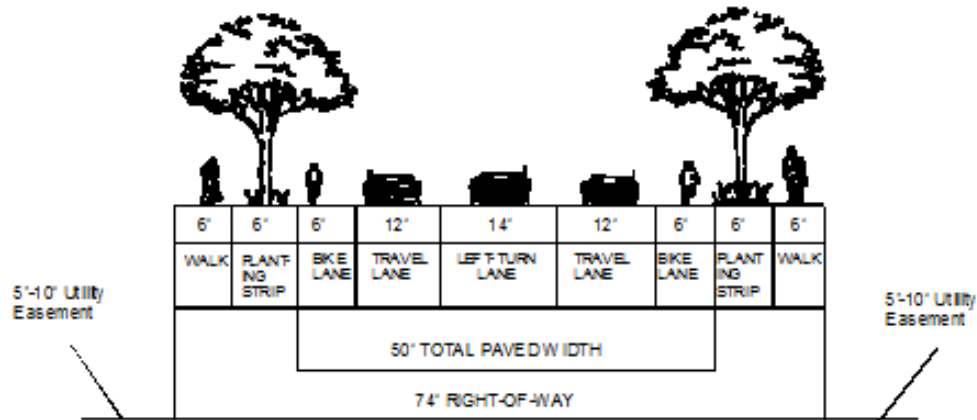
<u>Classification</u>	<u>Pavement Width</u>	<u>Right-of-Way Width</u>	<u>Posted Speed</u>
Cul-de-Sac	See Figure 16.12-E	See Figure 16.12-E	None
Neighborhood Infill			
▪ Less than 100 vpd	20 ft	32 ft	None
▪ Less than 200 vpd	25.5 ft	42 ft	None
Local Residential	20-34 ft	44-58 ft	None
Collector	34 ft	58 ft	25 mph
Arterial	34-36 ft	62-74 ft	30 mph
Commercial/ Industrial Downtown	40 ft	60 ft	20 mph

Figure 16.12-A Urban Arterial Streets





Urban Minor Arterial (Two Lanes)



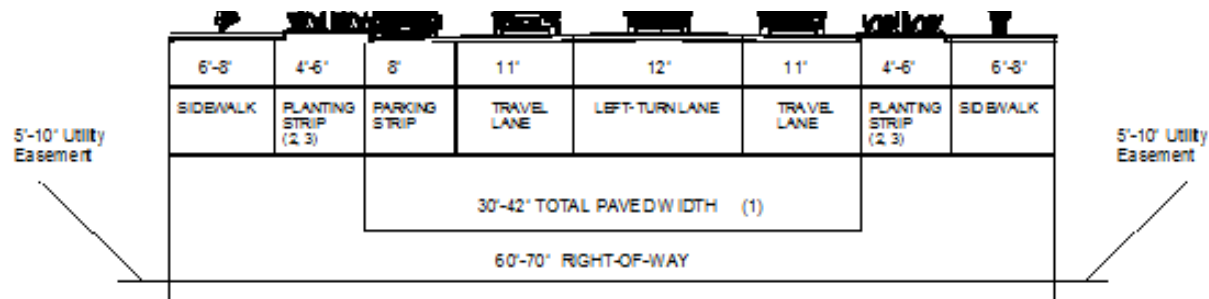
Urban Minor Arterial (Three Lanes)

1. A planter strip is required on all new streets.
2. Width of curb is included in planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

Figure 16.12-B Commercial/Industrial Streets and Urban Collector

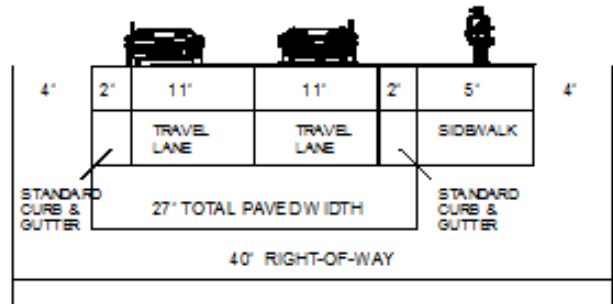
COMMERCIAL / INDUSTRIAL STREETS AND URBAN COLLECTOR



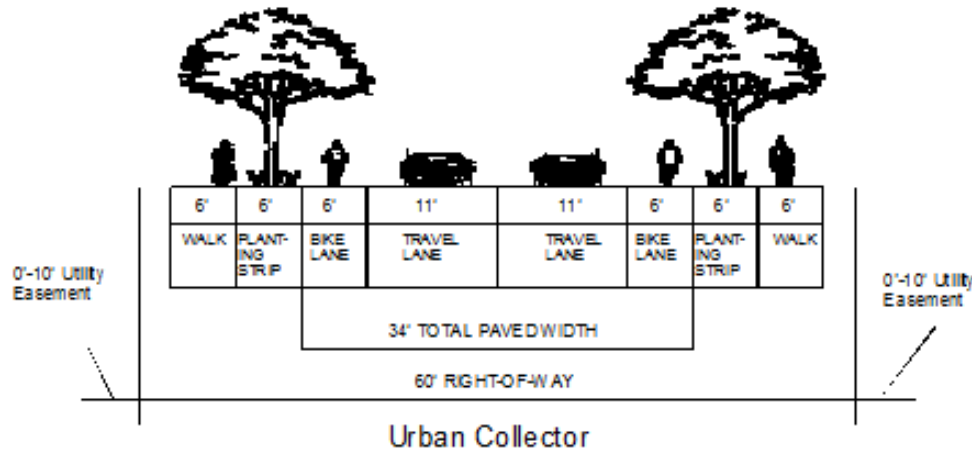


1. 42' Total Paved Width with center turn lane.
2. 4'-6" wide planting strips with 6" sidewalk.
3. 4'-6" wide tree wells with 8" sidewalk.

Urban Commercial / Industrial Streets



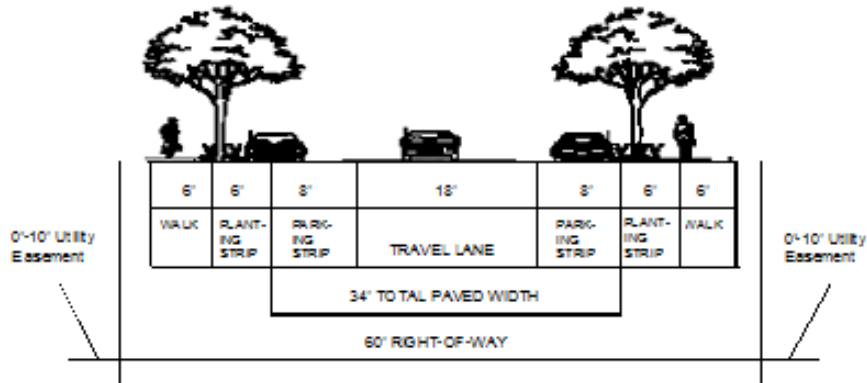
Urban Industrial Streets



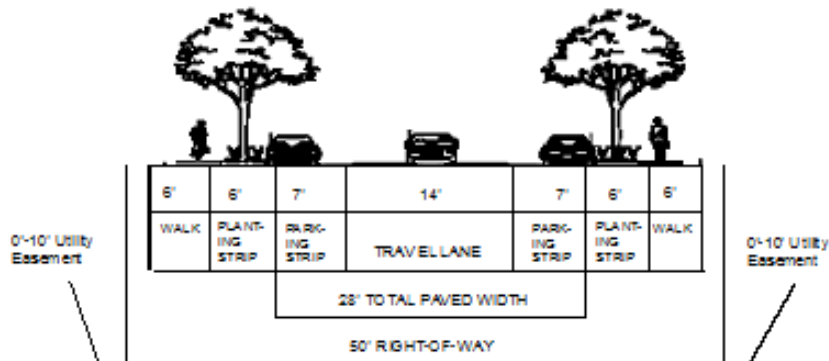
1. A planter strip is required on all new streets.
2. Width of curb is included in planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

Figure 16.12-C Local Streets

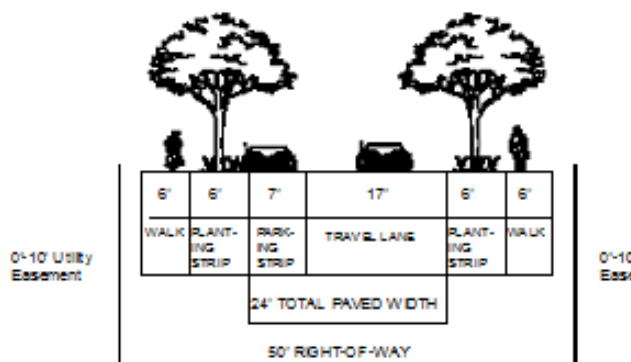
LOCAL STREETS



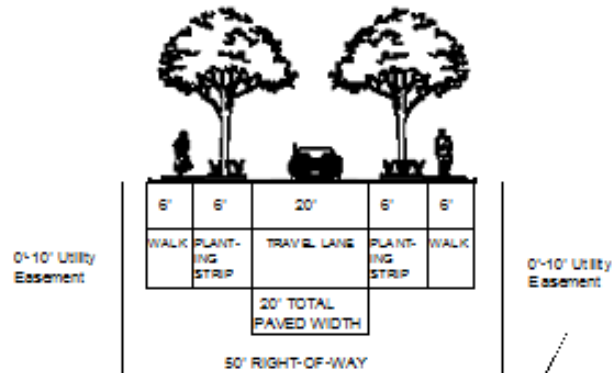
Urban Local Residential Option "A"



Urban Local Residential Option "B"



Urban Local Residential Option "C"

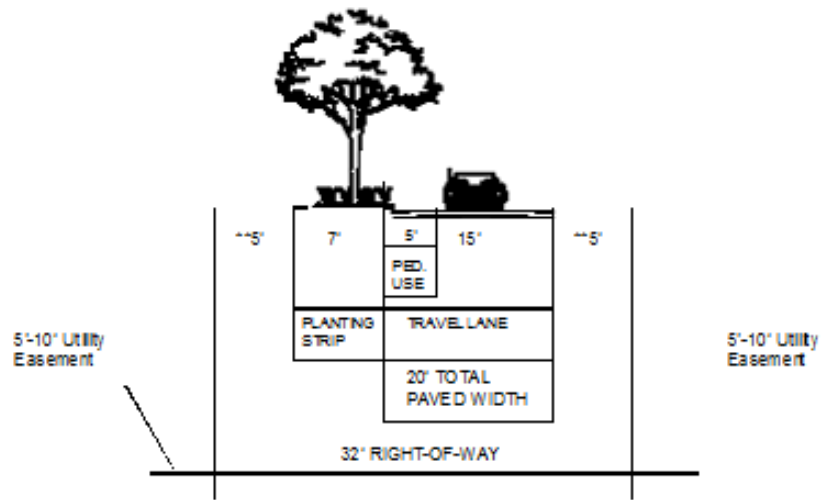


Urban Local Residential Option "D"

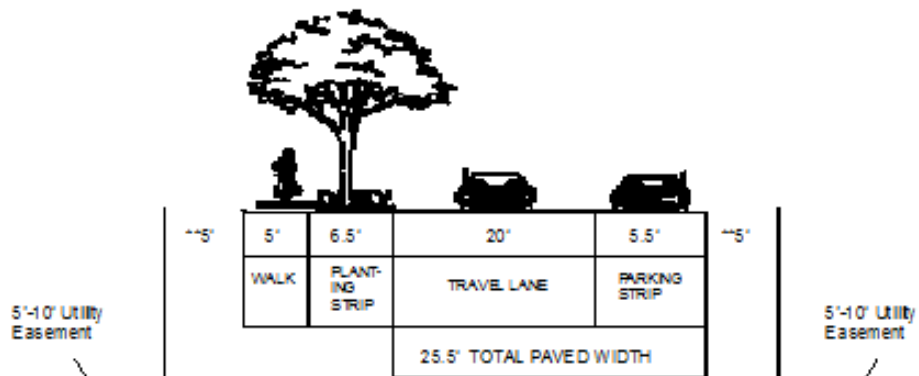
1. A planter strip is required on all new streets.
2. Width of curb is included in planter strip width.
3. Street trees and streetlights shall be located within the planter strip.

Figure 16.12-D Local Streets-Infill Standards

LOCAL STREETS INFILL STANDARDS



Neighborhood Infill Street Option "A"
(Less than 100 vehicles per day)

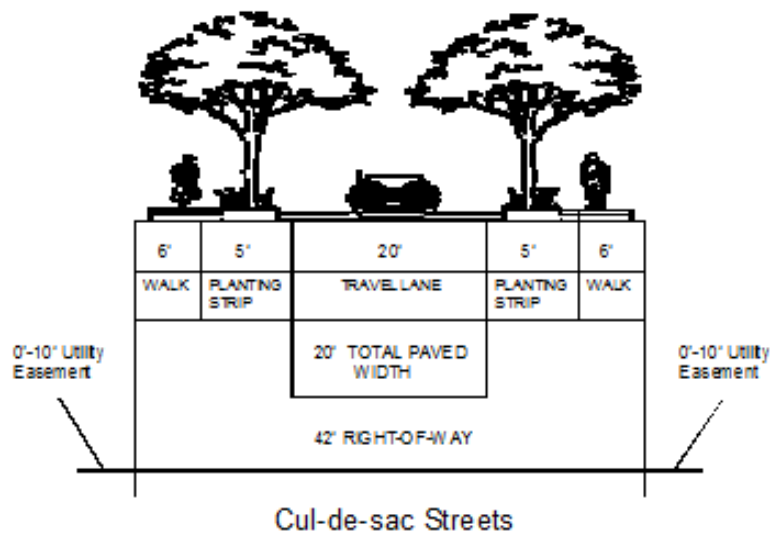




1. A planter strip is required on all new streets.
2. Width of curb is included in planter strip width.
3. For use when no vehicle connectivity is possible due to development or topography constraint
4. Street trees and streetlights shall be located within the planter strip.
5. ** Five (5) feet minimum distance from developed neighboring abutting property

Figure 16.12-E Cul-De-Sac Streets

CUL-DE-SAC STREETS



1. A planter strip is required on all cul-de-sacs.
2. Width of curb is included in planter strip width.
3. The length of cul-de-sac shall be no longer than 200 feet and have not more than 20 dwelling units on a closed end street system. Infill cul-de-sac length shall not exceed 150 feet.
4. Parking is allowed in the bulb and is prohibited in the neck.
5. Street trees and streetlights shall be located within the planter strip.

7. Traffic Signals and Traffic Calming Features:

- a. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.
- b. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

8. Future Street Plan and Extension of Streets:

- a. Where required by Section 16.12.020(K)(1) a Future Street Plan shall be filed by the applicant in conjunction with an application for a subdivision or partition in order to facilitate orderly development of the street system.
- b. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the City Engineer determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subsections (1)-(3), below:
 - (1) These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - (2) A barricade (e.g., fence, bollards, boulders, or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - (3) Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

9. Street Alignment and Connections:

- a. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
- b. Spacing between local street intersections shall be regulated by the Transportation Systems Plan, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
- c. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than fifteen percent (15%) for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
- d. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas, and parks.
- e. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in section 16.12.020 Vehicular Access and Circulation. The maximum block length shall not exceed:
 - (1) Four hundred (400) feet length and 1,200 feet perimeter in the Central Business District;
 - (2) Six hundred (600) feet length and 1,600 feet perimeter in residential zones (R-1, R-2, and R-3);
 - (3) Not applicable to the Industrial zone (I); and
 - (4) Eight hundred (800) feet length and 2,000 feet perimeter in all other zones.

Exceptions to the above standards may be granted by the City Engineer when a pedestrian access way is provided at or near mid-block, in conformance with the provisions of Section 16.12.040.

10. Sidewalks, Planter Strips, Bicycle Lanes: Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Figures 16.12-A through 16.12-E, applicable provisions of the Transportation System Plan, the Comprehensive Plan, street connectivity plan, and adopted future street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

11. Intersection Angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area, or similar neighborhood amenity.

12. Existing Rights-of-Way: Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 16.12.050(A).

13. Cul-de-sacs: A dead-end street shall be no more than 200 feet long and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.

a. All cul-de-sacs shall terminate with a circular or hammer-head turnaround. Circular turnarounds shall have a minimum radius of forty-two (42) feet, (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of twenty (20) feet in width; and

b. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

14. This section intentionally left blank.

15. Curbs, Curb Cuts, Ramps, and Driveway approaches: Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Sections 16.12.020 and 16.12.030.

16. Streets Adjacent to Railroad Right-of-Way: Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation.

17. Development Adjoining Arterial Streets: Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one (1) or more of the following:

- a. A parallel access street along the arterial with a landscape buffer separating the two (2) streets;
- b. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots

shall conform to the buffering standards in Chapter 16.12.020;

c. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or

d. Other treatment suitable to meet the objectives of this subsection;

e. If a lot has access to two (2) streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 16.12.020.

18. Alleys, Public or Private. Alleys shall conform to the standards in the Transportation System Plan. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than twelve (12) feet.

19. Private Streets: Private streets shall not be used to avoid connections with public streets. Gated communities shall be prohibited when they block street connections that are outlined in the Transportation Systems Plan street connectivity plan. Design standards for private streets shall conform to the provisions of Table 16.12-A.

20. Street Names: No street name shall be used that will duplicate or be confused with the names of existing streets in the City or Urban Growth Area, except for extensions of existing streets. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers and the City Charter.

21. Survey Monuments: Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

22. Street Signs: The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.

23. Mail Boxes: Plans for mail boxes to be used shall be approved by the United States Postal Service.

24. Street Light Standards: Street lights shall be installed in accordance with City standards and shielded in a downward pattern.

25. Street Cross-Sections: The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one (1) year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer.

C. Public Use Areas.

1. Dedication Requirements:

a. Where a proposed park, playground, or other public use shown in a plan adopted by the City or the Hood River Valley Parks and Recreation District is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.

b. Where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent, and location suitable for the development of parks and other public uses if:

(1) Approved by the Hood River Valley Parks and Recreation District; and,

(2) Determined by the Planning Commission to be in the public interest in accordance with adopted Comprehensive Plan policies.

c. All required dedications of public use areas shall conform to Section 16.12.060(A)(4) (Conditions of Approval).

2. System Development Charge Credit: If authorized by the Hood River Valley Parks and Recreation District, dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

D. Sanitary Sewer and Water Service Improvements.

1. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

2. Sewer and Water Plan Approval: Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

3. Over-sizing: Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.

4. Permits Denied: Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development, and which if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums

shall conform to the criteria and procedures contained in ORS 197.505.

E. Storm Drainage.

1. General Provisions: The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in accordance with the requirements of the City Engineer.
2. Accommodation of Upstream Drainage: Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
3. Effect on Downstream Drainage: Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

F. Utilities.

1. Underground Utilities: All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services, and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (See Section 17.04.090);
 - b. The City reserves the right to approve the location of all surface mounted facilities;
 - c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. Easements: Easements shall be provided for all underground utility facilities.
3. Exception to Under-Grounding Requirement: The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or existing development conditions.

G. Easements. Easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be fifteen (15) feet unless otherwise specified by the utility company, applicable district, or City Engineer.

H. Construction Plan Approval and Assurances. A construction site permit is required for all public and private improvements subject to this title. No public or private improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for design reviews, construction observation and other services in connection with the improvement. The permit fee shall be set by City Council resolution. The City may require the developer or subdivider to provide bonding or other performance guarantees and warranties to ensure completion and performance of required public improvements.

I. Installation.

1. Conformance Required: Improvements installed by the developer either as a requirement of these regulations or at their own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
2. Adopted Installation Standards: The Oregon Standard Specifications for Construction, Oregon Department of Transportation and Oregon Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of

the City Engineer.

3. Commencement: Work shall not begin until the City has been notified in advance.

4. Resumption: If work is discontinued for more than one (1) month, it shall not be resumed until the City is notified.

5. Construction Observation: Improvements shall be constructed under the observation and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Modifications and Extensions, Section 16.08. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced by an Oregon Licensed Land Surveyor prior to final acceptance of the improvements.

6. Engineer's Certification and As-Built Plans: A civil engineer registered in the state of Oregon shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" drawings, in conformance with the City Engineer's specifications, for permanent filing with the City. One set shall be a hard copy plot or print and one set shall be in electronic AutoCad format compatible with the City's computer hardware and software.

16.12.070 Performance Guarantee. All approvals in which the developer is required to install public improvements shall contain a condition of approval requiring a performance guarantee if the public improvements are not installed, inspected, and approved before final plat approval.

A. Form of Performance Guarantee Required. When a performance guarantee is required, the developer shall file an assurance of performance with the City supported by one of the following ("performance guarantee"):

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated;
3. Cash; or
4. If the developer is a governmental entity, an intergovernmental agreement approved by the City Council and governing body of the developer pursuant to which the developer and/or the City agree to construct the public improvements. The City Council may condition approval of the intergovernmental agreement on the provision of an irrevocable letter of credit, surety bond, or cash, or other form of fund commitment for some or all of the costs of constructing the public improvements.

B. Determination of Sum. The performance guarantee shall be for a sum determined by the City Engineer as required to cover 110 percent of the estimated cost of the work, including improvement fees and deposits, and related engineering and incidental expenses. An intergovernmental agreement does not need to cover more than 100 percent of the estimated cost of the work.

C. Itemized Improvement Estimate. The developer shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance guarantee.

D. Agreement. If the public improvements are not constructed or installed and inspected and approved prior to final plat approval, the developer shall sign an agreement with the City that specifies as follows. The agreement shall be on a form provided by the City and included with the final plat. In the case of a performance guarantee in the form of an intergovernmental agreement, the intergovernmental agreement shall contain the following provisions.

1. The period within which all required improvements and repairs shall be completed;
2. A provision that if work is not completed within the period specified, the City may call on the performance guarantee (bond, cash deposit, letter of credit, or intergovernmental agreement) to complete the work; and
3. Stipulates the improvement fees and deposits that are required.
4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

E. Reduction and Termination of Performance Guarantee. The performance guarantee shall not be terminated, allowed to expire without written authorization from the City Engineer. The City Engineer may allow reduction of the performance guarantee as portions of the improvements are constructed, inspected and approved. Ten percent of the cost of those portions constructed shall be retained as the guarantee amount is reduced. Upon acceptance for ownership and operation, the guarantee shall be released or returned unless required to satisfy the warranty guarantee requirement in Section 16.12.080.

F. Procedures. The City Engineer shall establish standard forms for the guarantee, agreement referenced in subsection (D) above, and an administrative procedure for reduction of the guarantee when permitted.

16.12.080 Warranty Guarantee. All approvals in which the developer is required to install public improvements shall contain a condition of approval requiring a warranty prior to acceptance of the public improvements by the City.

A. Warranty Guarantee Required. A warranty guarantee is required prior to City acceptance for ownership and operation of public improvements installed or constructed by the developer. The warranty guarantee may be provided in the same manner as performance guarantees or by continuing the performance guarantee required under Section 16.12.070.

B. Determination of Sum. The warranty guarantee shall be for ten percent (10%) of the actual construction cost for the public improvements to which this provision applies. The warranty guarantee shall be in effect from the date of written acceptance by the City for ownership and operation for a period of two (2) years. The City Engineer may require longer periods for guarantees with respect to public improvements constructed under contract with the City.

C. Repairs and Replacements. Repairs or replacements required during the warranty period shall be guaranteed for two years from the date of completion of the repair or replacement. The City Engineer may require a separate two (2) year warranty guarantee for any repairs done pursuant to the warranty obligation. The form shall conform to subsection (A) above.

D. Notice of Warranty Work Required. The City Engineer shall provide written notice to the developer of the need to perform warranty work unless the City Engineer determines that an emergency exists, that delay would cause serious additional loss or damage, or if any delay in performing the work might cause injury to any member of the public. In cases of emergency or if the developer, after written notice, fails within fourteen days to perform the work required, the City may perform the warranty work and recover the costs of the warranty work, including any additional damages suffered by the City, from the warranty guarantee. The developer shall reimburse the City for the costs of any warranty work that exceeds the amount of the warranty guarantee, including interest at the legal rate if not paid within thirty (30) days of the date reimbursement is requested.

E. Termination of Warranty Guarantee. At the end of the warranty period, including any extensions, the warranty guarantee shall be released and any unused deposit money returned.

F. Procedures. The City Engineer shall establish standard forms and procedures for the warranty guarantee.

TITLE 17 -- Zoning

CHAPTER 17.01 GENERAL PROVISIONS

SECTIONS:

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

CHAPTER 17.01 - GENERAL PROVISIONS

Legislative History: Ord. 1904 (2006); Ord. 1912 (2006); Ord. 1925 (2006); Ord. 1937 (2007)

SECTIONS:

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

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

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

17.01.030 Compliance with Title Provisions

A. No permit shall be issued by the Building Official for the construction, reconstruction, or change of use of a structure or lot that does not conform to the requirements of this title.

B. A plot plan showing the proposed construction or structural alteration shall be required. The applicant shall be responsible for the accuracy of the plot plan.

17.01.040 Interpretations

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

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

B. Written Interpretation. If an interpretation is requested in writing, it shall be issued within fourteen (14) days after receiving the request.

The interpretation becomes effective twelve (12) days after it is mailed or delivered to the requestor, unless an appeal is filed.

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

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

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

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

ACCESS means

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

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

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

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

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

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

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

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

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

ARCHITECTURAL SIGNIFICANCE means that the historic landmark

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

BED AND BREAKFAST FACILITY means a single-family dwelling where travelers and/or guests are lodged for sleeping purposes, with or without a morning meal, and for which compensation is paid.

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

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

BOARDING HOUSE, LODGING HOUSE, OR ROOMING HOUSE means a building where lodging, with or without meals, is provided for compensation for over four (4) guests.

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

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

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

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

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

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

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

CENTER means a group of establishments planned, developed, and managed as a unit with non-segregated, off-street parking and

circulation provided on the property.

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

North: Industrial Avenue, continuing east to Front Street

South: Sherman Avenue

East: Front Street

West: 8th Street for the C-1 zone only

CHANGE OF USE means any use that substantially differs from the previous use of a building, structure, or land. Factors to consider when identifying a change of use include the effects on parking, drainage, circulation, landscaping, building arrangements, and nuisance factors including, but not limited to, traffic, lighting, and noise.

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

CITY means the City of Hood River.

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

CITY COUNCIL means the Hood River City Council.

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

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

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

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

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

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

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

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

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

ENTITY means any use functioning independently.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INDUSTRIAL USE means any activity involving the manufacturing, processing, warehousing, or outside storage of products to be transported elsewhere for retail sale.

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

LANDMARKS BOARD means the Hood River Landmarks Review Board.

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

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

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

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

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

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

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

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

MOBILE HOME (DOUBLE/TRIPLE/QUAD WIDE etc.) means a factory-built home that is the result of the combination of joining (at the time it is placed on the property) of two (2) or more sections, to which wheels may be attached for the purpose of moving it to a concrete foundation.

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

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

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

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

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

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

OAR means Oregon Administrative Rules.

OCCUPATION means an endeavor for profit.

ORS means Oregon Revised Statutes.

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

OWNER means the owner of record or his authorized agent.

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

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

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

PLANNING COMMISSION means the Hood River City Planning Commission.

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

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

PROJECTION means

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

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

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

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

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

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

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

RESIDENTIAL OR RESIDENTIAL USE means the occupancy of living accommodations on a non-transient basis.

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

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

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

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

RIGHT-OF-WAY means

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

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

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

SIGN means any identification, description, illustration, symbol, or device that is free-standing, affixed, painted, or bas relief upon an awning, building, structure, or land, which communicates a message or idea, or identifies, or directs attention to a product, place, activity, person, institution, or entity.

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.

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

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

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

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

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

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

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

TOWNHOUSE means a single-family dwelling unit constructed as one (1) of a row of attached units separated by property lines with open space on at least two (2) sides.

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

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

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

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

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

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

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

WATERFRONT means the area of the City west of the Hood River, north of I-84, and east of the Hook, including the Hook.

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

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

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

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

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

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

ZONING ORDINANCE means Titles 16 and 17 of this Code.

CHAPTER 17.02 - ESTABLISHMENT OF LAND USE ZONES

SECTIONS:

17.02.010 Establishment and Designation of Land Use Zones

17.02.020 Zoning Map and Text

17.02.030 Interpretation of Zone Boundaries

17.02.040 Zoning of Annexed Areas

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

ZONES MAP SYMBOL

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

17.02.020 Zoning Map and Text

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

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

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

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

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

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

COUNTY DESIGNATION CITY DESIGNATION

Medium Density Residential Urban Low Density
(R-1 7000) (R-1 7000)

Medium Density Residential Urban Standard Density
(R-1 5000) (R-2 5000)

Multi-Family Residential Urban High Density
(R-2 5000) (R-3 5000)

General Commercial General Commercial

(C-1) (C-2)

Light Industrial Light Industrial
(M-2) (L-I)

Industrial Industrial
(M-1) (I)

CHAPTER 17.03 - LAND USE ZONES

Legislative History: Ord. 1903 (2006); Ord. 1904 (2006); Ord. 1912 (2006); Ord. 1920 (2006); Ord. 1925 (2006); Ord. 1928 (2007); Ord. 1933 (2007)

SECTIONS:

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

17.03.010 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)
8. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
9. Accessory dwelling units

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.

F. Parking Regulations.

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

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

17.03.020 Urban Standard Density Residential Zone (R-2)

A. Permitted Uses.

1. 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)
11. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
12. Accessory dwelling units

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.

F. Parking Regulations.

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

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

17.03.030 Urban High Density Residential Zone (R-3)

A. Permitted Uses.

1. 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)
13. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
14. Accessory dwelling units

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).

F. Parking Regulations.

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

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

H. Landscaping. All landscaping shall be in conformance with the landscape standards in this title.
17.03.040 Office/Residential Zone (C-1)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Duplexes and triplexes
3. Rooming and boarding houses
4. Manufactured homes
5. Home occupation
6. Bed and breakfast facilities
7. Family day care
8. Residential care facility
9. Group residential, if less than fifteen (15) persons
10. Transportation facilities pursuant to 17.20.050(A)

B. Permitted Uses Subject to Site Plan Review.

1. Professional offices
2. Change of use
3. Parking lots of four (4) or more spaces, new or expanded, and or the equivalent of paving equal to four (4) or more parking spaces
4. Multi-family dwellings
5. Group residential, if fifteen (15) or more persons
6. Transportation facilities pursuant to 17.20.050(B)

C. Conditional Uses.

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

D. Site Development Requirements.

1. Minimum Lot Area: Per dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
2. Minimum Townhouse Lot Area: 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.
3. Minimum Frontage:
 - a. Fifty (50) feet on a dedicated public street, or
 - b. Thirty (30) feet on a public dedicated cul-de-sac.

E. Setback Requirements.

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

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

G. Parking Regulations.

1. Professional Offices:

- a. One (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
- b. In no case shall there be less than two (2) off-street parking spaces.
- c. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
- d. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.

2. Residential Uses:

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

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

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

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

17.03.050 General Commercial Zone (C-2)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Duplexes and triplexes
3. Rooming and boarding houses
4. Manufactured homes
5. Home occupations
6. Bed and breakfast
7. Family day care
8. Residential care facility
9. Group residential, if less than 15 persons
10. Transportation facilities pursuant to 17.20.050(A)
11. Accessory dwelling units

B. Permitted Uses 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
6. Group residential, if fifteen (15) or more persons
7. Transportation facilities pursuant to 17.20.050(B)

C. Conditional Uses.

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

D. 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.

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

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

F. Maximum Building Height.

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.

G. Parking Regulations.

1. One (1) off-street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
2. In no case shall there be less than two (2) off-street parking spaces.
3. The Central Business District, the Heights Business District and the Waterfront are exempt from this requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24.
4. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section. If no off-street or off-site parking reasonably satisfies the parking requirements of this section, the fee in-lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.
5. 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.

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

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

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

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

1. Any use, or portion thereof, causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
2. Any use, or portion thereof, causing vibration shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
3. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
4. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or

outside property lines so as to produce a public nuisance or hazard.

5. If the retail and industrial uses are housed in separate buildings on the site, the industrial building shall be equal to or less in size to the commercial building.

6. In the case of two or more separate buildings, the one closest to the public dedicated street must retain a retail storefront and a pedestrian-friendly character. New construction or major renovations shall achieve this standard through use of the following design elements:

- a. Major renovations are considered any activity on the exterior of a building that exceeds ten percent (10%) of the structure's cost or fair market value or \$75,000, whichever is more, as determined by the building official.
- b. The building entrance shall be oriented toward the primary street, whenever physically possible.
- c. Off-street parking or driveways shall not be placed between the building and the primary street, whenever physically possible.
- d. The retail storefront shall utilize regularly spaced and similarly shaped windows with window hoods or trim.
- e. The retail storefront shall have large display windows on the ground floor and shall be framed by bulkheads, piers, and a storefront cornice.
- f. For properties located within the Downtown Local Historic District, refer to the District's Design Guidelines.

L. Commercial buildings between 25,000 square feet and 50,000 square feet. No new buildings shall exceed a combined contiguous length of three hundred (300) feet; nor shall any one building exceed a footprint of 50,000 square feet. Any building or contiguous group of buildings which exceed these limitations and which were in existence prior to the effective date of this ordinance may expand up to ten percent (10%) in area or length beyond their original area or length. Neither the gross square footage nor combined contiguous building length, as set forth in this section, shall be changed by a variance. The following standards shall apply to buildings or a group of buildings on one (1) site over 25,000 square feet in size:

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

17.03.060 Light Industrial Zone (LI)

A. Permitted Uses.

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

B. Permitted Uses Subject to Site Plan Review.

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

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

D. Site Development Requirements.

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

E. Setback Requirements. Minimum Setbacks: None

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

G. Parking Regulations.

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

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

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

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

17.03.070 Industrial Zone (I)

A. Permitted Uses.

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

B. Permitted Uses Subject to Site Plan Review.

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

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

D. Site Development Requirements. Minimum Lot Area: None

E. Setback Requirements.

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

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

G. Parking Regulations.

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

H. Lighting. Artificial lighting shall be subdued and shall not shine, cause glare, or be unnecessarily bright on surrounding properties. Both

interior and exterior lighting shall take into consideration the viewshed and shall be dimmed as much as possible after closing without compromising safety and security. Flood lights on poles higher than fifteen (15) feet shall not be permitted.

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

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

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

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

A. Permitted Uses Subject to Site Plan Review.

1. Public parks, playgrounds, temporary concessions incidental to and serving park/recreation user, swimming pools, and tennis courts.
2. Municipal and governmental services and functions.

B. Site Development Requirements. None

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

1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a dedicated public street.
2. Side yard/rear yard: No structure shall be placed closer than ten (10) feet from the property lines for one- (1) and two- (2) story structures, and for structures more than two- (2) stories in height, the minimum yard is increased one (1) foot for each additional story.
3. Projections may not encroach more than two (2) inches for each foot of required yard setback width.

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

E. Parking Regulations.

1. Municipal and governmental offices:

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

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

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

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

A. Permitted Uses.

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

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

A. Permitted Uses.

1. Wildlife viewing areas
2. Public bike and jogging paths
3. Launch sites for non-motorized water sports
4. Swimming beaches
5. Fishing sites
6. Boardwalks
7. Transient vending carts
8. Recreational and cultural events
9. Open space
10. Restrooms
11. Maintenance of existing roads and parking areas
12. Non-motorized water sport schools and rentals, excluding any permanent structures
13. Boat docks, excluding marinas

B. Permitted Uses Subject to Site Plan Review.

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

C. Site Development Requirements.

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

D. Lot Coverage and Maximum Building Height.

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

Lot Coverage: Based on the gross area of the site, but excluding that portion of the site located between the river setback and the water Building Height

Thirty percent (30%) maximum, excluding parking 19'–28'
maximum

Thirty five percent (35%) maximum, excluding parking 0'–18'
maximum

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

F. Setback Requirements.

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

G. Parking Regulations.

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

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

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

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

- (1) tree not less than six (6) feet in height each twenty (20) lineal feet (or an equivalent thereof) along the perimeter of the parking area.
5. Trees shall be used as wind breaks when appropriate.

J. Parking Areas and Roads.

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

CHAPTER 17.04 - SUPPLEMENTARY PROVISIONS

Legislative History: Ord 1903 (2006)

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

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

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

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

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

17.04.050 Fences and Walls

A. Fences and walls not more than six (6) feet in height are permitted within or on all property lines and on corner lots or parcels when vision clearance requirements are met.

B. Height is measured from original ground elevation in accordance with the City Engineering Standards.

C. A fence that is six (6) feet or less as measured from original ground elevation in accordance with City Engineering Standards, is not considered a structure for purposes of setbacks established in this title.

D. All retaining walls are considered structures from purposes of setbacks, and may not be located within the front, side or rear setback for a building except as provided in this title.

17.04.060 Retaining Walls.

A. Retaining walls less than four (4) feet in height are permitted within or on all setback lines when the retaining wall retains earth on the parcel on which the retaining wall is built.

B. If more than one retaining wall is located within the setback, the distance between each wall must be equal to the height of both walls, and the area between the walls must be landscaped.

C. There shall be no more than 4' of exposed wall face on a retaining wall within a setback adjacent to a public right-of-way.

D. One retaining wall of any height may be located within or on all property lines if the wall retains earth on the adjoining parcel and, if on a corner lot or parcel, when vision clearance requirements are met.

E. Height is measured from original ground elevation in accordance with the City Engineering Standards.

F. The limitations on location and height of retaining walls in this title do not apply to retaining walls located within the public right of way for the purpose of constructing or maintaining the public right of way.

17.04.070 General Exceptions to Lot Area Requirements. Lots of record existing as of December 1999 that are less than the required lot area and or have less than the required frontage specified in this title may be utilized provided all other requirements of the zone are met. The Planning Director may waive lot frontage and lot area requirements on platted lots, platted prior to this provision, by not more than five percent (5%) of the requirements of this title. Parcels subject to this exception are subject to Title 16 requirements.

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

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

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

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

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

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

A. Review Procedures.

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

B. Approval Standards.

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

C. Time Limit. A bed and breakfast facilities permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

17.04.120 Maximum Lot Coverage

A. Definitions:

1. Lot Coverage: The percentage determined by dividing (a) the area of a lot covered by the total (in square feet) of: (1) the footprint of the

main building; and (2) the footprints of accessory buildings (counting only buildings with footprints larger than one hundred fifty (150) square feet, or with two stories or more); and (3) parking pads and driveways ; by (b) the gross area of the that lot.

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

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

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

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

Categories R-1 R-2 R-3 C-1

Maximum Lot

Coverage 40% 45% 55% 65%

Maximum Lot

Coverage with

front porch 43% 48% 58% 68%

Maximum Lot

Coverage with

rear garage 45% 50% 60% 70%

Maximum Lot Coverage with rear garage and front porch 48% 53% 63% 73%

3. Existing main and accessory structures that are not in conformance with these coverage requirements on September 1, 2006, are permitted to be rebuilt within the building footprint as it existed on September 1, 2006, if the structures are damaged or partially destroyed by fire, wind, earthquake or other force majeure and if construction commences within two (2) years from the date of the calamity.

4. Multi-family dwellings are exempt from the lot coverage requirements.

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

1. Areas used for standing or maneuvering of vehicles shall have hard surfaces maintained adequately for all-weather use and be so designed as to avoid flow of water across sidewalks.

2. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

3. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and provide the maximum safety of pedestrians and vehicular traffic on the site.

4. Service drives for parking lots shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen (15) feet from their intersection. Exceptions may be granted by the Building Official with the provision of safety devices.

5. Landscaping shall be in conformance with the landscape standards in this title. Duplexes are excluded from this requirement.

CHAPTER 17.05 - NON-CONFORMING USES AND STRUCTURES

Legislative History: Ord. 1920 (2006)

SECTIONS:

17.05.010 Purpose

17.05.020 Nonconforming Use

17.05.030 Nonconforming Structure

17.05.040 Exceptions

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

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

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

17.05.030 Nonconforming Structure

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

1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease in nonconformity.
2. If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to conform to its pre-damage nonconforming state. Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.
3. If a nonconforming structure is moved, it must conform to the standards of the zone to which it is moved.

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

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

17.05.040 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.

CHAPTER 17.06 - CONDITIONAL USES

SECTIONS:

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

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

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

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

17.06.020 Application and Plan Requirements

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

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

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

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

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

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

17.06.040 Time Limits on a Permit for a Conditional Use. The conditional use permit is valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

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

17.06.050 Limitation on Reapplication. No conditional use application shall be considered by the Planning Commission within a six (6) month period immediately following a previous denial of such request. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

17.06.060 Revocation of a Conditional Use Permit

A. Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.

B. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under Review Procedures (Chapter 17.09) of this title in order for the holder of a conditional use permit to show cause why the permit should not be revoked.

C. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten (10) days after the time specified.

D. Reapplication for a conditional use which has been revoked cannot be made within one (1) year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrants it.

E. Abandonment of the use for over twenty-four (24) consecutive months shall void the conditional use. A single one (1) year extension may be granted by the director prior to the expiration date if the applicant can demonstrate that circumstances or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit. If part of the conditional use is still being utilized, an additional conditional use will need to be obtained in order for expansion of the use.

CHAPTER 17.07 PLANNED DEVELOPMENTS

SECTIONS:

17.07.010 Purpose

17.07.020 Applicability

17.07.030 Applicable Procedures

17.07.040 Applicability in Commercial and Industrial Zones

17.07.050 Allowed Uses

17.07.060 Applicability of the Base Zone Development Standards

- 17.07.070 Private Streets
- 17.07.080 Preliminary Development Plan Submission Requirements
- 17.07.090 Approval Criteria
- 17.07.100 Shared Open Space
- 17.07.110 Noncompliance and Bonding

17.07.010 Purpose. The purposes of the planned development are:

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

17.07.020 Applicability

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

B. Minimum Site Size for Residential Development. Residential development in the R-1 zone shall have a minimum parcel size of a half (½) acre to apply the planned development process. There is no minimum size for R-2 and R-3.

C. Density Calculations for a Planned Unit Development:

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

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

More than 2 acres	Subtract 50% from total area before dividing for base density.	Subtract 40% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.
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For density calculation purposes the final number shall be rounded down to the next whole number if the calculation is .49 and rounded up to the next whole number if the calculation is .50.

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

D. Mandatory for Commercial and Industrial Developments. Developments with commercial uses that are greater than two and one half (2½) acres and developments with industrial uses greater than five (5) acres are required to use the planned development overlay. For projects that come under this category, the 30% open space requirement is not required.

17.07.030 Applicable Procedures

A. Approval Process.

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

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

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

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

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

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

- e. There will be a less than five percent (5%) change in the area reserved for common open space and/or usable open space; and
- f. There will be a less than five percent (5%) change to specified setback requirements, provided the minimum setback standards of the land use district can still be met.

2. Major Modification: An application for approval of a major modification shall be reviewed as a Quasi-Judicial Action, and the review shall be limited in scope to the modification requested. A major modification shall be approved, or approved with conditions, if the preliminary development plan will continue to meet all applicable criteria. All modifications to an approved development plan that are not minor modifications as provided above, shall be reviewed as a major modification.

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

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

F. Phased Development.

- 1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than five (5) years without reapplying for preliminary development plan review.
- 2. A phased development plan proposal shall be approved subject to the following conditions:
 - a. All public facilities associated with or necessary for the phase shall be constructed in conjunction with or prior to each phase; and
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
 - c. The final phase shall be completed and ready for occupancy no later than five (5) years from the date of the final development plan approval.
- 3. If the final phase is not completed within the five (5) year time period, the Planned Development will be in noncompliance with this chapter.

17.07.040 Applicability in Commercial and Industrial Zones

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

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

17.07.050 Allowed Uses

A. In Residential Zones. Planned Developments in all residential zones may contain any of the following uses subject to the density provisions of the underlying zone and the density bonus provisions of this Chapter:

- 1. All uses allowed outright or by condition in the underlying zoning district
- 2. Single-family detached and attached residential units
- 3. Duplex residential units
- 4. Multi-family residential units
- 5. Manufactured homes
- 6. Public and institutional uses
- 7. Indoor recreation facility such as athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use
- 8. Outdoor recreation facility such as golf course, golf driving range, swimming pool, tennis court, or similar use
- 9. Recreational vehicle storage area, for the Planned Unit Development residents only.

B. In Commercial Zones. Planned Developments in all commercial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

C. In Industrial zones. Planned developments in industrial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

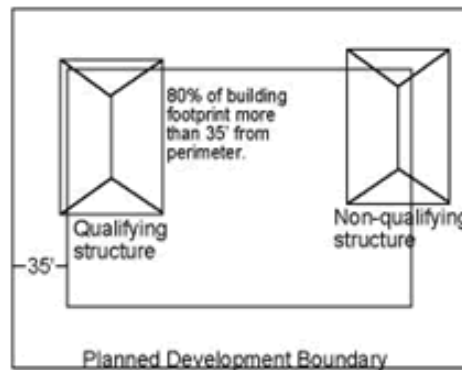
17.07.060 Applicability of the Base Zone Development Standards

A. Compliance to specific development standards. The provisions of the base zone are applicable as follows:

1. Lot Dimensional Standards: The minimum lot size standards shall not apply. Minimum frontage standards do not apply to buildings interior to the Planned Development.

2. Building Height: Qualified commercial and industrial building heights may be increased on the interior of the site when the building setback is increased. On qualified buildings, the height may be increased one (1) foot for each additional foot of setback up to a maximum of one hundred twenty percent (120%) of the base zone height standard. To qualify, a building shall have eighty percent (80%) of the building footprint more than thirty-five (35) feet from the Planned Development site boundary. See Diagram "B" below. No height increases are allowed for residential buildings.

Diagram "B" – Planned Development Boundary



3. Structure setback provisions:

- a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the underlying zone, unless increased in the Planned Development review process.
- b. The side yard setback provisions shall not apply except that all detached structures shall otherwise meet the Uniform Building Code requirements; and
- c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
 - (1) A minimum front yard setback of twenty (20) feet is required for any garage structure which opens facing a street.
 - (2) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

B. Other Provisions of the Base Zone. All other provisions of the base zone shall apply except as modified by this chapter.

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

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

17.07.080 Preliminary Development Plan Submission Requirements

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

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

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

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

1. A map showing street systems, lot or partition lines, and other divisions of land for management use or allocation purposes;
2. Areas proposed to be conveyed, dedicated, or reserve for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses;
3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open space around building and structures;
4. Elevation and perspective drawings of proposed structures with enough detail to shown design features;
5. The following plans and diagrams:
 - a. An off-street parking and loading plan;
 - b. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the Planned Development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown;
 - c. A landscaping and tree plan; and
6. A copy of all existing or proposed restrictions or covenants.

17.07.090 Approval Criteria

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

1. All the provisions of the land division provisions, Title 16, shall be met.
2. Except as noted, the Conditional Use Decision Criteria (Chapter 17.06) shall be the approval criteria. A Planned Development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Planning Commission, that promote the purpose of this section. In each case, the applicant must provide findings to justify the modification of the approval criteria in the Conditional Use chapter (Chapter 17.06). The developer may choose to provide, or the Commission may

require, additional amenities, landscaping, or tree planting.

3. A minimum of thirty (30%) percent of a Planned Development site area shall be reserved as common open space. The thirty percent (30%) open space requirement shall be exempt in the Central Business district and the Heights Business District. Open space means an area intended for common use either privately owned and maintained or dedicated to the City. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, patios, open landscaped areas, or greenbelts with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas.

4. Unless authorized below, residential density shall be governed by the density established in the underlying zoning district. The Planning Commission may further authorize a residential density bonus not to exceed thirty-three (33%) percent as an incentive to enhance the architectural character of the development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase that the Planning Commission may approve according to the following:

- a. A maximum of ten (10%) percent is allowed for the inclusion of at least six (6) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.
- b. A maximum of twenty (20%) percent is allowed for the inclusion of at least nine (9) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.
- c. A maximum of thirty-three (33%) percent is allowed for the inclusion of at least twelve (12) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate. See the following Diagram "C" for examples of architectural features.

- (1) Dormers
- (2) Gables
- (3) Recessed entries
- (4) Covered porch entries
- (5) Cupolas or towers
- (6) Pillars or posts
- (7) Eaves (min. 18-inch projection)
- (8) Off-sets in building face or roof (minimum 16 inches)
- (9) Window trim (minimum 4-inches wide)
- (10) Bay windows
- (11) Balconies
- (12) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- (13) Decorative cornices and roof lines (e.g., for flat roofs)
- (14) Façade articulation (siding materials should only be changed along horizontal lines)
- (15) High quality exterior siding material. High quality means that there should be a single, clearly dominant material for all exterior walls. Brick, stucco, and stone front facades shall return at least eighteen (18) inches around sidewalls. Lap siding and shingles shall be exposed a maximum of five (5) inches. Heavier materials shall appear only below lighter appearing materials.
- (16) An alternative feature providing visual relief, similar to options (1)-(15) above.

5. The following criteria shall apply to all Planned Developments unless otherwise specified as applicable only to certain specific uses:

a. Relationship to the natural and physical environment:

- (1) The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible.
- (2) Structures located on the site shall not be in areas subject to ground slumping and sliding.
- (3) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.
- (4) The structures shall be oriented with consideration for the sun and wind directions, where possible.

b. Private outdoor area – multi-family use:

- (1) Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than forty-eight (48) square feet.
- (2) Wherever possible, private outdoor open spaces should be oriented toward the sun.

(3) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.

c. Shared outdoor recreation areas – multi-family use:

(1) Each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:

(a) Studio units up to and including two (2) bedroom units shall provide 200 square feet per unit.

(b) Three or more bedroom units shall provide 300 square feet per unit.

(2) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety.

(3) The required recreation space may be provided as follows:

All outdoor space;

(a) Part outdoor space and part indoor space (e.g. an outdoor tennis court and indoor recreation room);

(b) All public or common space; or

(c) Part common space and part private (e.g. an outdoor tennis court, indoor recreation room, and balconies on each unit).

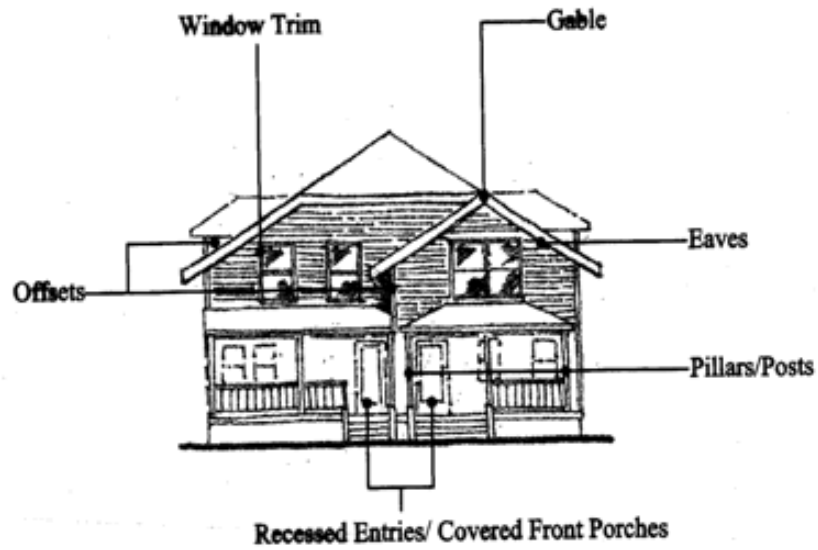
i. Where balconies are added to units, the balconies shall not be less than forty-eight (48) square feet.

d. Parking: 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 Planned Development as long as each single-family lot contains one (1) off-street parking space.

e. Drainage: All drainage provisions shall be subject to review and approval by the City Engineer and shall comply with all applicable provisions of the ORS and HRMC.

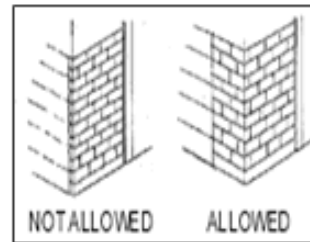
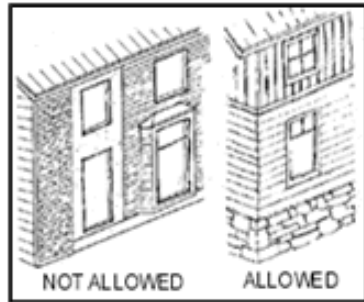
f. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the one hundred (100) year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

Diagrams C - Examples of Architectural Features



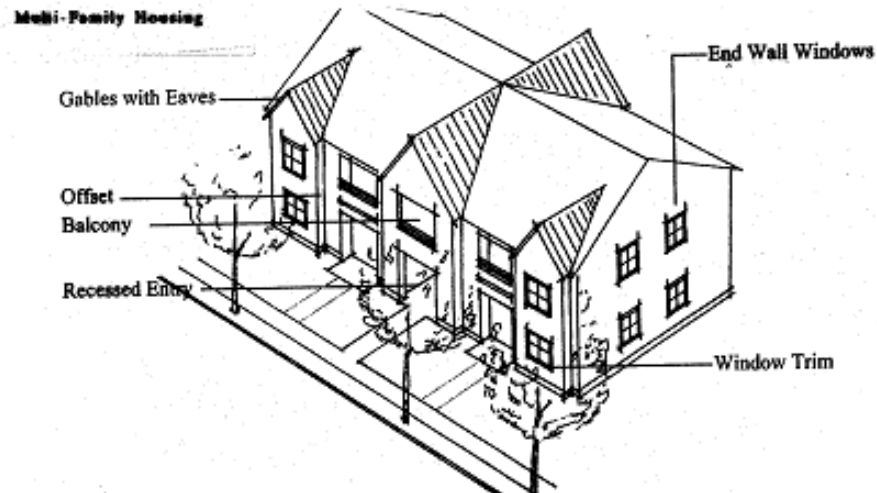
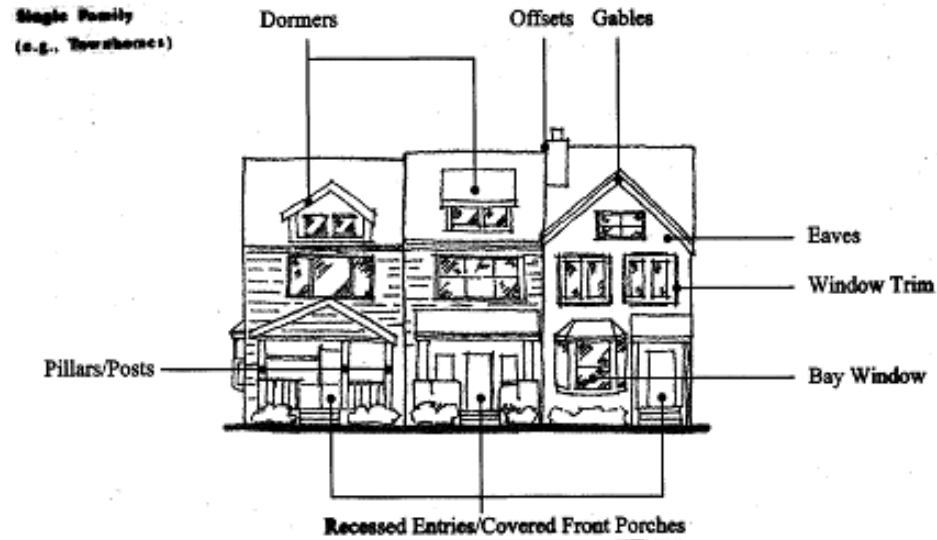
Example of Façade Articulation

Example of Exterior Siding Material



Examples of Architectural Features

Examples of Architectural Features



B. Additional Criteria for Commercial and Industrial Development. In addition to the specific Planned Development approval criteria above, Planned Developments with commercial and industrial uses shall meet the following criteria:

- 1. Commercial and industrial uses that abut existing residential zones shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise.*
- 2. Commercial projects are encouraged to include housing as a secondary use, as appropriate.*
- 3. All commercial buildings shall contribute to the storefront character and visual relatedness of surrounding buildings. This criterion is met by providing all of the architectural features listed below along the front building elevation (i.e., facing the street), as applicable.*
 - (1) Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building*

corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

(2) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

(3) Large display windows on the ground-floor (nonresidential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground-floor from second story, as shown below).

(4) Decorative cornice at top of building (flat roof), or eaves provided with pitched roof.

[Note: the example shown below (Diagram “D” – Building Design Elements) is meant to illustrate required building design elements and should not be interpreted as a required architectural style.

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

1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings shall be located away from residential areas, schools, parks, and other non-industrial areas to the maximum extent practicable; and

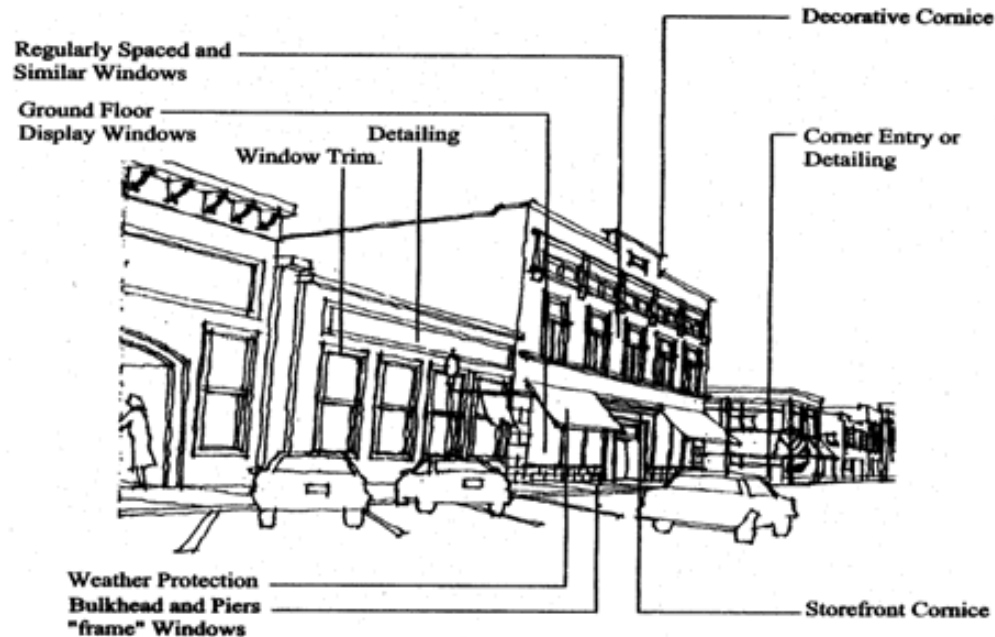
2. A landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), maybe required to mitigate adverse impacts that cannot be avoided through building orientation standards alone.

D. Industrial buildings oriented to the street shall have architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials, or similar features to break up and articulate large building surfaces and volumes.

E. Industrial buildings shall have pedestrian-scale building entrances by including recessed entries, canopies, and/or similar features.

Diagram D - Building Design Elements

Diagram "D" – Building Design Elements



17.07.100 Shared Open Space. The following requirements shall apply to common open space in each planned Development:

1. The open space area shall be shown on the final development plan.
2. The open space shall be conveyed in accordance with one of the following methods:
 - a. By dedication to the City as publicly-owned and maintained as open space. Open space proposed for dedication must be acceptable to the City with regard to the size, shape, location, improvement, and budgetary and maintenance limitations; or
 - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
 - (1) The continued use of such land for the intended purposes;
 - (2) Continuity of property maintenance;
 - (3) When appropriate, the availability of funds required for such maintenance;
 - (4) Adequate insurance protection; and
 - (5) Recovery for loss sustained by casualty and condemnation or otherwise.
 - c. By any method which achieves the objectives set forth above.

17.07.110 Noncompliance and Bonding

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

B. Issuance of Occupancy Permits. The development shall be completed in accordance with the approved final development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Planning Director determines

that immediate execution of any feature of an approved final development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the occupancy permit may be issued on condition that the applicant post a performance bond or other surety acceptable to the City to secure execution of the feature at a time certain not to exceed one (1) year.

CHAPTER 17.08 ZONE CHANGES AND PLAN AMENDMENTS

SECTIONS:

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

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

17.08.020 Legislative Zone Changes and Plan Amendments Criteria

A. Legislative zone or plan changes may be approved if

1. The effects of the change will not be unreasonably harmful or incompatible with existing uses on the surrounding area; and
2. Public facilities will be used efficiently; and
3. No unnecessary tax burden on the general public or adjacent land owners will result.

B. Legislative zone or plan changes may be approved if subsection (A) above is met and one or more of the following, as applicable, are met:

1. A mistake or omission was made in the original zone or plan designation.
2. There is not an adequate amount of land designated as suitable for specific uses.

C. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to

1. The character of the area involved;
2. It's peculiar suitability for particular uses;
3. Conservation of property values; and

4. The direction of building development.

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

- A. An application for a quasi-judicial zone or plan change shall be submitted to the City Planning Department. The application shall include
1. The applicable fee.
 2. A statement by the applicant explaining the proposed zone or plan change, including existing zoning and proposed zoning.
 3. The tax map of the area being considered for a zone or plan change, indicating boundaries, existing zoning, and existing comprehensive plan designation;
 4. A copy of a document showing ownership of the subject property, and if the applicant is not the owner, a letter of authorization from the owner;
 5. A vicinity map showing the subject property and the surrounding parcels, together with their current zoning;
 6. The reason(s) for requesting the zone change;
 7. Existing site conditions, including but not limited to: topography, public facilities and services, natural hazards, natural areas, open space, scenic and historic areas, transportation, and present use of the site;
 8. An explanation of how the zone change complies with the Comprehensive Plan and criteria in this chapter;
 9. A statement of the potential effect(s) of the zone or plan change on the site; and
 10. If an exception to a goal is required, applicant shall submit documentation establishing compliance with Oregon Revised Statute ORS 197.732 and any applicable Oregon Administrative Rules.

B. The Planning Director shall schedule at least one (1) public hearing on the application for zone or plan changes before the Planning Commission. The Planning Commission shall forward its recommendation to the City Council, which shall approve, approve with conditions, or deny the application.

C. The application shall not be approved unless the proposed zone or plan change would be in compliance with the Comprehensive Plan and the criteria set forth in this chapter.

D. Hearings under this chapter may be held only after required notification and shall be conducted in conformance with the Review Procedures (Chapter 17.09).

17.08.040 Quasi-Judicial Zone Changes and Plan Amendments Criteria

A. Quasi-Judicial zone or plan changes may be approved if the change will not be unreasonably harmful or incompatible with existing uses and one or more of the following exist:

1. A mistake was made in the original zone or plan designation; or
2. There is a public need for the change, and this identified need will be served by changing the zone or plan designation for the subject property(ies); or
3. Conditions have changed within the affected area, and the proposed zone or plan change would therefore be more suitable than the existing zone or plan designation.

B. The hearing body shall consider factors pertinent to the preservation and promotion of the public health, safety, and welfare, including, but not limited to:

1. The character of the area involved;
2. It's peculiar suitability for particular uses;
3. Conservation of property values; and
4. The direction of building development.

17.08.050 Transportation Planning Rule (Legislative and Quasi-Judicial)

A. 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; or,
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

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. 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; or,
4. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

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

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

CHAPTER 17.09 REVIEW PROCEDURES

SECTIONS:

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

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

17.09.020 Ministerial Actions

A. The Director has the authority to review and approve, approve with conditions, or deny ministerial actions.

B. Decision Types. Ministerial actions are not land use decisions or limited land use decisions. Ministerial actions include, but are not limited to, the following:

1. Final subdivision approval
2. Final partition approval
3. Boundary line adjustments
4. Sign permits

C. Applications. An application for a ministerial action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall

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

D. Time Limits. The Director shall approve, approve with conditions, or deny an application for a ministerial action within twenty-one (21) days of accepting the application unless the time limit is extended with the consent of the applicant. A ministerial action not approved within the required time period is deemed approved.

E. Final Decision. A ministerial decision is final for purposes of appeal on the date it is mailed or otherwise provided to the applicant, whichever occurs first. A ministerial decision becomes effective the day after the twelve (12) day appeal period expires.

F. Appeal. The applicant can appeal a ministerial action to the Planning Commission per the provisions of the Appeal Procedures of this Chapter within twelve (12) days of the final decision.

17.09.030 Administrative Actions

A. The Director has the authority to review and approve, approve with conditions, or deny applications processed as administrative actions.

B. Option to Process as Quasi-judicial Action. At the discretion of the Director or the request of the applicant, an administrative action may be processed as a quasi-judicial action, per the provisions of Quasi-Judicial Actions of this Chapter.

C. Decision Types. Administrative actions include limited land use decisions and may include land use decisions that are made by the Director without a hearing. Administrative actions include, but are not limited to, the following:

1. Site Plan Review
2. Partition

3. Extensions of time limits for approved Administrative and Quasi-judicial actions
4. Minor amendments to subdivisions and partitions
5. Minor historic alterations
6. Interpretation of nonconforming use and structures (Chapter 17.05)
7. Bed and breakfast facilities
8. Change of use
9. Annexations
10. Written interpretations made under Section 17.01.040

D. Pre-Application Conference. A pre-application conference may be required at the Director's discretion prior to filing an application for an administrative action. Pre-application conference requirements and procedures are found in Section 17.09.120 of this Chapter.

E. Applications. An application for an administrative action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall

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

F. Notice of Application.

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

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

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

H. Final Decision. An administrative decision is final for purposes of appeal on the date the Notice of Decision is mailed by the City.

An administrative decision becomes effective the day after the twelve (12) day appeal period expires.

I. Notice of Decision. Decision notice shall be provided to the applicant, any party of record, the Planning Commission, and any person entitled to notice within five (5) working days of date the decision is signed. The decision notice shall include

1. A brief summary of the decision and the decision making process; and
2. An explanation of appeal rights and requirements.

J. Appeal. Administrative actions may be appealed to the Planning Commission, per the provisions of the Appeal Procedures within this Chapter, within twelve (12) days of the date the decision became final. A Commission decision on appeal may be further appealed to the City Council per the provisions of Appeal Procedures, within twelve (12) days of the date the Commission's appeal decision became final.

17.09.040 Quasi-Judicial Actions

A. The Commission, Landmarks Review Board, and Council, on appeal, have the authority to review and approve, approve with conditions, or deny applications processed as quasi-judicial actions.

B. Decision Types. Quasi-judicial actions are land use decisions, and may include certain limited land use decisions. Quasi-judicial actions include, but are not limited to, the following:

1. Site plan review
2. Conditional use permits
3. Planned unit developments (PUDs)
4. Variances
5. Non-conforming uses
6. Subdivisions
7. Zone changes
8. Street vacations
9. Appeals of Ministerial decisions, Administrative decisions, Landmarks Review Board decisions, or Planning Commission decisions
10. Landmarks Review Board decisions

C. Pre-Application Conference. A pre-application conference may be required at the discretion of the Director prior to filing an application for a quasi-judicial action. Pre-application conference requirements and procedures are found in Section 17.09.120 of this Chapter.

D. Applications. An application for a quasi-judicial action shall be submitted by the owner of the subject property, or shall be accompanied by the owner's written authorization, on a form provided by the City and shall

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

E. Staff Report. The Director shall prepare a written staff report for each quasi-judicial action that identifies the criteria and standards that apply to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

F. Quasi-Judicial Public Hearings.

1. Complete applications for quasi-judicial planning actions shall be heard at a regularly scheduled meeting of the hearing body.
2. Hearings on applications for quasi-judicial actions shall be conducted per the procedures in Public Hearings section of this Chapter.
3. Unless otherwise ordered by the hearing body, the Director shall schedule complete applications for quasi-judicial actions in the order in

which they are deemed complete.

4. The hearings body shall hold at least one (1) public hearing on a complete application.

5. The applicant has the burden of proof to show why the application complies with the applicable criteria or can be made to comply through applicable conditions.

6. The applicant, appellant, or authorized representative, shall attend the prescribed public hearing for the quasi-judicial action, unless otherwise authorized by the hearing body.

G. Notice of Hearing.

1. At least twenty (20) days before a scheduled quasi-judicial public hearing, notice of the hearing shall be mailed to

a. The applicant and owners of property within 250 feet of the subject property. The list shall be compiled from the last available complete property tax assessment roll; and

b. Any affected governmental agency, department, or public district within, or adjacent to, whose boundaries include the subject property lines.

2. The notice shall

a. Explain the nature of the application and the proposed use or uses which could be authorized.

b. Set forth the street address or other easily understood geographical references to the subject property.

c. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Council or LUBA on the issue.

d. List, by commonly used citation, the applicable criteria for the decision.

e. State the place, date, and time of the hearing.

f. State that the application, all documents and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and copies will be provided at a reasonable cost.

g. State that the staff report will be available for inspection at no cost and a copy will be provided at a reasonable cost at least seven (7) days prior to the hearing.

h. Include the name and telephone number of the planning staff to contact for additional information.

i. Include a general explanation of the requirements for submission of testimony and procedure for conduct of hearings.

3. The failure of a property owner to receive actual notice as provided in this Section shall not invalidate the proceedings if the Department can show that the notice was given pursuant to this section.

4. Written notice shall be provided to the Department of Land Conservation and Development as required by ORS 197.610.

H. Continuances.

1. Except as otherwise provided below, when a hearing is continued, it may be continued to a specific time and place or an undetermined time and place, notice of the continuance will be made as follows:

a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same matter and the specific time and place of the subsequent hearing is stated, then no additional notice is required.

b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in subsection (a) above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested notice. The notice should, but need not, be mailed at least twenty (20) days before the hearing.

2. Applicant Requested Continuance. At any time prior to the date and time set for the initial public hearing, the applicant shall receive a continuance upon any request if accompanied by a corresponding extension of the 120- day rule under ORS 227.179. At the date and time originally scheduled for the public hearing, the hearing body shall open and continue the public hearing to a date and time certain. This provision also applies to the initial public hearing on appeal. No additional written notice is required.

3. Any Participant. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. The hearings body shall grant the request by continuing the public hearing or leaving the record open for additional written evidence, arguments, or testimony. The granting of a continuance or record extension is at the discretion of the hearings body.

a. Continuance. If the hearings body grants a continuance of the public hearing, the hearing shall be continued to a date, time, and place certain at least seven (7) days from the date of the initial evidentiary hearing. No additional notice of hearing is required if the matter is continued to a specified place, date, and time. An opportunity shall be provided at the continued hearing for persons to present and rebut new

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

b. Leave the Record Open. If the hearings body leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven (7) days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record according to the following procedure:

- (i) When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony;
- (ii) An extension of the hearing or record is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
- (iii) The hearings body shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence.

4. All other continuances and record extensions shall be governed by ORS 197.763(6).

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

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

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

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

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

L. Appeal.

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

17.09.050 Legislative Actions

A. The Planning Commission, and where appropriate, the Historic Landmarks Review Board, review all requests processed as legislative actions

and make a recommendation to Council to approve, approve with conditions, or deny the request. The Council makes the final decision per the provisions of this section. Legislative actions may be appealed to LUBA, subject to ORS 197.830.

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

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

C. Public Hearings.

1. The Planning Commission and/or Landmarks Review Board shall hold at least one (1) legislative public hearing to review legislative actions and make a recommendation to the Council to approve, approve with conditions, or deny.
2. The City Council shall hold a legislative hearing on legislative actions within thirty (30) days of the date it receives the Planning Commission's recommendation.

D. Notice of Hearing.

1. At least twenty (20) days before the first legislative hearing before the Council, notice of the hearing shall be published in a newspaper of general circulation.
2. The notice shall:
 - a. Explain the application and the proposed amendment(s), change(s), or use(s) which could be authorized;
 - b. List the applicable Ordinance standards and/or criteria, Comprehensive Plan Policies, Oregon Planning Goals and Guidelines, Oregon Administrative Rules, and Oregon Revised Statutes that apply to the particular application;
 - c. Set forth the geographical reference to the subject area;
 - d. State that in order to preserve any potential appeal rights to LUBA, persons must participate either orally or in writing in the legislative action proceeding in question; and
 - e. Include the name and telephone number of the planning staff to contact for additional information.
 - f. Include the hearing dates for the Planning Commission, Landmarks Review Board, and City Council hearings.

E. Additional Notice.

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

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

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

G. Final Decision and Effective Date. The Council's decision on legislative actions is the final decision. The date a decision on legislative

actions becomes final is the day thirty (30) days after the date the ordinance is adopted by the Council, unless the decision is adopted as an emergency ordinance, in which case the decision is final on the date specified in the ordinance. If the action is not approved, the date the decision becomes final is upon mailing of the notice of decision to the parties of record.

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

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

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

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

A. Quasi-Judicial Hearing Procedure. All quasi-judicial hearings shall be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710. The following rules shall apply to all quasi-judicial hearings:

1. Any questions concerning the conduct of a hearing shall be addressed to the Chair with a request for a ruling. Rulings from the Chair shall be made in light of the stated purpose of these procedures and supplemental rules. Any ruling made by the Chair may be modified or reversed by a majority of those members of the hearing body present and eligible to vote on the application before the hearing body.

2. The rules of procedure for the conduct of hearings under this section are as follows:

a. At the commencement of the hearing, the Chair, or the Chair's designee, shall ascertain whether a quorum is present. A quorum is necessary to conduct the hearing and to deliberate. The Chair shall explain the nature of the application and list the substantive criteria of Title 16 or Title 17 of the Hood River Municipal Code, the Comprehensive Plan, and/or state statute that apply to the decision before the hearing body.

b. The Chair shall then request abstentions by members of the hearing body. Prior to abstaining, the member shall explain the basis for his/her abstention. No member of the hearing body shall participate in discussion of the application or vote on the application when

(1) Any of the following has a direct or substantial financial interest in the proposal:

(a) The member of the hearing body or his/her spouse, brother, sister, child, parent, or like relative of his/her spouse has a direct or substantial financial interest in the proposal, or

(b) A business in which the member of the hearing body or any spouse or relative is then serving, or has served within the previous two (2) years has a direct or substantial financial interest in the proposal; or

(c) Any business, that has a direct or substantial financial interest in the proposal, that the member, spouse, or relative is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;

(2) He/she owns property within the area entitled to receive notice of the public hearing; or

(3) He/she has a direct personal interest in the proposal.

c. The Chair shall then request that all hearing body members disclose any significant pre-hearing or ex parte contact regarding the application. No member shall participate in any proceeding in which the member has an actual conflict of interest or in which the member, or those persons or businesses described in ORS 244.135, has a direct or substantial financial interest. If the member refuses to disqualify him or /herself for conflict of interest, ex parte contact, or bias, the hearing body shall have the power to disqualify the member by majority vote of those present for that proceeding.

d. The Chair shall then provide an opportunity for questioning of the hearing body members by interested persons as to a hearing body member's qualifications to hear the application or appeal. Based upon the disclosures of the hearing body members or any challenges by interested persons, the Chair shall then entertain motions by any member of the hearing body to disqualify any of its members. A member may

be disqualified if a majority of the hearing body determines that a member is biased in favor of or against the applicant or proposal.

e. The Chair shall then request presentation of the City Planning Department's report. The Chair shall then state the rules of conduct for the hearing as follows:

- (1) No person shall testify without first being recognized by the Chair and stating his/her full name and residence address.
- (2) No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
- (3) There shall be no audience demonstrations such as applause, cheering, display, signs, or conduct disruptive of the hearing. Such conduct may be cause for immediate termination of the hearing by the hearing body.
- (4) No person shall present irrelevant, immaterial, or unduly repetitious testimony or evidence.
- (5) Testimony and evidence must be directed toward the applicable substantive criteria. Failure to raise an issue with sufficient specificity to afford the hearing body and the parties an opportunity to respond to the issue precludes appeal to the board based on that issue.
- (6) The Chair; members of the hearing body; and with the approval of the Chair, the City Attorney; and any other officer or employee of the City may question and cross-examine any person who testifies.
- (7) No other officer or employee of the City who has a financial or other private interest or has previously participated in a hearing on the application shall participate in discussion with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of such interest.
- (8) The hearing body may set such time limitations for hearings provided that proponents and opponents are provided equal time for presentation of evidence and argument.

g. The Chair shall then request

- (1) The proponent's case;
- (2) Other testimony or evidence in support of the application;
- (3) The opponent's case;
- (4) Other testimony or evidence against the application;
- (5) Testimony or evidence concerning the application, which by its nature is neither in favor nor against; and
- (6) Rebuttal, which should be limited to comments on evidence in the record.

h. The Chair shall then close the hearing and the hearing body shall commence deliberations. The hearing body's deliberations may include questions directed to City staff, comments from City staff, or inquiries directed to any person present. If new evidence, conditions, or modifications not presented in the staff report are raised after the close of the hearing, an opportunity shall be provided for any person to comment on or rebut that evidence or information.

i. When the hearing body reopens a record to submit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony, or criteria for decision making that apply to the matter at issue.

j. Prior to the conclusion of the public hearing, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Commission shall grant the request (a "continuance") by continuing the public hearing or leaving the record open for additional evidence or testimony in accordance with the provisions of ORS 197.763.

k. The hearing body shall, within thirty days (30) after closing the hearing, adopt a written decision, which specifically sets forth the basis for that decision. The hearing body's final decision shall be based on adequate findings of fact presented during the hearing. If a finding is challenged by a Commissioner or Councilor, a vote may be taken on the finding singly, apart from the motion. A proposed order may be submitted by the Planning Director, or the Planning Commission or City Council may request the applicant or appellant to submit a proposed order.

B. Legislative Hearing Procedure. The Historic Landmarks Boards, Planning Commission, and Council each have the authority to hold legislative hearings. All legislative hearings will be held in accordance with Oregon public meeting laws as described in ORS 192.610-192.710, "Public Meetings".

1. At the start of each public hearing on legislative actions, the presiding officer shall ask if any member of the hearing body wishes to make any disclosure, or abstain from participating or voting on the matter being heard because of possible financial gain resulting from the legislative action.

2. A member with an actual conflict of interest shall not participate as a member in the hearing, but may vote if the member's vote is necessary to meet the minimum number of votes required to take official action.

17.09.070 Appeal Procedures. The following procedures apply to appeals of final decisions on ministerial and administrative planning actions

made by the Director and final decisions on quasi-judicial planning actions made by either the Historic Landmarks Board or the Commission. The Planning Director may adopt supplemental rules of procedure addressing matters not included in this section.

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

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

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

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

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

1. The appellant's name and address, and a statement describing how the appellant qualifies as a party;
2. The date and a brief description of the decision being appealed;
3. The specific grounds why the decision should be reversed or modified based on the applicable criteria or procedural error;
4. For appeals to City Council if the appellant is not the applicant, a statement demonstrating that the appeal issues were raised below; and
5. The appeal fee.

D. Jurisdictional Defects.

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

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

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

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

1. Administrative and Ministerial action appeals are heard de novo before the Planning Commission or Landmarks Review Board, as appropriate, pursuant to the procedures in Public Hearings section of this Chapter with the following exception:

a. The order of testimony shall be as follows:

- (1) The appellant's case
- (2) Other testimony or evidence in support of the appeal
- (3) The applicant's case
- (4) Other testimony or evidence in support of the applicant's case
- (5) Rebuttal by the appellant, which shall be limited to comments on evidence in the record

2. Quasi-Judicial action appeals are heard on the record before City Council. Appeals to the City Council are conducted per the procedures in the Public Hearings section of this Chapter with the following exceptions:

a. Scope of Appeal. The appeal of a quasi-judicial decision is limited to the specific grounds in the Notice of Appeal application provided those grounds were raised below. The appeal record is limited to the record created below during the proceedings prior to appeal to the City Council.

b. The order of testimony shall be as follows:

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

H. Decision of Appeal.

1. The hearing body on appeal may affirm, reverse, or modify the planning action decision being appealed, including approving, approving with conditions, or denying a particular application.

2. The hearing body on appeal shall make findings and conclusions, and make a decision based on the hearing record, except in cases of appeals of ministerial and administrative actions, which are heard de novo.

3. Copies of the appeal decision shall be sent to all parties participating in the appeal.

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

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

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

specific proposal.

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

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

17.09.120 Pre-Application Conferences

A. When a pre-application conference is required, the applicant shall schedule a meeting with the Planning Department. At the conference, the City may address the following:

1. The comprehensive plan policies, and map designations applicable to the proposal;
2. The ordinance provisions, including substantive and procedural requirements applicable to the proposal;
3. Availability of technical data and assistance which will aid the applicant; and
4. Other governmental policies and regulations that relate to the application.

B. Disclaimer. Failure of the City to provide any of the information required by this section does not constitute a waiver of any of the standards, criteria, or requirements for the application.

17.09.130 Neighborhood Meeting Requirement

A. Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input and exchange information about the proposed development. If required by subsection (B), an applicant will be required to contact all adjacent property owners within 250 feet of the development proposal to arrange a neighborhood meeting before the application is deemed complete. If a neighborhood meeting is mandatory, written verification of the date, time, attendance, and outcome of the meeting is required for a complete application, as well as a copy of the written notice, official mailing list, and affidavit of mailing.

B. Notwithstanding subsection (A), a neighborhood meeting is required for the following types of applications:

1. Subdivisions
2. PUDs
3. Other development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the Planning Director.

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

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

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

CHAPTER 17.10 SEVERABILITY - PENALTIES

SECTIONS:

17.10.010 Severability

17.10.020 Penalty and Abatement

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

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

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

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

CHAPTER 17.11 (THIS CHAPTER NUMBER INTENTIONALLY LEFT BLANK)

CHAPTER 17.12 MANUFACTURED HOMES AND MOBILE HOME PARK PROVISIONS

SECTIONS:

17.12.010 Placement of Manufactured Homes on Individual Lots

17.12.020 Additional Criteria for Manufactured Homes in R 1 Zone

17.12.030 Mobile Home/Manufactured Dwelling Parks

17.12.040 Information Required for Preliminary Site Plan Review

17.12.050 Final Site Plan and Submission Requirements

17.12.060 General Standards for Mobile Home Park Development

17.12.070 Time Limit

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

1. The manufactured home shall be multi sectional and enclose a space of not less than 1,000 square feet.
2. The manufactured home shall be placed on an excavated and back filled foundation and enclosed at the perimeter such that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than

twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the twelve (12) inch limitation will not apply.

3. The manufactured home shall have a pitched roof with a slope of not less than a nominal three (3) feet in height for each twelve (12) feet in width.
4. The manufactured home shall have exterior siding and roofing which in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on new residential dwellings within the community.
5. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards that will reduce heat loss to levels equivalent to the heat loss performance standards required of single family dwellings constructed under the State Building Code.

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

A. All manufactured homes shall have a minimum eave extension of six (6) inches.

B. Manufactured homes shall utilize at least five (5) of the following design features to provide visual relief:

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

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

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

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

1. Name of the property owner, the applicant, and the person who prepared the plan.

2. Name of the mobile home park and address.
3. Scale and north point of the plan.
4. Vicinity map showing relationship of mobile home park to adjacent properties.
5. Boundaries and dimensions of the mobile home park.
6. Location and dimensions of each mobile home site, with each site designated by number, letter, or name.
7. Location and dimensions of each existing or proposed structure.
8. Location and width of park streets.
9. Location and width of walkways.
10. Location of each lighting fixture.
11. Location of recreational areas and buildings.
12. Location and type of landscaping plantings, fence, wall, or combination of any of these, or other screening materials.
13. Location of point where mobile home park water system connects with the public system.
14. Location of available fire and irrigation hydrants.
15. Location of public telephone service for the park.
16. Enlarged plot plan of a typical mobile home site, showing location of the pad, patio, storage space, parking, sidewalk, utility connections, and landscaping.

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

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

17.12.060 General Standards for Mobile Home Park Development

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

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

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

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

E. Off street Parking.

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

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

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

G. Site Development Standards.

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

H. Other Site Requirements.

1. Recreational area: Recreation areas for the residents shall be provided with a minimum of 100 square feet for each mobile home site; however, every mobile home park shall have no less than a minimum of 5,000 square feet of common play area, which shall be maintained in a clean, usable, and safe condition.
2. Accessories: Accessory structures located on a mobile home site shall be limited to the normal accessories such as an awning,

cabana, ramada, patio, carport, garage, or storage building. No other structural additions shall be built onto or become part of any mobile home, and no mobile home shall support any building in any manner.

3. Utilities: All utilities including sewer, water, power, cable, telephone, and others shall be placed underground. Utilities shall be designed by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.

4. Drainage: A drainage plan to facilitate storm water runoff shall be prepared by a State of Oregon licensed engineer and shall be reviewed and approved by the City Engineer.

5. Trash Areas: All mobile home parks shall have shared trash and rubbish facilities and these areas must also contain areas for recycling. These facilities shall be visually screened.

6. Lighting: Artificial lighting shall not glare, deflect, or reflect onto adjacent residential zones and residential uses in the park nor be unnecessarily bright.

7. Addressing: Address identification shall be standardized throughout the park. The park owners shall be required to provide the addresses and maintain them. The numbers must be four (4) inches in size and labeled in the vertical position (reading left to right).

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

17.12.070 Time Limit. Manufactured homes and mobile home park permits are valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

CHAPTER 17.13 SIGN REGULATIONS

SECTIONS:

17.13.020 Purpose and Scope

17.13.030 Permits Required

17.13.040 Application

17.13.050 Measurement

17.13.060 Fees

17.13.070 Maintenance

17.13.080 Inspections

17.13.090 Abatement of Abandoned Signs

17.13.100 Sign Sizes

17.13.110 Exemptions

17.13.120 Prohibited Signs

17.13.130 Non-conforming Exceptional Signs

17.13.140 Non-conforming Existing Signs

17.13.150 Variance

17.13.160 Penalties

17.13.170 Severability

17.13.020 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.

17.13.030 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.

17.13.040 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.

17.13.050 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 17.09.040).

17.13.060 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.

17.13.070 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.

17.13.080 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.

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

17.13.100 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.

17.13.110 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.

17.13.120 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.

17.13.130 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.

17.13.140 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.

17.13.150 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.

17.13.160 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.

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

CHAPTER 17.14 HISTORIC PRESERVATION

SECTIONS:

- 17.14.000 Scope
- 17.14.010 Applicability
- 17.14.020 Purpose
- 17.14.030 Definitions
- 17.14.040 Landmarks Review Board
- 17.14.050 Composition

- 17.14.060 Terms
- 17.14.070 Powers and Duties of Landmarks Board
- 17.14.080 Designation of Historic Landmarks or Districts
- 17.14.090 Removal of Historic Landmark Designation
- 17.14.100 Review of Exterior Alterations
- 17.14.110 Review of New Construction
- 17.14.120 Procedure for Demolition or Moving of a Historic Landmark
- 17.14.130 Appeals
- 17.14.140 Penalties/Enforcement
- 17.14.150 Time Limits

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

17.14.010 Applicability. This ordinance is applied:

1. To all historic resources that appear on the City's adopted Hood River Cultural Resource Inventory as designated Historic Landmarks; and
2. To all properties in Historic Districts, designated either locally or nationally.

17.14.020 Purpose. The purpose of this ordinance is to promote the general welfare by safeguarding the City's heritage as embodied and reflected in its historic landmarks/districts and to:

1. Provide for the identification, protection, enhancement, and use of historic landmarks/districts within the City that reflect special elements of the City's architectural, archaeological, artistic, cultural, engineering, aesthetic, historical, political, social, and economic heritage;
2. Strengthen the economy of the City through the protection and enhancement of the City's historic landmarks/districts;
3. Encourage public education, understanding, and appreciation of the City's history and culture;
4. Foster community and neighborhood pride and sense of identity based on recognition and use of historic landmarks/districts;
5. Protect and enhance the City's historic landmarks/districts for enjoyment and use by both residents and visitors;
6. Promote the continual use of historic landmarks, individually or within a district, without detrimentally affecting their significance;
- and
7. Carry out the provisions of the State's Land Use Planning Goal 5.

17.14.030 Definitions. This section incorporated into 17.01.060 – Definitions.

17.14.040 Landmarks Review Board. The City of Hood River Landmarks Review Board, hereinafter known as the Landmarks Board, is hereby created to advise the Planning Commission and City Council about the City's historic landmarks/districts.

17.14.050 Composition. The Landmarks Board shall be composed of seven (7) members who shall be appointed by the City Council. Four (4) members shall live within the city of Hood River or the Urban Growth Area. All members shall reside within Hood River County. When making appointments to the Landmarks Board, the Council shall consider individuals who have demonstrated an interest in historic preservation and have experience or special expertise or knowledge in the field of history, archaeology, architecture, the arts, historic preservation, culture, planning, landscape architecture, business, real estate, law, government, engineering, construction, or other related trades. A member of the Planning Commission may serve as an ex officio member of the Landmarks Board. Four (4) voting members constitute a quorum and shall be entitled to conduct official business and act for the entire Landmarks Board. Each member is entitled to one (1) vote. Members of

the Landmarks Board shall serve without compensation.

17.14.060 Terms. Terms are defined as follows:

1. The term of each member of the Landmarks Board shall be three (3) years, with the exception of the initial appointment of the full Landmarks Board, which shall be as follows:
 - a. Three (3) initial members shall be appointed to three (3) year terms,
 - b. Three (3) initial members shall be appointed to two (2) year terms, and
 - c. One (1) member appointed to a one (1) year term.
2. Members may be reappointed or removed at the discretion of the City Council.
3. A vacancy on the Board shall be filled by the City Council for the unexpired term.
4. The Landmarks Board (by majority vote), at its first meeting shall elect a chairperson and a vice chairperson. The officers shall serve for terms of one (1) year.

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

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

17.14.080 Designation of Historic Landmarks or Districts.

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

B. Initiation. The process for designating historic landmarks or districts may be initiated by the Landmarks Board, Planning Commission, the City Council, recognized neighborhood groups, interested persons, or property owners, or their authorized agents, who submit a complete application for designation.

C. Procedure. Requests for designation of historic landmarks or districts are reviewed initially by the Landmarks Board. The Landmarks Board makes recommendations for designations to the City Council. The City Council shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the recommendations of the Landmarks Board and public testimony.

D. Application. An application for designation shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the City Council.

E. Review Criteria. The Landmarks Board shall review all applications for historic landmark or district designations and shall make its recommendation on the basis of the following criteria (at least one (1) section or sub-section of the following criteria must apply to the proposed historic landmark or district):

1. The proposed historic landmark or district has historic significance or contributes to the historical resources of the community. The resource is
 - a. Associated with past trends, events, or values that have made a significant contribution to the economic, cultural, social, and/or political history of city, county, state, region, or nation; or
 - b. Associated with the life of or activities of a person, group, or organization, or institution that has made a significant contribution to the city, county, region, state, or nation.
2. The proposed historic landmark or district has architectural significance because it:
 - a. Embodies distinguishing architectural characteristics of a period, style, method of construction, craftsmanship, or materials;
 - b. Represents the work of a designer, architect, or master builder who influenced the development and appearance of history of the city, county, region, state, or the nation;
 - c. Is the only remaining, or one of few remaining, resources of a particular style, building type, design, material, or method of construction;
 - d. Is a prominent visual landmark with strong associations to the community; or
 - e. Has high quality of composition, detailing, and/or craftsmanship.
3. The site contains archaeological artifacts related to prehistory or to the early history of the community.
4. The proposed historic landmark or district is listed on the National Register of Historic Places.
5. In conjunction with other criteria listed above, the proposed historic landmark/district
 - a. Is fifty (50) years old or older unless the resource is of exemplary architectural or historical significance;
 - b. Contributes to the continuity or historic character of the street, neighborhood, and/or community; or
 - c. Has sufficient original workmanship and materials remaining to show the construction technique and stylistic character of a given period.

F. Recommendation by the Landmarks Board. After the historic resource has been evaluated according to the review criteria set forth in Section 17.14.080 (5), the Landmarks Board shall recommend designation of a historic resource, district, or designation with conditions, or denial of designation, it shall make specific findings based on the review criteria, and the goals and policies of the Comprehensive Plan. The Landmarks Board shall submit its recommendation specifying the findings and forward these to the applicant at least ten (10) days prior to the public hearing and review by the City Council. If the Landmarks Board acts to reject a proposed designation, no further action shall be taken unless an appeal of the Landmarks Board's action is filed with the City Council.

G. City Council Decision. The City Council shall conduct a public hearing to consider the proposed designation and recommendations of the Landmarks Board. Following the public hearing, the City Council shall approve, approve with conditions, or deny the proposed

designation. Written notice of the decision of the City Council shall be sent to the applicant and property owner by the Planning Director within 30 days of the date of the decision.

17.14.090 Removal of Historic Landmark Designation.

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

B. Initiation. The process of removing a historic landmark/district from the inventory may be initiated by the Planning Commission, City Council, the Landmarks Board, the property owner, or by any other interested person.

C. Procedure. Review of a request for removal of designation is heard by the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

D. Application. An application for removal for a historic landmark/district designation shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the Landmarks Board.

E. Review Criteria. The Landmarks Board shall evaluate the request for removal of the historic landmark/district designation based upon findings that removal of the historic designation will not adversely impact properties in the surrounding area or integrity of the historic district or of another historic landmark on the same parcel. In order to approve an application, it must be found that at least one (1) of the following has occurred since the site was listed as a historic landmark/district:

1. Significance of the historic landmark/district has been substantially reduced or diminished according to the review criteria established in Section 17.14.080 (5).
2. Integrity of the historic landmark/district has been substantially reduced or diminished according the review criteria established in Section 17.14.080 (5).

F. Exceptions. The Planning Director shall delete any demolished or removed historic landmark/district from the official Inventory through an administrative review if the property is damaged in excess of seventy percent (70%) of its previous value due to vandalism, fire, flood, wind, earthquake, or other natural disasters.

17.14.100 Review of Exterior Alterations.

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

B. Initiation. The process for applying for altering a historic landmark or landmark within a district may be initiated by the property owner or authorized agent upon submittal of a complete application.

C. Alterations. Review is required for all EXTERIOR alterations or additions to designated landmarks, individually or within historic districts, with the exception of alterations classified as "minor alterations." The Planning Director, who may consult with the Landmarks Board, shall approve minor alterations through an Administrative action. The following are considered "minor" alterations:

1. Replacement of gutters and down-spouts, or the addition of gutters and down-spouts, using like materials or materials that match

those that were typically used on similar style buildings.

2. Repairing or providing a new foundation that does not result in raising or lowering the building elevation providing that skirting is provided to match the existing skirting. The repair or new foundation shall not affect the appearance of the building.
3. Replacement of wood siding, when required due to deterioration of material, with wood material that matches the original siding in all materials, dimensions, and textural qualities.
4. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames.
5. Replacement of existing sashes with new sashes, when using material that matches the original historic material and appearance. Severe deterioration of the original sashes has to be evident.
6. Repair and/or replacement of roof material with the same kind of existing roof material or with materials that are in character with those of the original roof.
7. Replacement or construction of fencing according to the established fence design written guidelines. (Chart "A" – Secretary of Interior Standards).
8. Other minor alterations, such as awning replacement or installation, specified by the Landmarks Board.

D. Exemptions from Review. The general and ongoing responsibility of the property owner to care for, repair, and replace with like materials may be done without formal review by the Landmarks Board. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or appearance, of such feature of which the building official shall determine is required for public safety due to an unsafe or dangerous condition. Normal maintenance may include, but not be limited to

1. Painting and related preparation;
2. Ground care and maintenance required for the permitted use of the property; and
3. Existing materials replaced in kind for historic landmark because of damage or decay of materials;

E. Procedure. Review of a request for an EXTERIOR alteration is heard by the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

F. Application. An application for alteration provided by the Planning Director shall be prepared by the property owner or authorized agent and submitted to the Planning Department for review. If the application is incomplete, the Planning Director shall notify the applicant within seven (7) days and state what information is needed to make the application complete. The applicant shall have ten (10) days in which to submit additional material. The completed application and attachments are forwarded to the Landmarks Board for review.

G. Review Criteria. The Landmarks Board must find that either criteria number one (1) or number two (2) below has been met in order to approve an alteration request.

1. The proposed alteration causes the historic landmark to more closely approximate the historical character, appearance, or material composition of the original structure than the existing structure. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Chart "A" - Secretary of Interior Standards).
2. The proposed alteration is compatible with the historic characteristics of the area and with the existing structure in massing, size, scale, materials, and architectural features. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards" and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Chart "A" - Secretary of Interior Standards).
3. In conjunction with criteria number one (1) or number two (2) above, the Landmarks Board shall also consider
 - a. The value and significance of the historic landmark, individually or within a district;
 - b. The Oregon Structural Specialty Code, as adopted and amended by the State of Oregon, with particular reference to designated Historic Buildings, ADA, and historic buildings, or related sections; and

c. Other applicable state and local codes and ordinances relating to the building, fire, health and safety.

H. Conditions of Approval. The Landmarks Board shall approve, conditionally approve, or deny the request. Conditions may be attached which are appropriate for the protection and/or preservation of the historic or architectural integrity of the district or historic landmark. All conditions must relate to review criteria.

I. Decision. A decision by the Landmarks Board under this section shall be supported by written findings and shall be forwarded within seven (7) days of the decision to the property owner.

17.14.110 Review of New Construction.

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

B. Initiation. The process for applying for new construction may be initiated by the property owner or authorized agent, upon submittal of a complete application.

C. New Construction. Review is required for any new construction, which occurs on the same parcel as a designated historic landmark, or on any parcel in a designated district.

D. Procedure. A request to construct a new structure shall be referred to the Landmarks Board who is the final review body unless an appeal is filed. The Landmarks Board shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

E. Application. An application for new construction shall be prepared and filed with the Planning Department, using forms prescribed by the Planning Director. The Planning Director shall fix a date and time for a public hearing before the Landmarks Board.

F. Relationships to Other Planning Review. Projects, which require a historic review, may also require other land use reviews. If other reviews are required, the review procedure may be handled concurrently.

G. Review Criteria. In reviewing the request, the Landmarks Board shall consider the following criteria:

1. The design of new construction is compatible with the design of the historic landmark(s) on the parcel or in the district, considering scale, style, height, and architectural detail and materials. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards" and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Chart "A" - Secretary of Interior Standards);
2. The location and orientation of the new construction on the parcel is consistent with the typical location and orientation of similar structures on the parcel or within the district considering setbacks, distances between structures, location of entrances, and similar citing considerations. The Landmarks Board shall use the Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards", and the Secretary of the Interior's "Standards for Treatment of Historic Properties" (Chart "A" - Secretary of Interior Standards).

H. Conditions of Approval. In approving applications for new construction, the Landmarks Board may attach conditions that are appropriate for the preservation of the historic or architectural integrity of the historic landmark/district. All conditions must relate to review criteria.

I. Decision. All decisions by the Landmarks Board under this section to approve, approve with conditions, or deny construction shall be supported by written findings and shall be forwarded to the property owner within seven (7) days of the decision.

17.14.120 Procedure for Demolition or Moving of a Historic Landmark.

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

B. Initiation. Demolition or moving designated historic landmarks or demolition within a historic district may be initiated by affected property owners or their authorized agent who submit a complete application.

C. Demolition or Moving. A permit is required to move, demolish, or cause to be demolished any structure listed as a historic landmark or in a district.

D. Procedure. All requests for demolition or moving a historic landmark shall be reviewed by the Landmarks Board. The Landmarks Board shall conduct a quasi judicial hearing in accordance with the requirements of Chapter 17.09 of the Hood River Municipal Code taking into consideration the review criteria and public testimony.

E. Application. An application shall be made to the Planning Department using forms prescribed by the Planning Director. The Planning Director shall fix a date for a public hearing.

F. Review Criteria. In considering a proposal for demolition or relocation of a historic landmark, individually or within a district, the Landmarks Board shall have the authority to allow the demolition or relocation, allow partial demolition or relocation, or delay approval for an initial period not to exceed ninety (90) days from the date of the Board's initial public hearing. If the Board acts to approve the request, in whole or in part, issuance of a permit and the commencement of the work shall be delayed for twenty (20) days after the Board's approval to allow for the filing of appeals. In determining whether a demolition or moving permit shall be issued, the Landmarks Board shall consider the following:

1. The completed application form;
2. Information presented at the public hearing held concerning the proposed development;
3. The Hood River Comprehensive Plan;
4. The purpose of this ordinance;
5. The review criteria used in the original designation of the historic landmark or district in which the property(s) under consideration is situated;
6. The historical and architectural style including the general design; arrangement; materials of the historic landmark in question or its appurtenant fixture; the relationship of such features to similar features of the other historic landmarks, individually or within the district; and the structure's position in relation to public rights-of-way and to other buildings and structures in the area;
7. The effects of the proposed application upon the protection, enhancement, perpetuation, and use of the historic landmark or district that cause it to possess a special character or special historical or aesthetic interest or value; and
8. Whether denial of the permit will involve substantial hardship to the property owner, and whether issuance of the permit would act to the substantial detriment of the public welfare and would be contrary to the intent and purpose of this Chapter.

G. Decisions. The Landmarks Board shall make decision within ten (10) days following the completion of the public hearing. For applications for demolition, the Landmarks Board may approve, approve with conditions, or invoke a stay of demolition. If the Landmark Board determines that a stay of demolition is appropriate, the City Council shall be promptly notified. If the City Council agrees that a stay of demolition is appropriate, the Hood River City Council shall apply to the Hood River County Circuit Court for a

mandatory injunction prohibiting demolition. The length of stay shall be no more than ninety (90) days from the date of the public hearing. During the period, the Landmarks Board shall attempt to determine if public or private acquisition and preservation is feasible, or alternatives are possible that could be carried out to prevent demolition or removal of the historic landmark, individually or within a district.

1. Further stays of demolition may be imposed for a period not to exceed one hundred and twenty days (120) days from the date of the hearing, if the Landmarks Board finds:
 - a. There is a program or project underway that could result in public or private acquisition of the historic landmark; and
 - b. There are reasonable grounds for believing the program or project may be successful.
2. After granting a further postponement, the Landmarks Board may order the Planning Director to issue the permit if it finds:
 - a. All programs or projects to save the historic landmark have been unsuccessful;
 - b. The application for demolition or moving has not been withdrawn; and
 - c. The application otherwise complies with city ordinances and state law.
3. During the stay of demolition, the Landmarks Board may require the property owner to:
 - a. List the historic landmark in local and state newspapers of general circulation for a period of not less than sixty (60) days stating that the property shall be given away to parties interested in moving the historic landmark;
 - b. Give public notice by posting a hearing notice on site in addition to a sign, which shall read: "Historic Landmark to be Moved or Demolished Call City Hall for Information." The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten (10) feet of a public street abutting the premises on which the structure is located. The property owner is responsible for assuring that the sign is posted for a continuous sixty (60) day period;
 - c. Prepare and make available any information related to the history of the historic landmark; and
 - d. Assure that the property owner has not rejected a bona fide offer that would lead to the preservation of the historic landmark.
4. As a condition for approval of a demolition permit, the Landmarks Board may require one or more of the following:
 - a. Require photographic documentation, architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriate by the Landmarks Board; and/or
 - b. Require that the property owner document that the Historic Preservation League of Oregon or other local preservation group had been given the opportunity to salvage and record the historic landmark.

H. Exemptions. The Planning Department shall issue a permit for moving or demolition if any of the following conditions exist:

1. The building is not designated compatible within an historic district;
2. The historic landmark has been damaged in excess of seventy percent (70%) of its previous value due to vandalism, fire, flood, wind, or other natural disaster; or
3. The Fire Marshall, Building Official or City Engineer determines that the demolition or moving is required for the public safety due to an unsafe or dangerous condition. Prior to the emergency action, the Landmarks Board shall be notified of such action.

17.14.130 Appeals. Final decisions by the Landmarks board may be appealed to City Council, per the provisions of the Appeal Procedure in Review Procedures (Chapter 17.09).

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

17.14.150 Time Limits. Landmarks Review Board permits for exterior alterations, new construction, or demolitions are valid for a period of two (2) years from the written notice of the final decision, or the decision on an appeal, whichever is later.

Chart "A" – Secretary of Interior's Standards for Rehabilitation

The following standards are to be applied to rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserves.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sand blasting that cause damage to historic material shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project or development shall be protected and preserved according to Oregon Revised Statue ORS 358.905. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Chart "B" – Cultural Resources Inventory

Chart "B" – Cultural Resources Inventory

Local Downtown District: 1994 (updated 2004)

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

18	Mt Hood Hotel Annex	HR Hotel	102-08 Oak St	31	National Register
19	C.H. Sproat Bldg	Storm Warning	112 Oak St	32	
20	Eliot Bldg (formerly Franz Hardware)	Discovery Bicycles	116 Oak St	33	
21	Brosius Bldg	Carharts/Ananas/Gift House/G.Wilikers	202-06 Oak St	34	
22	La France Bldg	Waucoma Books	212 Oak St	35	
23	Ferguson Bldg	Carousel Museum	304 Oak St	38	Comprehensive Plan
24	Kelly Brothers Hardware	Frame Shop	402-06 Oak St	39	
25	Bartall Bldg	Oak St Mall	408-16 Oak St	40	
26		Windwear	504 Oak St	41	
27	PP & L Bldg	Kerritts	314, 316 Oak St	64	
28	HR Banking and Trust	Apland Jewelers	Oak St & Third	36	
29	Parker House	Parker House	110 Sherman Ave	13	National Register
30	Steward Hardware	Van Metre's	202 State St	9	
31	HR County Library	HR County Library	503 State St	14	Nat Reg/Comp Plan
32	Ezra Smith House	Wine Sellers	514 State St	16	Comprehensive Plan
33	Apple Growers Assoc Plant H	Waucoma Center	902 Wasco St	63	
34	HR City Hall	HR Police Dept	207 Second St	7	Comprehensive Plan
35	Masonic Temple	Masonic Temple	210 Second St	8	Comprehensive Plan

36	Hotel Waucoma	River City Saloon	102-08 Second St	49	Nat Reg/Comp Plan
37	HR Meat Market (formerly Scott Insur.)	Keen Shoes	111 Third St	37	
38	Diamond Fruit Bldg	ANPC	11 Third St	53	
39	Union Truckers Bill of Lading General Office	Union Bldg	Third St & Industrial Ave	61	Comprehensive Plan
40	Riverside Church	Riverside Church	Fourth & State St	11	Comprehensive Plan
41	Georgian Smith Park	Library Park	Fifth & State St	15	Nat Reg/Comp Plan

CHAPTER 17.15 ANNEXATION POLICY

SECTIONS:

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

17.15.010 Introduction. It is the policy of the City of Hood River to promote orderly, efficient, and fiscally responsible annexation of territories in conjunction with urban growth or expected or desired urban growth within the urban growth area. Accordingly, the City shall annex property where:

1. The proposed annexation represents the natural extension of the existing City boundary consistent with urban growth;
2. The proposed annexation would not, when developed or as developed, unreasonably limit the ability of the City to provide a level of services to City residents consistent with community needs and the financial capabilities of the City, as determined by the City;
3. The proposed annexation would not cause the City to pledge extension of services beyond its resources so as to result in a deficit operation of the service;
4. The proposed annexation would serve the interests of the entire community and not solely the interests or convenience of those within the territory proposed to be annexed.

17.15.020 Application and Process. An annexation may be proposed by the City of Hood River, landowners, or a group of residents and shall include the following elements:

1. Preliminary plans and specifications, drawn to scale, showing the actual shape and dimensions of the property to be annexed and the existing and proposed land uses and residential density. City and County zoning in the proposed territory, as shown on a vicinity map, and contiguous lands must also be indicated.
2. Comprehensive statement of reasons in support of the annexation addressing the applicable annexation criteria.
3. Completed certifications of property ownership, registered voter status, map, and legal description.

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

17.15.040 Planning Commission Review. The Planning Commission shall review the application in a public hearing and forward a recommendation with findings to the City Council who will conduct a public hearing according to the Quasi-Judicial Hearing Procedures or Legislative Hearing Procedures (Chapter 17.09), whichever is applicable.

17.15.050 Evaluation Criteria – Developed Land. Prior to approving a proposed annexation of developed land, affirmative findings shall be made relative to the following criteria:

1. The territory is contiguous to the city limits and within the Urban Growth Area;
2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;
3. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;
4. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits;
5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River because of existing development;
6. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and
7. The annexation conforms to the Comprehensive Plan.

17.15.060 Evaluation Criteria – Undeveloped Land. Prior to approving a proposed annexation of undeveloped land, affirmative findings shall be made relative to the following criteria:

1. The territory is contiguous to the city limits and within the Urban Growth Area;
2. The annexation represents the natural extension of the existing City boundary to accommodate urban growth;
3. The annexation of the territory is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area;
4. The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting the City's ability to adequately serve all areas within the existing city limits;
5. The fiscal impact of the annexation is favorable, as determined by the City of Hood River, either upon approval or because of a commitment to a proposed development, unless the City determines that a public need outweighs the increase;
6. The annexation meets the City's urban growth needs, and it is to the City's advantage to control the growth and development plans for the territory; i.e., to be able to address the issues of traffic, density, land use, and the level and timing of necessary facilities and services;
7. If the criteria in 17.15.060 (6) does not apply, the annexation provides a solution for existing problems resulting from insufficient sanitation, water service, needed routes for utility or transportation networks, or other service-related problems;
8. The proposed annexation does not negatively impact nearby properties, whether located within the city limits or the urban growth area; and

9. The annexation conforms to the Comprehensive Plan.

17.15.070 Evaluation Criteria – Fiscal Impact. The following factors are to be taken into consideration when determining fiscal impact for both developed and undeveloped land and may include, but are not be limited to:

1. The additional revenues, if any, available to the City as a result of the annexation;
2. Whether any unusual or excessive costs will be incurred as a result of the annexation; and
3. The impact on the City’s tax base, if any, as a result of the annexation.

17.15.080 Evaluation Criteria – Urban Service Capabilities.

A. The municipal service needs, if any, of the territory to be annexed, including those of police and fire protection, public sewer and water supply facilities, street improvement and/or construction, and such other municipal services as may reasonably be required. Both short term and long term plans for all services shall be addressed.

B. The projected costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

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

CHAPTER 17.16 SITE PLAN REVIEW

SECTIONS:

- 17.16.010 Applicability
- 17.16.020 Application Procedure
- 17.16.030 Submittal Requirements
- 17.16.040 Decision Criteria
- 17.16.050 Multi-Family and Group Residential Decision Criteria
- 17.16.060 Effect of Approved Site Plan Review Permits
- 17.16.070 Expiration and Extension
- 17.16.080 Appeal

17.16.010 Applicability.

A. A site plan review permit shall be required for the following circumstances:

1. New construction.
2. Expansion, remodel, or exterior alteration of any building or other structure.
3. Change of use.
4. Multi-family and group residential.
5. Removal or fill of over 5,000 cubic yards of land.

B. Exemptions from site plan review are as follows;

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

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

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

A. Pre-Application Conference

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

B. Application Review.

1. Administrative Review

a. Upon receipt of a complete application, the Director may determine, based on the complexity of the proposal, that it is appropriate for City staff to review the application administratively and make a recommendation to the Director. The final decision on an application is made by the Director based on the following:

- (1) The recommendation of the City staff,
- (2) Consideration of any public comments received; and
- (3) The decision criteria in this chapter.

(a) Administrative site plan review will require an additional noticing requirement. The Notice of Application shall be published in the local newspaper of record.

2. Quasi-Judicial Review

a. A site plan review application requiring Planning Commission review and decision shall be reviewed by City staff prior to the final decision by the Planning Commission in accordance with the following procedure:

- b. The Director shall forward a completed application to City staff.
- c. City staff shall consider the application and make recommendation to the Director.
- d. The Director shall review the staff recommendation and determine the major issues and specific aspects of the project, which the Planning Commission should review.
- e. The Planning Commission shall review the application in relationship to staff recommendations. The Planning Commission shall consider the application at a public meeting.

f. The Planning Commission will make the final decision based on the following:

- (1) The recommendation of City staff;
- (2) Consideration of any public comments received;
- (3) The decision criteria in this chapter.

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

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

17.16.040 Decision Criteria.

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

B. Air Quality: The use shall have minimal or no adverse impact on air quality. Possible impacts to consider include smoke, heat, odors, dust, and pollution.

C. Grading: Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

D. Public Facilities: Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed

use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention or treatment of stormwater may be required by ODOT.

E. Traffic and Circulation: The following traffic standards shall be applicable to all proposals:

1. On-site circulation shall be designed according to accepted engineering guidelines to be safe and efficient and shall comply with the requirements of Chapter 17.20.
2. The access point(s) between the subject property and the public street shall be reasonably safe and shall comply with the access management standards of Chapter 17.20.050.
3. Mitigation: The proposed use shall not have an adverse effect on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trip (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the affected street system.
4. Traffic Impact Report: The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer. Every effort will be made to inform the applicant within twenty (20) days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be required. Unforeseen circumstances could result in a delayed request for this information.
5. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
6. Conditions, including but not limited to the following, may be applied in the event that a proposed project is demonstrated to potentially place an undue burden on the transportation system. These are additional to the conditions that may be imposed by the requirements of Chapter 17.20.
 - a. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required where the existing transportation system will be adversely affected or is inadequate to handle the additional burden caused by the proposed use.
 - b. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be adversely affected by the proposed use.

F. Storage: All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

G. Equipment Storage: Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet, at a minimum, the requirements of the noise ordinance.

H. Compatibility: The height, bulk, and scale of buildings shall be compatible with the site and buildings in the surrounding area. Use of materials should promote harmony with surrounding structures and sites.

I. Design: Variety of detail, form, and siting should be used to provide visual interest. A single uninterrupted length of facade shall not exceed 100 feet. Buildings shall utilize at least three (3) of the following architectural elements to provide architectural variety:

1. Massing
2. Offsets
3. Materials
4. Windows
5. Canopies
6. Pitched or terraced roof forms
7. Other architectural elements

J. Orientation: Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

K. Parking: Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

17.16.050 Multi-Family and Group Residential Decision Criteria.

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

B. Grading: Any grading, contouring, on-site surface drainage, and/or construction of on-site surface water storage facilities shall take place so that there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan shall be required.

C. Public Facilities: Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities shall be required. Connection to Oregon Department of Transportation (ODOT) stormwater facilities will require a permit from ODOT District 2C. On-site detention or treatment of stormwater may be required by ODOT.

D. Traffic and Circulation: The following traffic standards shall be applicable to all proposals:

1. On-site circulation shall be designed according to accepted engineering guidelines to be safe and efficient and shall comply with the requirements of Chapter 17.20.
2. The access point(s) between the subject property and the public street shall be reasonably safe and shall comply with the access management standards of Chapter 17.20.050.
3. Mitigation: The proposed use shall not have an adverse effect on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trip (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the affected street system.
4. Traffic Impact Report: The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer. Every effort will be made to inform the applicant within twenty (20) days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be required. Unforeseen circumstances could result in a delayed request for this information.
5. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
6. Conditions, including but not limited to the following, may be applied in the event that a proposed project is demonstrated to potentially place an undue burden on the transportation system. These are additional to the conditions that may be imposed by the requirements of Chapter 17.20.
 - a. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required where the existing transportation system will be adversely affected or is inadequate to handle the additional burden caused by the proposed use.
 - b. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be adversely affected by the proposed use.

E. Storage: All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

F. Equipment Storage: Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and provide a sound buffer that meets the minimum requirements of the noise ordinance.

G. Design: Variety of detail, form, and siting should be used to provide visual interest. A single uninterrupted length of facade shall not exceed 100 feet. Buildings shall utilize at least three (3) of the following architectural elements to provide architectural variety:

1. Massing
2. Offsets
3. Materials
4. Windows
5. Canopies
6. Pitched or terraced roof forms
7. Other architectural elements

H. Orientation: Buildings shall have their orientation toward the street rather than the parking area, whenever physically possible.

I. Parking: Parking areas shall be located behind buildings or on one or both sides, whenever physically possible.

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

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

17.16.070 Expiration and Extension

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

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

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

CHAPTER 17.17 LANDSCAPING AND DEVELOPMENT STANDARDS

SECTIONS:

- 17.17.010 Scope
- 17.17.020 Procedure
- 17.17.030 Contents of Landscaping Plan
- 17.17.040 General Landscaping Standards

17.17.050 City Entrance Landscaping and Development Standards

17.17.060 Violation

17.17.010 Scope

A. Landscaping standards apply to all new multifamily, commercial, industrial uses, change of use, parking lots of four (4) spaces or more, public facilities and conditional uses.

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

17.17.020 Procedure

A. A preliminary or conceptual landscaping plan shall be submitted to the planning Director at the time of application. The Planning Director shall review all landscaping plans for compliance with the provisions of this ordinance and notify the property owner of deficiencies in a submitted plan.

B. A building permit shall not be issued until a final landscaping plan has been approved by the Planning Director.

C. The required landscaping shall be in place prior to issuance of a certificate of occupancy.

D. A property owner shall be responsible for the establishment and maintenance of landscaping. All required landscaped areas shall be maintained according to the approved landscaping plan.

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

1. Survive in the climate and soils of the proposed site; and
2. Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening, and shade, within a reasonable time.

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

1. The property owner shall be responsible for any future damage to a street, curb, or sidewalk caused by landscaping.
2. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.
3. Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.
4. Plants that minimize upkeep and maintenance shall be selected.

5. Plants shall complement or supplement surrounding natural vegetation and fit the climate.
6. Plants chosen shall be in scale with building development.
7. Minimum landscaping as a percent of gross site area shall be as follows:

ZONE/USE	PERCENT
1 Central Business District (excluding parking lots)	5%
Commercial	15%
Conditional Use – Residential Zone	20%
Conditional Use – All other zones	15%
2 The Heights Business District (excluding parking lots)	5%
Industrial	10%
Multifamily	20%
Public Facilities	15%

Parking lots Requirement of base zone or use, as listed above

1,2 The Central Business District and The Heights Business District as defined in Section 17.01.060 - Definitions

8. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting.
9. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
10. Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting.
11. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.
12. Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
13. Trees shall not be planted closer than twenty-five (25) feet from the curb line of intersections of streets or alleys, and not closer than ten (10) feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
14. Street trees shall not be planted closer than twenty (20) feet to light standards. Except for public safety, no new light standard location should be positioned closer than ten (10) feet to any existing street tree, and preferably, such locations will be at least twenty (20) feet distant.
15. Trees shall not be planted closer than two and one-half (2½) feet from the face of the curb except at intersections, where it should be

five (5) feet from the curb in a curb return area.

16. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.

17. Trees shall not be planted within two (2) feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four (4) feet by four (4) feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.

18. Trees, as they grow, shall be pruned to their natural form to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above street roadway surfaces.

19. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.

20. Vision clearance hazards shall be avoided. Refer to Diagram "A" – Vision Clearance, Section 17.09.040.

21. City or State right-of-way(s) can not be used to satisfy the required landscaping requirement.

22. Landscaping in the Central Business district and the Heights Business District can include street amenities such as park benches and planter boxes.

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

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

A. Entrances.

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

B. Standards.

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

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

CHAPTER 17.18 VARIANCES

SECTIONS:

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

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

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

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

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

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

17.18.040 Time Limits. A variance is valid for a period of two (2) years from the written Notice of Decision, or the decision on an appeal, whichever is later.

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

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

CHAPTER 17.19 TOWNHOUSES

SECTIONS:

17.19.010 Applicable Zones

17.19.020 Criteria

17.19.030 Townhouse Process

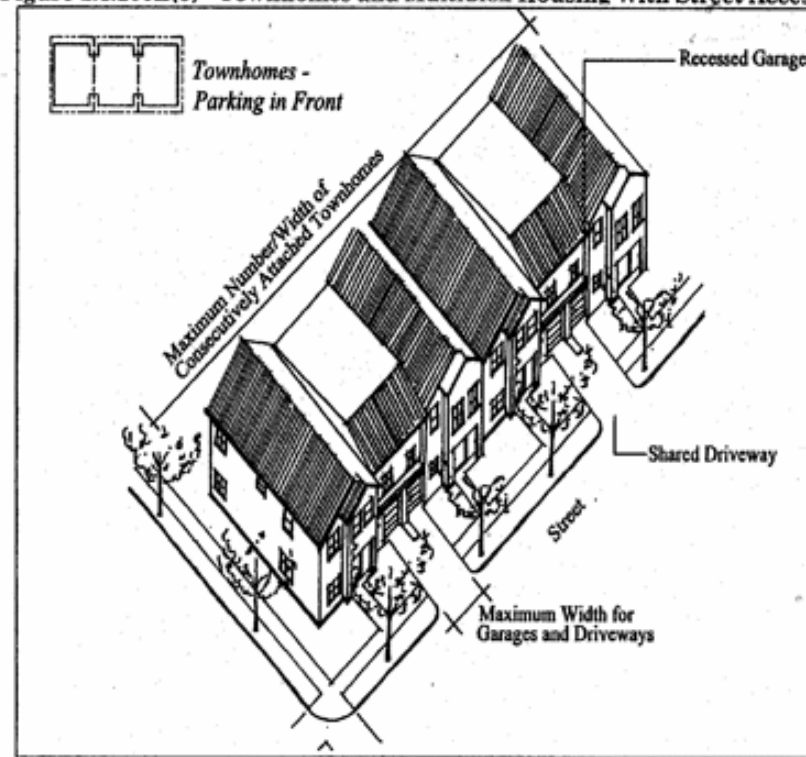
17.19.010 Applicable Zones. Townhouses are conditionally permitted and subject to conditional use review in the following zones:

1. R-2
2. R-3
3. C-1
4. C-2

17.19.020 Criteria. An application for a townhouse project shall meet the following criteria:

1. Each townhouse in the townhouse project shall have a minimum width of sixteen (16) feet.
2. Each townhouse building shall contain no more than two (2) townhouses in the R-2 zone; no more than four (4) townhouses in the R-3, C-1, and C-2 zones.
3. The townhouse project shall have a building site of not less than 2,100 square feet per townhouse for the first two townhouses and a minimum of 1,500 square feet for each additional townhouse.
4. The site development standards for the proposed zone, setback requirements, building height restrictions, and parking regulations shall be applied to the townhouse building(s) with the exception of minimum lot frontage.
5. A common access for parking is allowed and may take the form of an easement as long as a maintenance agreement is approved by the City Engineer and recorded with the plat.
6. Common access drives must be at least sixteen (16) feet wide with a minimum of twelve (12) feet of paved area with one (1) foot minimum shoulders on either side.
7. No parking in common access drives. Parking in designated parking areas only.
8. At the intersection of the easement and public dedicated street, there shall be no visual obstruction. Refer to Diagram "A" – Vision Clearance, Section 17.09.040.
9. With the exception of the conversion of duplexes existing on or before February 8, 2001, townhouses receiving access directly from a public or private street shall comply with all of the following standards. These standards are intended to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management. See Diagram "E" – Townhomes with Street Access, below
 - a. When garages face the street, they shall either be:
 - (1) Recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four (4) feet; or,
 - (2) Flush with the front elevation, provided there is a balcony or living area above the garage that is either flush with the front elevation or projects beyond it.
 - b. The maximum allowable driveway width facing the street is twelve (12) feet per dwelling unit. The maximum combined garage frontage per unit is fifty percent (50%) of the total building frontage. For example, a unit with twenty-four (24) feet of frontage onto the public street may have twelve (12)-feet of garage facing the street

Diagram "E" – Townhomes with Street Access

Figure 2.1.200E(3) - Townhomes and Multiplex Housing With Street Access

10. Each unit shall provide a minimum of seventy-two (72) square feet of private outside open area (patio/deck/lawn). The minimum width or depth of the open area(s) shall be four (4) feet.

11. Common areas (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity to be formed pursuant to covenants, conditions, and restrictions for the townhouse project. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions, and conditions shall be subject to review and approval by the Planning Director for compliance with this provision and shall be recorded prior to building permit approval.

12. If a townhouse is destroyed in any manner, it shall be replaced in compliance with the townhouse criteria, or the tax lots/parcels shall be legally combined to create a minimum 5,000 square foot parcel or a parcel the size of the parcel prior to the townhouse project.

13. Land survey requirements shall include a pre-construction outer boundary location so that setbacks can be measured, and a post construction pre-occupancy survey and platting so that private and common ownership can be identified and documented for recording.

14. The side yard setback for the common wall on a townhouse is reduced to zero (0).

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

CHAPTER 17.20 TRANSPORTATION CIRCULATION AND ACCESS MANAGEMENT

SECTIONS:

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

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

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

17.20.030 Access Management Standards. This section shall apply to all development on arterials and collectors within the City and UGA and to all properties that abut these roadways as part of site plan review process (Chapter 17.16).

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

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

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

1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas; entrances to the development; and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
5. The access shall be consistent with the access management standards adopted in the Transportation System Plan.
6. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards.

C. Standards.

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

a. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one (1) building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both may be cited for any violation.

b. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

5. Nonconforming Access Features: Legal access connections in place as of November 2001 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards pursuant to the requirements of 13.28.

6. Reverse Frontage: Lots that front on more than one (1) street shall be required to locate motor vehicle accesses on the street with the lower functional classification.

17.20.040 Bicycle Parking. For all uses subject to Site Plan Review (Chapter 17.16), a minimum of two (2) bicycle parking spaces per use shall be required. In addition, the following Special Minimum Standards shall be considered as supplemental requirements for the number of

required bicycle parking spaces:

1. Multi-Family Residences: Every residential use of four (4) or more dwelling units shall provide at least one (1) sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room, or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.
2. Parking Lots: All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
3. School: Elementary and middle schools, both private and public, shall provide one (1) bicycle parking space for every twenty (20) students and employees. High schools shall provide one (1) bicycle parking space for every twenty (20) students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
4. Other Uses: To calculate the number of required bicycle parking spaces
 - a. Fractional numbers of spaces shall be rounded up to the next whole space.
 - b. For facilities with multiple uses (such as a commercial center), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development.

17.20.050 Standards for Transportation Improvements

A. Permitted Uses. Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:

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

B. Uses Subject to Site Plan Review.

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are
 - a. Not improvements designated in the Transportation System Plan; or
 - b. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.
2. An application for site plan review is subject to review under Site Plan Review (Chapter 17.16); however, the decision criteria do not apply. In order to be approved, the site plan permit shall comply with the Transportation System Plan and applicable standards of this title, and shall address the criteria below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
- d. Project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this ordinance.

CHAPTER 17.21 (THIS CHAPTER NUMBER INTENTIONALL LEFT BLANK)

CHAPTER 17.22 NATURAL RESOURCE OVERLAY

SECTIONS:

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

17.22.010 Requirements for Wetlands

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

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

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

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

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

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

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

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

C. Requirements for All Wetlands.

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

2. Division of State Lands Notification Required.

a. The City shall provide notice to the Division of State Lands, the applicant and the owner of record, within five (5) working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Local Wetlands Inventory or within twenty-five (25) feet of such areas:

(1) Subdivisions;

(2) Building permits for new structures;

(3) Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;

(4) Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and

(5) Planned unit development approvals.

b. This section does not apply if a permit from the Division of State Lands has been issued for the proposed activity.

c. City approval of any activity described in this section shall include one of the following notice statements:

(1) Issuance of a permit under ORS 196.600 to 196.905 by the Division of State Lands required for the project before any physical alteration takes place within the wetlands;

(2) Notice from the Division of State Lands that no permit is required; or

(3) Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.

d. If the division of State Lands fails to respond to any notice provided under this section within thirty (30) days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits

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

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

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

1. The Division of State Lands is the final arbiter of wetland presence and boundaries.

2. Precise wetland boundaries may vary from those shown on the Hood River Local Wetland Inventory map. For any proposed development impacting a significant wetland or within twenty-five (25) feet of a significant wetland, the applicant shall conduct a wetland delineation and submit it to the Division of State Lands for review and approval. The more precise boundary obtained through a DSL-approved wetland delineation shall be used for review and development, and can be identified, mapped, and used for review and development without a change in the Hood River Local Wetland Inventory mapping.

3. Property owners who believe wetlands have been incorrectly mapped on their properties can request corrections to the map by submitting written verification from the Division of State Lands that confirms that there are no wetlands on the property or contains the correct location of the wetlands.

E. Land Use and Permit Requirements for Significant Wetlands.

1. Permitted Uses. The following uses are permitted within significant wetlands. Applicable state and/or federal permits shall be obtained.

- a. Passive recreation and land management activities that require no structures, such as bird watching, canoeing, nature walks, land survey, wetland delineation or wetland monitoring.
- b. Fishing or hunting consistent with state, local and federal law.
- c. Educational uses or research.
- d. Construction of permeable trails, boardwalks and viewing platforms, information kiosks, and trail signs.
- e. Wetland and waterway restoration.
- f. Removal of non-native vegetation.
- g. Removal of trees that are a hazard to life or structures.
- h. Mowing grass to comply with local or state fire prevention requirements.
- i. Planting or replanting with native plant species.
- j. Channel maintenance to maintain storm water conveyance and flood control capacity, as required by local policies, state and federal regulations, or intergovernmental agreements.
- k. Emergency repairs by the City or other public agencies to protect life and property.
- l. Compensatory mitigation required by state or federal permit. Removal of fill material or any refuse that is in violation of local, state or federal regulations.
- m. Maintenance of existing structures within the existing footprint of the structure.
- n. Construction of discharge outlets for treated stormwater or wastewater.

2. Prohibited Uses. Within locally significant wetlands the following practices are prohibited unless specifically authorized by a variance:

- a. New development or expansion of existing development.
- b. Placement of fill material, grading, or excavation.
- c. Road construction.
- d. Construction of stormwater or wastewater management or treatment facilities.
- e. Construction of new septic drainfields.
- f. Channelizing or straightening natural drainageways.
- g. Storage or use of hazardous or toxic materials.
- h. Clearing of trees and brush with motorized equipment including, but not limited to, chain saws and bulldozers.

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

F. Variances.

1. In cases where a property owner believes the application of this ordinance imposes a hardship or renders an existing lot or parcel unbuildable, a property owner may request a variance. Granting of a variance requires findings that satisfy all of the following criteria:

- a. The proposed development requires deviation from the Riparian Corridor requirements; and
- b. The application of the requirements of this ordinance without a variance would prevent any reasonable economic use of the property.
- c. The variance requested is the minimum variance which would alleviate the hardship.

2. Applications for variances shall be processed as an Administrative Action under section 17.09.030.

3. A variance granted under this section is for a variance from strict application of the provisions of this section only.

17.22.020 Requirements for Riparian Corridors

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

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

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

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

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

BANKFULL STAGE means the elevation at which water overflows the natural banks of streams or other waters and begins to inundate upland areas. Physical characteristics that indicate the elevation include a clear, natural line impressed on the shore, a change from upland vegetation (e.g. oak, Douglas fir) to bare soil or substrate, a change in vegetation from upland (e.g. oak, fir) to aquatic (e.g. willows, rushes), a textural change of depositional sediment or changes in the character of the soil (e.g. from upland soils to sand, sand and cobble, cobble and gravel), absence of fine debris (needles, leaves, cones, seeds), the presence of water-borne litter or debris, water-stained leaves, or water lines on tree trunks. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

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

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

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

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

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

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

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

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

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

NON-CONFORMING means a structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion, re-construction, or substantial improvement may be regulated

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

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

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

STREAM OR POND EDGE means bankfull stage elevation.

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

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

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

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

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

1. Along all fish-bearing rivers, streams and other waters with an average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be seventy-five (75) feet from the top of bank; i.e. Columbia River and Hood River.
2. Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank; i.e. Indian Creek and Phelps Creek.
3. Wells Island in its entirety.
4. At any location specified in a conditional use permit as mitigation for permitted development in a significant riparian corridor.
5. For the safe harbor area only the measurement of distance to the riparian corridor boundary along the Columbia River shall be from the full pool elevation of seventy-seven (77) feet. For all other waters the measurement of distance to the riparian corridor boundary shall be from the stream or pond edge, except that Wells Island is included in its entirety within the riparian corridor boundary. The measurement in all cases shall be a horizontal distance.
6. Significant riparian corridors identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy. Property owners who believe the maps are in error or that their properties lie outside the depicted significant riparian corridor can request a site review by City planning staff. City staff can correct the map or request that the property owner submit a survey, performed by a qualified surveyor (Public Land Surveyor), showing the correct significant riparian corridor boundaries. The survey must show the stream or pond edge and the applicable significant riparian corridor boundaries on a scaled parcel base map.

D. Land Use Requirements.

1. The permanent alteration of significant riparian corridors by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided they are designed to avoid and minimize intrusion into the riparian corridor, no other options or locations are feasible, and any applicable state and/or federal permits are obtained:
 - a. Streets, roads and bridges, excluding parking or storage areas.
 - b. Construction of permeable trails, boardwalks and viewing platforms, information kiosks and trail signs.
 - c. Drainage facilities, utilities, and irrigation pumps.
 - d. Stormwater treatment facilities when they are located in severely degraded parts of significant riparian corridors and designed so as to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation and that is located within previously farmed or cleared area).
 - e. Water-related and water-dependent uses (for example boat launch, fishing dock).
 - f. Replacement of existing structures with structures in the same location that do no disturb additional riparian corridor surface area.
 - g. Structures or other non-conforming alterations existing fully or partially within significant riparian corridors may be expanded provided the expansion does not occur within the significant riparian corridor.
 - h. Existing garden, lawn and non-native plantings within significant riparian corridors may be maintained, but not expanded within the significant riparian corridor. Development activities on the property shall not justify replacement of the riparian area with lawn.
 - i. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the significant riparian corridor shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.
2. Removal of riparian vegetation in significant riparian corridors is prohibited, except for
 - a. Removal of non-native vegetation and subsequent replacement with native plant species. The City of Hood River shall maintain a list of native and non-native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
 - b. Removal of vegetation necessary for the development of approved water-related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.

- c. Removal of poisonous or noxious vegetation.
 - d. Trees in danger of falling and thereby posing a hazard to life or property may be removed. If no hazard will be created, property owners are encouraged to leave trees, once felled, in place in the riparian corridor.
 - e. Incidental removal of vegetation associated with recreational, educational, scientific research and land survey activities.
3. Exceptions: The following activities are not required to meet the standards of this section if applicable:
- a. Normal and accepted farming and ranching practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the protected riparian corridor since prior to the date of adoption of this ordinance.
 - b. Commercial forest practices regulated by the Oregon Forest Practices Act.

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

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

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

17.22.030 Columbia River Infill Waterfront Area

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

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

9. Protecting the Columbia River and its users from stormwater contaminants that pose a threat to the health and safety of the users.

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

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

1. Resource enhancement and restoration activities.

2. Land divisions, subject to requirements in Title 16.
3. Removal of non-native or invasive vegetative species.
4. Maintenance of existing roads.
5. Temporary emergency procedures necessary for the protection of property.
6. Actions taken by the City to correct or abate a nuisance.
7. Approved storm water discharge.
8. Existing lawn within the riparian area may be maintained, but not expanded into the resource area.
9. Existing utility lines.
10. Existing legal non-conforming structures. Replacement of non-conforming structures shall comply with this title.

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

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

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

F. Prohibited Uses.

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

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

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

APPENDIX. NATIVE PLANT LIST

Portland Plant List (City of Portland 1998) added by reference.
<http://www.portlandonline.com/planning/?&c=decfb&a=fjadj>

CHAPTER 17.23 ACCESSORY DWELLING UNITS (ADU)

17.23.010 General Requirements

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

- B. Only one ADU may be created per parcel or ownership accessory to a single-family dwelling (no townhouse or duplex).
- C. An application for an ADU shall be processed as a ministerial decision.
- D. Only the property owner, which includes title holders and contract purchasers, may apply for an ADU. The property owner must occupy the primary dwelling or the ADU as their principal residence for at least six months out of the year (case by case basis for exceptions). A primary residence shall be the residence where the owner is registered to vote, used as the primary residence for tax purposes or other proof that the residence is primary. The owner shall sign an affidavit before a notary affirming that the owner occupies either the main dwelling or the ADU and shall show proof of a 12 month lease for the ADU occupant.
- E. The ADU occupant shall provide proof that at least one occupant is locally employed (Gorge – Hood River, Wasco, Skamania, and Klickitat counties), a relative or on a local assistance program for the rent.
- F. One off-street parking space shall be provided in addition to the off-street parking that is required for the primary dwelling pursuant to this Title. If the existing dwelling does not currently have the two required spaces, only the one for the ADU will be required. In no case shall the residential parking requirement be diminished to provide the ADU parking.
- G. ADU's shall contain 800 square feet or less.
- H. All other applicable standards including, but not limited to, setbacks must be met.
- I. Upon sale of the property, a new owner shall be required to reregister the ADU, paying a reauthorization fee set by resolution of City Council.
- J. If a garage or detached building does not currently meet setbacks, it may not be converted to an ADU.
- K. All applicable standards in the City's building, plumbing, electrical, fire and other applicable codes for dwelling units must be met.
- L. The owner of the property shall accept full responsibility for sewer and water bills.
- M. An ADU may not be used as a short-term, vacation rental.
- N. The application and permit fee for an ADU shall be 1% of the building permit fee plus an amount to be set by resolution of the City Council.
- O. Beginning January 1st of each year the City will undertake an annual review of ADU permits to ensure compliance.

CHAPTER 17.24 IN-LIEU PARKING FEE

SECTIONS

17.24.010

17.24.020

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

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

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

17.24.020 Payment of Fee

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

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

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

HOOD RIVER

CITY LIMITS and URBAN GROWTH BOUNDARY ZONING MAP

Zoning:

- R-1 Urban Low Density Residential
- R-2 Urban Standard Density Residential
- R-3 Urban High Density Residential
- C-1 Office Residential
- C-2 General Commercial
- I Industrial
- LI Light Industrial
- OS Open Space/Public Facility
- RC Columbia River Recreational/Commercial

Legend

Environmental Protection Areas:

- Floodplain
- Geologic Hazard
- Unique Shoreline Habitat

Boundaries:

- City Limits
- Urban Growth Boundary
- Hood River Historic District
- Assessor Map Index

Zone boundaries are approximate only. Final boundary decisions are subject to determination by the appropriate Planning Department having jurisdiction.

<p>Within City Limits:</p> <p>City of Hood River Planning Department 301 Oak Street Hood River, OR 97031 (541) 387-5210</p>	<p>Outside City Limits:</p> <p>County of Hood River Planning Department 601 State Street Hood River, OR 97031 (541) 387-6840</p>
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1 inch equals 600 feet

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