

ORDINANCE NO. 1462

AN ORDINANCE AMENDING ORDINANCE NO. 1006,  
AS AMENDED; CLARIFYING VARIANCE PROCEDURE,  
CHANGING ZONING ORDINANCE ENFORCEMENT  
RESPONSIBILITY, CLARIFYING PLANNING COMMISSION  
ZONE CHANGE AUTHORITY, AND DECLARING AN  
EMERGENCY.

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1. That Ordinance No. 1006, as amended,  
be amended by deleting the words "building official" from  
~~Section 4~~ subparagraphs (1), (2) and (3) of subsection C of  
paragraph A of Section 4, and replacing said words in each  
case with the words "city planner".

Section 2. That Ordinance No. 1006, as amended,  
be amended by deleting the following words from Section 3 of  
paragraph D of Section 3, from paragraph D of Sections 4 and 5,  
and from paragraph E of Sections 6, 7, and 8:

"no building or structure shall be hereafter erected,  
enlarged or moved, unless the following yards and lot  
areas are provided for such buildings or structures."

Section 3. That Ordinance No. 1006, as amended, be  
amended by amending Section 13B(3) as set out below and by  
adding to Section 13B a new subsection (4) to read as follows:

"(3) The Planning Commission may authorize a  
variance from the requirements of this ordinance.

a. Except that:

- (1) No variance shall be granted to reduce  
a lot below minimum lot size.
- (2) No variance shall be granted to permit  
a use not permitted in the zone.

b. Before granting a variance findings shall be made  
which support all the following conclusions:

- (1) Special conditions exist which are

peculiar to the land, structure, or building involved which are not generally applicable to the majority of other lands, structures, or buildings in the same zone.

- (2) The special conditions which exist are not the result of actions of the applicant or his predecessor in title.
  - (3) Requirements of the zoning ordinance have created practical difficulties in using the land, structure, or building and as permitted within the zone.
  - (4) The practical difficulties asserted as grounds for the variance relate to the property for which the variance is sought, not to personal conditions.
  - (5) Granting the variance will be in harmony with the objectives of this ordinance.  
(The objectives of this ordinance are:  
To encourage an appropriate use of land;  
to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent and fight fires; to prevent undue congestion on streets, to facilitate adequate provision for community utilities and facilities, such as transportation, water, sewerage, schools, parks, and other public requirements; and to promote health, safety, and general welfare)
- c. Any variance granted shall be the minimum variance which will make possible the use of the land, building, or structure, which use must be permitted within the zone.
  - d. In granting a variance, conditions may be attached to protect the best interests of the surrounding property or neighborhood, or to achieve any of the objectives of this ordinance.
  - e. Authorization of a variance shall be void after 12 months unless utilized within that period. In all cases where a building permit must be obtained to utilize the variance the variance shall be void unless a building permit has been issued and substantial construction has taken place within 12 months.
- (4) The Planning Commission shall have the authority following public hearing to approve with conditions, or

disapprove quasi-judicial amendments to the City Zoning Map. The final decision of the Planning Commission shall be by written order and shall be forwarded to the applicant within 15 days of its adoption.

- a. No zone change shall be approved unless findings are made to support the following conclusions:
  - (1) The proposed zone change conforms to State Land Use Goals, or the City Comprehensive Plan when adopted.
  - (2) There is a public need for the proposed change and that this need will be best served by changing the zoning district classification of the property in question as compared with other available property.
  - (3) The public need is best carried out by approving the proposal at this time.
  - (4) The proposed zone change will comply with all applicable statutory and ordinance requirements and regulations."

Section 4. That Ordinance No. 1006, as amended, be amended by amending Section 13C to read as follows:

"C" Any decision of the Planning Commission acting as the hearings officer shall be by written order and shall be final unless an appeal from an aggrieved party is filed with the City Recorder within thirty (30) days of the date of the decision, or unless the Council on its own motion orders a review of the Planning Commission decision within thirty (30) days of the date of the decision. Each Planning Commission order shall state that the decision of the Planning Commission is subject to appeal or review, and that any such appeal or review must be filed within thirty (30) days from the date of filing its decision with the City Recorder.

- (1) All appeals shall be in writing in a manner and form prescribed by the City, accompanied by a fee equal to one-half of that required for the original application.
- (2) The appealing party may request a transcript of the record, at his cost. The City shall require a \$100.00 deposit before making a transcript, to be applied toward the cost of the transcript. Any excess remaining after the cost of the transcript is computed shall be refunded to the applicant,

and any balance remaining to be paid shall be billed to the applicant.

(3) Notice of any appeal or review shall be given to all who submitted oral or written testimony at the planning commission hearing.

(4) The Council shall hear any appeal or review of a Planning Commission decision. The Council shall consider the record of the Planning Commission hearing and its decision, or, at the time the Council sets any date or any review or appeal Council may elect to consider any new, oral or written testimony, in addition to the recording of the Planning Commission hearing and its decision.

Section 5. That Section 18 of Ordinance No. 1006, as amended, be amended to read as follows:

"Section 18. Legislative Changes and Amendments. Legislative amendments are those changes which involve general policy considerations which will affect a large geographic area or a large number of individuals. Such amendments to the zoning map or text of this ordinance may be initiated by the Council, the Planning Commission, a citizen of the City, or some other interested person.

A. Procedure:

1. Initiated by the Council - If the Council concludes that a legislative amendment may be needed to the zoning ordinance or map, it shall refer the matter to the Planning Commission for a recommendation and report. Upon receiving the recommendation from the Planning Commission, the Council may decide to either take no further action, or hold a public hearing in conformance with the requirements of paragraph B below.

2. Initiated by the Planning Commission - The Planning Commission may recommend legislative amendments to the Council at any time. Upon a determination by the Council that a proposed amendment may be in the best interests of the citizens of the City the Council shall hold a public hearing as per the requirements of paragraph B below.

3. Initiated by citizens of the City or other interested persons - If a citizen or group of citizens of the City or some other interested person proposes a legislative amendment to this ordinance, and if the Council concludes that

the proposed amendment may be in the best interests of the citizens of the City, the matter shall be referred to the Planning Commission for a recommendation and report. Upon reviewing the recommendation from the Planning Commission, the Council shall hold a public hearing on the proposed amendment as per the requirements of paragraph B below.

B. Notice - Notice of a public hearing on a proposed amendment to the zoning map or text shall be given as follows:

1. By publication of the notice giving the time, place, date, nature of the proposed change and purpose of the hearing in a newspaper of general circulation within the city, not less than 20 days prior to the date of the hearing;
2. By posting the notice in three (3) conspicuous public places in the city not less than 20 days prior to the date of the hearing; and
3. By mailing the notice to the owners of any property which is included in the proposed amendment not less than 20 days prior to the date of the hearing; except, however, that this notice requirement only applies in the case of map amendments; and
4. By mailing the notice to owners of property within an area enclosed by lines parallel to and 300 feet from the boundaries of the properties for which the amendment is proposed not less than 20 days prior to the date of the hearing; except, however, that this notice requirement only applies in the case of map amendments.

Section 6. That Section 20 of Ordinance No. 1006, as amended, be amended to read as follows:

"Section 20. Enforcement, Violation Penalty. It shall be the duty of the City Planner to enforce this ordinance.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall be fined not less than \$50.00 nor more than \$150.00 for each offense. Each day that a violation occurs or

is permitted to exist shall constitute a separate offense."

Section 7. That Section 25 of Ordinance No. 1006, as amended, be amended by adding "D" to the presently existing text of Section 25, which "D" shall read as follows:

"D. In order to grant a conditional use permit, the Planning Commission shall make findings to support the following conclusions:

1. The proposed use will not have an adverse affect on the surrounding area.
2. The proposed use is permitted as a conditional use in the zone in which the use will occur.
3. No traffic problems, parking problems, nor access problems will be created by the proposed use.
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony and compatible with the area in which it is to be located.

Section 8. That Section 27 of Ordinance No. 1006, as amended, be and is hereby repealed, in that Section 28 of Ordinance No. 1006, as amended, be renumbered as Section 27 of Ordinance No. 1006, as amended.

Section 9. That the remainder of all sections and parts of Ordinance No. 1006, as amended, unless herein expressly amended or repealed, shall remain in full force and effect.

Section 10. Because Ordinance No. 1006, as amended, is presently unclear and difficult to administer, and it controls land development and land use change within the City and because there is presently a great deal of land development which is regulated by the provisions of Ordinance No. 1006, as amended, for the immediate preservation of the peace, health, and safety of the City, an emergency is hereby declared to exist,

and this ordinance shall be immediately in full force and effect upon its passage by the affirmative vote of three-fourths of all members of the Council, and also by the Mayor.

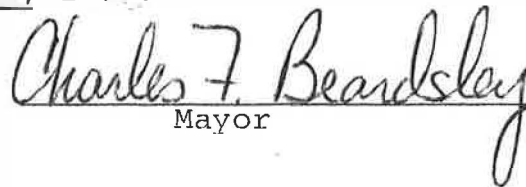
Read for the first time: August 28, 1979.

Read for the second time: September 11, 1979.

PASSED by the affirmative vote of three-fourths of all the members elected to the Council, and also by the Mayor, this 11<sup>th</sup> day of September, 1979.

  
City Recorder

APPROVED by the Mayor of the City of Hood River  
this 11<sup>th</sup> day of September, 1979.

  
Mayor